

Island Plan Mineral Safeguarding Areas

**A guide to the application of Mineral
Safeguarding Areas to non-mineral
related development**

June 2012

Introduction

This guidance has been produced to assist decision-making on proposals for non-mineral related development within the Island Plan's Mineral Safeguarding Areas (MSAs). For the Island the Local Planning Authority is also the Minerals Planning Authority.

Core Strategy policies SP9 Minerals and DM20 Minerals set out the need for and requirements relating to MSAs.

Consideration of MSAs

MSAs are identified on the Proposals Map and their aim is to protect mineral related assets from unnecessary sterilisation by non-mineral related development. However, the British Geological Survey Guide to mineral safeguarding¹ advises Mineral Planning Authorities to give due regard and consideration to whether any types of planning applications should be exempt (this is with regards to the consultation arrangements required by Mineral Consultation Areas, which do not apply on the Island², but this establishes the concept that not all development should be constrained by mineral designations), as not every development proposal within or close to an MSA represents a risk to future minerals extraction.

For example, most householder planning applications to extend properties and infill development are unlikely to raise concerns, so can be excluded from the process. The main risks will come from proposals with significant increases in or creation of new footprint in the open countryside (eg outside of settlement boundaries as defined on the Proposals Map).

MSA exempt development

The Isle of Wight Council considers that the following categories of development are considered exempt from the policy requirements as set out in DM20 Minerals:

- All householder planning applications, except for new dwellings
- All applications for advertisements
- Infill development
- Reserved matters applications
- Minor extensions/alterations to existing uses/buildings
- Temporary development (the period of any temporary development will be set based upon the known quality, extent and value of the mineral)
- Agricultural development adjacent to existing farmsteads
- Minor works (e.g. fences, bus shelters etc)
- Amendments to current permissions (with no additional land take involved)
- Development which is in accordance with adopted Island Plan Development Plan site allocations

The above categories have been identified through a combination of the BGS guidance and such criteria being developed by other MPAs³.

¹ A guide to mineral safeguarding in England, British Geological Survey, October 2007

² The BGS guidance states that Mineral Consultation Areas are "...simply a mechanism which aims to ensure that in two-tier authority areas consultation takes place between county and district planning authorities when minerals interests could be compromised by proposed non-minerals development."

³ Other MPAs included Nottinghamshire Minerals and Waste Development Framework, Mineral Safeguarding Background Paper, Pre-publication draft April 2009, Kent County Council Kent Minerals and Waste Development

Tests for non-mineral related development within MSAs

Development proposals within an MSA, other than the exemptions listed above, must assess the potential impact they will have on the mineral resource, taking a proportionate approach to the tests set out in Table 1 below.

Table 1: Tests for non-mineral related development within MSAs

DM20 MSA Requirements a-d	Tests	Development Type ⁴
<i>a. the applicant can demonstrate to the satisfaction of the Council that the mineral concerned is no longer of any value or potential value</i>	Intrusive survey of site ground conditions, confirming either the presence of the mineral for which the MSA designation is applicable, or the absence of the mineral.	Major & Minor
	If minerals are confirmed on site then; 1. Informed by intrusive survey (above) state mineral type and provide an estimate of quantity of minerals to be sterilized. 2. Details of the total area of the site, including any required access and mitigation requirements (e.g. green space/green infrastructure) and the relevant MSA buffers (100m buffer for development/urban areas ⁵). 3. Details of the spatial relationship of the proposed development to the MSA, i.e. is it partially within (if so what % of the site and area), or wholly within the MSA (if so how far from the nearest MSA boundary is the site).	Major & Minor
<i>b. the mineral can be extracted satisfactorily prior to the incompatible development taking place</i>	Consideration of prior extraction of minerals, or in a phased programme.	Major only
<i>c. the incompatible development is of a temporary nature and 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</i>	Nature of the permission sought, i.e. in perpetuity or time-limited.	Major & Minor
<i>d. there is an overriding need for the incompatible development.</i>	Reasons why this site has to be developed for this proposal over any alternatives, if such alternatives are available.	Major only

Framework Minerals Topic Report 4: Mineral Safeguarding, Durham County Council Safeguarding Mineral Resources for the Future 3 Mineral Safeguarding Areas Implementation.

⁴ Major development - As defined in the Town and Country Planning (General Development Procedure) Order 1995 (as amended) by the Town and Country Planning (General Development Procedure) (Amendment) Order 2006 Minor development - Development that falls below the thresholds for major development

⁵ Table 3.1 Further Definition of the MSAs, Assessment of the Potential for Mineral Sites on the Island – Site Options Report (October 2010)