

Main Matter 3: Mineral Safeguarding Areas (MSA)

Background

1. Salford City Council is one of the Greater Manchester Authorities which together have commissioned the Minerals & Waste Planning Unit (MWPU) to draft the Greater Manchester Joint Minerals Plan.
2. The City Council agrees with the statement by MWPU on Matter 3 but wishes to also submit a statement from the local planning authority perspective. This statement is in line with the council's earlier comments made in response to Question 15 of the Preferred Approach consultation.

Key Issue: Whether it is appropriate to exclude the urban areas from MSAs

3. *Planning Policy Statement 12 Local Spatial Planning* states that spatial planning aims to:

“produce a vision for the future of places that responds to the local challenges and opportunities, and is based on evidence, a sense of local distinctiveness and community derived objectives, within the overall framework of national policy and regional strategies” (paragraph 2.1).
4. In considering whether it is appropriate to exclude the urban area from MSAs, it is therefore important to take the characteristics of the Plan area into account. The nature of the Greater Manchester conurbation is such that the urban area is densely developed and presents few opportunities for prior extraction. Moreover, Greater Manchester contains a number of areas which are ranked highly in terms of indices of multiple deprivation and are therefore badly in need of inward investment and regeneration. Development which has taken place in the urban area has already sterilised mineral resources, any further sterilisation of mineral resources which may occur within the urban area would therefore be

limited compared to the existing position and would not be needless but a consequence of much-needed economic growth. As such, the City Council does not consider that excluding the urban area from the MSAs will result in the needless sterilisation of proven mineral resources.

a) How will Mineral Safeguarding work in practice?

5. The process for how mineral safeguarding will work in practice is set out by MWPU in their statement on this matter and also in the Process Flow Chart submitted to the Inspector in December 2011.
6. The MSAs as set out in the Submitted Plan have been drawn excluding the urban area in order to allow a rigorous application of the policy without imposing a disproportionate burden on non-minerals development, thus preventing the needless sterilisation of proven mineral resources.
7. The City Council is concerned that if the minerals safeguarding areas were expanded to include the urban area, an unnecessarily high proportion of applications would be covered by the policy and would require either prior extraction to take place or an assessment to demonstrate why prior extraction was not practicable. This would include applications as small as a proposal to construct a single dwelling. Many applications are not the subject of pre-application discussions and therefore it cannot be assumed that the local planning authority would have the opportunity to discuss requirements with applicants prior to an application being submitted.
8. The result of requiring information on minerals from such a large proportion of applications would be an increase in delays, costs and bureaucracy in a planning system within which the Government has clearly indicated it wishes the opposite to happen. This is set out, for example, in the 2010 *Local Growth White Paper* which noted that:
“In order for the planning system to help, not hinder development, it needs to be light-touch, fast and responsive” (paragraph 3.14).

And in *The Plan for Growth* (published as part of the 2011 Budget),
which states that

“One of the most significant burdens highlighted consistently during the Growth Review has been the UK’s overly slow and bureaucratic planning system.” (paragraph 1.26)

And

The frustration and uncertainty involved in navigating our complex planning system is a frequent complaint from businesses, and is cited as one of the leading concerns for potential overseas investors (paragraph 2.6)

Information requirements are highlighted as a key issue, with paragraph 1.32 of *The Plan for Growth* noting that the Government has already cut back on the information required to support planning applications.

9. The Government is keen to ensure that information required as part of a planning application should be reasonable and proportionate. This is explicit in the Draft National Planning Policy Framework which states:
“Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.” (paragraph 59)

10. A large MSA over the northern half of Greater Manchester as requested by the Coal Authority could be considered as “a sledgehammer to crack a nut”. Based on an analysis of Salford planning applications submitted in 2011, it is estimated that approximately 40% of applications within MSAs would still need to demonstrate compliance with the policy and would not fall within one of the exemptions listed in Policy 7 of the Submitted Plan. Were the MSA to extend across the urban areas, this would affect many hundreds of planning applications each year in terms of needing to submit additional information. In comparison, any resulting minerals extraction within the urban area would most likely be negligible.

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

11. The city council has nothing to add to the statement by MWPU on this matter.

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

12. As explained in paragraph 6 of the MWPU statement on this matter, the Plan would allow for proposals for prior extraction on sites outside MSAs to be considered on a case by case basis.
13. In terms of coal, which is the mineral that the good practice guidance notes can be extracted on small sites, Map 3 of the Submitted Plan indicates the extent of the workable shallow coal resource within Greater Manchester, so this information is contained within the Plan without its inclusion within the MSA.
14. Moreover, of the examples of prior extraction set out by the Coal Authority within their Appendix 3, in most cases prior extraction was required in order to provide stable ground suitable for building foundations. There is no evidence provided within Appendix 3 that the existence of an MSA was required in order for such extraction to take place. It is worth noting that this Appendix is erroneously labelled Case Studies in Urban Areas in England, as 3 of the 8 case studies are in Scotland or Wales and therefore under different planning regimes. Of the remaining 5, one of the Derbyshire examples was adjoining rather than within the existing urban area. Areas adjoining the existing urban area have been included within the proposed MSAs in the Submitted Plan.
15. Developers will generally seek to maximise the value of a development site. Therefore, if extraction is commercially feasible and consistent with planning policy then developers are likely to seek to bring it forward whether or not there is a safeguarding policy. If prior extraction is not

commercially feasible then it would not take place even if there was a safeguarding policy.

16. The City Council will take underlying mineral resources into account in developing its forthcoming Site Allocations Development Plan Document. This will include raising the issue of mineral resources as a constraint and identifying any significant sites where prior extraction needs to be considered.

Further Note

17. As is explained in paragraph 6 above, Policy 7 in the Submitted Plan and the accompanying MSAs have been designed to allow a rigorous application of the policy without imposing a disproportionate burden on non-minerals development. Should the Inspector be minded to conclude that it is not appropriate to exclude the urban area from MSAs, the council considers that further changes to Policy 7 may need to be made. This may involve extending the list of exemptions in order to allow the smooth operation of the safeguarding policy over what then would be a very large area.
18. If the MSA is extended across the urban area then it is vital that any associated policy is clear as to what this means for individual planning applications, and seeks to minimise any potential impacts in terms of the cost of submitting a planning application, the amount of evidence that needs to be provided, the speed with which an application can be determined, and the speed with which much needed regeneration can take place within Salford.