Burnett, James

From: Planning Comments (SMDC)
Subject: FW: NO COMMENT REPLY - Con. ref. no. SMD/2018/0562
Attachments: Interim Guidance to District Councils - ~guarding Minerals of Local and ....pdf

From: Planning [mailto:planning@staffordshire.gov.uk]
Sent: Wednesday, September 05, 2018 1:45 PM
To: Planning (SMDC)
Subject: NO COMMENT REPLY - Con. ref. no. SMD/2018/0562

I refer to your consultation email dated 5 September 2018.

The County Council as the Mineral and Waste Planning Authority has no comments on this application as the site is:

- Not within or near to any permitted waste management facility; and
- Exempt from the requirements of Policy 3 Mineral Safeguarding in the Minerals Local Plan for Staffordshire 2015 2030.

To assist you in determining when to consult the Mineral and Waste Planning Authority, please note the guidance at paragraph 5.55 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 2026 and the attached interim guidance on mineral safeguarding sent to you in May 2017.

Thank you

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Safeguarding Staffordshire's minerals and important infrastructure

Interim guidance - May 2017

Staffordshire County Council, as the Mineral Planning Authority, adopted the Minerals Local Plan for Staffordshire (2015 – 2030) (MLP) in February 2017. Based on Government guidance[1], Policy 3 'Safeguarding Minerals of Local and National Importance and Important Infrastructure' establishes new criteria for the assessment of planning applications for non-mineral related development within 'mineral safeguarding areas' and near to 'safeguarded mineral infrastructure sites'.

Policy 3 and Appendix 6 to the MLP (see below) explain that some types of development are exempt from the requirements of Policy 3 which will reduce the number of applications that you need to refer to us. For example, applications that fall within the development boundary of an urban area or rural settlement will not need to be forwarded to the Mineral Planning Authority unless the application relates to 'major development' within a coal and fireclay mineral safeguarding area as separately defined from other mineral safeguarding areas.

Mike Grundy, Planning, Policy and Development Control Manager at the County Council has previously circulated guidance to the Staffordshire Development Control Officers' Group on validation requirements relating to mineral safeguarding areas or mineral infrastructure sites and updated validation guidance is provided below. Please do not hesitate to contact me, if you wish to discuss the use of Policy 3 or national policy requirements for mineral safeguarding.

GIS mapping layers

I have attached new GIS mapping layers that identify the 'mineral safeguarding areas' and 'safeguarded mineral infrastructure sites' that will help you to assist us in implementing Policy 3.

I would be grateful if you could make arrangements for the GIS mapping layers to be incorporated into your GIS and then use the information to assess whether applications for non-mineral related development affect 'mineral safeguarding areas' or 'safeguarded mineral infrastructure sites' as defined under Policy 3.

The new GIS mapping layers replace the mineral consultation areas and mineral safeguarding areas associated with the Staffordshire and Stoke-on-Trent Minerals Local Plan 1994 – 2006 which should no longer be used.

Matthew Griffin
Team Leader – Minerals Planning Policy

[1] Refer to paragraph 143 of the NPPF and Paragraph: 005 Reference ID: 27-005-20140306 of nPPG

Appendix 6: Supporting Information for Policy 3 Safeguarding Minerals of Local and National Importance and Important Infrastructure

Table 7: Exemptions Criteria for Mineral Safeguarding

1. Applications for householder development;

2. Applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site;

3. Applications that are in accordance with the development plan where the assessment of site options took account of potential mineral sterilisation;

4. Applications that fall within the development boundary of urban areas and rural settlements identified in an adopted development plan document, other than:

    a) non- exempt applications that fall within the mineral consultation zones around mineral sites, mineral site allocations and mineral infrastructure sites; and,

    b) non- exempt applications that fall within the coal and fireclay safeguarding areas (see 13 below);

5. Applications for advertisement consent;

6. Applications for reserved matters after outline consent has been granted;

7. Prior notifications (telecoms, forestry, agriculture, demolition);

8. Certificates of Lawfulness of Existing Use or Development (CLEUD) and Certificates of Lawfulness of Proposed Use or Development (CLOPUD);

9. Applications for works to trees;

10. Applications for temporary planning permission;

11. Applications for listed building consent;

12. Applications for non-compliance of conditions where this relates to non-mineral issues;

13. Applications within urban areas affected by the coal and fireclay safeguarding areas, where the development does not constitute '*major development*' as defined by the Town and Country Planning (General Development Management Procedure) (England) Order 2015 (Article 2).

Extract from the SCC's draft 'A- Z guide' on validation

MINERAL SAFEGUARDING STATEMENT

Staffordshire County Council will not normally permit development in Mineral Safeguarding Areas (MSAs) identified in the Minerals Local Plan for Staffordshire or on or near to mineral infrastructure sites permitted by the Staffordshire County Council or the Staffordshire Borough/District Councils where the development might constrain the existing or future mineral operations.
In such circumstances the application should be accompanied by a Mineral Safeguarding Statement, prepared by a specialist, which demonstrates the implications of the proposals on:

a) permitted mineral reserves or mineral site allocations;
b) mineral resources in mineral safeguarded areas; and,
c) mineral infrastructure sites.

The drivers and for more advice and information refer to:

- The National Planning Policy Framework (section 13 - Facilitating the sustainable use of minerals - paragraph 144 (bullet 7))

- Planning Practice Guidance (Minerals – 2. Mineral Safeguarding)

- The Minerals Local Plan for Staffordshire 2015 to 2030 (Policy 3 and the supporting text; the Policies and Proposals Map which identifies the mineral safeguarding areas; and, Appendix 6 which identifies the exemptions to the Policy);

- Staffordshire County Council's 'Map search' web page shows the location and extent of permitted mineral reserves, mineral site allocations, mineral safeguarding areas and safeguarded mineral infrastructure sites.

- Guidance elsewhere in this document including:
  - 'E' for Environmental Statement
  - 'P' for Pre-application advice

Applicants are strongly advised to discuss their proposals with the mineral operator (where applicable) and contact the Planning, Policy and Development Control Team for advice at the pre-application stage (see 'P' for Pre-application Advice).