

Greater Manchester Minerals Plan

Examination in Public

Matter 3 Mineral Safeguarding Areas

Issue: Whether it is appropriate to exclude the urban areas from MSA's. In particular:

- *How will Mineral Safeguarding work in practice?*
- *Who will assess the need to work the mineral to determine whether prior extraction is appropriate?*
- *Does exclusion of land from an MSA weigh against prior extraction of a mineral should it be present?*

MPA Comment

Introduction

1. The following arguments are based on the latest guidance from BGS, *Mineral safeguarding in England: good practice advice*, published in October 2011.

How will Mineral Safeguarding work in practice?

2. This is a question which only the authorities can answer with any fullness. However, I shall rehearse the main elements of how we expect it to work.
3. The MSAs are designated by the district/metropolitan authorities as constraints and included at an appropriate scale in their Proposals Maps. Applications made on these areas are then 'flagged' for evidence of mineral present. The validation requirements for each authority need to include the requirement for a mineral assessment if the site is within an MSA. The supporting text of the plan (paras 6.13-6.17) summarises the process of consideration of applications in MSAs. If on survey, mineral is found to be present in exploitable quantities then unless the proposed development can claim it is exempt development under the second part of the policy, it must satisfy one of the four criteria of Policy 7. In this respect, the plan follows the BGS guidance and is satisfactory.
4. However, we remain severely critical of certain aspects of the plan's approach to mineral safeguarding. First, there remain a number of uncertainties and anomalies in the definition of the boundaries which cause us concern based on geology.
5. To take one example (since we do not have the resources to examine each MSA in detail); Astley Moss is a peat operation that works the underlying sand and gravel. It seems clear from

the local geological mapping information (see Maps 2a and 16) that the gravel extends under the peat for a considerable distance. Yet the site and its surroundings are not shown as part of the sand and gravel MSA, but the peat MSA, which will give an erroneous impression of the presence and value of the mineral beneath such land (maps 2a & 16). This should in my opinion have rung alarm bells with the plan production team that the methodology of delineating MSAs was flawed. There may be similar examples of other drift deposits in other parts of the plan area.

6. The authorities have correctly used the BGS data as a starting point for the delineation of MSAs. However, the guidance (paras 4.2.4 - 4.2.8) advises that amendments may be required to the draft MSA boundaries for geological reasons as a result of consultation. I have no doubt that some consultation was carried out, but since this was before I took on DPD monitoring for the MPA I can't confirm how the organisation responded. During recent discussions with some colleagues it has become apparent that further consideration needs to be given to the detailed boundaries, perhaps in consultation with BGS as well as the industry with a view to improving the accuracy of the MSAs. This need not be onerous or lengthy but the authorities need to take expert geological or geomorphological advice of the likely occurrence of sand and gravel associated with other drift deposits.
7. Second, we believe the reasons given for excluding the urban areas are weak and unjustified but I shall leave consideration of this to the final question.
8. Third, the plan's approach ignores the important issue of sterilisation by proximal development which is covered by MPS Practice Guide para 32 and the BGS document para 2.3.2 and Figure 2 (plus Case Study 8). Sterilisation by proximal development can occur where the proposed development is outside the mineral resource area but its presence would adversely affect future mineral working as the illustrations in the BGS guidance demonstrates. This can not only occur around existing workings but also in any part of the MSA. An examination of the MSA boundaries confirms that they follow the boundary of the BGS resources very closely whilst the plan text (App 1, para 1.21) indicates that if anything they have been reduced to create buffers to existing development when instead they should be extended beyond the resource boundary. Buffers should be contemplated around the sand and gravel resource to protect it against urban encroachment.

Who will assess the need to work the mineral to determine whether prior extraction is appropriate?

9. I have interpreted this question as asking how the relative merits of the proposed development and prior extraction will be evaluated if they are mutually exclusive.
10. First of all, it is imperative that any developer's report on the presence and viability of mineral found beneath a site should be evaluated to the same standards that the mineral industry uses. Thus both the quantity and quality of mineral should be fully determined, it should be tested by laboratories to determine (in the case of aggregates) the basic results for yield, grading, silt content, contamination, strength, abrasion, impact, fines value, flakiness, absorption, etc. Such a report should also make an assessment of sterilisation of mineral outside the boundaries of the site by reason of proximity.
11. Second, the presumption should be that any economically viable resources should be worked unless to do so would compromise environmental interests to an unacceptable degree or would make the development unviable (by for example, creating a void that cannot be filled). Delay by itself should not be accepted as a reason not to proceed with prior extraction since this is within the control of the developer.
12. In all cases a developer should be expected to show accommodation of prior mineral extraction, either by phasing of development or by design changes to layouts or landscaping/amenity areas. If prior extraction cannot be accommodated a developer would also be expected to present a case to that effect.
13. Armed with all the available information the planning authority would be in a position to make a judgement on the relative merits of development and prior extraction, and whether the mineral interest outweighs the value of the development if the two are mutually exclusive.
14. Considerations of landbanks should not in our view be used to resist prior extraction; such deposits should be seen as opportunities and windfalls.

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

15. In short, yes. For the simple reason that no-one will be aware it is there if it is not flagged up as a constraint. The existence of MSAs presupposes that no developer will volunteer to extract mineral prior to development and that without protection it will be sterilised. If mineral bearing

land is not in an MSA its presence will not be confirmed, its viability will not be investigated and its value will not be assessed.

16. Moreover, land likely to contain mineral but excluded from an MSA under the plan methodology falls into two categories; urban areas and mineral associated with other drift deposits as explained previously. Furthermore, mineral will also be sterilised (or not extracted prior to development) if development sites lie outside of an MSA but has the ability to sterilise mineral by proximity to viable resources (BGS para 4.2.8). Since the principles applying to each of these categories are similar, I only intend to deal with urban areas for illustrative purposes in relation to the question.

Urban Areas

17. The greatest potential for prior extraction is beneath large regeneration projects and brownfield sites (BGS para 4.2.10). To that we might add Urban Extension Areas. Given the fact that most of the plan area outside of the urban core is Green Belt, one might think that the prospects of sterilisation from development within the MSAs are low. However, the underlying resource is most at risk where development is likely to take place, and that is in the urban areas.

18. The plan lists several reasons for excluding the urban area, none of them convincing. The guidance is specific in advising on the inclusion of urban areas; the BGS document mentions the need to include the whole resource in paras 4.2.3, 4.2.6 and 4.2.10. Particular mention is made of the need to designate MSAs in urban areas for sand and gravel (para 4.2.10). An exception is allowed for minerals such as hard rock where the extraction methods are not conducive to the close proximity of urban land uses (BGS para 4.2.11). One of the benefits of MSAs in urban areas is that the boundaries do not have to be redrawn frequently to accommodate urban growth whilst eliminating arguments about the precise extent of the urban area.

19. The plan argues that excluding urban areas in no way prevents the extraction of minerals in appropriate circumstances (para 6.5). However, we cannot see how prior extraction will ever take place in urban areas if they are excluded from MSAs since the relevant mineral interest will not be flagged up and neither developers nor planning authorities will be aware of it. This is contrary to national Policy. MPS1 states that one of the purposes of MSAs in unitary planning areas, is to “...define MSAs in LDDs to alert prospective applicants for non-minerals development to the existence of valuable mineral resources;” That remains a valid objective and it is no more onerous than surveying for ecological or archaeological interest and adjusting development priorities to accommodate legitimate interests.

20. The plan also says that including urban areas in MSAs might impede much needed economic regeneration and economic development. In severe cases it might lead to lost opportunities and delays or to failure to meet district targets for housing and employment. However, MPS1 is clear that the purpose of MSAs is so, “...that proven resources are not needlessly sterilised by non-mineral development...” This applies not just to large scale development but also to established urban areas because it is possible for quite small developments to sterilise mineral if they are in the wrong place. However, by only restricting MSAs to rural areas where there is less pressure to develop (especially in the Green Belt), the minerals interest is excluded from the very areas where there is greatest need for protection from non-mineral development. This is why BGS advise that urban land and environmental designations should be included in MSAs – so that the mineral interest is flagged up and considered in development decisions, just like any other resource issue.
21. The plan also argues that identifying the full extent of the resources available may place onerous requirements on developers and Councils to provide / assess data on mineral resources when applications for non-minerals development are made in the urban area. Excluding the urban area and allowing proposals to be considered as they happen removes this burden.
22. However, for developers the requirements would be no more onerous than identifying the extent and value of other scarce resources such as archaeology, protected species, water, etc. Or are minerals of inherently less worth than other resources? In any event, if the mineral interest is flagged up early enough in the development process, it gives adequate time for extraction to be carried out. The potential burden on the authorities can be alleviated greatly by the application of exemption criteria as the policy recognises. This will greatly reduce the number of qualifying applications. For the authorities’ argument to have any validity (i.e. that relevant development proposals will be captured when considered on an ad hoc basis) will require some indication from them about how proposals in the urban area will be flagged as having a mineral interest when the constraint is not applied to that area of land.
23. In conclusion, we would argue that the MSAs are not sound because they do not follow national guidance and are not fully justified and should
- include urban areas
 - include a buffer beyond the mineral resource to stop sterilisation from proximal development
 - be further examined to include resources associated with other drift deposits.