Draft West Sussex Joint Mines Local Plan
(Regulation 18)

Draft Minerals Safeguarding Guidance

April 2016
1. Approach to Safeguarding Minerals Resources and Infrastructure

1.1 Background

Introduction

1.1.1 This document is intended to provide further guidance on how the safeguarding of minerals resources and infrastructure associated with minerals supply (e.g. wharves, railheads, processing plant) will take place. It is intended to explain how policies M9 and M10 on minerals safeguarding (see Appendix 1), set out in the Joint Minerals Local Plan (JMLP), will be implemented in practice.

1.1.2 This Guidance explains:
- When and how District Councils are expected to consult the County Council in areas defined as the Minerals Consultation Area
- When it might be useful to hold pre application discussions
- The mineral information to be provided where consultation is necessary
- The criteria for mineral extraction prior to the main development
- Particular requirements to protect minerals infrastructure

1.1.3 This is a draft version of the guidance that has been published for consultation alongside the draft (Reg 18) Joint Minerals Local Plan during the period 14 April to 17 June 2016. Comments on any part of the document are invited by anyone with an interest. There are areas that the Authorities are particularly interested in receiving comments on and specific questions have been included to which responses are especially welcome.

1.1.4 Further advice on minerals safeguarding is included in the British Geological Survey Guide on safeguarding.

Policy M9 (Safeguarding Mineral Resources)

1.1.5 Sand and gravel, brick making clay, building stone (sandstone) and chalk are regarded as economically important minerals in West Sussex. The extent of the reserves of these minerals that is to be safeguarded are shown as Mineral Safeguarding Areas on the policy maps in the JMLP.

1.1.6 The approach to safeguarding each mineral type is explained in the supporting text to policy M9 within the JMLP; it covers existing and proposed minerals extraction sites as well as important unexploited mineral resources. The extent of the safeguarding of mineral resources in West Sussex is shown as Mineral Safeguarding Areas (MSA) on the Policy Maps published with the JMLP. District and Borough Councils should show

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2 Minerals Safeguarding Area – an area designated by a Mineral Planning Authority which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development (Para. 221, Planning Practice Guidance).
the Mineral Safeguarding Areas on their Local Plan Policy Maps (Para. 5, Planning Practice Guidance). To ensure effective consultation with the Minerals Planning Authority and to protect safeguarded mineral resource areas from non-mineral development, a Mineral Consultation Area (MCA) will be defined based upon the safeguarded areas (see (1.2).

1.1.7 Any new minerals sites which are granted planning permission following the adoption of the JMLP, which are not located within an MSA, will be safeguarded by policy M9. A list of existing sites, which are safeguarded, will be maintained and published in the County Council’s Annual Monitoring Report (AMR) each year. The 2014/15 AMR contains the latest list of safeguarded sites and can be viewed online at www.westsussex.gov.uk/mwdf.

Policy M10 (Safeguarding Minerals Infrastructure)

1.1.8 The approach to safeguarding minerals infrastructure is set out in policy M10 (Safeguarding Minerals Infrastructure) in the JMLP. New and existing minerals infrastructure will be protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation. Safeguarded sites are included within the Mineral Consultation Area (MCA) to ensure that the Minerals Planning Authority is consulted on proposals for non-mineral development, on or close to, minerals infrastructure.

Exceptions Criteria

1.1.9 Local Planning Authorities will consult the Minerals Planning Authority on all planning applications that fall within the MCAs except for the following:

- Applications with an area of one hectare or less within urban areas included within MSAs;
- Applications for development and extensions to existing buildings within the curtilage of existing development (residential and commercial);
- Applications for Conservation Area Consent;
- Applications for Listed Building Consent;
- Applications for Advertisement Consent;
- Applications for reserved matters including subsequent applications after outline consent has been granted;
- Minor amendments to planning permissions;
- Prior Notifications (Telecoms, forestry, agriculture, demolition);
- Certificates of lawfulness of existing use or development (CLEUD) and Certificates of lawfulness of proposed use or development (CLOPUD);
- Applications for works to trees.

*Consultation Question: What types of planning application should be excluded from consideration of minerals safeguarding?

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3 Minerals Consultation Area – a geographical area, based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development (Para. 221, Planning Practice Guidance).
4 For planning applications within the South Downs National Park or applications that are determined by the County Council, consultation will take place internally.
1.2 Safeguarding Minerals Resources

Safeguarded Minerals Resources in West Sussex

1.2.1 The following minerals resources are safeguarded as described below:
- Sharp sand and gravel – the entire resource
- Soft sand – the entire resource
- Chalk – existing sites with permitted reserves
- Wadhurst Clay – the entire resource
- Weald Clay – the resource excluding urban areas
- Stone - the resource excluding urban areas

All safeguarded areas will include a 250 metre buffer to protect the resources from proximal development.

When to consult the Minerals Planning Authority

1.2.2 To ensure that consultation takes place between county and local planning authorities, Minerals Consultation Areas (MCA) will be defined. For minerals resources the MCAs will cover the same area as the MSA and issued to the District and Borough Councils as a GIS layer. The MCA will be reviewed and updated on an annual basis and the GIS layer will be re-issued if new sites have become active, or sites have been redeveloped for other uses. As the MSAs form policy, these can only be changed through a review of the Plan.

1.2.3 The proposed process of consultation is illustrated in Figure 1.

Consultation Questions:
- How should consultation between the developer, the local planning authority and the minerals planning authority take place? Please explain any changes that you think are needed to the proposed process.
- How should the minerals planning authority recover its costs for providing advice on this matter – should a charge for pre-application advice be made?

Policy M9 (Safeguarding Mineral Resources) – Mineral Resource Assessment Information

1.2.4 Applicants are strongly advised to undertake pre-application discussions with the Minerals Planning Authority where the development site is underlain by a safeguarded resource. Pre-application discussions and advice should cover minerals safeguarding and the need for, and scope of, minerals resource assessments.

Consultation Question: How should the minerals planning authority be involved in pre-application discussions on non-minerals development?

1.2.5 The need for a Minerals Resource Assessment (MRA) will be included on the local validation list (Local List). This means that, where a MRA is required a planning application cannot be validated unless it is
accompanied with a MRA. A minerals resource assessment may include the following:

- Site specific assessment of geological information;
- Quarrying history;
- Mineral assessments and market appraisals;
- Borehole data (applicants may be required to carry out borehole testing if this information is not already available);
- Site investigations;
- Technical Report;
- Geological memoirs;
- An estimate of the economic value (e.g. quantity and quality) of the mineral;
- Consideration of other locations for the development that are outside the MSA or in an area where minerals are not economically viable;
- Assessment of whether the proposal can be modified to avoid sterilisation;
- Assessment of the potential for the use of the mineral in the proposed development and whether it is feasible and viable to extract the mineral resource ahead of the development;
- An explanation of the viability of prior extraction and how it will be carried out (e.g. environmental impacts, timescales, availability of the market to deal with the increase in the mineral).

**Consultation Question: What information should be included in a Minerals Resource Assessment?**

**Prior Extraction**

1.2.6 Proposals for prior extraction will be considered as part of a proposal for non-mineral development overlying a safeguarded minerals resource and their suitability will be considered against the policies in the Development Plan including those in the JMLP.

1.2.7 Proposals for prior extraction must not cause unacceptable adverse impacts to the environment or communities. Conditions will be included to control prior extraction including those which ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.
Figure 1: Consultation process for safeguarding mineral resources

Pre-application

Applicant to strongly advised to engage in pre-application discussions with the Minerals Planning Authority to determine whether there is a mineral safeguarding issue and how to prepare a Minerals Resource Assessment, if required.

Application Stage

Is the proposed non-mineral development within (partly or wholly) an MCA and qualify for consultation (see exceptions).

YES
Consult the Minerals Planning Authority (or internal consultation for county matters or planning applications within the SDNP).

NO
Do not consult the Minerals Planning Authority

Is sufficient information available to assess the proposal against policy M9 because the planning application is accompanied by a Mineral Resource Assessment, including consideration of prior extraction?

YES
Will the proposal be contrary to Policy M9 because minerals sterilisation will occur?

NO
Planning application not validated.
Mineral Planning Authority would object until further information is provided. Applicant to provide a Minerals Resource Assessment (including consideration of prior extraction) to the Minerals Planning Authority.

YES
Objection to the planning application from the Mineral Planning Authority.

NO
No objection to the planning application from the Minerals Planning Authority.
1.3 Safeguarding Minerals Infrastructure

1.3.1 Certain types of development which require a high quality amenity environment (e.g. residential) may not always be compatible with minerals production which is industrial in nature. Policy M10 therefore expects the presence of minerals infrastructure to be taken into account in decisions on proposals for non-minerals development made in the vicinity of such infrastructure.

1.3.2 Minerals Consultation Areas exist around all safeguarded Minerals Infrastructure. The MCA is defined by the site boundary\(^5\).

*Consultation Questions:*
- Should MCAs around infrastructure extend beyond the site boundary e.g. include land 100 metres beyond the site?
- How close (distance) should non-minerals proposals be to existing minerals infrastructure such that they qualify for consideration?

1.3.3 Minerals infrastructure to be included in the MCAs in West Sussex includes:

- Existing planned and potential wharves, railheads, associated storage, handling and processing facilities;
- concrete batching facilities;
- facilities for the manufacture of coated roadstone;
- facilities for the handling processing and distribution of substitute, recycled and secondary aggregates material;
- hydrocarbon exploration, appraisal and production sites.

1.3.4 A list of safeguarded minerals infrastructure will be maintained in the Annual Monitoring Report and this will be reviewed and updated each year.

1.3.5 The District and Borough Councils should consult the Minerals Planning Authority on proposals that fall within the Minerals Infrastructure MCAs. The proposed process of consultation is illustrated in Figure 2. The need for the non-minerals development will be weighed against the need to retain the minerals facility and the relevant criteria in policy M10. For proximate development, consideration will be given to whether it can proceed without compromising the ability of the site to operate effectively. Information, which allows the MPA and LPA to make this assessment, should be submitted with an application which addresses the following matters:

- The distance of the proposal from the safeguarded site;
- Any existing screening from buildings or vegetation; and
- The potential for the site to deliver suitable mitigation.

*Consultation Questions:*

\(^5\) The boundary of site is that specified by the permission for the site.
- **How should consultation between the developer, the local planning authority and the minerals planning authority take place? Please explain any changes that you think are needed to the proposed process. How should the minerals planning authority recover its costs for providing advice on this matter – should a charge for pre-application advice be made?**

- **What information should be submitted with a non-minerals planning application for development proposed within a Minerals Infrastructure MCA?**

1.3.6 Policy M10 sets out the circumstances when safeguarded minerals infrastructure may be replaced by non-minerals development. This includes ensuring that any replacement infrastructure is at least equivalent to that which it is replacing and it specifies how this should be assessed.

1.3.7 Replacement minerals infrastructure capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of minerals.

1.3.8 In the case of wharves, the following matters should be considered:

- The depth of the water at the berth;
- the size of the berth for dredgers;
- barges or ships;
- accessibility of the wharf at various stages of the tide;
- the size and suitability of adjacent land for processing plant;
- weighbridges and stockpiles;
- existing, planned or proposed development that may constrain operations at the replacement site at the required capacity.

1.3.9 Applicants are strongly advised to undertake pre-application discussions with the Mineral Planning Authority where the development site is on, or within close proximity, to a site hosting safeguarded minerals infrastructure (within the MCA). Pre-application discussions and advice should cover whether the proposal would prejudice the operation of the safeguarded site, whether any mitigation measures would enable the development to go ahead without compromising the safeguarded site, the need to provide replacement capacity, if the proposal satisfies parts (a) (i) and (ii) of policy M10. The advice received should be reflected in the information submitted with the application.

**Consultation Questions:**

- *Is the guidance generally clear and comprehensive?*
- *What other guidance is needed to help implement the policies on minerals safeguarding?*
Figure 2: Consultation process for safeguarding minerals infrastructure

Pre-application

Applicant strongly advised to engage in pre-application discussions with the Minerals Planning Authority to determine whether there is a safeguarding issue.

Application Stage

Is the proposed non-mineral development within (partly or wholly) an MCA and qualify for consultation (see exceptions).

YES

Consult the Minerals Planning Authority (or internal consultation for county matters or planning applications within the SDNP).

NO

Do not consult the Minerals Planning Authority

Will the proposal prejudice the continued operation of the safeguarded site, contrary to policy M10?

NO

No objection to the application from the Minerals Planning Authority

YES

Can the proposal be amended or mitigation measures be incorporated to enable the development to go ahead without compromising the safeguarded site? or

Has justification been provided to demonstrate that the site, or infrastructure, no longer suitable for continued minerals use; or

Has justification been provided to demonstrate that redevelopment of the site or loss of the infrastructure would form part of a strategy or scheme that has wider social and/or economic benefits that clearly outweigh the retention of the site or the infrastructure for minerals use?

YES

No objection to the planning application from the Minerals Planning Authority

NO

Minerals Planning Authority objection to the planning

Applicant should consider redesigning scheme or mitigation measures objection.
Appendix 1 – Minerals Safeguarding Polices included in the Draft JMLP

Policy M9: Safeguarding Minerals

(a) Existing minerals extraction sites\(^6\) will be safeguarded against non-mineral development that prejudices their ability to supply minerals in the manner associated with the permitted activities.

(b) Sand and gravel, brick-making clay and building stone resources and chalk reserves\(^7\) are safeguarded against sterilisation. Proposals for non-mineral development within the Minerals Safeguarded Areas will be permitted provided that:
   (i) Mineral sterilisation will not occur; or
   (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or
   (iii) the overriding need for the development outweighs the safeguarding of the mineral.

Policy M10: Safeguarding Minerals Infrastructure

(a) Development on, or near to, sites hosting existing minerals infrastructure that would prevent or prejudice the use of existing minerals infrastructure will not be permitted unless:
   (i) the site or infrastructure is no longer suitable for continued minerals use; or
   (ii) redevelopment of the site or loss of the infrastructure would form part of a strategy or scheme that has wider social and/or economic benefits that clearly outweigh the retention of the site or the infrastructure for minerals use; and,
   (iii) a suitable replacement site or infrastructure has been identified and permitted;

(b) Where safeguarded infrastructure is situated within a host quarry, wharf or rail depot facility, it is safeguarded for the life of the host site.

(c) The following wharves and railheads are safeguarded for their

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\(^6\) The existing minerals extraction sites which are safeguarded by Policy M9 are listed in the Annual Monitoring Report.

\(^7\) Chalk reserves specified in the Annual Monitoring Report will be safeguarded.
minerals transportation purposes:

(i) ARC Wharf, Shoreham (inset map 3)
(ii) Turberville and Penneys Wharf, Shoreham (inset map 3)
(iii) Halls Wharf, Shoreham (inset map 3)
(iv) Rombus Wharf, Shoreham (inset map 3)
(v) Railway Wharf, Littlehampton (inset map 4)
(vi) Chichester Railway Sidings (inset map 5)
(vii) Ardingly Rail Depot (inset map 6)
(viii) Tinsley Goods Yard, Crawley (inset map 7)
(ix) Crawley Goods Yard (inset map 7)
(x) Crawley Goods Yard (inset map 7)