
Statement prepared by Gloucestershire County Council | May 2019**Main Matter 4 | Protecting Mineral Resources, Infrastructure and facilities****Issue: Whether the plan adequately balances the needs of competing development?****Question 22:**

Is the appropriate balance struck between the needs of competing development with the need to protect the mineral resource?

1. Subject to the acceptability of Main Modifications PMM 01, 02 and 03 ([EX5a](#)) Policy MS01 is considered by the County Council to strike an appropriate balance between the needs of competing (non-minerals) development and the need to protect future access to mineral resources. The policy is in accordance with national policy set out in NPPF 2012 ([PSD2](#)) and does not necessarily prohibit development proposals from occurring within areas of mineral resource. Instead, it requires careful consideration to be given to: - the type of non-minerals development being proposed; the wider benefits of the non-minerals development; the nature of the underlying minerals; and the realistic prospect that a sterilisation issue can be avoided, including through the provision of prior extraction. Furthermore, provision is made for a reasonable level of non-minerals development to take place within potential mineral resource bearing areas, subject to its acceptability in all other instances, outside of the constraints or assessment requirements of policy MS01. The types of development that are exempt from mineral resource safeguarding have undergone both wider consultation through the evolution of the plan and targeted consultation with key interested parties (page 34, [SUB 010](#)).
2. Main Modifications PMM 01 and 02 provides policy clarification and expands upon the circumstances under which a mineral assessment may not need to be provided. In addition, Main Modification PMM 03 is concerned with technical guidance within the policy's supporting text. It provides detailed advice to prospective applicants as to how underlying mineral resources will need to be assessed in order for decision makers to determine the scale and potential significance of any potential mineral sterilisation risk. It introduces internationally recognised standards (PERC) for assessing mineral resources¹.

¹ PERC standards for the Pan-European Reserves and Resources Reporting Committee

Question 23:

Is the difference, use and application between Mineral Safeguarding Areas (MSA's) and Mineral Consultation Areas (MCA's) clear?

3. Yes – the County Council considers that the supporting text for Policy MS01 provides a clear explanation of MSAs and MCAs within Gloucestershire (pages 33 to 36, [SUB 001](#)). In particular a section entitled '*Minerals resources to be safeguarded in Gloucestershire*' sets out what local minerals have been included and the approach to defining areas that are to be subject to mineral safeguarding requirements (paragraphs 105 to 112, [SUB 001](#)). In addition, advice has been provided to explain the circumstances under which Gloucestershire contains MCAs and what their role is in the approach to mineral resource safeguarding (paragraphs 114 to 117, [SUB 001](#)).

Question 24:

Should 'buffers' be defined around existing mineral working sites?

4. No – the County Council does not consider it necessary to set out formally defined 'buffers' around existing mineral working sites for safeguarding purposes. The provision of policies MS01 (mineral resources) and MS02 (infrastructure) are more than sufficient to appropriately safeguard mineral working sites from the introduction of potentially incompatible, non-minerals development. By definition, fixed-distance 'buffers' are inflexible and do not allow for appropriate and reasonable site-specific circumstances to be taken into account very easily. They also introduce a risk of unduly constraining non-mineral development opportunities that (after thorough scrutiny) could otherwise be allowable, where all other planning matters are resolved. Therefore the 'acceptableness' of distances between mineral working and sensitive receptors, should be established on a case by case basis when the full details of a proposal can be established along with appropriate mitigation of any adverse effects.

Question 25:

Is Policy MS01 sufficiently clear as to the meaning and relevance of ‘needless sterilisation’ and how this should be demonstrated?

5. Yes – the County Council considers that Policy MS01 is sufficiently clear as to the meaning and relevance of ‘needless sterilisation’. The supporting text to Policy MS01 explains that there are circumstances under which, on balance, the overriding need for non-minerals development may be greater than the need to retain access and enable the working of the mineral resources. This is also captured within the policy under the 5th criterion. The supporting text also explains that certain types of non-mineral development are likely to have a negligible effect on the sterilisation of mineral resources. These circumstances, demonstrate how the plan’s approach to mineral sterilisation is very much as a qualified constraint that offers sufficient opportunity for competing, non-minerals development to come forward where appropriate evidence has been provided, including its need. In Gloucestershire, this is seen as a vitally important policy mechanism as the county is covered by extensive mineral resources of potential economic importance. A degree of pragmatism is required to ensure this matter does not unjustifiably prevent or constraint other types of development from coming forward.

Question 26:

Notwithstanding the fact that the examination is to be conducted pursuant to the guidance provided under the NPPF (2012), should the ‘agent of change’ principle be reflected in Policies MS01 and MS02?

6. The ‘agents of change’ principle is set out in national policy contained in NPPF 2018 ([PSD3](#)). It introduces a responsibility upon new development to take responsibility for managing the impact of their change upon a locality. A specific provision for it has not been expressly set out within policies MS01 or MS02 of the plan. However, the County Council considers that the matter will be effectively dealt with from a minerals planning context through the policies MS01 and MS02. Therefore there is no need for further modifications to be made. For example; the 1st criteria for policy MS02 requires non-mineral development proposals to demonstrate how they mitigate or avoid the risk of incompatibility with adjoining safeguarded mineral infrastructure sites (pages 39 to 40, [SUB 001](#)). The supporting text to the policy explains that mitigation should look to reduce potential adverse impacts on the operations of mineral infrastructure or the proposals sensitivity

to mineral infrastructure. In the case of policy MS01, the 2nd and 4th criteria are potentially 'agent for change' mitigation measures. The 2nd criterion makes provision for non-minerals development to show how sterilisation will not occur and this could include through designing out the issue. For the 4th criterion, provision is made for prior extraction, which could be presented as a form of mineral safeguarding mitigation.

Questions 22 to 26 response word count: 1034