



The Coal
Authority

**SOMERSET MINERALS PLAN
EXAMINATION – SEPTEMBER 2014**

MATTER 11 – 30TH SEPTEMBER 2014

HEARING STATEMENT by THE COAL AUTHORITY

MINERAL SAFEGUARDING

Inspector's Issues and Questions (list)

- 1. Have the full range of minerals which need safeguarding been identified and included within the Mineral Safeguarding Areas (MSAs)?***

The NPPF in paragraph 143 requires LPAs (not just the MPA) to define MSAs for the known locations of mineral resources of local and national importance. The glossary in Annex 2 (page 53) then defines minerals of local and national importance, this includes aggregates, brickclay, silica sand, cement raw materials, gypsum, salt, fluorspar, coal, hydrocarbons, tungsten, kaolin, ball clay, potash and local heritage stone. Not all of these minerals are present everywhere for example fluorspar is only present in the Peak District, Derbyshire and Durham.

Advice on defining MSAs is set out in the NPPG which refers you to the 2011 Guide to Mineral Safeguarding in England produced by the BGS and The Coal Authority. To then define MSAs the MPA should utilise available geological information from the BGS, The Coal Authority and the minerals industry.

Whilst hydrocarbons are included within the definition in the NPPF, guidance in the NPPG in 27-108 makes it clear that: *“There is normally no need to create mineral safeguarding areas specifically for extraction of hydrocarbons given the depth of the resource, the ability to utilise directional drilling and the small surface area requirements of well pads.”*

The main minerals present in Somerset are Aggregates, Building Stone, Peat, Coal and Hydrocarbons. As indicated above the NPPG makes it clear that hydrocarbons do not need to be safeguarded and Peat is not required to be safeguarded by the NPPF.

Additional minerals present in Somerset include clay, gypsum, barytes, iron, lead and salt. Of these only clay, salt and gypsum fall within the scope of the NPPF paragraph 147 definition. Some elements of clay, namely fireclay are found contiguous with coal and would therefore be safeguarded if present.

It is for the Council to explain why they are not safeguarding clay and gypsum, however from our experience in dealing with mineral plans across the UK those resources are normally only safeguarded in areas where the quality of the mineral resources are such that extraction is concentrated.

2. Bearing in mind that economic viability will change over time, why are the minerals (apart from coal) identified in the chapter on “Other Minerals” (clays, gypsum, barites, iron, lead, salt) not proposed to be safeguarded?

As indicated above only clay, salt and gypsum fall to be considered for the necessity of safeguarding. Mineral safeguarding is a long term tool which extends beyond plan periods. The starting point is geological fact taking account of factors including the quality and quantity of the resource. Steps 1 and 2 set out in the ‘Guide to Mineral Safeguarding in England’ gives the Council advice on how to decide what mineral resources to safeguard.

3. Why is coal treated differently to these “Other Minerals” by being safeguarded?

Surface coal resources are being consistently safeguarded across the UK as required by the NPPF. In the South-West the approach to the safeguarding of surface coal needs to be consistent between Somerset, the City of Bristol, Bath and North East Somerset and South Gloucestershire which includes the same surface coal resource block. Surface coal resources are either already safeguarded or are proposed to be safeguarded in the Plans which cover these three neighbouring MPA areas.

To date Plans which have not proposed to safeguard surface coal have been consistently required by Inspectors to include surface coal within MSAs to be found sound. The safeguarding of surface coal is fundamentally linked to the requirement for UK energy security and future energy policy which includes the new EU funded Carbon Capture and Storage project.

4. Do the MSAs reflect the best estimate of viable resources and do they cover the full extent of the known resources for the specified minerals? If not, explain why. Please provide a mineral resource map for Somerset.

The proposed MSA covers the full extent of the defined surface coal resource as defined on the data held by The Coal Authority.

5. What is the justification for including general minimum buffer widths around low and high output aggregate quarries? Is this in line with the PPG?

The use of defined buffers around existing and proposed mineral extraction sites has been a long-standing practice in order to safeguard permitted extraction from the introduction of sensitive proximal development. This helps to ensure that the 6th bullet point of paragraph 143 of the NPPF is met, i.e. to ensure that permitted operations do not have unacceptable impacts on health and amenity.

6. Would a suitable alternative be a buffer beyond the MSA resource?

This would not be a suitable alternative as a buffer around the whole MSA resource would address a wider issue and not specifically the protection of existing and proposed mineral extraction.

7. If so, what should this buffer be (if any) for each resource and how does it take account of the risks of sterilisation of part of the resource, bearing in mind that buffers are likely to vary between minerals and the likely method of extraction?

8. Should the MSAs plus a buffer constitute the extent of the Mineral Consultation Areas (MCAs) or should the MSAs and MCAs coincide?

The NPPF requires Mineral Consultation Areas in two-tier areas to be based on MSAs. It does not prescribe whether or not a buffer should be added to the MSA to make-up the MCA. The NPPG is also silent on the use of a buffer around the MSA being used to make-up the MCA. The Guide to Mineral Safeguarding in England in Step 6 is also silent on this issue.

The Coal Authority is content for the MCA to be contiguous with the MSA, however where an MPA has extended the MCA to include a buffer we have not objected. We are therefore content with the approach in the Somerset Minerals Plan but would not object to any alteration introduced perhaps to meet the concerns of other objectors.

9. With respect to minerals facilities, is the use of Combwich wharf by EDF Energy for Hinkley Point C Nuclear Power Station a good enough reason to exclude it from safeguarding?

10. Is there any other reason for excluding Combwich wharf?

11. If recycling and secondary aggregates sites (as listed in the current Local Aggregate Assessment) are to be safeguarded (as provided for in Plan paragraph 11.26) should reference to this be made in Policy SMP9?

12. Are there any planned minerals facilities within the County that have not been safeguarded?

The Coal Authority has no comments to make on questions 9 to 12.

13. Policy SMP9 provides for non-mineral development to proceed in MSAs in certain circumstances including where it is demonstrated that the mineral concerned is not of economic value. How is it envisaged that this will be demonstrated? Does this mean economically viable at the time of application or some other time in the future?

Figures 4 and 5 of the Guide to Mineral Safeguarding in England indicate how to implement mineral safeguarding policies. Step 7 in the Guide also provides advice on the use of mineral assessments which are the tool through which to make an informed assessment as to whether the mineral is not of economic value, or is outweighed by the economic value of the proposed development. The point of assessment can only be at the time of considering a planning application. Where MSA policies have been adopted for some time, for example in Leeds, the use of mineral assessments is working well to allow the LPA to make an informed judgement on the evidence presented.

14. Does reference to “temporary planning permission” within the “Exemption list” need further clarification as to what would be considered to be “temporary”. Often wind farms or solar panel farms are considered temporary despite being given planning permission for in the order of 25 to 30 years. Is it envisaged that such a long timescales will be classed as “temporary”? If so, is this appropriate?

It is normal practice for temporary development to be included within ‘exempt development’, the former MPS1 was clear that there was a difference between temporary and permanent development in mineral safeguarding. The NPPF and NPPG are not so clear on the issue,

however in practice temporary development does not lead to sterilisation over the medium to long-term. The example policy approaches suggested in the Guide to Mineral Safeguarding in England includes temporary development within the exemption criteria.

There is a real issue associated however with the longevity of certain forms of temporary development, particularly renewable energy schemes, whose lifetime may need to be extended or will need to be replaced at the end of their defined period in order to maintain energy output. Advice in the NPPG, for example in paragraph 5-013 is explicit that solar farms are a temporary land-use.

Solar and wind farms are land intensive and as such can sterilise large areas of mineral resource. However whilst they are considered to be temporary development by national policy they are normally exempted from the need to consider mineral sterilisation in MSAs.

15. Should there be any other types of exclusion to those listed?

The policy through Table 6 sets out an appropriate range of exemption criteria. National policy and advice does not support the use of other exemptions such as urban areas or designated areas from MSAs.

Some plans have utilised site threshold criteria, these however are based upon local circumstances. These have been utilised more in major urban conurbations as opposed to rural Counties. The Coal Authority considers the policy sound as written.

16. In delineating the MSAs has proper regard been given to other relevant plans, emerging plans, strategies and policies, and have any identified conflicts been resolved?

This is a difficult issue to address in two-tier areas, however the main issue is allowing for allocated sites to be within the exempted list where their allocation process has already taken into account the issue of mineral sterilisation. In relation to surface coal resources The Coal Authority comments on District level plans to ensure that their site allocation methodologies consider mineral safeguarding alongside other criteria. This is not always possible where for example District Plans are produced in advance of MSAs and MCAs being designated.

17. Does exclusion of land from a MSA weigh against prior extraction of a mineral, should it be present?

No, potentially prior extraction can occur within and outwith MSAs. However in practice the mineral types which lend themselves most commonly to prior extraction are surface coal and

sand and gravel. These minerals can be prior extracted on sites even at a small level without undue environmental or amenity impact. Indeed prior extraction would normally take place as part of the normal groundwork activities. In cases where mining legacy features are present the prior extraction of the remnant surface coal can be a more cost-effective method of remediation than hard engineering works to stabilise the ground.

As coal and aggregates are both included in the proposed MSA then the majority of any likely prior extraction will take place within the MSA.

18. Should there be provision for the prior extraction of minerals outside MSAs?

This is not considered explicitly necessary given what we have set out above.

19. Overall, are the MSAs for minerals and facilities the most suitable in location and extent?

The Coal Authority considers the approach to the MSAs to be relevant to Somerset.

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