

Local Plan Review

Mineral Safeguarding Areas Methodology

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1. Safeguarding mineral resources

- 1.1. National guidance recognises that minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they naturally occur, it is important to make best use of them to secure their long-term conservation. Sterilisation of mineral resources can occur as a result of surface development either directly overlying or situated on / close to the boundary of the resource.
- 1.2. The purpose of safeguarding mineral resources is to ensure that such matters are considered in decision-making processes for land-use planning, and that the ability of future generations to meet their needs is not compromised.
- 1.3. The National Planning Policy Framework (NPPF) requires that all MPAs in preparing their Local Plans define Minerals Safeguarding Areas (MSAs) and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development; and define Minerals Consultation Areas (MCAs) based on the MSAs. However, the designation of MSAs should not create a presumption that resources defined will be worked, nor should it preclude other forms of development from being permitted. In addition, Local Plans should set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place.
- 1.4. MSAs are a planning tool, acting as a sign-post for the presence of mineral resources that may be sterilised by non-mineral development, and to local mineral safeguarding policies. Due consideration should be had to the presence of MSAs throughout the planning process, including both the preparation of Local Plans (i.e. site allocations) and during development management (i.e. determination of planning applications).
- 1.5. The broad methodology for defining MSAs has been developed in accordance with the NPPF and Mineral safeguarding in England: good practice advice (British Geological Survey, BGS, 2011). The broad methodology is summarised below:
 - i. Identify mineral resources that are of local and national importance and define the MSAs within Rutland County (and resulting MCAs) -
 - a. identify the best geological and mineral resource information, and
 - b. decide which mineral resources to safeguard and the physical extent of MSAs.
 - ii. Prepare the draft MSAs (for consultation).
 - iii. Determine how matters related to MSAs are to be addressed through the Local Plan.
 - iv. Determine the need for development management policies and what mechanisms should be included to ensure that mineral resources are taken into account in planning decisions.

Consultation on the draft methodology

- 1.6. Consultation on the draft methodology occurred alongside the Rutland Local Plan Review Draft Plan. Consultation responses were given due consideration in finalising the methodology to be used to prepare the MSAs for the Final Draft Plan (Proposed Submission) document.

- 1.7. Consultation is focussed on surrounding MPA's, relevant Aggregate Working Parties, Government Agencies (Environment Agency, Natural England and English Heritage), minerals industry and the BGS. The purpose of which is to ensure that the methodology for defining MSAs and determining policies and other planning mechanisms has an appropriate scope, utilises appropriate techniques, that the information used is the most up-to-date, takes consideration of local circumstance and is in line with Government guidance.
- 1.8. Stakeholders are also encouraged to submit additional evidence regarding the extent of mineral resources if available, as this could be used to supplement the BGS mineral resource linework in producing the MSAs.
- 1.9. A map of the mineral resources within Rutland County is available to view at: www.bgs.ac.uk/mineralsuk/maps/maps.html alternatively the BGS 2002 Mineral Resource Map and associated report can be downloaded from: <https://www.bgs.ac.uk/mineralsuk/planning/resource.html>

2. Identifying mineral resources within Rutland

- 2.1. At the local level, MSAs should focus on identified mineral resource areas that are sufficiently extensive to provide for significant opportunities for current and future use and growth. They also need to centre on resources that are of current local or national (economic) importance, whilst recognising the fact that market demand may change in the future resulting in demand for different resources.
- 2.2. So what is a mineral resource? "Mineral resources are natural concentrations of minerals in or on the Earth's crust that are or may become of economic interest because they are present in such form, quality and quantity that there is the potential for eventual extraction. Minerals are thus defined by economic as well as physical parameters." (BGS 2011, para 2.1.1)
- 2.3. Mineral resources are identified by the BGS Mineral Resource Information and Map, which delineate and describe the geographical distribution of all onshore mineral resources of historic, current or potential economic interest in the area.
- 2.4. The Mineral Resource Information in Support of National, Regional and Local Planning: Leicestershire and Rutland was produced by BGS in 2002, since then further surveys/information has been gathered by BGS, including the BGS 2011 Strategic Stone Study and database (<https://www.bgs.ac.uk/mineralsuk/planning/resource.html>). This information has been incorporated into the updated BGS 2013 Mineral Resources Map; which has been used as the base for identifying the geographical distribution of 'known' mineral resources in Rutland County. Information from other data sources and reports will also be taken into consideration in defining the MSAs.
- 2.5. Mineral resources are concentrated almost exclusively in the eastern half of the county and consist mainly of Lincolnshire Limestone and clays (including siliceous clay from the Rutland formation and fireclay). Some isolated pockets of glacial, sub-alluvial and river terrace sand and gravel deposits exist around the edge of the county, particularly in the Welland Valley. Coal and hydrocarbons including conventional oil and gas and coalbed methane (CBM) are not identified within Rutland.

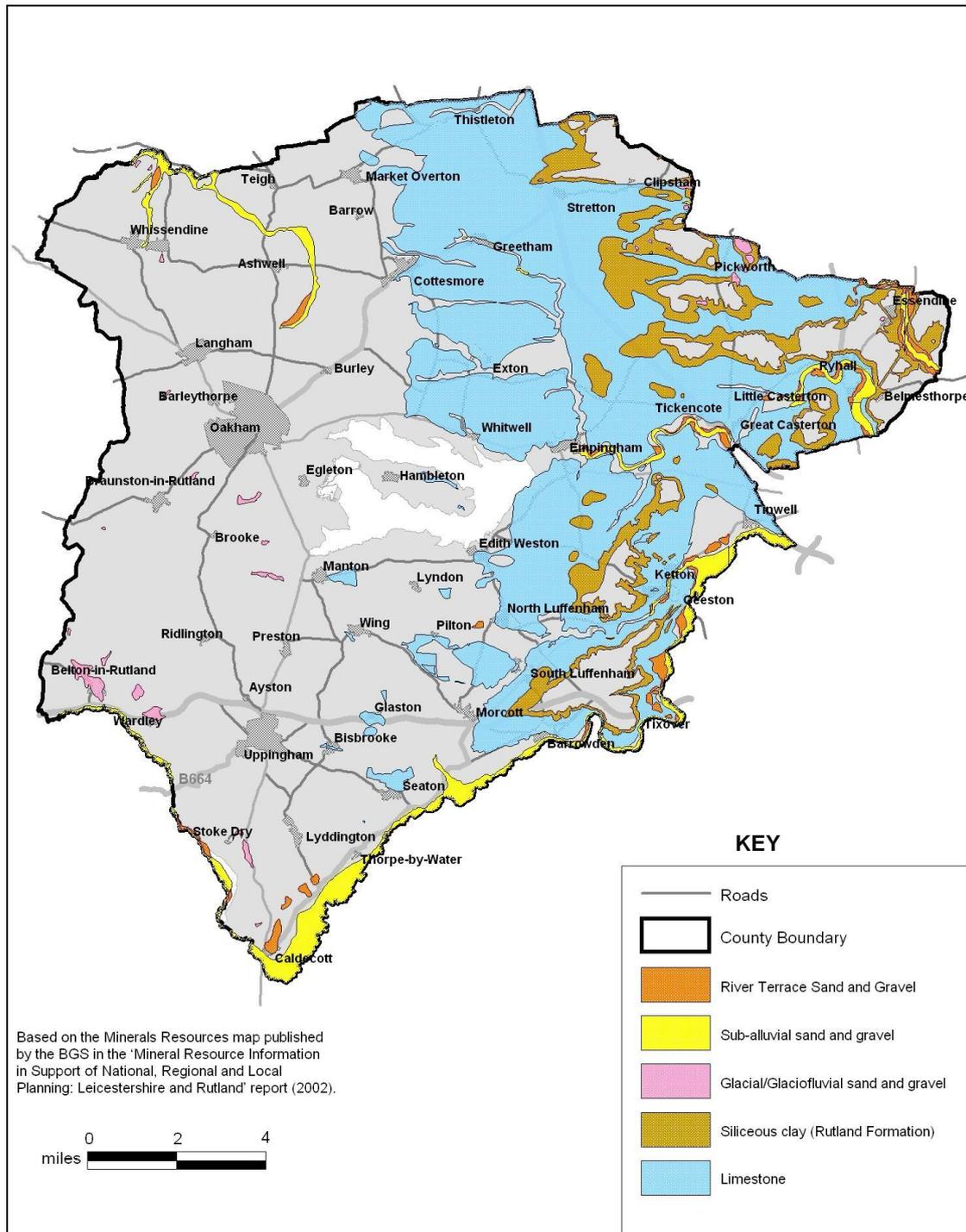


Figure 1: Mineral resources in Rutland

2.6. **Limestone** is the main mineral resource of economic importance in Rutland. Limestone is located in the eastern half of Rutland, the majority of which is identified as Lincolnshire Limestone of Jurassic age. The Lincolnshire Limestone (and clay) within Rutland is primarily utilised in cement production at the regionally significant Ketton cement works. Although most Jurassic limestone's are soft, porous, thin and impersistent the units making up the Lincolnshire Limestone form a relatively thick and persistent formation that is capable of producing lower quality aggregates such as fill and sub-base roadstone and for agricultural use. Limestone, ooidal freestone from the Upper Lincolnshire Limestone member, is also worked for building stone purposes on

a small scale. The Strategic Stone Study identified Ketton Stone and Clipsham Stone as building stone resources of both local and national importance for their use in conservation of historic building and structures, conservation areas and supporting local distinctiveness.

- 2.7. **Clay** is currently extracted within Rutland County. Siliceous clay from the Rutland formation is used in the production of cement at the Ketton Cement works, which uses onsite clays for the manufacture of cement at the adjacent works. There are significant clay resources in the eastern part of the county but historically Rutland has not produced significant amounts of clay. A small amount of fireclay is extracted at Little Casterton (Williamson Cliff) and exported for the production of a specialist brick, Little Casterton facing bricks, used in the repair of listed buildings.
- 2.8. **Sand and gravel** is not currently worked within Rutland County and there is no evidence that this material has been worked in the past. Typically, the principal uses of sand are as fine aggregate in concrete, mortar and asphalt. The main use of gravel is as coarse aggregate in concrete. Sand and gravel may also be used for construction fill. River terrace deposits identified within Rutland are associated with the River Gwash and River Welland as well as the West Glen River, River Chater, Eye Brook, a tributary of the River Eye and Rutland Water. Limited glaciofluvial resources are identified in Rutland, these are typically of lower quality and not as readily worked when compared with river terrace deposits.
- 2.9. In order to address local circumstances, the BGS linework has been refined in order to identify the MSAs. MSAs will act as the trigger for application of mineral safeguarding policy and related planning mechanisms. Jointly these mechanisms will act to inform strategic planning and development control in relation to mineral resources. The methodology for identifying MSAs is set out below:
 - Minerals resources of local and/or national importance will be included in the MSAs, i.e. Lincolnshire Limestone (Upper and Lower members), clay (siliceous clay from Rutland formation and fireclay) and river terrace sand and gravel.
 - The identification of MSAs will focus on surface-won materials as these are of relevance to Rutland County and are the most vulnerable to sterilisation by surface development.
 - Mineral resources are taken to be those identified on the BGS Mineral Resources Map 2013. Where available / relevant other data sources will be taken into consideration in order to refine the map data.
 - Areas and sites that were previously worked or are existing operations will be excluded from MSAs. These areas have either been worked out or are already recognised within the mineral planning context and hence safeguarded from inappropriate forms of development.
 - Areas that are identified as allocations (in both the adopted and emerging plans) will not be excluded as there is the possibility that these may not be developed by industry during the plan period and hence may experience sterilisation from non-minerals development. Similarly, those sites that have unimplemented planning permissions will not be excluded from the MSA mapping layer.
 - Environmental designations will not be excluded. The presence of environmental designations does not preclude mineral safeguarding on the

basis that sterilising development will not take place in these areas (BGS 2011, para 4.2.9).

- Urban areas will not be excluded, this reflects that mineral resources are present and may allow for future extraction where associated with large redevelopments.
- Technical limits have not been placed on the inferred resource areas.
- Buffers will be applied around all mineral resources in creating the MSAs. This will help to account for encroachment of non-minerals development that could potentially result in sterilisation of the resource. The proposed buffers are: 500 metres (m) for limestone; 250m for clay; and 250m for sand and gravel. Buffers will extend outwards from the boundary of the BGS mineral resource linework. These buffers will extend beyond the MPA's administrative boundary on the electronic dataset / mapping layer for the purpose of informing developers and adjoining authorities of the presence of MSAs within Rutland County (that development on the adjoining boundary may impact on and so should give consideration to the presence of the MSAs). The buffers will be clipped to the MPA boundary for the purpose of the published policies map accompanying the local plan document.
- MSA datasets/layers from adjoining MPA's (where provided) will be used to inform the identification of MSAs within Rutland County and the extension of MCAs beyond the MPA's administrative boundary.
- Boundaries for MCAs are taken to be the same as that of the MSAs.

Assumptions, limitations and uncertainties

2.10. In defining and identifying MSAs the following assumptions have been made:

- The BGS Mineral Resources Map (and the other data sources listed) forms the best and most up-to-date source of information for determining the occurrence and extent of 'known' mineral resources.
- Glaciofluvial sand and gravel and other limestone resources within Rutland are not considered of local or national importance due to the lack of current and future demand of product and therefore do not require safeguarding.
- Sites that have planning permission for mineral extraction and are operational, and those that have previously been worked (i.e. the mineral reserves have been removed) do not require safeguarding.
- Sites with planning permission for minerals related development / supporting infrastructure are adequately safeguarded through relevant planning policy – relevant elements of which will be updated in line with national policy and guidance and carried forward into the emerging Rutland Local Plan Policy.
- Buffer areas will be applied around identified resources areas to ensure an adequate safeguarding margin: 500m for limestone and 250m for clay and sand & gravel.

2.11. It is important to note that the BGS mapping utilises data that is not comprehensive and the quality is variable, therefore mapped boundaries can only be considered as approximate in the majority of instances. Therefore, most of the mineral resource information presented is known as an inferred resource, that is, resources that can be defined from available geological information and which may have some economic potential. Inferred resources have neither been evaluated by drilling, or other sampling methods. However, where mineral resource studies have been carried out (including drilling and testing) sufficient information is available to define the resources as indicated resources. These areas are represented spatially on the BGS mapping.

- 2.12. Mapping undertaken for MSAs is indicative in nature for the purpose of strategically identifying where a mineral resource exists and the potential for a development proposal to sterilise a mineral resource.

Data sources

- 2.13. Data sources used in preparing this methodology are listed below:
- Adjoining MPA MSA / mineral resource datasets / layers,
 - Aggregate Working Party annual reports,
 - BGS 2002 Mineral Resource Information in Support of National, Regional and Local Planning – Leicestershire and Rutland (Report and Map),
 - BGS 2005 Provision of geological information and updating of Mineral Consultation Areas for Leicestershire County Council,
 - BGS 2011 Strategic Stone Study and database,
 - BGS 2011 Mineral Safeguarding in England: Good practice guide,
 - BGS 2013 Mineral Resources datasets / layers – Rutland,
 - Local Aggregate Assessments,
 - National Planning Policy Framework,
 - National Planning Policy Guidance,
 - Rutland County Council Historical planning applications, and
 - Rutland County Council Planning permission and mineral commitments dataset / layers.

Addressing the safeguarding of minerals resources through land use planning

Rutland Local Development Framework - Mineral Core Strategy and Development Control Policies Development Plan Document October 2010

- 2.14. The adopted plan (2010) identifies the importance of safeguarding mineral resources through Objective (A) “To safeguard Rutland’s mineral resources from unnecessary sterilisation, in particular resources of limestone within the eastern half of the County together with local sources of building stone”.
- 2.15. This is further expanded on through MCS Policy 10 – Mineral Safeguarding which states “All deposits of limestone and clay that are considered to be of current or future economic importance and significant infrastructure such as rail linked facilities within the Minerals Safeguarding Areas shown on Figure 5 will be safeguarded from unnecessary sterilisation by surface development. The safeguarding of sources of building and roofing stone will be progressed through the establishment of a list of important sources of this resource.”
- 2.16. Control over built development within the safeguarding area is dealt with by Development Control Policy MDC10 which states
- “Planning Permission will not be granted for any form of development within the Mineral Safeguarding Area that is incompatible with safeguarding the mineral and significant infrastructure such as rail linked facilities unless: The applicant can demonstrate to the satisfaction of the Mineral Planning Authority that the mineral concerned is no longer of any value or potential value or that significant deposits of a similar quality exist elsewhere in the County; or The mineral can be extracted satisfactorily prior to the development taking place; or The incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or There is an overriding need for the*

development; or The development is of a minor nature which would not inhibit extraction of the mineral resource; or The development is, or forms part of, a specific site allocation in the Development Plan.*

**minor nature will normally include sites with a floorspace or site area below 10,000 sq m (1ha). However, it will be at the discretion of the Council if proposals above this threshold were deemed to be minor depending on the nature of the proposal and the mineral concerned."*

- 2.17. The adopted plan outlines the approach to prior extraction, where sterilisation may be appropriate and safeguarding operation of existing sites (paragraphs 5.44 and 5.45) as set out below:

"The Mineral Planning Authority may advise that development on or near mineral reserves should not proceed before the mineral is extracted, or that steps are taken to avoid sterilisation of the deposit. A realistic judgment about the likelihood of the mineral being worked in an environmentally acceptable way will be made, and the MPA will not seek to prevent development where it is unlikely that extraction of the mineral would occur in the future. Where mineral deposits are believed to exist but detailed geological information is not available, the existence or otherwise of potentially workable reserves may need to be established by the developer before any application for development that might sterilise the potential deposit is determined.

The Mineral Planning Authority may also advise that development should not be permitted if it would constrain the effective operation of existing sites, or future use of land or associated infrastructure identified for mineral use."

The Rutland Local Plan review

- 2.18. The Rutland Local Plan review seeks to expand upon the existing policy and incorporate NPPF requirements and updated national guidance, in doing so it will identify MSAs (and MCAs) complemented by policy outlining the strategic direction for the safeguarding of mineral resources including planning provisions and criteria to ensure that mineral resources of local and national importance are not needlessly sterilised by non-mineral development.
- 2.19. The identification of MSAs may present opportunities for prior minerals extraction (where practicable) in conjunction with other forms of development in order to avoid sterilisation. Such instances may be of economic advantage to developers as the extraction operation could act as a feedstock for the development, significantly reducing costs associated with importing aggregates. This demonstrates the importance of having due regard to mineral interests. Under such circumstances it may be necessary for detailed site investigations to be undertaken to determine the quality and extent of the resource, economic viability of prior extraction and the need for the development; this could be set out through developer reporting requirements within the Local Plan.
- 2.20. The specific scope and detail of the emerging Local Plan policy and related planning mechanisms will be developed and consulted on through the plan-making process.

Mineral Consultation Areas

- 2.21. Being a unitary authority means that the implementation of MCAs should be quite straightforward. MCAs are a planning mechanism that facilitates discussion between / within authorities when minerals interests could be compromised by proposed non-minerals development. MCAs can also provide an additional measure of safeguarding to sites such as associated

infrastructure (i.e. wharfage, railheads, rail links to quarries and associated storage, handling and processing facilities). As a unitary authority this discussion would occur within the organisation, however it may also occur where a development is proposed on an adjoining authority's boundary.

- 2.22. However, it may not be necessary for every planning application within a MSA to be subject to such consultation. It is proposed that the consultation requirements for MCAs include a development threshold that reflects the level of risk (of sterilisation) associated with the development proposals. For example, planning applications for 'minor' development such as extension to an existing dwelling house present little risk and therefore should not require consultation. The consultation thresholds may also incorporate the Town and Country Planning (General Development Procedure) Order 1995 development thresholds as these are widely recognised and will act to simplify procedures.
- 2.23. The specific scope and detail of the emerging Local Plan policy and related planning mechanisms will be developed and consulted on through the plan-making process.

Other land use plans within Rutland

- 2.24. As a unitary authority Rutland is also responsible for urban and regional planning and waste planning (in addition to being an MPA). This means that Rutland County Council should not include policies and proposals in the Rutland Local Plan for non-mineral related development, or sensitive development around safeguarded mineral areas which may result in sterilisation of mineral resources; the plan will also identify the MSAs on the Proposals Map.
- 2.25. Any reviews of the Rutland Local Plan or other land use plans must have regard to the MSA/MCAs identified in the Local Plan.