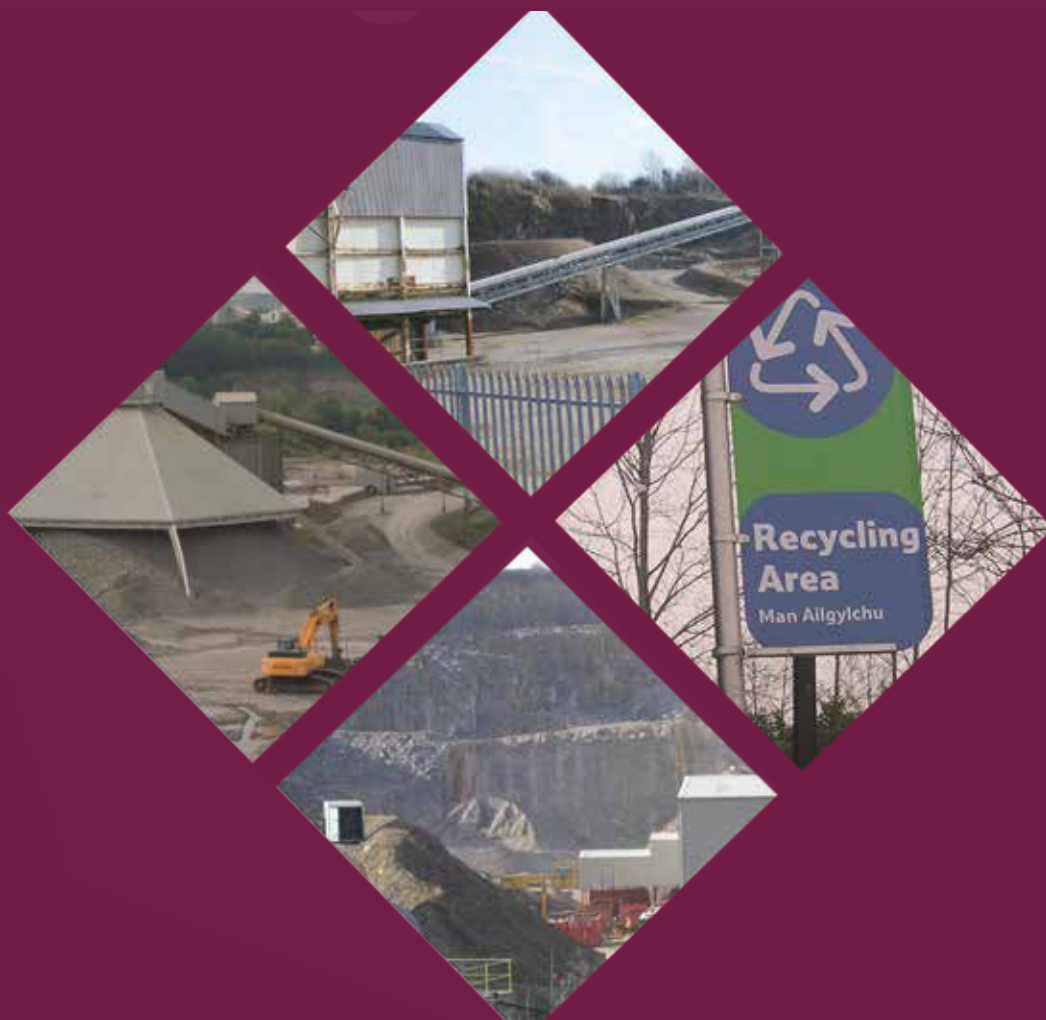


Minerals Safeguarding



Supplementary Planning Guidance

April 2018



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1. Introduction

- 1.1. This Supplementary Planning Guidance (SPG) has been produced to assist with the consideration of planning applications within Minerals Safeguarding Areas (MSAs) for hard rock, and sand and gravel within the Vale of Glamorgan, providing further detailed guidance on the Council's policy for the safeguarding of mineral resources identified in the Adopted Vale of Glamorgan Local Development Plan (LDP) (2011-2026).
- 1.2. Safeguarding is the term used to describe the process of ensuring that natural mineral resources are not unnecessarily sterilised by other types of development, remaining available for use by future generations and is therefore an important aspect in delivering sustainable development.
- 1.3. As minerals can only be worked where they are found, it is important that mineral resources are 'safeguarded' from sterilisation by other development to help to secure a long-term future supply of minerals. The role of Minerals Safeguarding Areas is to alert those proposing sites for future development to the presence of valuable mineral resources which they might not have otherwise considered.

2. Status of the Guidance

- 2.1. Draft guidance was approved for public consultation by Cabinet on the 18th December 2017 and the Council undertook a six week consultation exercise between Monday 22nd January 2017 and Friday 2nd March 2018 with the relevant documentation being made available at the main Council offices and on the Council's web site. The Council considered the representations received during the consultation exercise before finalising this document which was approved by Cabinet on the 16th April 2018. This guidance will now be a material consideration in relevant planning decisions.

- 2.2. Planning Policy Wales (PPW) advises that SPG may be taken into account as a material consideration where it has been prepared in consultation with the general public and interested parties and is consistent with the Development Plan.

3. Minerals Resource in the Vale of Glamorgan

3.1. The British Geological Survey (BGS) have categorised the mineral resources identified in order of importance:

1. **Category One** resources are of national importance to Wales (and in some cases the UK). This category includes those minerals that are specifically referenced in policy as being of limited occurrence and therefore particularly susceptible to sterilisation, and those which are particularly economically important due to their high quality and/or limited occurrence across the UK.
2. **Category Two** resources have been selected as those resources that are considered to be of more than local importance and may have some regional significance but are less important nationally than the Category One resources.
3. **Category Three** resources are resources that may be important for local supply. None of these areas occur within the Vale of Glamorgan.

3.2. Notwithstanding this categorisation, it is acknowledged that the level of information in respect of the quality and amount of minerals present within the identified areas is limited as the safeguarding areas show only minerals which geologically have resource potential in Wales and as such further detailed investigation may be required at the planning application stage.

3.3. The LDP Proposals Map illustrates all minerals safeguarding areas identified on the Aggregate Safeguarding Map for South East Wales. In terms of the extent of safeguarding areas, the Vale of Glamorgan contains significant amounts of limestone resource. A belt of Category One carboniferous limestone outcrops along the boundary of the Vale of Glamorgan with Bridgend and RCT in the north. A further outcrop is evident along the central spine running from Cowbridge to Dinas Powys. Category 1 resource covers two different types of limestone which could potentially be found in the Vale of Glamorgan. The first type is known as Sandstone, igneous and limestone resources and is classed as a high specification aggregates (HSA) which are predominantly used in low skid resistant roadstone at a national level which is in short supply in many parts of the UK. The second type of resource is known as high purity limestone which is mainly used in non-aggregate uses due to the necessity for the stone to be of the highest chemical purity hence the need for rigorous safeguarding measures. The safeguarding map showing Category 1 Limestone (Appendix 1 refers) details the high purity limestone by using a stippling effect (the denser areas of small dots).

- 3.4. The majority of the remainder of the Council area contains Category Two limestone resource. Category 2 limestone is referred to as 'other limestone resources' and are normally used as a source of aggregate. This type of limestone is of more than local importance and is located throughout Wales. There are also limited small pockets of Category Two sandstone resources. These resources are known as 'other sandstone resources' and have the potential to be used for low grade general aggregate purposes. Although there has been extensive work of this resource in the past it is currently worked on a small scale and supplies low grade bulk and decorative aggregate of more than local importance.
- 3.5. Both Sandstone and Limestone resources are sedimentary rocks which are mainly located deeper in the ground requiring deeper extraction which predominantly consists of blasting. Due to detrimental impacts these extraction methods can have on sensitive land uses a minimum buffer distance of 200 metres from sensitive development is required as set out within Mineral Technical Advice Note 1 (MTAN1). Sensitive development is defined as "any building occupied by people on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity should be expected. Sensitive development could also include specialised high technology industrial development where operational needs require high standards of amenity." (MTAN1, paragraph 70). Based on this there are no mineral safeguarding areas within settlement boundaries.
- 3.6. There are extensive Category Two resources of sand and gravel primarily in the Thaw, Waycock and Ely valleys with very limited amounts of Category One resource included within these areas. Category Two sand and gravel resources relates to glacialic, poorly sorted and locally clayey sand and gravel deposits. This resource has a limited extent throughout Wales which means even the lower quality resources are considered to be more than local importance. A more significant area of Category One sand and gravel resource is located on the western side of the County and straddles the boundary with Bridgend. Category One Sand and Gravel resources are of a high quality but also have a limited extent throughout Wales resulting in a need to safeguard resources for future generations.
- 3.7. Sand and Gravel also referred to drift deposits are located nearer to the surface. This results in different techniques used for extraction which have a smaller detrimental impact on surrounding sensitive development as such MTAN 1 advises the minimum buffer distance is 100 metres from sensitive development for the extraction of sand and gravel resources.

4. Planning Policy Context

4.1. National Planning Policy

4.1.1. **Planning Policy Wales (PPW)** sets out the land-use planning policies of the Welsh Government, and in respect of minerals planning introduces the principle of safeguarding access to mineral resources in order to protect them from permanent sterilisation so that they are available for future generations. PPW advises that safeguarding does not necessarily indicate an acceptance of mineral working, but that the location and quality of the mineral is known and the environmental constraints associated with extraction, including the potential for extraction of mineral resources prior to undertaking other forms of development, should be considered (PPW, paragraph 14.2.1).

4.1.2. Consequently, PPW requires that areas to be safeguarded should be identified on the LDP proposals map and LDP policies should protect these potential mineral resources from other types of permanent development which would either sterilise them or hinder extraction, or which may hinder extraction in the future as technology changes (PPW, Paragraph 14.7.3).

4.1.3. **Mineral Technical Advice Note 1: Aggregates (2004) (MTAN1)** sets out advice on the mechanisms for delivering the policy for aggregates extraction, and reiterates the need to safeguard aggregate resources for future generations.

4.2. Local Planning Policy

4.2.1. The Vale of Glamorgan LDP proposals map identifies the spatial extent of the Minerals Safeguarding Areas (MSAs). **Policy MG22 (Development in Minerals Safeguarding Areas)** provides the Council's framework for the consideration of development proposals in these areas. Further detailed maps of the Vale of Glamorgan's MSAs can be found at Appendix 1 of this SPG.

POLICY MG22 - DEVELOPMENT IN MINERALS SAFEGUARDING AREAS

Known mineral resources of sandstone, sand and gravel and limestone are safeguarded as shown on the proposals map.

New development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

1. Any reserves of minerals can be economically extracted prior to the commencement of the development; or
2. Extraction would have an unacceptable impact on environmental or amenity considerations; or
3. The development would have no significant impact on the possible working of the resource by reason of its nature or size; or
4. The resource in question is of poor quality / quantity.

4.2.2. LDP Policy MG22 protects known areas of minerals resources to ensure that finite resources are safeguarded for the future. Consequently, there is a presumption against new development that would sterilise safeguarded minerals resources.

4.2.3. New development proposals within Minerals Safeguarding Areas will be required to be justified and, in accordance with Policy MG22, will only be permitted where minerals can be economically extracted prior to the commencement of development or where applicants have demonstrated that prior extraction would not be appropriate. For example, prior extraction may not be appropriate where the proposed development would have no significant impact on the possible future working of the resource due to its size or nature, where it is evidenced that the mineral resource is of poor quality/quantity, or where prior extraction of the mineral would cause unacceptable impacts on the environment or the amenity of neighbouring uses.

5. Developer Considerations in Minerals Safeguarding Areas

5.1.1. The following section sets out the issues that need to be addressed as part of the planning application process where certain types of permanent development are proposed within a Minerals Safeguarding Area.

5.1.2. The safeguarding of minerals resources and the inclusion of land within a Minerals Safeguarding Area does not give any presumption that mineral working will be permitted. Additionally, the identification of Minerals Safeguarding Areas is not an absolute bar on alternative development, the circumstances of each individual development proposal will need to be considered on a case-by-case basis.

5.2. Minerals Assessment Requirements

5.2.1. For all other non-mineral developments in Minerals Safeguarding Areas the Council will need to be satisfied that the development avoids the unnecessary sterilisation of important minerals resources.

5.2.2. A Minerals Assessment will be required to support a relevant planning application to set out the consideration of the criteria of Policy MG 22 and national policy.

5.3. Considering Prior Extraction (Criterion 1)

5.3.1. Criterion 1 of LDP Policy MG 22 states that new development will only be permitted in an area of known mineral resource where (amongst others) it has first been demonstrated that any reserves of minerals can be economically extracted prior to the commencement of the development. This is also known as Prior Extraction.

5.3.2. Prior Extraction refers to the removal of economic mineral resources that are found at or close to the ground surface (shallow resources) from development sites, prior to the commencement of construction work. In line with National Planning Policy, prior extraction is a consideration due to the finite status of mineral resources and the need to ensure sustainable management of natural resources although prior extraction may not always be appropriate. There is no requirement under prior extraction to consider removal of economic mineral resources that lie at great depth beneath a development site, for example through underground working or deep surface mining, however the location of development within the Minerals

Safeguarding Area should be justified and prior extraction of shallow resources should be considered.

- 5.3.3. There is a presumption against development in minerals safeguarding areas to ensure finite resources are safeguarded for the future. Therefore even before prior extraction is considered applicants will need to demonstrate why this is the only suitable location for the proposal, and must make the case that there is an overriding need for the development to be located within a mineral safeguarding area. Consequently, proposals should avoid unnecessary development on minerals safeguarding areas. Overriding need may relate to provision of community facilities, delivering housing (especially affordable housing) in an area of identified need, necessary infrastructure improvements or a functional business need e.g. the expansion of an existing business, where such proposals would be permissible when assessed against other policies within the LDP. If there is no need for the development to take place on mineral safeguarding areas then permission is likely to be refused.
- 5.3.4. The viability of proposals for the extraction of mineral resources will be impacted by a number of factors. For example, with regards to environmental constraints it is likely that many of the same constraints that apply to the non-minerals aspect of the development will also apply to proposals for mineral extraction (e.g. impact on environmental designations) in addition to constraints more specific to mineral extraction such as potential landscape impacts. The Minerals Assessment should establish whether prior extraction of the resource would also be constrained by these factors.
- 5.3.5. When considering possible constraints to prior extraction, reference should be made to the requirements under LDP Policy MG25 (Mineral Working). It may also be necessary to consider the requirements of other relevant policies such as MD1 (Location of New Development), MD2 (Design of New Development) and MD7 (Environmental Protection). Evaluation of a development proposal in this context will assist in reaching a view on whether prior extraction is likely to be appropriate.
- 5.3.6. Prior extraction may require additional expertise for the works to be undertaken and it is advisable to engage with the mineral industry. Depending on the scale of the proposed extraction, the minerals extraction work may require further assessments such as Environmental Impact Assessment (EIA). Further information on EIA can be found on the Council's website.

- 5.3.7. In considering whether to proceed, it should be noted that there may be benefits to the applicant in undertaking these works, for example, revenue from the sale of the minerals recovered. In addition, prior extraction of surface resources can help reduce or remove land instability problems in areas that have been subject to previous mineral working. It may also help to resolve any land contamination issues associated with previous uses of the land.
- 5.3.8. The table overleaf sets out the various factors applicants will be required to consider and the type of justification or evidence that will be necessary to demonstrate that prior extraction is not appropriate. Where there are no justified reasons why prior extraction cannot take place a modified planning application or submission of a separate application will be required to assess the necessary mineral working proposals. The Council will need to assess and determine the planning application for prior extraction before any permanent built development can take place.

Considerations that may prevent Prior Extraction

| Consideration | Justification and Requirements |
|---|---|
| Is the resource constrained by existing sensitive development? | If extraction would have an unacceptable impact on environmental or amenity considerations, the development would be acceptable under LDP Policy MG22(ii). No further justification is required. |
| Are there any environmental constraints to Prior Extraction? | <p>Prior extraction could have unacceptable impacts on important environmental features. The Council will need to consider whether environmental considerations outweigh the need for prior extraction. Details of impacts on the following features could be provided as part of any justification:</p> <ul style="list-style-type: none"> • Landscape designations (e.g. Special Landscape Areas) • Historic assets and their settings (e.g. Listed buildings, Historic Parks, Conservation Areas) • Ecological and biodiversity features (e.g. Sites of Importance for Nature Conservation) • Hydrology impact on groundwater or flood risk; or • Land stability. <p>For example, see LDP Policies MG17 (Special Landscape Areas), MG25 (Mineral Working), MD7 (Environmental Protection) and MD8 (Historic Landscape).</p> |
| Would there be any adverse cumulative or incremental impacts on the resource? | If it can be demonstrated that the development would have no significant impact on the possible working of the resource by reason of its nature or size then no further justification would be required. However, consideration should be given to the impact that incremental developments could have on the future working of the wider resource, particularly when other existing or approved developments are considered. |
| Is the mineral confirmed and would Prior Extraction be viable? | If the mineral resource in question is in insufficient quality or quantity to be economically viable to extract, then prior extraction will not be required. |
| Are there other reasons why prior extraction cannot take place? | <p>Prior extraction may not be appropriate for a number of reasons and each case will need to be considered on its own merits. For example, it may not be technically feasible, it could delay the justified development beyond a reasonable timescale, or there may be no market for the material taking into account the timescale of the development and storage may not be appropriate.</p> <p>The following may be relevant in these cases:</p> <ul style="list-style-type: none"> • Additional costs or savings - effect on |

| | |
|--|---|
| | <p>deliverability and viability of the proposed development;</p> <ul style="list-style-type: none"> • Interested operator/local market for the minerals; • Distance from the site to market destination; • Possibility of mineral storage and processing (on or off-site) for use or later use/export; or • Overriding need for the development without unreasonable delays. <p>Developers will be required to demonstrate why it is not practical or desirable to extract the material in conjunction with the proposed development. They will also be required to demonstrate why it would not be possible to modify the proposal to avoid sterilisation of the resource. In considering such justification, the impact of phases of development which could provide the ability to store materials prior to exporting off site should also be considered.</p> <p>If it is considered that there is no market demand for the mineral resource at the time of the application, information regarding the viability of the resource will be required. Responses from three credible sources will normally be expected to be provided by the applicant as evidence that the matter has been investigated. As market demand for mineral resources changes over time, this is a matter that would need to be re-tested should a re-submission be made at a later date.</p> <p>The Council will need to consider whether the need for the development and these factors, outweigh the need for prior extraction. If, having carried out the above evaluations, the Council cannot identify a sufficiently justified reason why prior extraction cannot take place in conjunction with the development, a planning application for the prior extraction of the mineral will be required.</p> |
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5.4. Demonstrating Extraction would have an Unacceptable Impact (Criterion 2)

5.4.1. Criterion 2 of LDP Policy MG 22 states that new development will only be permitted in an area of known mineral resource where (amongst others) it has first been demonstrated that extraction would have an unacceptable impact on environmental or amenity considerations.

- 5.4.2. As Sandstone and Limestone resources require deep extraction which predominantly consists of blasting, a minimum buffer distance of 200 metres from sensitive development is required for extraction. Sensitive development is defined as “any building occupied by people on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity should be expected. Sensitive development could also include specialised high technology industrial development where operational needs require high standards of amenity.” (MTAN1, paragraph 70). Sand and Gravel are located nearer to the surface and have different techniques used for extraction which have a smaller detrimental impact on sensitive development as such MTAN 1 advises the minimum buffer distance is 100 metres from sensitive development for the extraction of sand and gravel resources.
- 5.4.3. In addition to areas in close proximity to sensitive development there will be other parts of the Minerals Safeguarding Areas where extraction of the resource would have an unacceptable impact on environmental or amenity considerations, meaning extraction would fail to meet policy MG 25 amongst others.
- 5.4.4. Where prior extraction is a possibility, developers will need to consider the implications the proposal would have on the wider resource as well as on the site itself. For example, where sensitive development is proposed, developers should consider the impact the development would have on extracting resources in the surrounding area as well as on the site itself. Particular consideration should be given to the mineral buffer zones required around sites for mineral extraction as set out under Section C of MTAN 1 due to the potential effect sensitive development can have on the surrounding area in terms of hindering future extraction of the resource. This will ensure the continued safeguarding of the mineral resource for future generations as outlined in MPPW. (add footnote reference to MPPW section).
- 5.4.5. Where developers consider that extraction would have an unacceptable impact on environmental or amenity considerations they will need to explain and justify this conclusion in their Minerals Assessment.

5.5. Demonstrating Development would not have a Significant Impact on the Mineral Resource (Criterion 3)

- 5.5.1. Criterion 3 of LDP Policy MG 22 states that new development will only be permitted in an area of known mineral resource where (amongst others) it

has first been demonstrated that the development would have no significant impact on the possible working of the resource by reason of its nature or size. The supporting text to LDP Policy MG22 states that small scale development proposals such as limited infill, household or agricultural development will often be permissible in safeguarding areas, although they will first need to demonstrate that they would not prejudice future exploitation of the safeguarded resource.

5.5.2. There are some types of minor development for which the sterilisation of a minerals resource is likely to be negligible and which therefore satisfy the requirements of Policy MG22, these include:

- Minor householder development;
- The alteration, conversion or extension to existing buildings unless intensifying activity on site;
- Change of use, where this does not introduce sensitive development;
- Prior notifications (telecoms, forestry, agriculture, demolition);
- Works to trees;
- Advertisements;
- Temporary planning permission where the site will be restored;
- Non Material Amendments to extant planning permissions; and
- Certificates of Lawfulness of Existing Use or Development.

5.5.3. However all development proposals will be determined on a case by case basis.

5.6. Assessing the Quality and Quantity of Minerals Resource (Criterion 4)

5.6.1. Criterion 4 of LDP Policy MG 22 states that new development will only be permitted in an area of known mineral resource where (amongst others) it has first been demonstrated that the resource in question is of poor quality / quantity. This justification will require information on the type and extent of the mineral.

5.6.2. The British Geological Survey may be able to provide further site specific details (there is a commercial charge for this service). Alternatively, detailed site surveys could be provided. Details should include:

- Depth of the deposit and variability across the site;
- Depth of overburden and variability across the site;
- Ratio of overburden to mineral resource;

- Mineral quality (e.g. BSI) standard or equivalent with or without processing; and
- Estimated gross mineral resource affected by the development.

5.6.3. To assess the quality and quantity of the mineral resource that is affected by the development proposal, it is likely that a developer will need to undertake mineral exploratory survey work where further information is not available from the British Geological Survey. This could be undertaken as part of the initial ground investigation works and should include boreholes and/or trial pits. Where appropriate, it is recommended that a draft trial pit/borehole location plan is agreed with the Council at the pre-application stage in order to avoid delays and the need for further surveys. More information on the Council's pre-application services is available on the planning pages of our web site www.valeofglamorgan.gov.uk

5.6.4. The spacing of trial pits and/or boreholes is important to ensure that a thorough assessment of the mineral resource thought to be present can be made. An initial spacing of approximately 150m is generally considered acceptable, although additional densities may be required to determine the extent of the minerals resource as appropriate.

5.6.5. The assessment may conclude that the site is partially viable for extraction. In such circumstances the Council will encourage prior extraction of as much material as is practicable.

5.6.6. If the Council is satisfied that the Mineral Assessment information adequately demonstrates that prior extraction would not be appropriate or viable, the promoter/applicant is encouraged to utilise any mineral resources excavated through incidental extraction during the construction of any development permitted in the interests of sustainable development.

5.6.7. Where it is found that prior extraction is viable as part of the Minerals Assessment a separate planning application will be required for the mineral workings or the applicant will be requested to amend the current planning application to accommodate the extraction of the mineral resource.

6. Pre-application Advice

- 6.1. Prior to the submission of a formal planning application, the Council encourages applicants utilise the pre-application service offered by the Council. Pre-application advice provides a breakdown of the planning issues that would require consideration as part of the assessment of the development proposal which can save unnecessary work, costs and delay through negotiation later in the process.
- 6.2. Consideration of safeguarding issues at the pre-application stage helps speed up the planning application process and presents the best opportunity to plan the timing of any necessary surveys or workings and can inform any adaptations that may be necessary in the design of the development.
- 6.3. A fee is applicable for pre-application advice and the information and assessment provided at that time would be without prejudice to the consideration of a formal planning application. Further information on the Council's pre-application advice services can be found on the Council's website www.valeofglamorgan.gov.uk/planning or from the Council's Development Management section:

Development Management Dock Office,

Barry Docks,

Barry

CF63 4RT.

Duty Officer: (01446) 704681

Email: planning@valeofglamorgan.gov.uk

7. Useful Contacts

British Geological Survey Columbus House,
Greenmeadow Springs,
Tongwynlais,
Cardiff,
CF15 7NE
Tel: 02920 521962
E-mail: bgs-wales@bgs.ac.uk

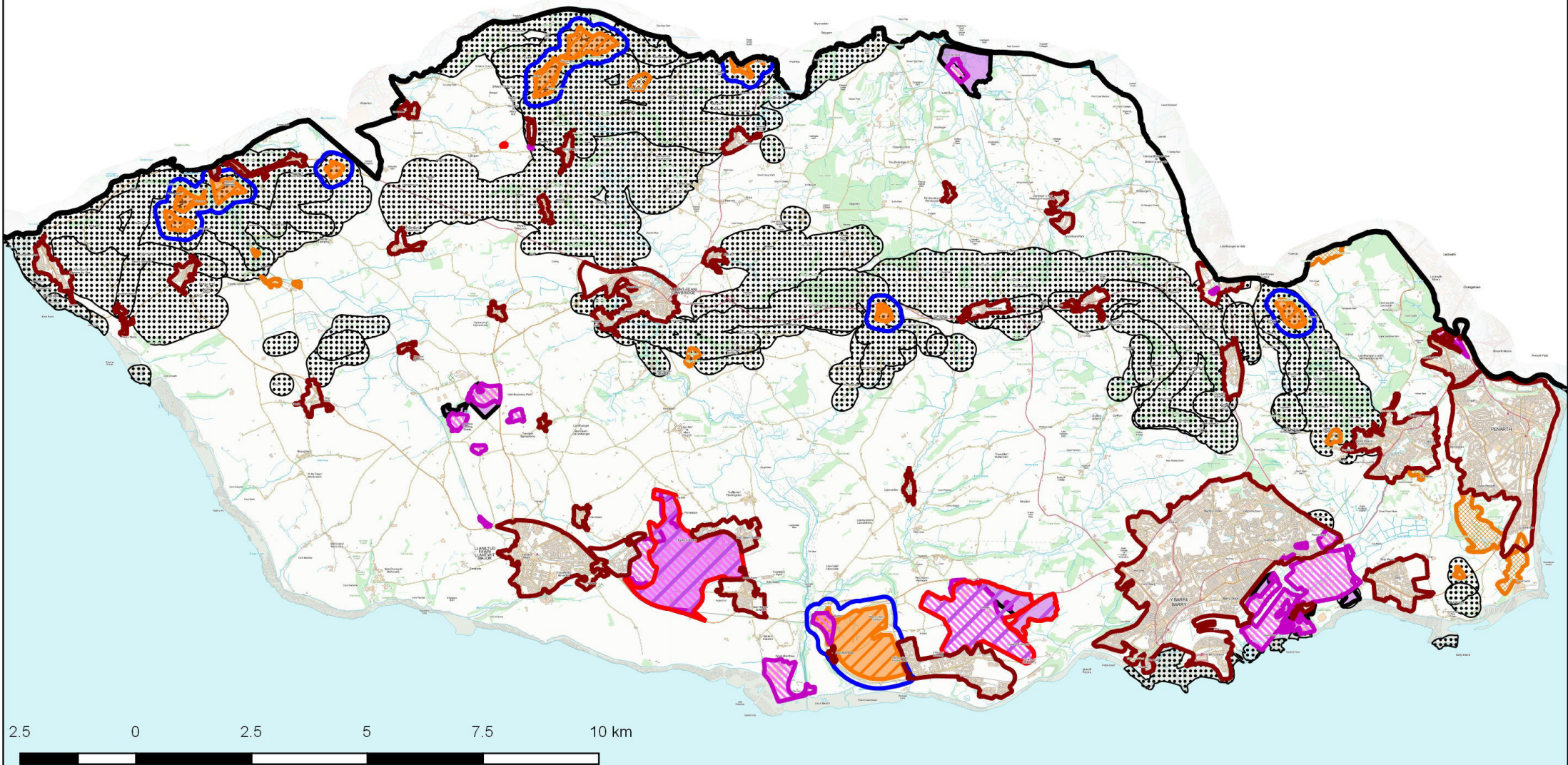
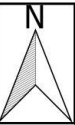
Online Mineral Resource Maps:
www.bgs.ac.uk/mineralsuk/planning/resource.html

Minerals Products Association Wales
Penyfron,
Fron,
Montgomery
SY15 6SA
Tel: 01686 640630
Email: dh@hardingpr.co.uk











8. Appendices

8.1. Appendix 1: Mineral Safeguarding Area Maps

Mineral Safeguarding Area for the Vale of Glamorgan - Limestone Category 1

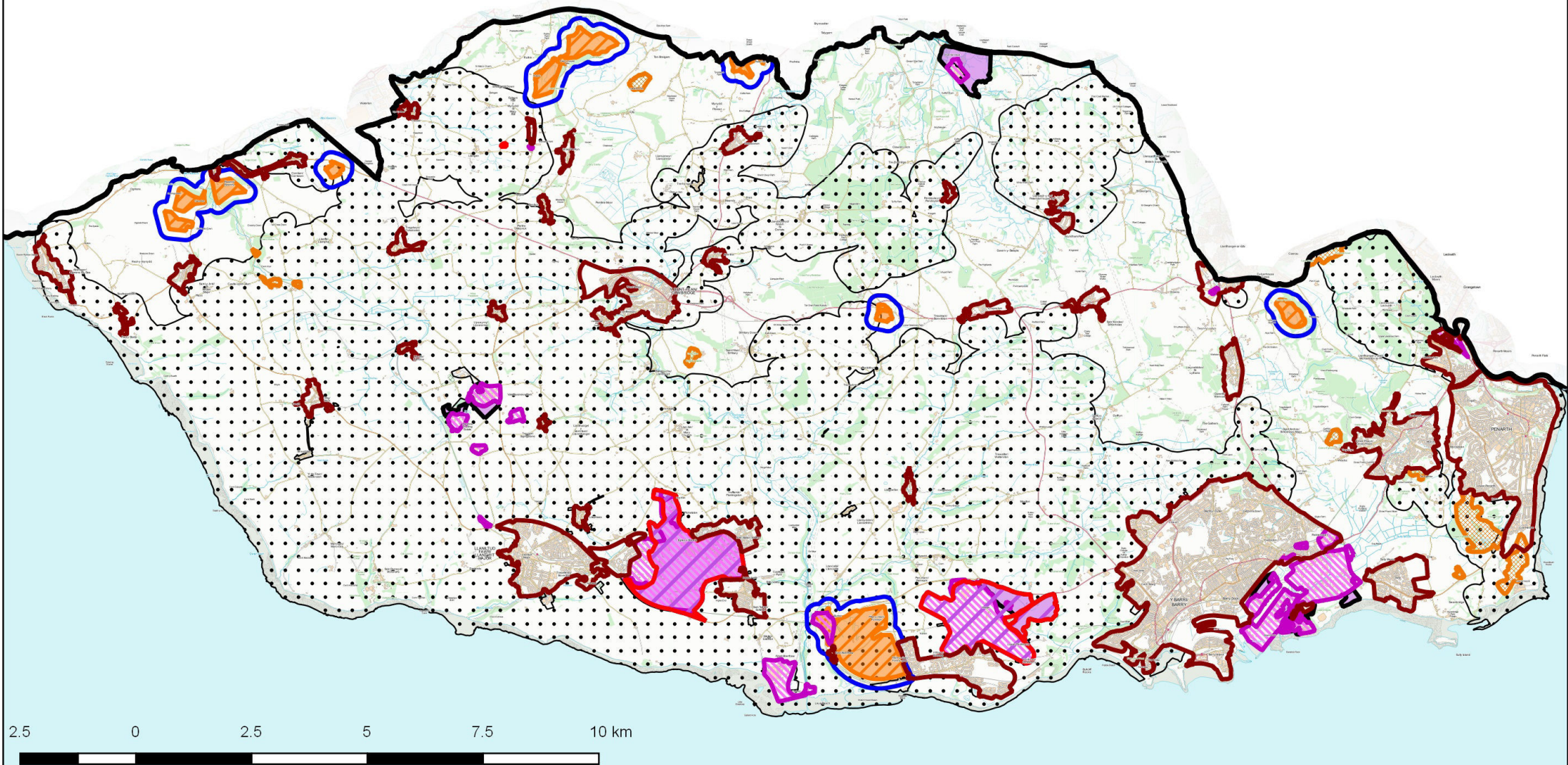
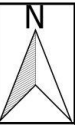


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






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|--|---|--|---|--|
|  VoG Boundary Line |  Traveller Site |  Enterprise Zone |  Quarry Site |  Dormant Mineral Site |
|  Settlements |  Employment Allocation |  Existing Employment Site |  Quarry Buffer Zone (200m) |  Mineral Safeguarding Limestone 1 |

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Mineral Safeguarding Area for the Vale of Glamorgan - Limestone Category 2

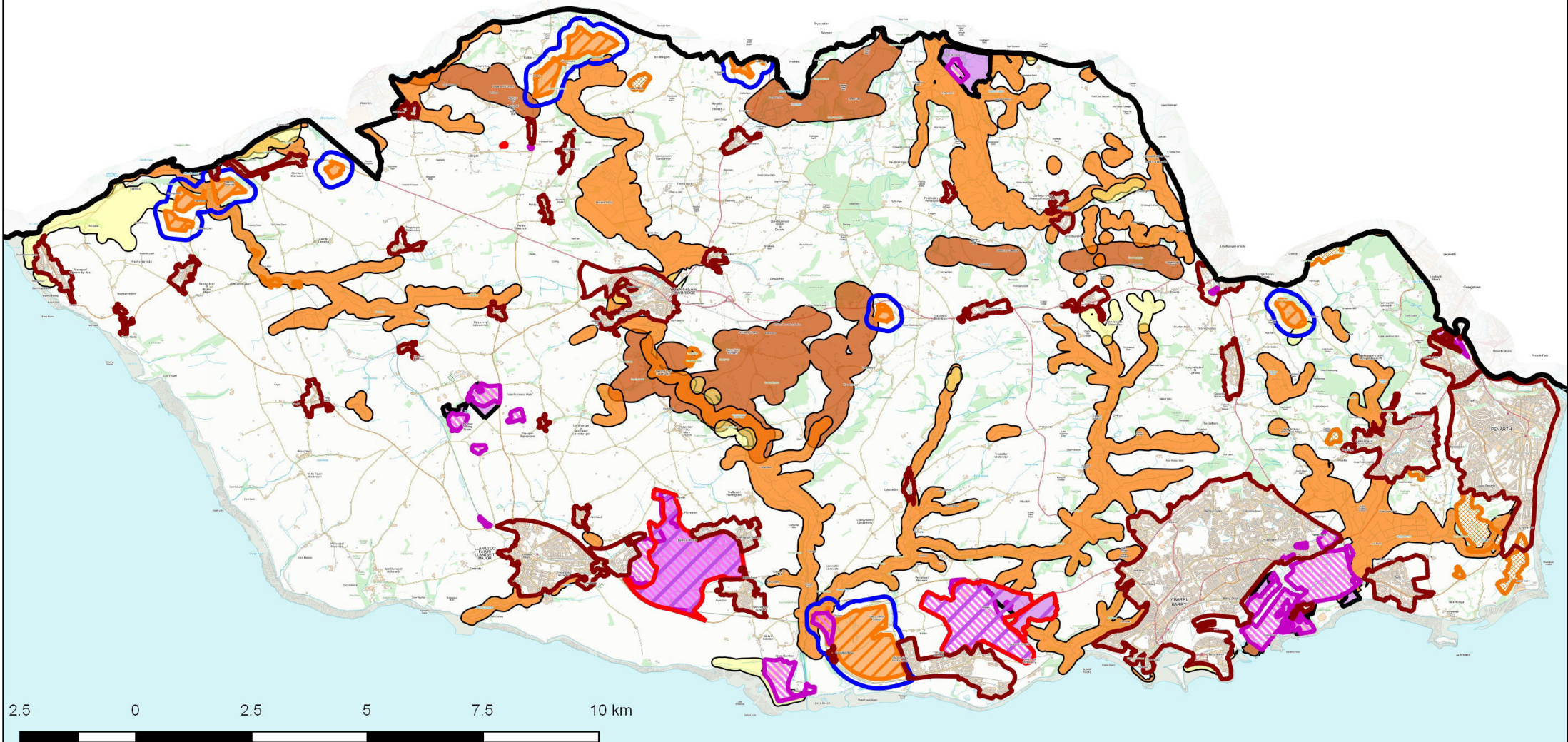
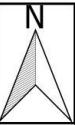


Legend:













- | | | | | |
|--|---|--|---|--|
|  VoG Boundary Line |  Traveller Site |  Enterprise Zone |  Quarry Site |  Dormant Mineral Site |
|  Settlements |  Employment Allocation |  Existing Employment Site |  Quarry Buffer Zone (200m) |  Mineral Safeguarding Limestone 2 |

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Mineral Safeguarding Area for the Vale of Glamorgan - Sand and Gravel Category 1 & 2 and Sandstone Category 2



Legend:

- | | | | | | | | |
|--|-------------------|---|--------------------------|---|---------------------------|---|--------------------------------------|
|  | VoG Boundary Line |  | Employment Allocation |  | Quarry Site |  | Mineral Safeguarding Sand & Gravel 1 |
|  | Settlements |  | Enterprise Zone |  | Quarry Buffer Zone (200m) |  | Mineral Safeguarding Sand & Gravel 2 |
|  | Traveller Site |  | Existing Employment Site |  | Dormant Mineral Site |  | Mineral Safeguarding Sandstone 2 |

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