

## **Swale Borough Council Local Plan Examination Statement**

### **Matter 8: Minerals and Waste**

This statement has been produced as part of the examination of the Swale Borough Local Plan: Bearing Fruits 2013 and its Proposed Main Modifications June 2016. It answers the Inspector's questions relating to Matters 8.1

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## 8. Housing Matters

### **Matter 8.1 Are the requirements for minerals assessments justified and consistent with national policy?**

1. The Kent Minerals and Waste Local Plan (KMWLP) 2013-31 was formally adopted by Kent County Council on the 14th July 2016 and therefore forms part of the development plan.
2. The KMWLP contains policies relating to the strategic approach to minerals and waste. Policy CSM 5 describes how land-won minerals will be safeguarded and Policies CSM 6 and CSM 7 describe how mineral infrastructure will be safeguarded. Policy DM 7 describes the circumstances in which non-mineral developments that are incompatible with safeguarding a resource or a safeguarded wharf or rail depot would be acceptable. Policies CSM 4 and DM 9 set out how applications for prior extraction of safeguarded mineral resources, that would otherwise be sterilised by non-minerals development, would be considered. Policy DM 8 describes the circumstances in which non-mineral developments that might be incompatible with safeguarding minerals and/or waste infrastructure would be acceptable.
3. In accordance with paragraph 143 of the NPPF the KMWLP designates Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs). MSAs cover areas of known mineral resources that are, or may in future be, of sufficient value to warrant protection for future generations so that they are effectively considered in land-use planning decisions and are not needlessly sterilised. In accordance with the National Planning Practice Guidance on Minerals (Paragraph: 003 Reference ID: 27-003-20140306) Main Modification 335 in Chapter 9 of the Local Plan proposes to include the MSA's with the Proposals Map.
4. The KMWLP makes clear that level of information used to indicate the existence of a mineral resource can vary from geological mapping to more in-depth geological investigations. Paragraph 5.5.6 of the KMWLP states *"Nevertheless, the onus will be on promoters of non-mineral development to demonstrate satisfactorily at the time that the development is promoted that the indicated mineral resource does not actually exist in the location being promoted, or extraction would not be viable or practicable under the particular circumstances."*
5. Policy DM 7 of the KMWLP sets out the circumstances when non-minerals development may be acceptable at a location within a Minerals Safeguarding Area. Policy DM 7's supporting text (paragraph 7.5.3 – 7.5.4) states *"Proposals located in MSAs will usually need to be accompanied by a 'Minerals Assessment', prepared by the promoter, which will include information concerning the availability of the mineral, its scarcity, the timescale for the development, the practicability and the viability of the prior extraction of the mineral. Guidance on undertaking Minerals Assessments is included in the BGS Good Practice Advice on Safeguarding. Further guidance will be provided through a Supplementary Planning Document. 7.5.4 Where proposals are determined by a district/borough planning authority, the Mineral Planning Authority will work with the relevant authority and/or the promoter*

*to assess the viability and practicability of prior extraction of the minerals resource.”*

6. A number of the proposed allocations in the Local Plan are within the Swale MSA, predominately safeguarding brickearth, and a number of Main Modifications have been proposed (MM123, MM130, MM152, MM156, MM158, MM160, MM176, MM187, MM191, MM198, MM209, MM218). The Main Modifications require development to have regard to the adopted KMWLP and highlights that the allocation policies within the Local Plan will require safeguarded minerals to be considered. The KMWLP requires this consideration to be done usually via a minerals assessment (DM7 and supporting text) and therefore the Main Modifications within the Local Plan reflect that. The Council considers that the wording of the Main Modifications is based very closely on that within the KMWLP and is in accordance with national policy and has liaised with the Minerals Planning Authority on this matter.
7. The Council considers that the fundamentals of a Minerals Assessment as set out in the KMWLP, would need to include at least rudimentary information on the quality, quantity and extractability of the resource and guide the scope of subsequent investigation and analysis and has followed as far as possible the recently adopted local planning policy on this matter.
8. Kent County Council have produced a Supplementary Planning Document for consultation (6<sup>th</sup> December 2016 to 31<sup>st</sup> January 2017) on mineral safeguarding which contains further guidance on the scope and required detail of minerals assessments.
9. The requirement for minerals assessment is justified as it is needed to comply with the development plan and is consistent with Section 13 of the NPPF and NPPG Minerals.