

Leicester City Local Plan; Development Management Policies Consultation 2017

DRAFT Representation on behalf of the **Mineral Products Association (MPA)**.

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We welcome the opportunity to comment on above document and are pleased to see that minerals have been considered. Our observations below are hopefully to ensure that the Plan is sound.

**DM Policy 54.Managing Leicester's Minerals resources**

While it is welcomed that the Council commits to contributing to the region's supply needs to ensure that an adequate and steady supply of minerals the policy is not explicit enough.

NPPF requires (para145) that *Mineral Planning Authorities should plan or a steady and adequate supply of aggregates by;*

*Making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock....*

Policy DM 54 needs to be redrafted to proper reflect the requirements of the NPPF.

Furthermore it is considered that the topic of the mineral safeguarding is not adequately covered within DM54. There needs to be a specific policy to deal with the issue of mineral safeguarding.

Effective safeguarding of minerals helps to preserve finite resources for the future, although there is no presumption that safeguarded resources will be worked. Sensitive development in close proximity to minerals resources can also impact on the ability to work a resource in future, as a result of the impacts necessarily involved in working some minerals. It is therefore prudent to safeguard a limited buffer zone around the resource. The purpose of the buffer zone is to ensure that the potential impacts of development near to but just beyond the resource boundary are also taken into account when considering the potential for sterilisation of

minerals resources by other forms of development. Text for suggested policy as follows;

### **MSA POLICY**

***The following surface minerals resources and associated buffer zones identified on the Policies Map will be safeguarded from other forms of surface development to protect the resource for the future:***

- i) All crushed rock and silica sand resources with an additional 500m buffer;***
- ii) All sand and gravel, clay and shallow coal resources with an additional 250m buffer;***
- iii) Building stone resources and active and former building stone quarries with an additional 250m buffer.***

The issue of non-mineral development within or near a MSA needs also to be dealt with by a specific policy with suggested wording below;

***Within Surface Minerals Safeguarding Areas shown on the Policies Map, permission for development other than minerals extraction will be granted where:***

- i) It would not sterilise the mineral or prejudice future extraction; or***
- ii) The mineral will be extracted prior to the development (where this can be achieved without unacceptable impact on the environment or local communities), or***
- iii) The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or***
- iv) It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or***
- v) The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed; or***
- vi) It constitutes 'exempt' development (as defined in the Safeguarding Exemption Criteria list).***

***Applications for development other than mineral extraction in Minerals Safeguarding Areas should include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development***

It is noted that mineral infrastructure (concrete, coated stone, railheads) has no safeguarding policy. The NPPF is explicit on the subject of safeguarding mineral infrastructure and states at paragraph 143 (4<sup>th</sup> bullet point);

***143. In preparing Local Plans*** (emphasis added), *local planning authorities should:*

- *safeguard:*

- *existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and*
- *existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.*

It is clear from this policy that it is for the Local Plan to address the matter of safeguarding of mineral infrastructure.

Furthermore the Planning Practice Guidance (Minerals) at paragraph: 006 Reference ID: 27-006-20140306 states;

***Why should planning authorities safeguard existing, planned and potential storage, handling and transport sites?***

*Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:*

- *ensure that sites for these purposes are available should they be needed; and*
- *prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.*

*In areas where there are county and district authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in local plans will rest largely with the district planning authority. Exceptions will be where such facilities and sites are located at quarries or aggregate wharves or rail terminals.*

As Leicester City is a unitary authority it is clear from the above guidance in the PPG that the responsibility falls upon it to address all the matters of safeguarding on mineral infrastructure as set out in the NPPF and PPG.

The whole point of safeguarding is to ensure that essential infrastructure is protected from inappropriate development not only on the site itself but in its proximity. This is a strategic issue and as the purpose of the Local Plan is to identify future development sites for housing, employment and infrastructure the issue of safeguarding has

to be considered and dealt with in parallel with these issues. This will prevent essential mineral infrastructure being irreversibly sterilised.

A policy is required and suggested wording is set out below;

**Policy; Minerals ancillary infrastructure safeguarding**

***Minerals ancillary infrastructure sites (concrete batching, coated stone, construction recycling) identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for minerals ancillary infrastructure purposes, unless:***

- i) The need for the alternative development outweighs the benefits of retaining the site; and***
- ii) Where minerals ancillary infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or***
- iii) The site is not in use and there is no reasonable prospect of it being used for minerals ancillary infrastructure in the foreseeable future.***

***Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals ancillary infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.***

**Policy : Transport infrastructure safeguarding**

***Railheads, rail links and wharves identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the infrastructure for minerals or waste transport purposes, unless:***

- i) The need for the alternative development outweighs the benefits of retaining the facility; and***
- ii) Where the minerals or waste transport infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or***

- iii) ***The infrastructure is not in use and there is no reasonable prospect of it being used for minerals or waste transport in the foreseeable future.***

***Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals or waste transport infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.***

The suggested Safeguarding Exemption Criteria list is as follows;

- *Infilling in an otherwise built up frontage within a settlement*
- *Householder applications within the curtilage of a property*
- *Advertisement applications*
- *Reserved matters applications*
- *Applications for new or improved accesses*
- *Minor' extensions/alterations to existing uses/buildings which do not fundamentally change the scale and character of the use/building 'Temporary' development (for up to five years)*
- *Agricultural buildings adjacent to existing farmsteads*
- *'Minor' works such as fences, bus shelters, gates, walls, accesses.*
- *Amendments to current permissions (with no additional land take involved)*
- *Changes of use*
- *Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals and waste safeguarding requirements*
- *Listed Building Consent and applications for planning permission for demolition in a conservation area*
- *Applications for work on trees or removal of hedgerows*
- *Prior notifications for telecommunications, forestry, agriculture and demolition*
- *Redevelopment of previously developed land not increasing the footprint of the former development*
- *Certificates of Lawfulness of Existing Use of Development and*
- *Certificates of Lawfulness of Proposed Use or Development*

