



# Minerals Safeguarding Areas (Local Plan Part Three)

Adopted November 2013





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# **1 Introduction to Minerals Safeguarding Areas**

## **Why are they a good thing?**

- 1.1 Minerals are an important part of our modern society and economy. They underpin the growth of many sectors of the economy, including the construction industry, transport infrastructure and manufacture. The principle of maintaining an adequate and steady supply of minerals is a key component for strategic mineral planning in England.
- 1.2 Minerals can only be worked where they occur. In the UK there is significant pressure on land for a variety of development uses, so it is crucial that future access to minerals is not restricted by non-mineral development.
- 1.3 Minerals Safeguarding Areas are a way of protecting proven deposits of minerals which are, or may become, of economic value. They help to restrict non-mineral related development which would compromise the extraction of the mineral deposit in the future.
- 1.4 The Lake District has a complex and varied geology and is rich in mineral resources. The Lake District landscape was formed through 500 million years of geological processes, when the climatic conditions periodically underwent great changes. Slate, crystalline rocks, limestone, coal and red sandstone constituted the basic layers, with the formation of a central dome through volcanic intrusion about 280 million years ago (Landscape Character Assessment, 2008).
- 1.5 In the National Park, locally quarried building stone and slate contributes significantly to the distinctive character of many of our settlements - a feature recognised as one of our 'special qualities'. In addition, there are two granite quarries and two limestone quarries which straddle, or are close to, the National Park boundary. They produce minerals to support the construction industry, steel industry, transport infrastructure and agriculture.

## **Why are we defining Minerals Safeguarding Areas?**

- 1.6 The National Planning Policy Framework (NPPF) requires local Mineral Planning Authorities to define Minerals Safeguarding Areas and adopt appropriate policies. We are the Mineral Planning Authority for the National Park, and the principle of defining Minerals Safeguarding Areas is established in the Lake District National Park Core Strategy (Local Plan Part One). We are not making a judgement of whether mineral extraction will ultimately be acceptable. Instead, it is a matter of fact that important mineral resources exist in these locations.

## **What will they achieve?**

- 1.7 There is no presumption that applications to extract the mineral resources defined in Minerals Safeguarding Areas will be granted permission. Neither does a Minerals Safeguarding Area automatically preclude other forms of development.

What it does, is draw attention to the presence of important mineral resources and make sure that they are adequately and effectively considered in land-use planning decisions.

**How will Minerals Safeguarding Areas be used?**

- 1.8 Once adopted, the Minerals Safeguarding Areas will be defined on the Lake District National Park Policies Map (formally known as the Proposals Map). We will use it as a development management tool in the assessment of planning applications.
- 1.9 The identification of the Minerals Safeguarding Areas will not in itself safeguard mineral resources. Effective safeguarding will only be achieved by outlining criteria against which we will consider planning applications for land use and development in Minerals Safeguarding Areas.
- 1.10 Policy MSA1 and the accompanying explanatory text applies to all applications for non-mineral development which fall within Minerals Safeguarding Areas. It ensures that detailed information on mineral resources is effectively used to inform decisions on planning applications, alongside the full range of planning policies.

**Policy MSA1: Minerals Safeguarding Areas**

**Planning permission will be granted for non-mineral development within Minerals Safeguarding Areas where:**

- the location of the proposal relates to a settlement recognised by Core Strategy Policy CS02; or
- the proposal can demonstrate that it will not affect the overall value of the mineral resource; or
- the mineral can be extracted satisfactorily prior to the development taking place; or
- the development is of a temporary nature, 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

**Explanatory text**

- 1.11 The intention of this policy is to safeguard minerals of economic importance from sterilisation by non-mineral development. We will apply the above policy in all land use and spatial planning decisions where an application for non-mineral development is proposed within defined Minerals Safeguarding Areas.
- 1.12 Policy MSA1 serves to complement other policies within the Local Plan. The Spatial Development Strategy aims to enable development to support and maintain the vibrancy and sustainability of settlements and reinforce the distinct character which is recognised as one of the 'special qualities' of the Lake District. Core Strategy Policy CS02 in particular supports development which will contribute towards meeting the needs of the local community, brings benefits to



the local community or delivers sustainable tourism. For this reason, where a development proposal is in line with policy CS02 – and where the proposed development is within or well related to the form of the settlement in line with policy CS03 – MSAs do not apply. This will ensure there is no conflict with the aspirations of our development strategy.

1.13 In order to demonstrate that development will not affect the overall value of the mineral resource, we will consider amongst other things:

- the scale of the proposed development;
- how the development relates to an existing use/development;
- the proximity of the proposed development in relation to existing and/or old mineral sites;
- any cumulative impact of the proposed and other development on the economic value of the safeguarded mineral in its wider context ; and
- the statutory purposes of the National Park.

#### **Our Duty to Cooperate**

1.14 The 2011 Localism Act formally introduced a statutory duty for neighbouring local planning authorities to cooperate with one-another when producing plans and policies. We have consistently and positively worked alongside our neighbouring local mineral planning authority, namely Cumbria County Council, in the production of this and previous planning documents. There has been mutual cooperation to ensure that our approach is the most effective for the Lake District National Park, whilst also having regard to a range of cross-boundary issues.

#### **Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)**

1.15 All development plan documents that form part of our Local Plan are subject to a Sustainability Appraisal (SA) which meets the requirements of the Strategic Environmental Assessment (SEA) under EU Directive 2001 / 42 / EC. The aim is to determine how well policies or proposals provide for sustainable development, and whether there are any adverse effects on environmental interests.

1.16 Similarly, Regulation 6 (61) of The Conservation of Habitats and Species Regulations 2010 requires local plan-making authorities to assess the potential impacts of land use plans on the Natura 2000 network of European protected sites. This includes Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Under UK Government policy potential SPAs, candidate SACs and listed Ramsar Sites are also included. The assessment, known as the 'Habitats Regulations Assessment' (HRA), tells us whether there is likely to be any significant effect on any European site.

1.17 The scope of both the Sustainability Appraisal and Habitats Regulations Assessment to make conclusions on how well the policy provides for sustainable development or on the likelihood of significant adverse effects on European sites is limited. This is due to the lack of detailed technical evidence at this stage.

Firstly, there is no presumption that applications to extract the mineral resources defined in Minerals Safeguarding Areas will be granted permission. And secondly, applications within a Minerals Safeguarding Areas will be determined on a case by case basis, and if appropriate, will be accompanied by the necessary technical evidence required to assess the likelihood of significant adverse effects on European sites.



## **2 Our approach to Minerals Safeguarding Areas**

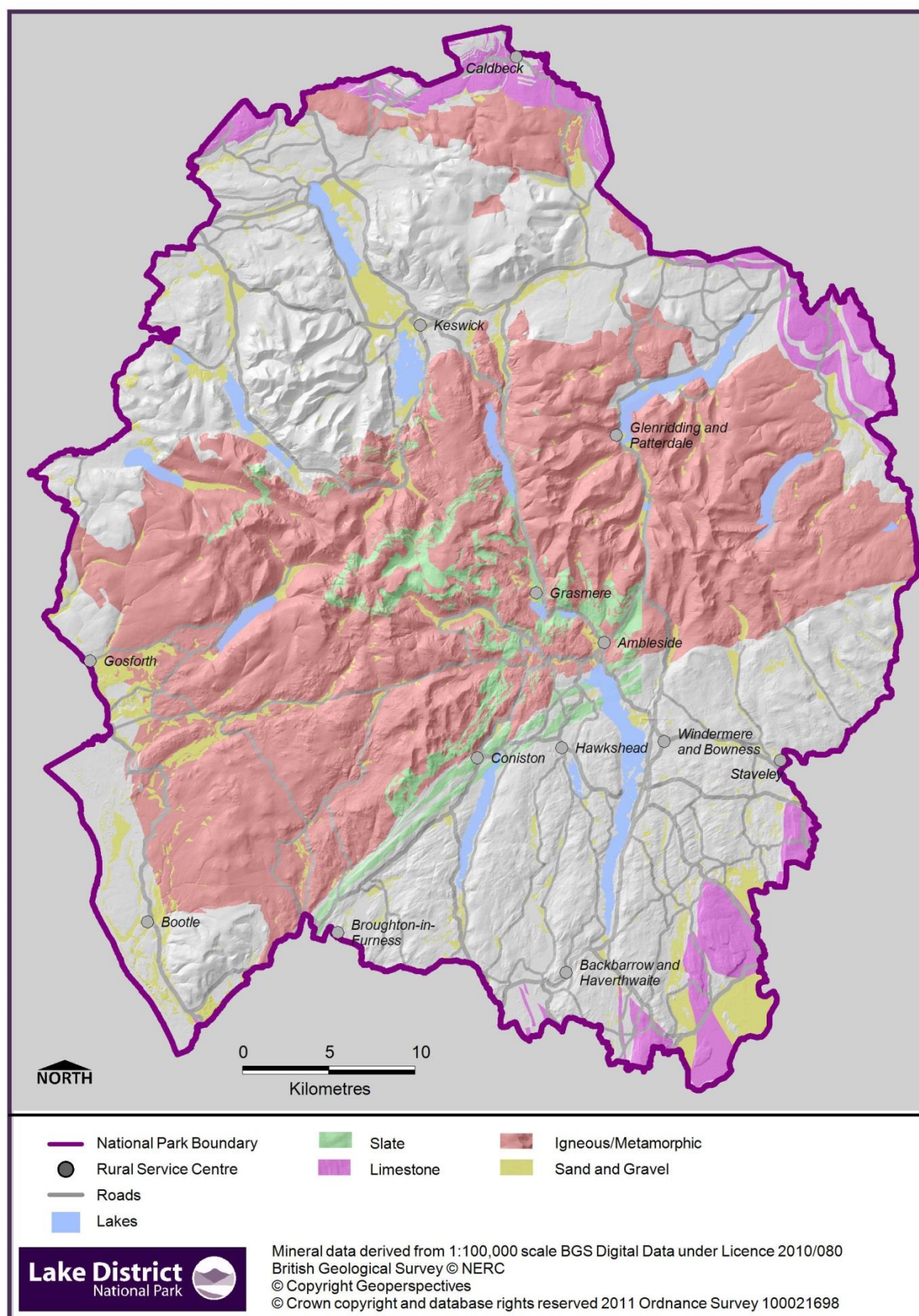
### **Policy Context**

- 2.1 The NPPF states local planning authorities should ‘define Minerals Safeguarding Areas 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, whilst not creating a presumption that resources defined will be worked’.
- 2.2 We adopted the Lake District National Park Core Strategy (Local Plan Part One) in October 2010. Policy CS30 provides the policy principle for safeguarding minerals resources within the National Park. It states “we will safeguard mineral resources from being unnecessarily sterilised by other forms of development by identifying Minerals Safeguarding Areas for resources of local building stone, slate, high purity limestone and aggregates; and not permitting development which would compromise the future extraction of important building stone, slate and high purity limestone at existing or former quarries.”
- 2.3 It is beyond the scope of this document to identify ‘Preferred Areas’ for extraction, but this is a matter that will be considered in the review of the Core Strategy.

### **How have we complied with the National Planning Policy Framework?**

- 2.4 Minerals Safeguarding Areas identify where known locations of mineral resources exist. This should be done using the best geological and mineral resource information available. We used Mineral Resource Linework digital data provided by the British Geological Survey under licence for development plan preparation. This provides the baseline data to help define the physical extent of the Minerals Safeguarding Areas. No other data, such as a Strategic Stone Study for Cumbria, was available to us at the time of writing.
- 2.5 The National Park has a long legacy of mineral working. Slate quarrying has taken place for centuries, and underground mining for a range of minerals including lead, copper, graphite and tungsten began as early as the late sixteenth century. Mineral production is now more limited, and concentrates on slate, stone and aggregates. As a consequence, the following specific minerals resources are considered to be of local and national economic importance and have informed the Minerals Safeguarding Areas:
- slates
  - igneous and metamorphic Rock (granites)
  - limestone
  - sand and gravel
- 2.6 The extent of the Minerals Safeguarding Areas has been further informed through dialogue with mineral operators and key stakeholders.
- 2.7 A map showing the Minerals Safeguarding Areas is provided in Figure 1.

**Figure 1: Minerals Safeguarding Areas for the Lake District National Park**



### 3 Monitoring Framework

#### Monitoring principles

- 3.1 Monitoring and review of planning policies is a key aspect of the planning system. Minerals Safeguarding Areas are intended to meet the objectives of the Core Strategy (Local Plan Part One), primarily through safeguarding known areas of specific mineral resources from non-mineral development. Monitoring will identify whether the intentions of the policy are succeeding or if they need to be reviewed and potentially revised.
- 3.2 The purposes of monitoring are to:
- assess the extent to which policies are being implemented;
  - establish whether policies have unintended consequences; and
  - establish whether Core Strategy (Local Plan Part One) objectives behind policies are still relevant.

#### Monitoring of Minerals Safeguarding Areas

- 3.3 We produce an Annual Monitoring Report each year which monitors the effectiveness of the Development Plan. As Minerals Safeguarding Areas (Local Plan Part Three) is an integral part of the Development Plan, the effectiveness of the policy will be monitored through the Annual Monitoring Report. Table 1 identifies the indicators against which the Minerals Safeguarding Areas will be monitored.

**Table 1: Monitoring Framework for Minerals Safeguarding Areas**

	Indicator	Targets
<b>Minerals Safeguarding Areas</b>	Number of applications approved contrary to policy	Zero
	Number of applications approved within a Minerals Safeguarding Area	n/a

## Lake District National Park

With its world renowned landscape, the National Park is for everyone to enjoy, now and in the future.

It wants a prosperous economy, world class visitor experiences and vibrant communities, to sustain the spectacular landscape.

Everyone involved in running England's largest and much loved National Park is committed to:

- \_ respecting the past
- \_ caring for the present
- \_ planning for the future

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