Purpose

1.1. The purpose of this technical note is to support Policy 8: Mineral Safeguarding of the Draft Minerals Local Plan in order to provide further clarification in regards to mineral resource assessments.

1.2. National Policy (NPPF, paragraph 142) states that ‘Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation’.

1.3. In line with national policy, mineral planning authorities are required to define Minerals Safeguarding Areas (MSA) and Minerals Consultation Areas (MCA) to ensure that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked.

Mineral Safeguarding Areas and Mineral Consultation Areas

1.4. National policy defines a Mineral Safeguarding Area (MSA) as ‘an area designated by Minerals Planning Authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development’ (NPPG).

1.5. A Mineral Consultation Area is defined as ‘a geographical area, based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development’ (NPPG).

1.6. The Draft Minerals Local Plan identifies MSAs and MCAs for sand and gravel and for brick clay. The MSA/MCAs are based on BGS Data at 1:50,000 scale with previously worked areas removed followed by the addition of 100m buffer area added to the remaining resource areas. The areas of MSAs and MCAs within the Draft Minerals Local Plan coincide to cover the same areas within Hertfordshire.

Mineral Resource Assessments

1.7. In line with Policy 8: Mineral Safeguarding, if planning applications for non-minerals development submitted to the district/borough councils fall within the MCAs (unless it falls within the stated excluded development listed within the Minerals Local Plan), the Mineral Planning Authority should be consulted to have the opportunity to consider
whether the development proposed would lead to unacceptable sterilisation of potentially extractable mineral resources.

1.8. The diagram below outlines the mineral consultation process in order fulfil the requirement to consult with the Mineral Planning Authority:

Reference should be made to Policy 8: Mineral Safeguarding. A Mineral Resource Assessment may be required to establish the existence or otherwise of a viable mineral resource (Step 2)

*Figure 1: Mineral Consultation Area Process (Source: HCC)*
Determining the need for a Mineral Resource Assessment

1.9. In line with Step 1, the county council will provide a response to the planning application within consultation timeframe (i.e. 21 days) to outline whether it is considered that a Mineral Resource Assessment is required.

1.10. It is recommended that applicants and district councils engage in discussions with the Mineral Planning Authority early in the planning process, including during plan-making and pre-application discussions, ideally prior to submitting an application, to determine the need for a Mineral Resource Assessment to prevent unnecessary delay.

1.11. In order for the county council to indicate whether there is a need for a Mineral Resource Assessment for sites within the Mineral Safeguarding Area (other than those on the stated excluded development list), the county council would require:

- A site location plan
- Description and size of the development
- Planning history (i.e. previous borehole data, previous reports carried out)
- High level desk based study of available geological information

1.12. A Mineral Resource Assessment may not be required in every case. As shown in Figure 1, step 1 is to determine the need for a Mineral Resource Assessment.

1.13. Where a proposal is required to be supported by a Mineral Resource Assessment, it should be carried out by a suitably qualified professional in order to consider the implications to the mineral resources and to prevent sterilisation.

1.14. The purpose of the Mineral Resource Assessment is to address two main issues:

- to identify whether a mineral resource is viable for mineral extraction, and
- if the mineral resource is viable, for the applicant to demonstrate whether the prior extraction of minerals would be practically and environmentally acceptable, prior to non-mineral development taking place, in order to prevent sterilisation.

What level of information is required in a Mineral Resource Assessment?

1.15. As a minimum, the assessment should establish the extent and quality of the resource and the likelihood of being able to work it in an environmentally acceptable way in association with the proposed scheme. From this information the Mineral Planning Authority can consider whether it is necessary for the mineral to be extracted or allowed to be sterilised.

1.16. The assessment needs to be based on best available information. The county council expects, as a minimum that borehole data is used to demonstrate the underlying
mineral resource. Applicants may wish to contact the British Geological Survey (BGS) directly or seek appropriate geological advice.

1.17. The following key questions will need to be answered as part of the assessment:

- What are the mineral resources below the surface?
- What is the depth of mineral resources?
- What is the depth of overburden?
- Are there any areas of barren ground?
- What is the estimated quantity of mineral resources within the land? Is the mineral in multiple horizons?
- What is the quality of the mineral resource?

1.18. The county council expects the assessment to indicate whether the mineral deposit is or is not regarded as a potential economic resource in mineral terms and the reasons for this should be clearly stated.

1.19. The county council recognises that the prior extraction of minerals on sites allocated for housing will depend on site specific issues relating to the resource and phasing of potential non-mineral development. The scale and phasing of the mineral operations will be dependent on the size of the site, the depth of mineral, the type and quality of the mineral, and the nature of the proposed development. Extraction may involve a separate activity to the non-minerals development to include restoration of the land to make it a suitable landform for the specified future non-mineral development.

1.20. The assessment should confirm whether there is any intention to recover the mineral resource during the carrying out of the development. If a decision is taken to sterilise the mineral resource, adequate justification for this decision must be provided.

1.21. Assessments should be presented in a report and sent to the Minerals and Waste Planning Authority via email to minerals.planning@hertfordshire.gov.uk or by post to the following address:

Spatial Planning and Economy
Hertfordshire County Council,
County Hall,
Pegs Lane,
Hertford,
SG13 8DN
Postal Point CHN216

1.22. The county council is keen to work collaboratively with district / borough councils through early engagement. In addition the county council also encourages engagement with the mineral industry in cases where mineral extraction is needed to help provide the necessary expertise.
1.23. It should be noted that the district council is the determining authority for non-mineral development; the county council does not have the remit to provide planning permission for the non-mineral development. The county council would be the determining authority for any subsequent mineral planning applications.

1.24. Where prior extraction is necessary, a separate mineral planning application may be required to be submitted to the Mineral Planning Authority for determination and may require pre-application discussion with the HCC Development Management team.

**British Geology Survey Contact**

Further geological information can be found on the British Geological Survey Webpage: https://www.bgs.ac.uk/home.html?src=topNav

**Contact Us**

If you have any further questions, please contact the team at: minerals.planning@hertfordshire.gov.uk

Hertfordshire County Council
Minerals and Waste Policy Team