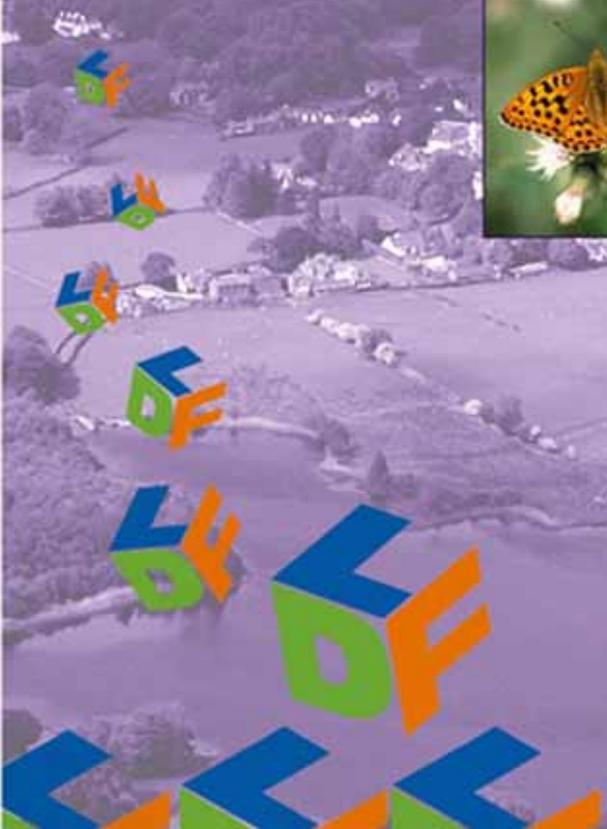




Minerals Safeguarding Areas

Preferred Options consultation

September 2011



Contents

Introduction to Minerals Safeguarding

Why are we allocating Mineral safeguarding Areas?	1
Why it matters	1
What are Mineral Safeguarding Areas?	1
How MSAs will be used	2

Background information

What approach has been taken in neighbouring Authority Areas?	3
Habitats Regulations Assessment	4
The Minerals Resources of the Lake District National Park	4

Figure 1 – Minerals Resources of the Lake District National Park	5
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Our approach in delineating Mineral Safeguarding Areas

Geological and resource information available	6
What minerals found in the Lake District National Park are or may become of economic importance and should be safeguarded?	6
How has the physical extent of each MSA been determined?	7
Development close to MSAs	8
How MSAs can be used most effectively to safeguard mineral resources	9
How do MSA's relate to existing Mineral Consultation Areas?	9

How to comment?	11
-----------------	----

Figure 2 – Location of proposed MSAs	12
--------------------------------------	----

Proposed Mineral Safeguarding Areas	13
-------------------------------------	----

Questionnaire	28
---------------	----

1 Introduction to Minerals Safeguarding

Why are we allocating Mineral Safeguarding Areas?

- 1.1 Minerals Policy Statement 1(MPS1): 'Planning and Minerals' requires Mineral Planning Authorities to safeguard both proven mineral resources, and processing and handling facilities. The Lake District National Park Authority is the Mineral Planning Authority for the Lake District National Park and it is our responsibility to fulfil this obligation.
- 1.2 Mineral Safeguarding Areas (MSAs) are a new planning designation which must be identified and included on Local Development Framework Proposals Maps. The intent of MSAs is to protect proven deposits of minerals which are, or may become of economic or conservation value in the future, from non-mineral related development which would compromise the extraction of the mineral deposit in the future.
- 1.3 Within the National Park there are many different, and often conflicting interests to manage the protection of the landscape versus economic factors is just one example. It is widely acknowledged that the National Park is a living, partly man-made cultural landscape that has evolved over time and needs to continue to sustain its future. And mineral extraction continues to play an important role.

Why it matters

- 1.4 In the Lake District National Park local building stone and slate contributes significantly to the distinctive character of many of our settlements. In addition, there are two granite quarries and two limestone quarries which straddle or are close to the National Park boundary at Shap and Kendal Fell. The minerals industry is a significant employer and as a traditional industry it is still a valued part of the National Park economy.
- 1.5 It is important we maintain a supply of building stone and slate for the repair of historic structures and to ensure the local distinctiveness of new buildings. MSAs are a way of ensuring mineral supplies in the future to maintain the special quality of our built environment.

What are Mineral Safeguarding Areas?

- 1.6 The MSAs are areas of known mineral resources that are of sufficient economic or conservation value to warrant protection for generations to come. The report delineates the MSAs which have been identified in association with the mineral industry where possible.
- 1.7 Unlike other planning designations which allocate land for development, Government guidance is clear that there is **no presumption that applications to extract the mineral resources defined in MSAs will be granted permission**. Similarly, the guidance does not assume that planning

permission will not be granted for existing mineral sites not located within a MSA.

How MSAs will be used

- 1.8 The purpose of MSAs is not to preclude automatically other forms of development, but to make sure that mineral resources are adequately and effectively considered in land-use planning decisions. MSAs will enable safeguarding to be a material consideration in the determination of planning applications. This enables economically important mineral resources to be identified and decision making can have regard to its existence in deciding the acceptability of a proposed development.
- 1.9 On adoption the MSAs will become part of the Lake District National Park Local Development Framework which is the Development Plan for the Lake District National Park and defined on the Proposals Map. Where non-mineral development is proposed within a Mineral Safeguarding Area, we will only allow such development where it can be demonstrated that it will not constrain the possibility of future mineral extraction.

2.0 Background information

- 2.1 Minerals Policy Statement 1: 'Planning and Minerals' requires Mineral Planning Authorities, such as the LDNPA, to contribute to the achievement of sustainable development through the preparation of plans and in relation to development control. In order to achieve this objective MPAs should define MSAs in Local Development Documents.
- 2.2 In October 2010 the Core Strategy for the Lake District National Park was adopted which set out spatial planning policies and proposals for all types of development including minerals and waste.
- 2.3 Policy CS30 of the Core Strategy states: 'We will identify MSAs for resources of local building stone, slate and high purity limestone and aggregates'. This will be based on their future economic and conservation value, and will be identified in the Allocations of Land Development Plan Document and Proposals Map.
- 2.4 Mineral Planning Statement 1 advises that English Heritage and the minerals industry should make mineral planning authorities aware of important sources of building stone that they consider should be safeguarded. English Heritage informed us that they are working with the British Geological Survey, local geologists and historic buildings experts from each county in England to identify the stone used in historic buildings, ranging from castles and cathedrals to houses, walls, roofs, bridges, kerbs, paving etc. This work will culminate in a Strategic Stone Study which will be published and can be used to inform the development of MSAs. A Strategic Stone Study has not been published for Cumbria and so has not influenced the development of MSAs.

What approach has been taken in neighbouring Authority Areas?

- 2.5 The LDNPA is the Mineral Planning Authority (MPA) for the National Park; Cumbria County Council (CCC) is the MPA for the area of Cumbria outside the National Park. They are responsible for developing a Minerals and Waste Site Allocations Policies Development Plan Document for the area of Cumbria outside the National Park.
- 2.6 This will define Mineral Safeguarding Areas for sand and gravel, limestone, high purity limestone, igneous rocks, sandstone, shallow coal, fireclay and gypsum. It will also define Mineral Consultation Areas (MCAs). MCAs are a simple mechanism which aims to ensure consultation takes place between county and district planning authorities when mineral interests could be compromised by proposed non-minerals development.
- 2.7 The County Council's Site Allocations Policies is seeking to identify MCAs for the area outside the National Park, which includes the MSA with a 250 metre buffer. Consequently, we are working with CCC to establish a protocol on the effective use of the MCAs which overlap the National Park Boundary.

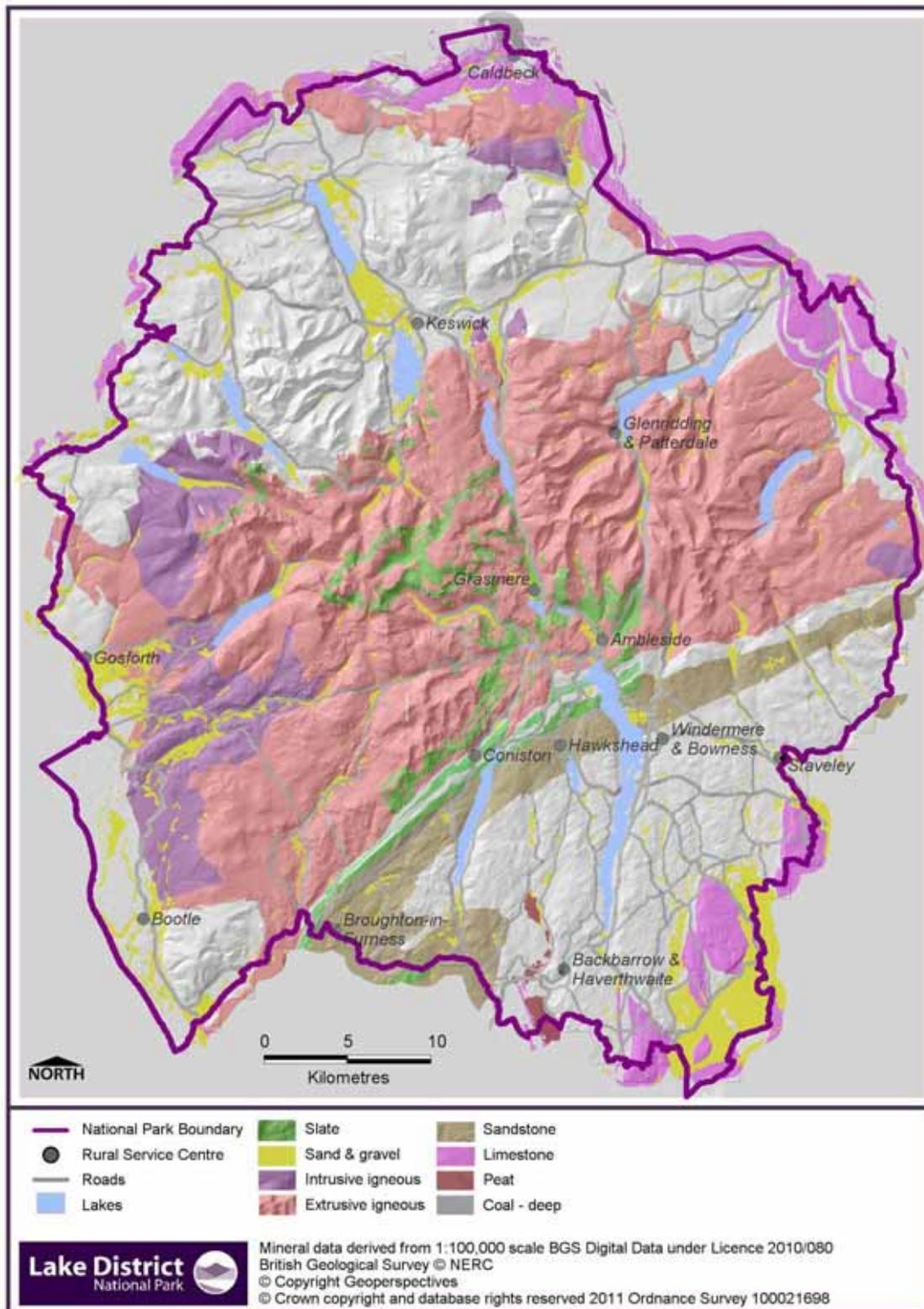
Habitats Regulation Assessment

- 2.8 The scope of the Habitats Regulations Assessment to make conclusions on the likelihood of significant adverse effects on European sites is limited due to the lack of detailed technical evidence at this stage. However, there is no presumption that applications to extract resources defined in MSAs will be approved. Applications within a MSA will be determined on a case by case basis and accompanied by the necessary technical evidence required to assess the likelihood of significant adverse effects on European sites.

The Minerals Resources of the Lake District National Park

- 2.9 Figure 1 shows the minerals resources in the Lake District National Park. Detailed information relating to the geology of the National Park and data on current and historic mineral working can be found in the accompanying document 'Technical Report' Mineral Safeguarding Areas'.

Figure 1 – Minerals Resources of the Lake District National Park



3 Our approach in delineating Mineral Safeguarding Areas

- 3.1 Minerals constitute a valuable but finite resource that can only be worked where they occur. They are important natural resources and adequate and steady supplies are vital for developing and sustaining the requirements of a modern society. MSAs identify where these minerals are present, and where they could feasibly be extracted in isolation from pertinent considerations such as landscape and the environment.
- 3.2 We have followed the guidance set out in 'A guide to mineral safeguarding in England' (BGS, 2007) and current safeguarding policy, specifically Mineral Policy Statement 1 and associated Practice Guide.

Geological and resource information available

- 3.3 The MSAs identified has been informed using the best geological and mineral resource information available, namely Mineral Resource Linework digital data provided by the British Geological Survey under licence for development plan preparation. Additionally, information from some mineral operators and/or their representatives has also informed the physical delineation of the MSAs set out in this report.
- 3.4 However, we welcome through this consultation, input from the industry and their representatives to further refine the boundaries of the MSAs where necessary.

Question 1:

Do you agree that we have used the best geological information available? If 'no' please give your reasons and any suggestions of alternative information.

What minerals found in the Lake District National Park are or may become of economic importance and should be safeguarded?

- 3.5 The Lake District has a complex and varied geology and is rich in mineral resources. The Lake District landscape was formed during the course of 500 million years of geological processes when the climatic conditions periodically underwent great changes. Slate, crystalline rocks, limestone, coal and red sandstone constituted the basic layers, with the formation of a central dome through volcanic intrusion about 280 million years ago (Landscape Character Assessment, 2008).
- 3.6 BGS guidance advise Mineral Planning Authorities to consider which minerals are or may become of economic importance in the foreseeable future. We have had regard to BGS information and current and historic mineral production information, Policy CS30 of the Core Strategy and the purposes of

the National Park designation, and accordingly, we consider that the Lake District National Park contains the following range of economically important minerals:

- Building Stone (including slate)
- Igneous & Metamorphic Rock (granites)
- Carboniferous Limestone (High purity limestone)

Question 2:

Have we identified all the economically important minerals in the Lake District National Park? If 'no' please give your reasons and tell us what should be included.

- 3.7 In the Allocations of Land Development Plan Document Issues and Options Consultation Covering Report (April 2010), we stated we would consider safeguarding areas around quarries/mines which are currently classed as Active Sites. Comments received from the minerals industry to the Issues and Options Consultation has informed our approach and as a consequence we have also included Spout Crag and Moss Rigg Quarries (near Little Langdale). The list of mineral sites and their status is set out in Technical Report 'Mineral Safeguarding Areas'.
- 3.8 The remaining mineral extraction sites identified as 'inactive' or 'ceased' have not been included in the MSAs. We consider there are no reasonable prospects for mineral extraction at these sites to yield a resource of economic value in the future. Many of these sites are classed as dormant, are now disused and the land restored.
- 3.9 The absence of a MSA does not assume that planning permission would not be granted if an application for mineral extraction were to be received in the future.

Question 3:

Do you agree this approach is soundly based? If 'no' please give your reasons.

How has the physical extent of each MSA been determined?

- 3.10 Our approach is informed by Policy CS29 of the adopted Core Strategy. We wish to make our MSAs as realistic and practical as possible and avoid unnecessary complications in safeguarding minerals. With this in mind we are not safeguarding the entire mineral resource. Mineral resources underlying settlements are already sterilised by non-mineral development with little prospect of future working. Similarly, the location of many of our existing

mines and quarries is in open countryside where new development will only be permitted in exceptional circumstances.

Development close to MSAs

- 3.11 Government guidance indicates that "...It should be kept in mind that, in addition to proposed development within a MSA, incompatible development that is allowed close to a MSA may also lead to sterilisation of part of the reserves..." (MPS1 Practice Guide).
- 3.12 New planning documents, including neighbourhood plans, should not normally include policies and proposals for non-minerals development (e.g. new residential development) in MSAs, or other sensitive developments around safeguarded mineral areas, where such policies would affect the potential for future extraction of minerals.
- 3.13 Guidance also suggests that a Mineral Planning Authority may wish to extend the boundary of the MSA beyond the area of the resource for various reasons such as:
- to allow for engineering the slope of the walls of the excavation, or
 - to prevent proximal sterilisation by, for example, preventing residential development from encroaching on a mineral resource to the extent that the amenity of residents could be affected by noise, visual intrusion or blast vibration should the resource be worked in the future.
- 3.14 It may also be appropriate to develop policies for prior extraction of minerals, where practicable, within safeguarded areas. In addition, to account for the inexact nature of mapped geological boundaries, the British Geological Survey suggest the use of the following buffers to protect residents from the adverse effects caused by quarrying:
- 500 metre buffer around hard rock quarries, which generally require blasting, in order to prevent adverse problems caused by vibration;
 - 250 metre buffer around soft rock sites which requires no blasting.
- 3.15 We have not defined a wider MSA designation to encompass a buffer because the majority of quarries within the Lake District are located away from the main residential areas. By way of example, the proposed MSA for Elterwater Quarry is in close proximity to the village of Elterwater (to the north-east) and in particular the Langdale Estate. However, the Great Langdale Beck separates the two sites and we consider this presents a natural buffer which precludes the need to create an artificial one. The development control process will address this issue in more detail should a mineral planning application be forthcoming.

How MSAs can be used most effectively to safeguard mineral resources

- 3.16 BGS guidance includes a model policy. The guidance advises that local planning authorities should refer to the policy to demonstrate how they will assess non-minerals proposals which fall within an MSA. We propose the use of the following policy but do not intend to include criteria relating to 'exempt

development' for example household extensions, as suggested by BGS. As our proposed MSAs do not include built up areas and are in the open countryside the scope for exempt development other than that of a temporary nature is limited.

Policy for development management:

Planning permission will be granted for development within a Mineral Safeguarding Area where:

- **The applicant can demonstrate that the mineral concerned is no longer of any value or potential value; or**
- **The mineral can be extracted satisfactorily prior to the development taking place; or**
- **The development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or**
- **There is an overriding need for the development**

Question 4:

Do you agree with this draft policy wording? If 'no' please give your reasons

How do MSA's relate to existing Mineral Consultation Areas?

- 3.17 A Mineral Consultation Area is an area identified in order to ensure consultation between the relevant District Planning Authority, the minerals industry and the County Council before certain non-mineral planning applications made within the area are determined. They are not obligatory but are a useful mechanism for supporting the purposes of mineral safeguarding.
- 3.18 In the National Park, the Authority is both the mineral planning authority and local planning authority and currently there are no MCAs identified within its boundary. Mineral Safeguarding Areas will provide the necessary mechanism to ensure the purposes of mineral safeguarding are supported for those mineral resources identified as of economic value.
- 3.19 Wharves and railway sidings which may serve existing or future areas of mineral extraction cannot be protected by MSAs. This should be achieved through MCAs set by CCC. The area of Shap Beck Quarry within the National Park is served by an on-site rail head. The railhead is within the existing quarry and its future use is unlikely to be compromised by non-mineral development. Therefore, we do not consider it necessary to delineate a MCA for the rail head at Shap Beck. Similarly, at Shap Blue Quarry the quarried material is predominantly transported under the road via a conveyor for secondary processing. This conveyor is located within the quarry site and its use is unlikely to be compromised by non-mineral development.

Where have Minerals Safeguarding Areas been identified?

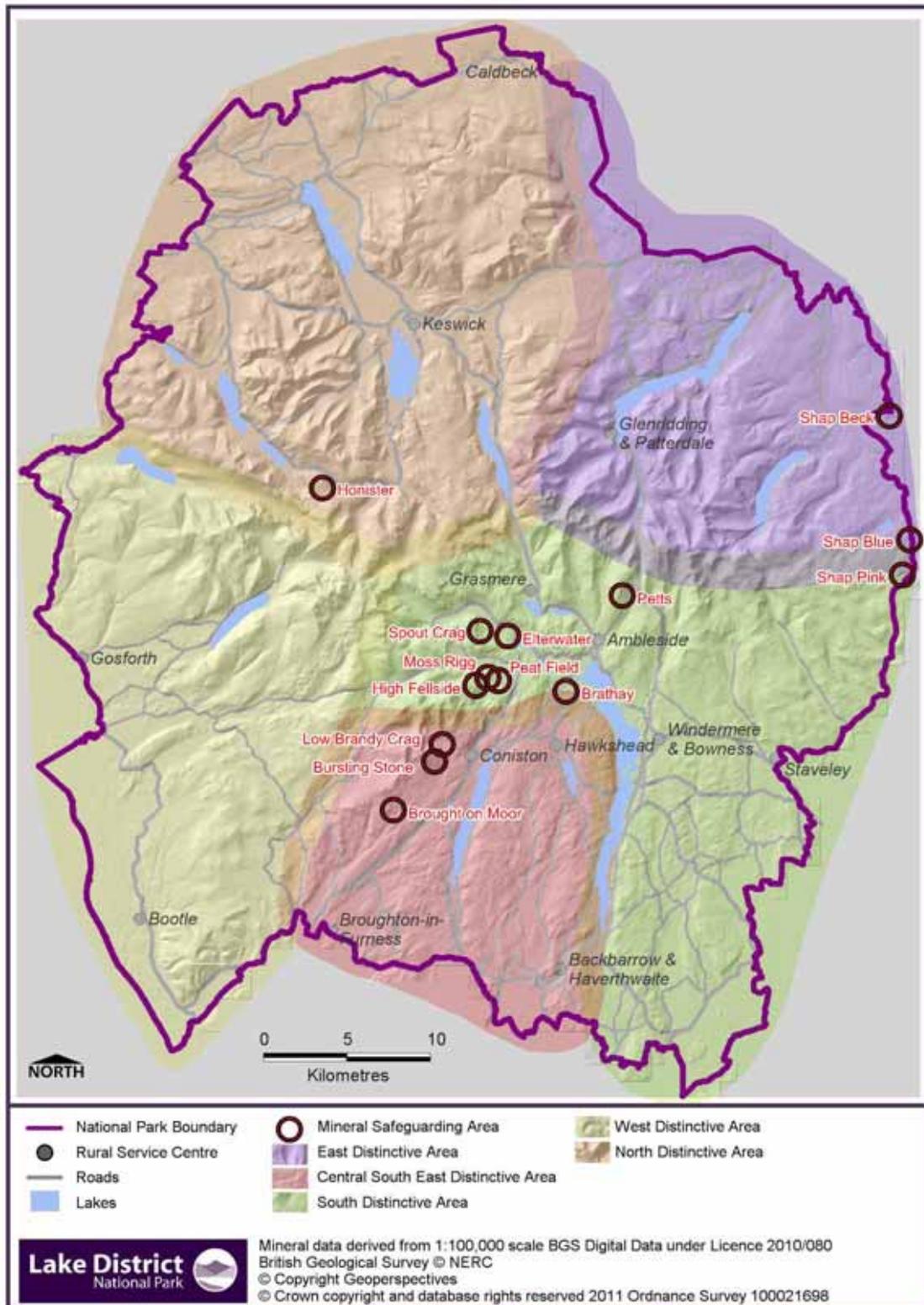
- 3.20 In total we have identified fourteen Minerals Safeguarding Areas across the Lake District National Park. The broad locations of these are shown in Figure 2.
- 3.21 These MSAs have been identified using the methodology described in the previous sections of this report. The exact boundaries of the identified MSAs are shown on fourteen separate maps on pages 11 to 26 of this report.

Question 5:

Do you agree with the exact boundaries of the Minerals Safeguarding Areas shown in this report?

If you disagree with any of the MSA boundaries, please state which, and why. Please also suggest how these boundaries should be changed in line with your reasons.

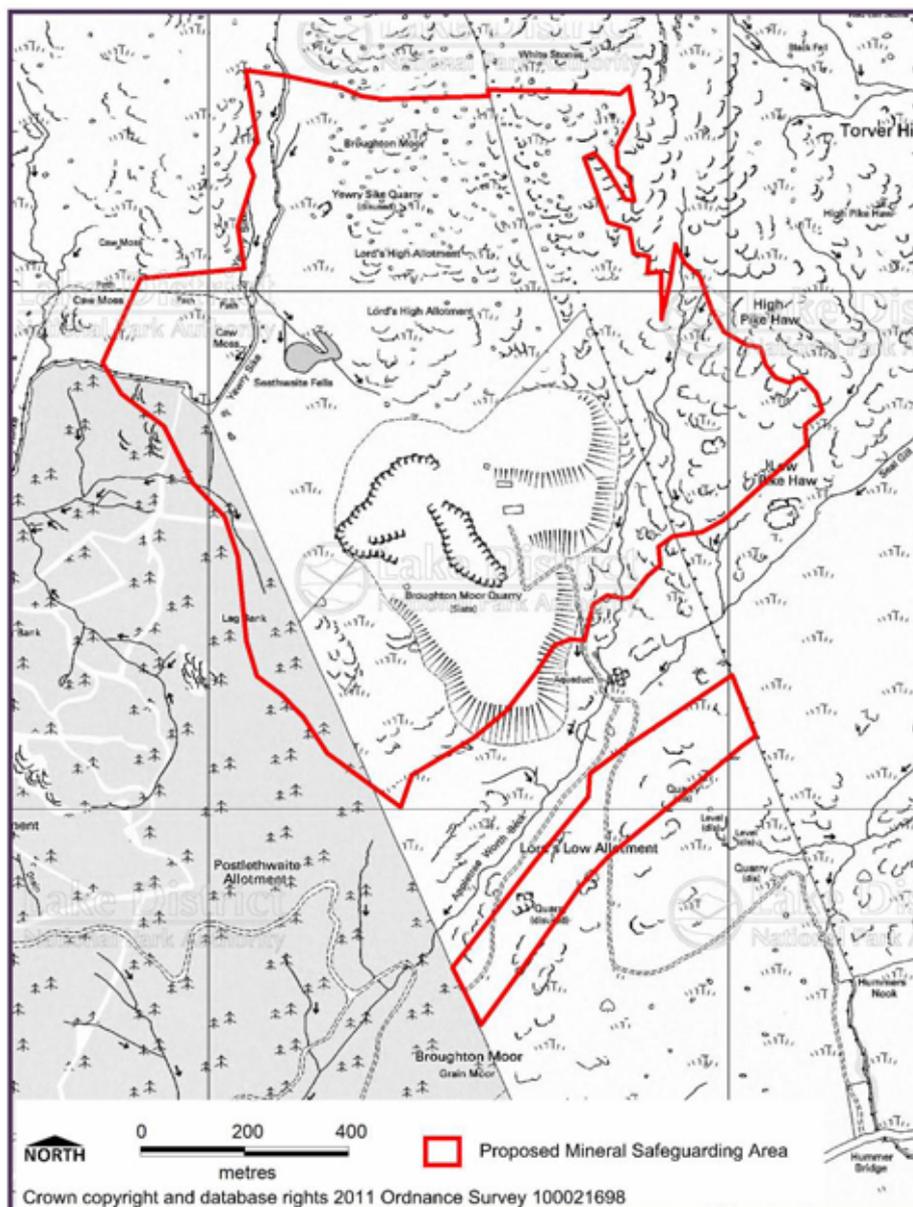
Figure 2 – Location of Proposed Mineral Safeguarding Areas



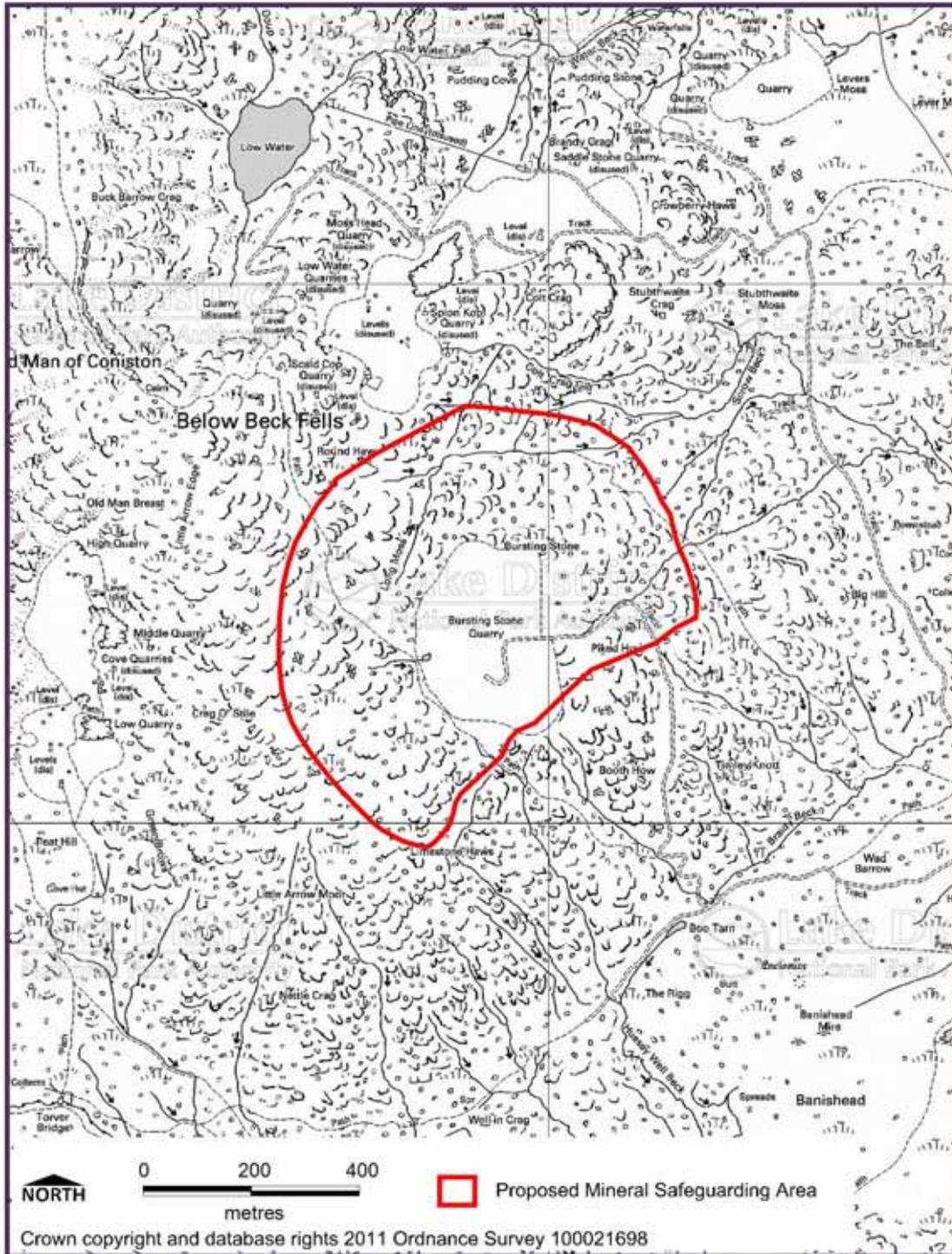
Proposed Mineral Safeguarding Areas

Building stone (including slate)

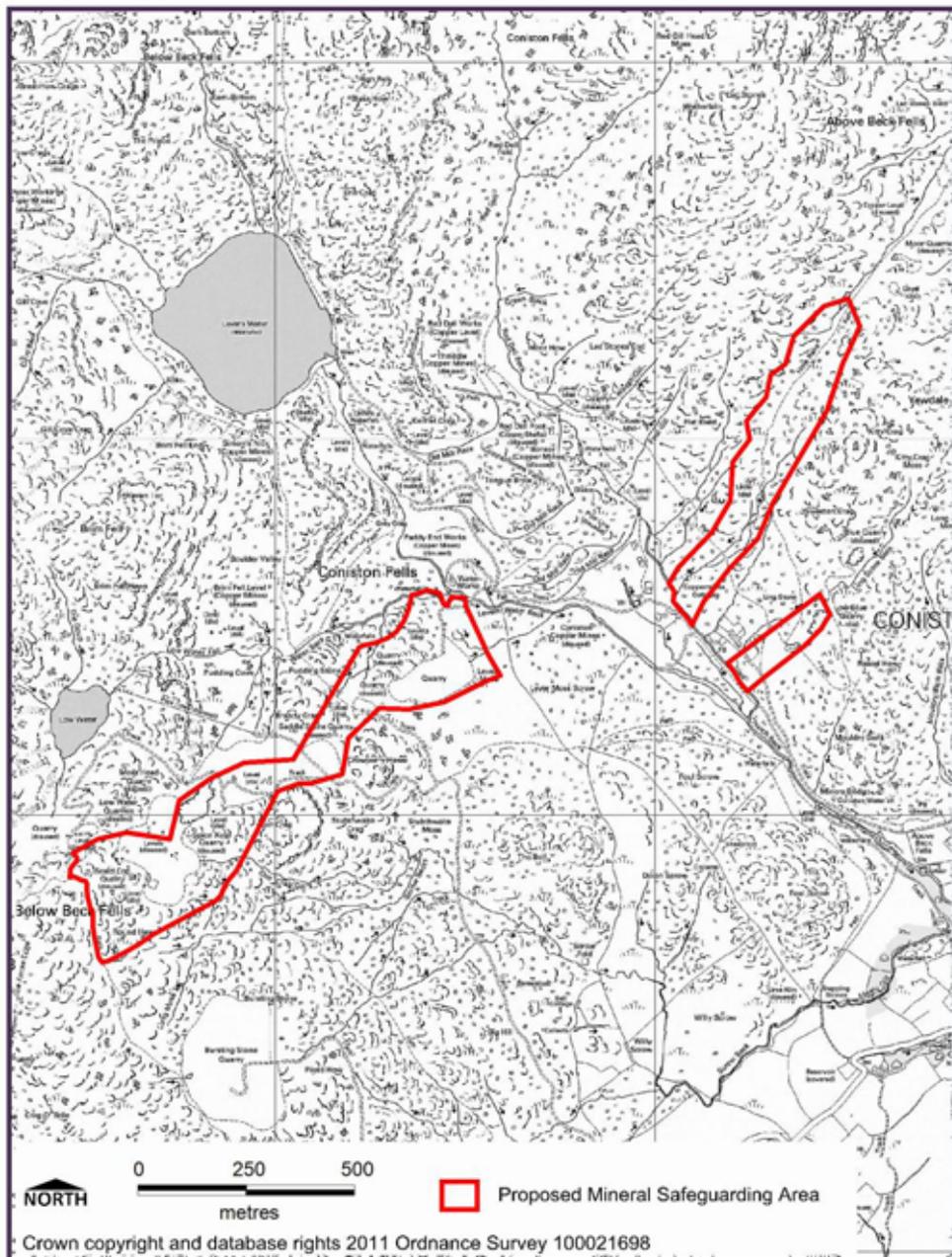
Broughton Moor Quarry: The Lag Bank Formation to the southwest of the green slate, limestone of the Dent Group to the southeast of the quarry and Andesite to the north provide the suggested limits of the MSA. The 100-500 metre wide band of blue-grey slate that crosses Lord's Low Allotment is of the Brathay Formation and is also suggested as an MSA because it has been previously quarried and is reasonably well hidden. Although the blue-grey slate to the south is of the Wray Castle Formation and could in theory be worked, it is not suggested as a MSA as it has never been quarried and lies adjacent to Hummer Lane.



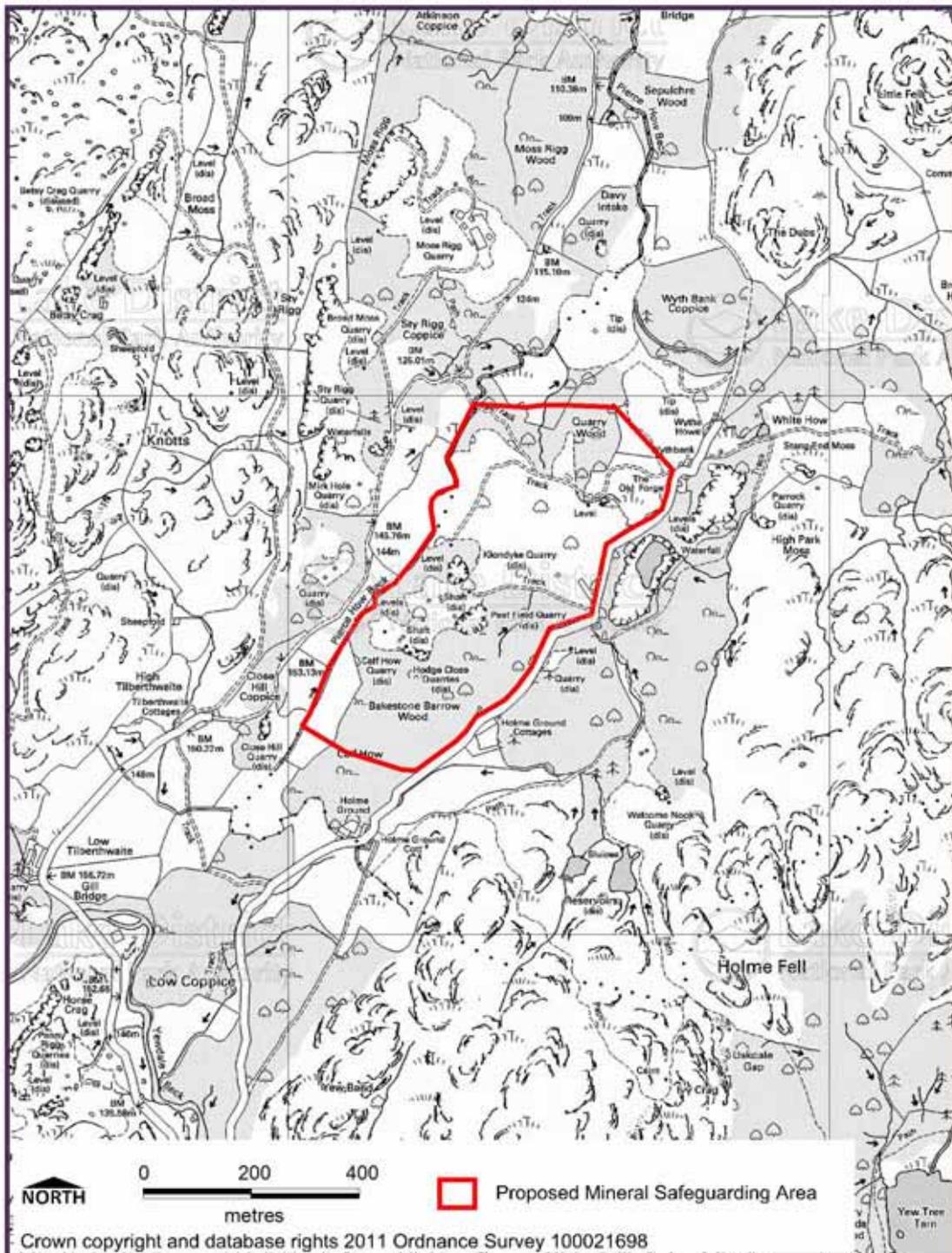
Bursting Stone Quarry: The Lincomb Tarns Formation is found to the southeast of the green slate with the limestone etc. of the Dent and Stockdale Groups beyond and the suggested MSA covers the fell 250 metres around the existing quarry in all other directions. The band of blue-grey slate of the Brathay Formation to the southeast of the quarry is not included.



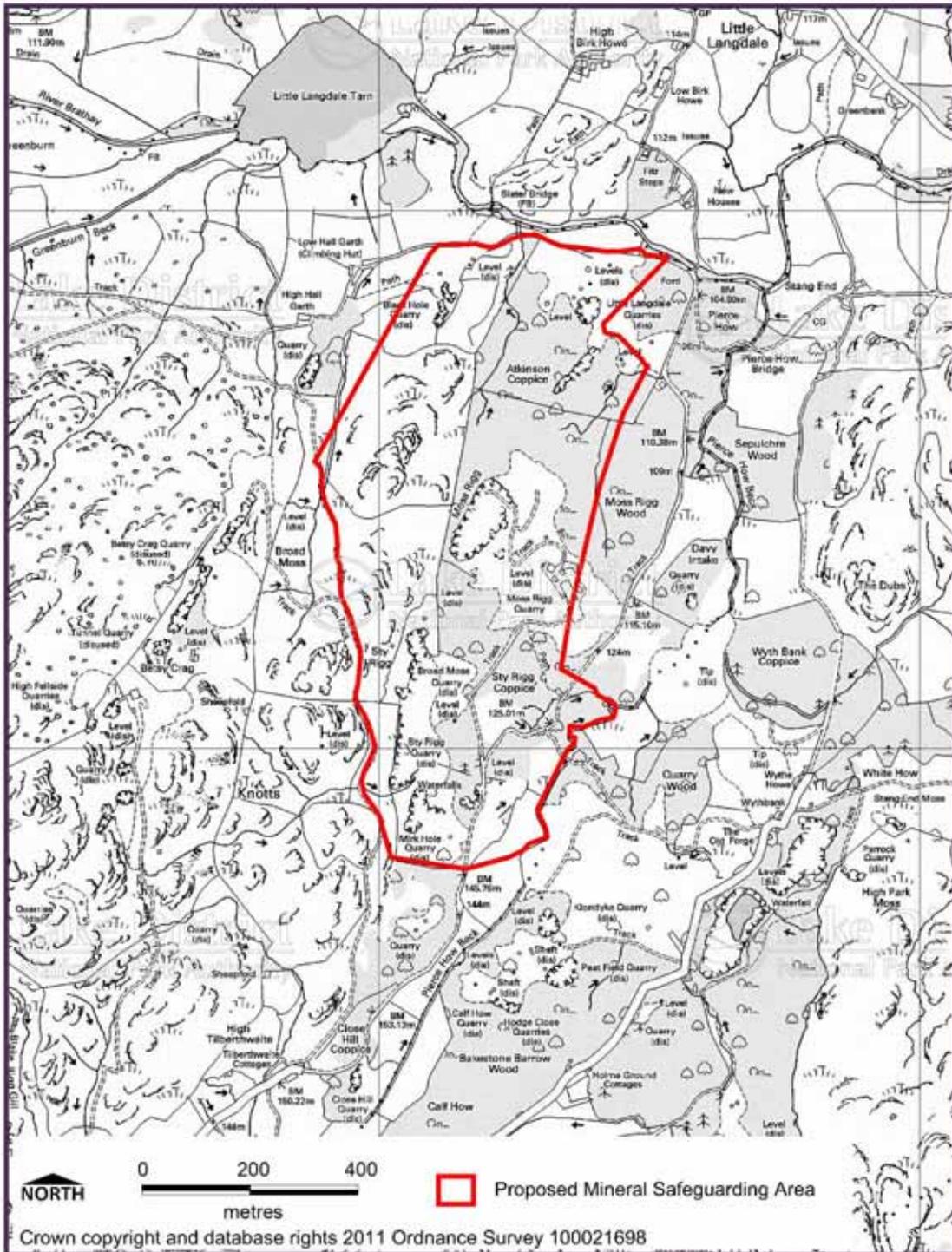
Low Brandy Crag Quarry: There is a band of Andesite immediately to the south of the slate with the Low Water Formation to the northeast and the Lag Bank Formation to the northwest. These, the footpath above the quarry and Low Water Beck provide the suggested boundary of the MSA. Slate has also been worked from the other quarries in the 'great chain' towards the summit of the Old Man of Coniston. Other than Low Brandy Crag these provide the only source of silver-grey slate and the MSA should be extended up to the path leading to the Old Man summit. The former Blue and Low Blue Quarries to the northeast of Church Beck and east of the Ling Stone were also worked in the past and the bands of green slate here should also be safeguarded.



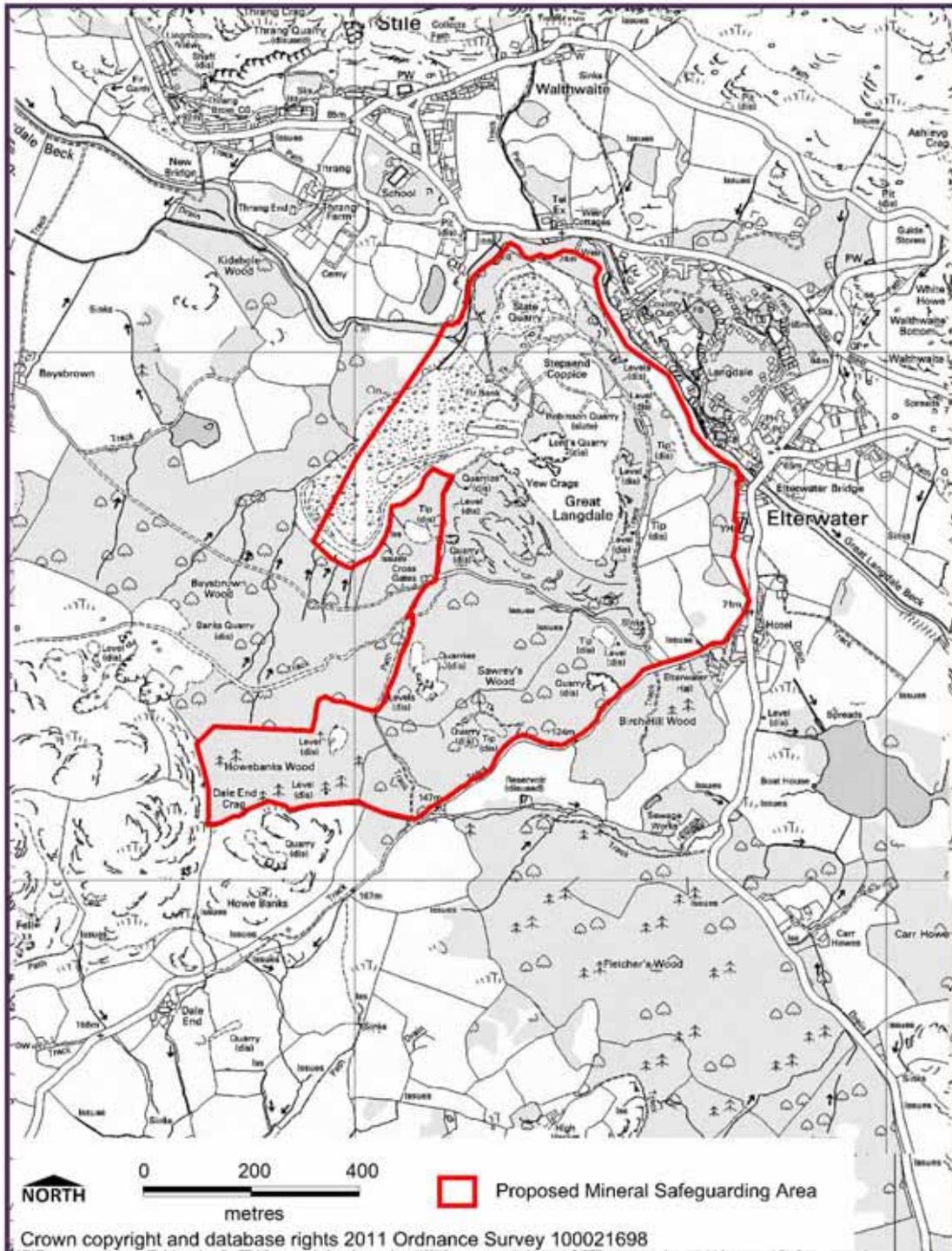
Peat Field Quarry: There is Andesite to the north, east and south of the green slate but the road to the east of the quarry and Pierce How beck to the west are the practical quarrying limits. These together with a 200-300 metre buffer beyond the quarry to the northeast and southwest provide the proposed MSA boundary.



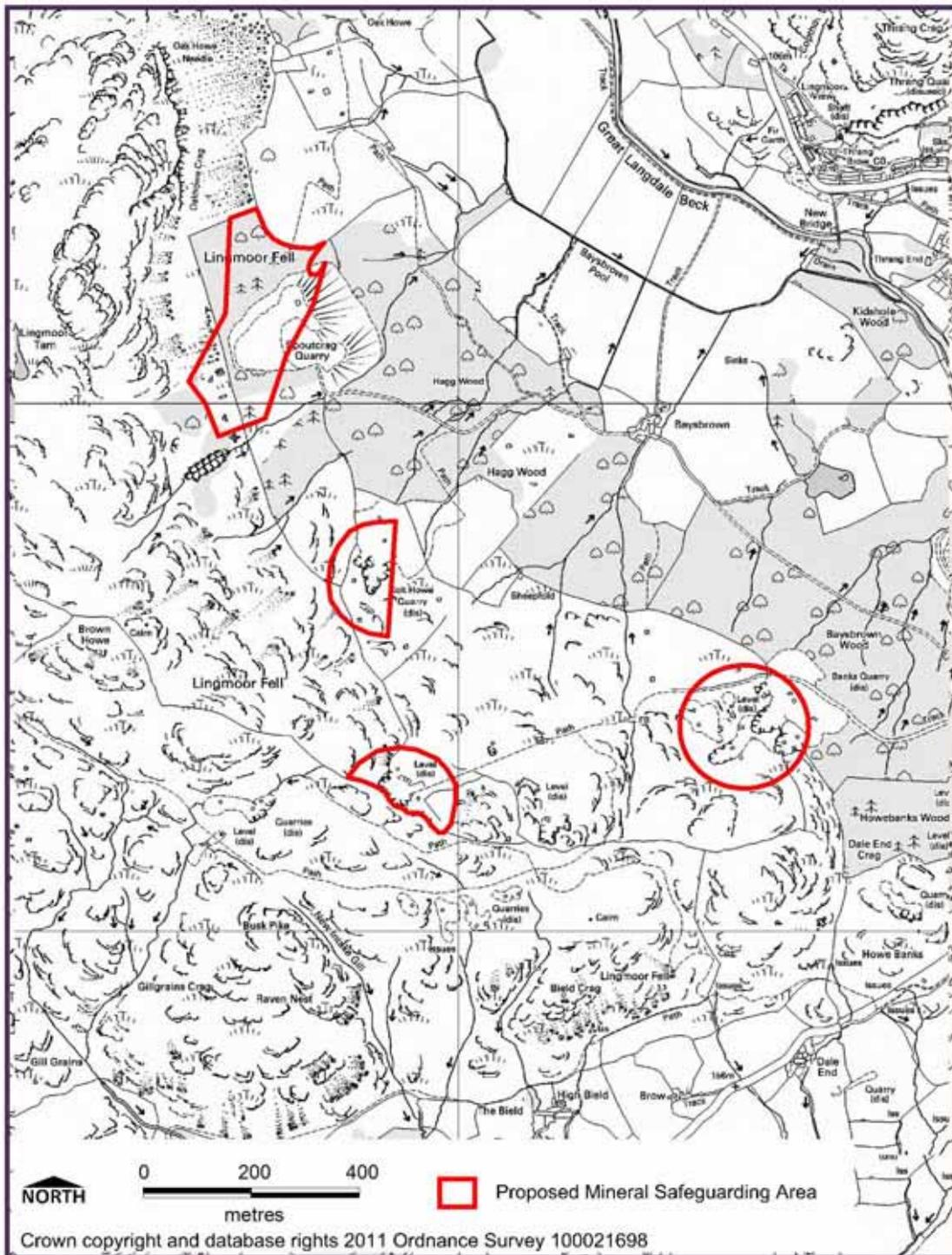
Moss Rigg Quarry: There is a band of Andesite to the east of the quarry with the Low Water Formation to the west and most of surrounding fell has been quarried for green slate in the past but existing tracks and Pierce How Beck provide the proposed MSA boundary.



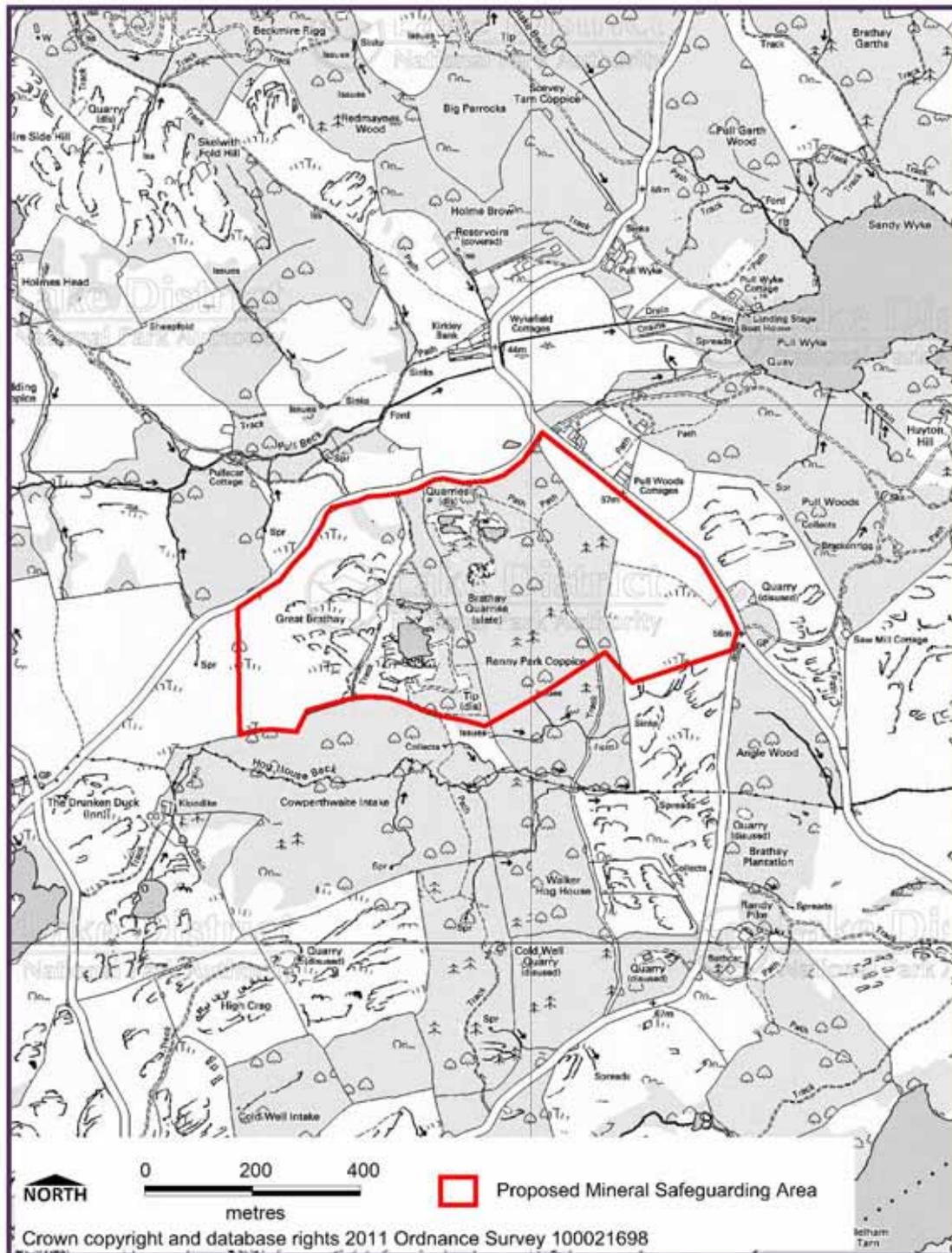
Elterwater Quarry: The Lingmoor Fell Formation is to the west of the green slate and much of Baysbrown Wood is a Site of Special Scientific Interest. Great Langdale Beck to the north and the road to Baysbrown Farm to the south are the practical quarrying limits. The proposed MSA excludes the SSSI.



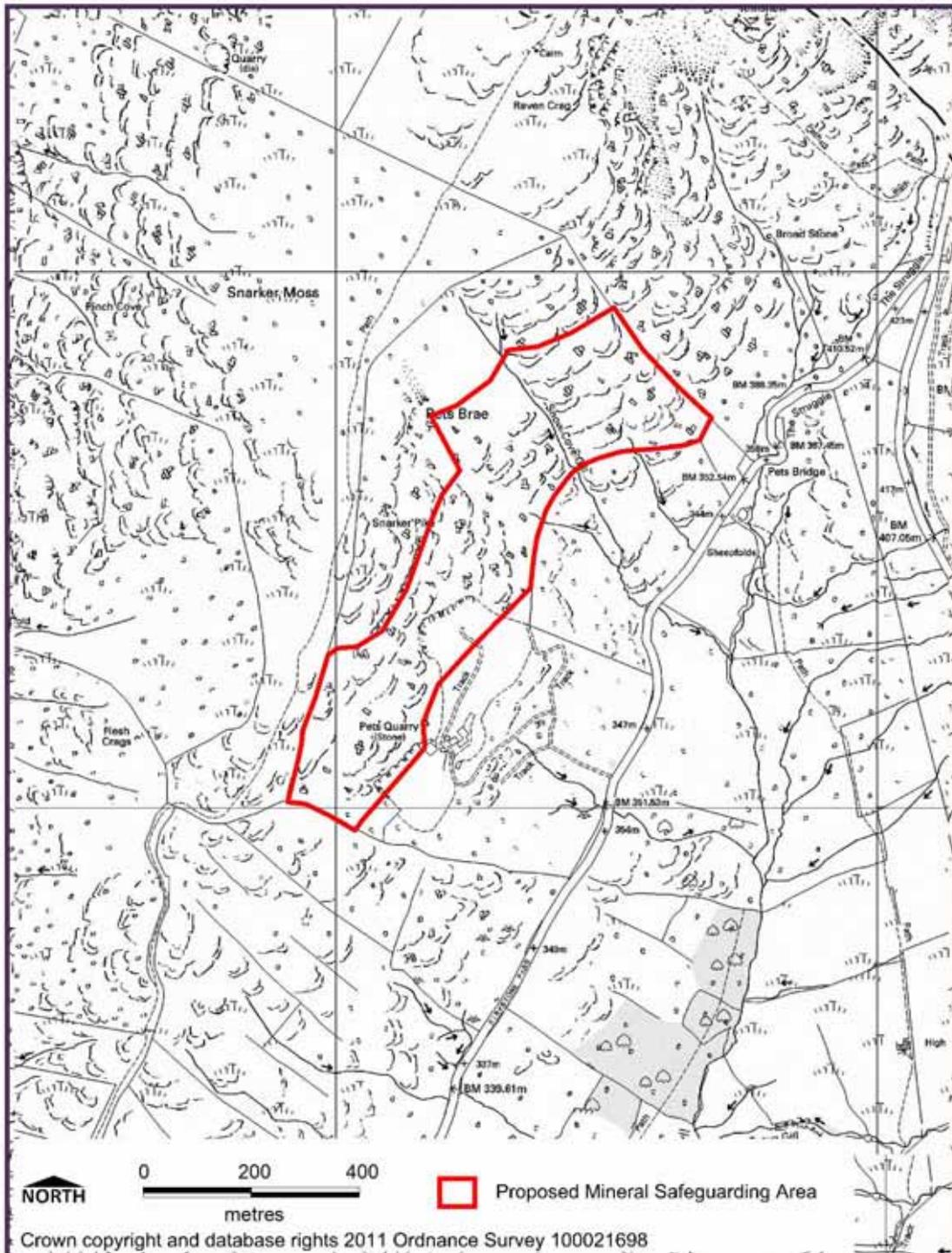
Spout Crag Quarry: Much of the area surrounding the quarry is Andesite or the Lingmoor Fell Formation with Hagg Wood immediately below and to the east designated a SSSI. Slate that has the potential to be quarried can be found immediately to the west of the quarry and is included in the proposed MSA. The green slate to the east of here has been worked at Colt House, Lingmoor and banks quarries and its designation as a MSA is considered appropriate.



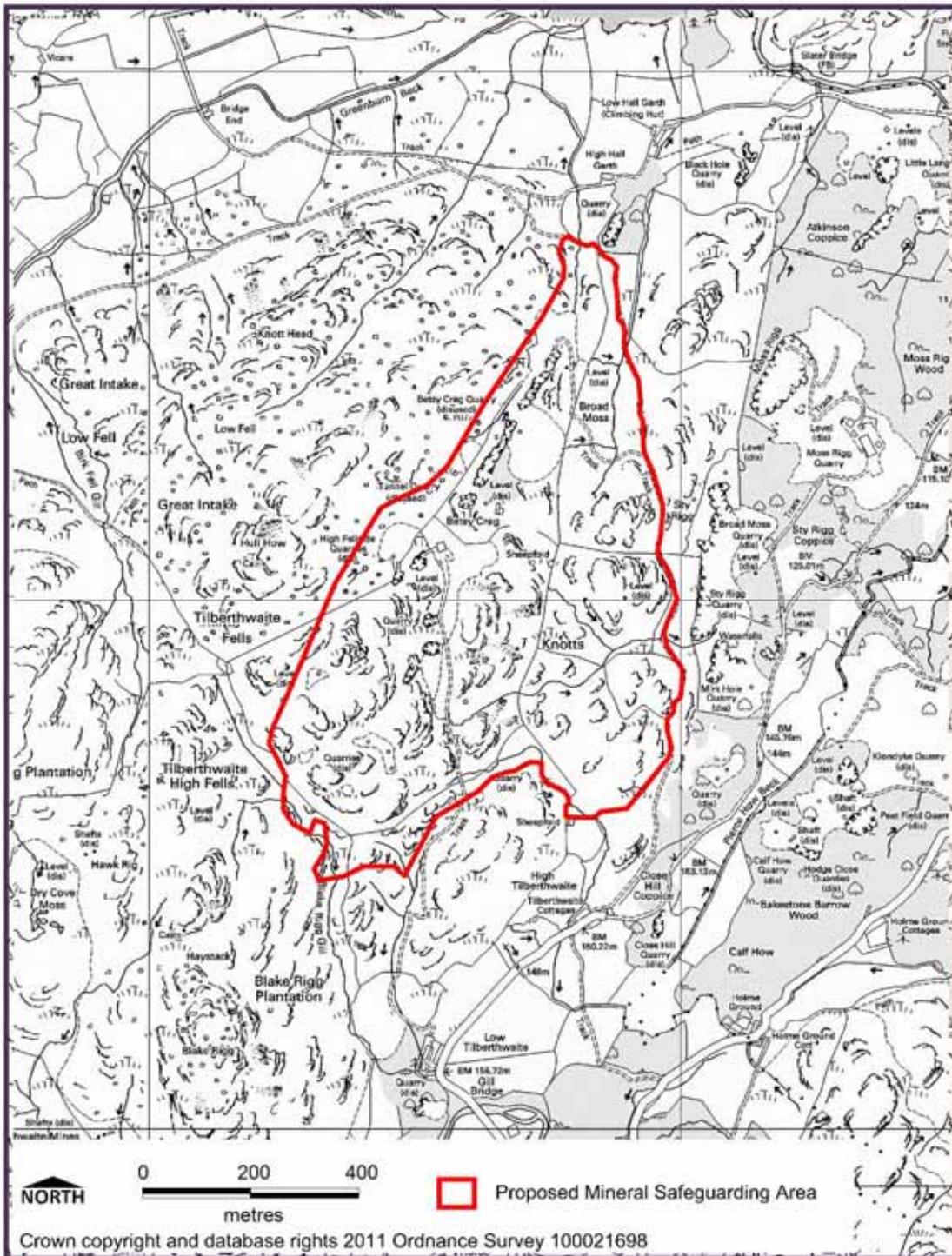
Brathay Quarries: The Brathay Formation is part of the Windermere Supergroup, is a relatively narrow outcrop and has a total thickness of only about 100 to 320m. Brathay Quarries lie on wooded undulating, craggy land and is a Site of Special Scientific Interest. The B5286 road to the east, Cowperthwaite Intake to the south and the road to The Drunken Duck Public House to the north are the practical quarrying limits and inform the proposed MSA boundary.



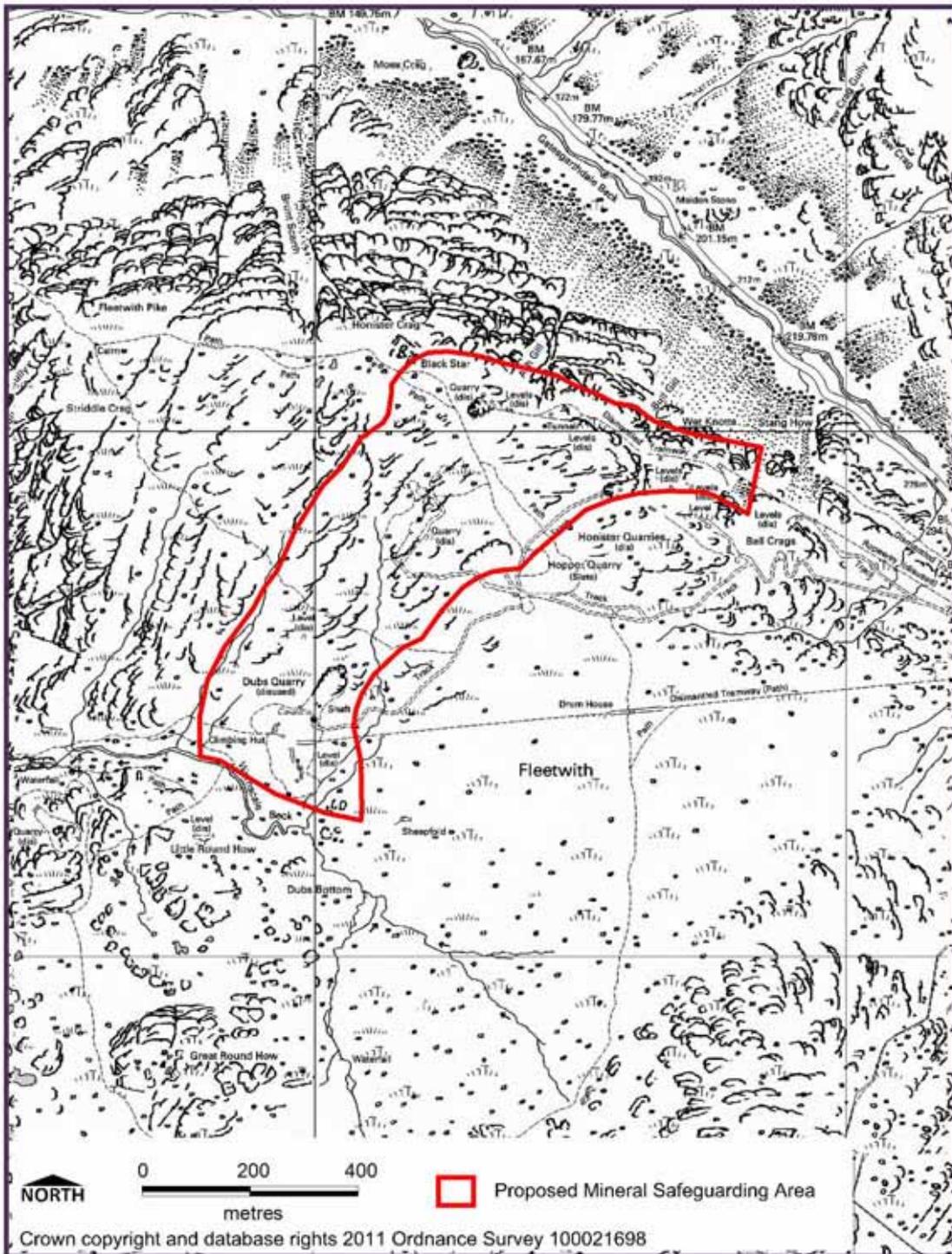
Petts Quarry: The Seathwaite Fell Formation is part of the Borrowdale Volcanic Group which forms the highest central fells of the Lake District. Petts Quarry is located on the eastern side of Snarker Pike and Pets Brae. The Seathwaite Fell Formation to the north and east and existing field boundaries and surrounding fell characteristics provide the proposed MSA boundary.



High Fellside: Most of the surrounding fell has been quarried for green slate in the past, but existing tracks and the edge of the Low Water Formation provide the proposed MSA boundary.

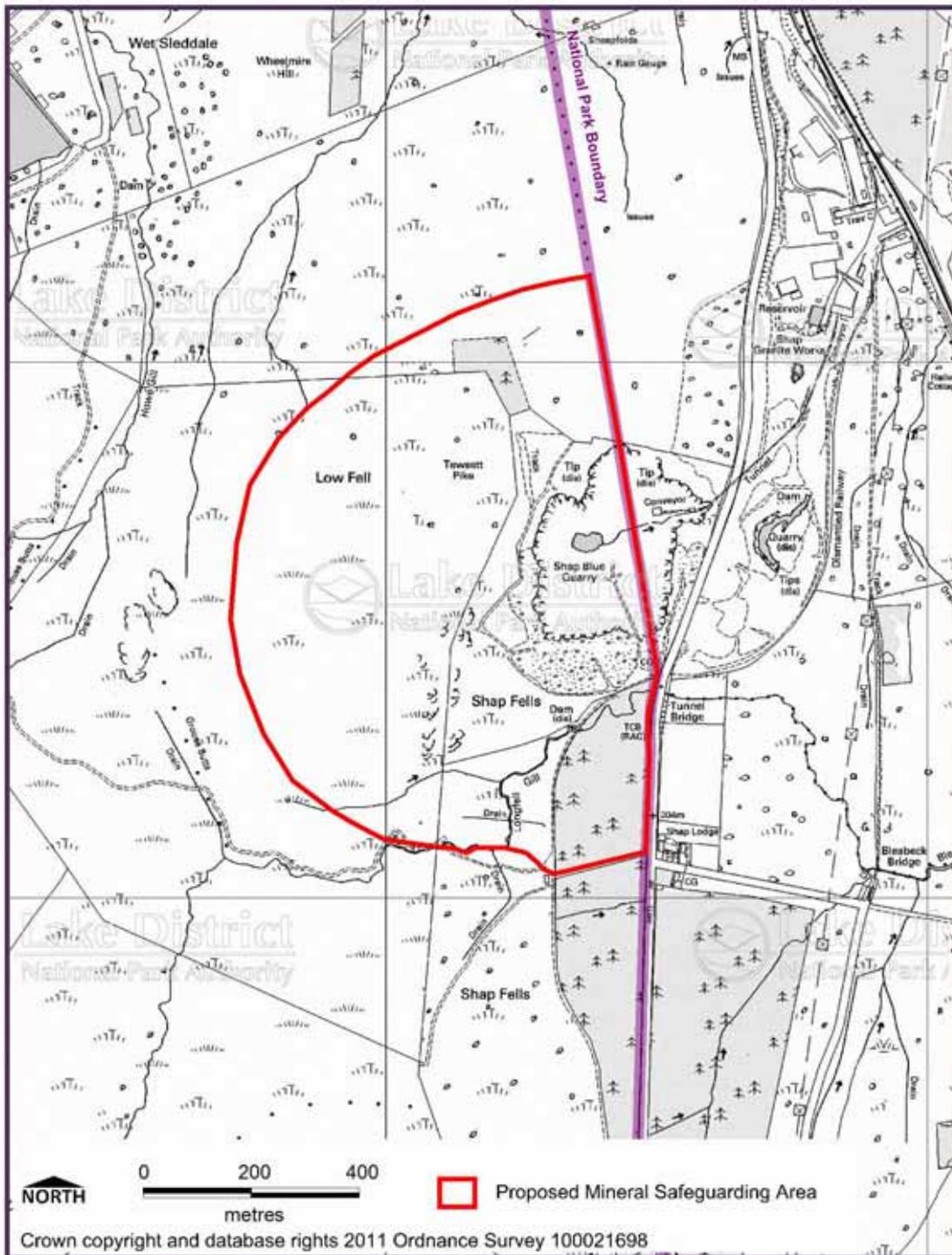


Honister Slate Mine: The Eagle Crag Formation is part of the Borrowdale Volcanic Group which forms the central fells. It is fairly small in comparison to the other slate formations and this characteristic has informed the proposed MSA boundary.

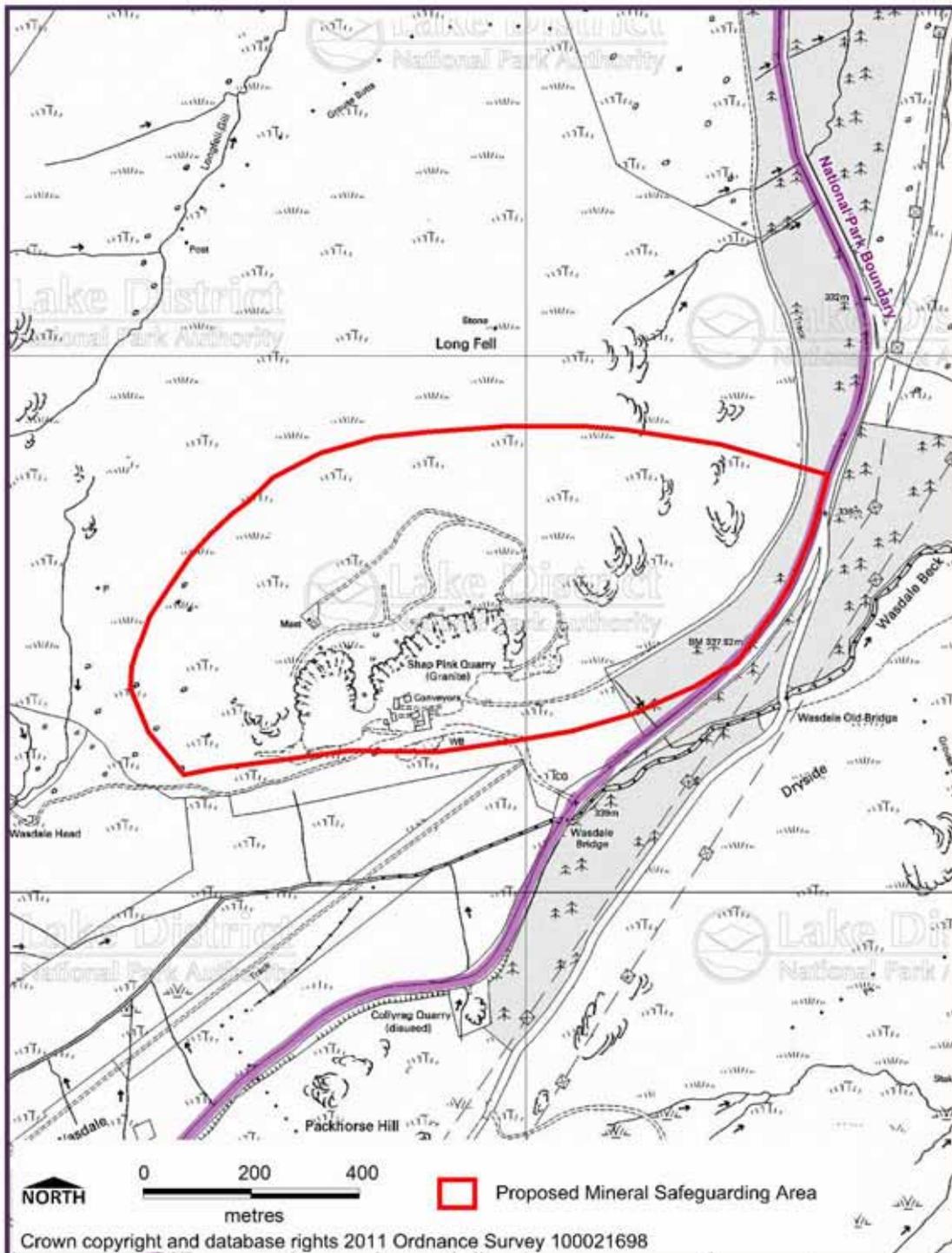


Igneous & Metamorphic Rock:

Shap Blue Quarry: The Borrowdale Volcanic Group is extensive and forms the central fells. The proposed MSA is informed by the National Park boundary to the east, the edge of the mineral resource to the south and the topography to the west and north.

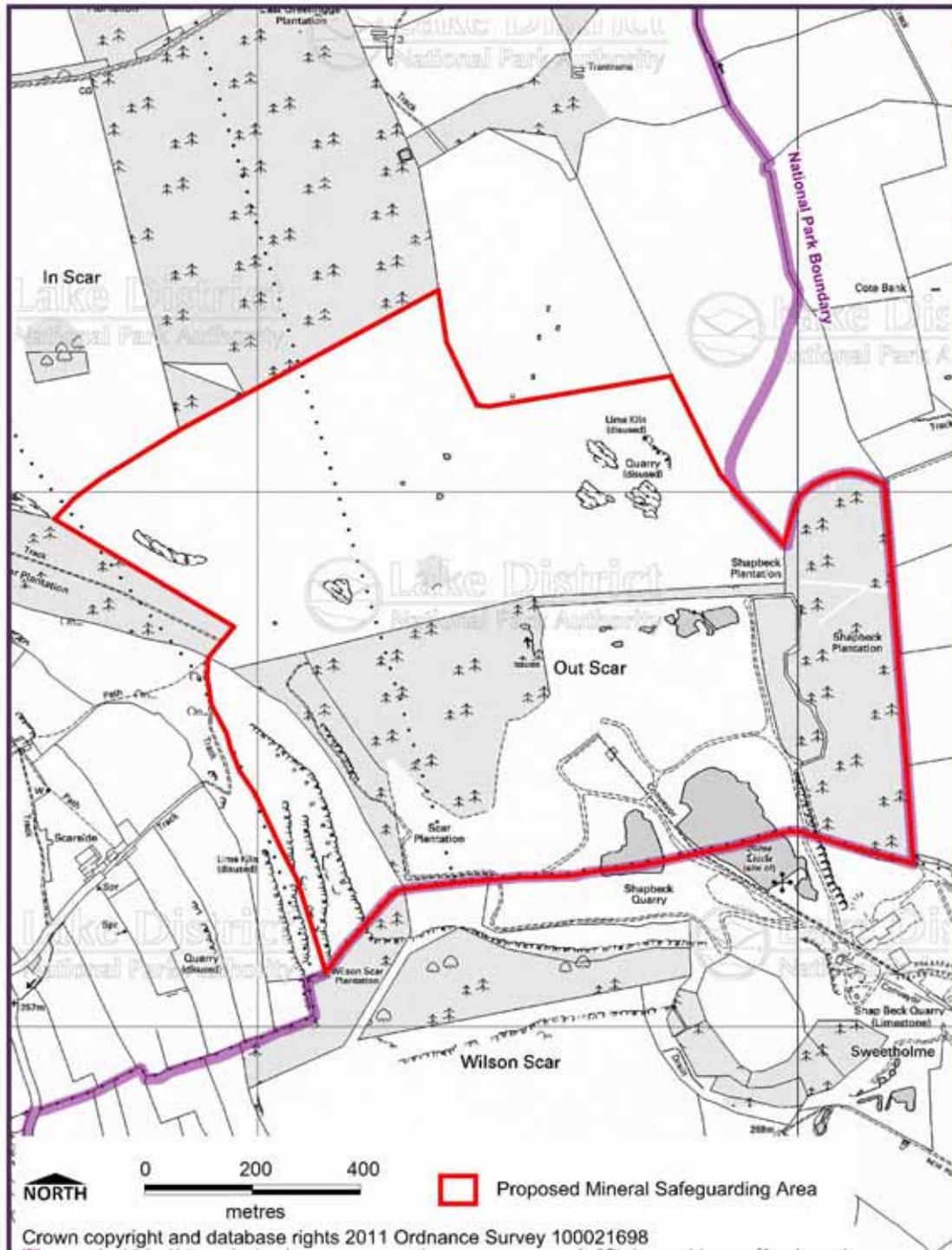


Shap Pink Quarry: On the south-eastern slopes of Longfell is the cliff face of Shap Pink Quarry, which exposes the geologically important 'Shap Granite'. The proposed MSA is informed by the National Park boundary to the east, the edge of the mineral resource to the south and the topography to the west and north.



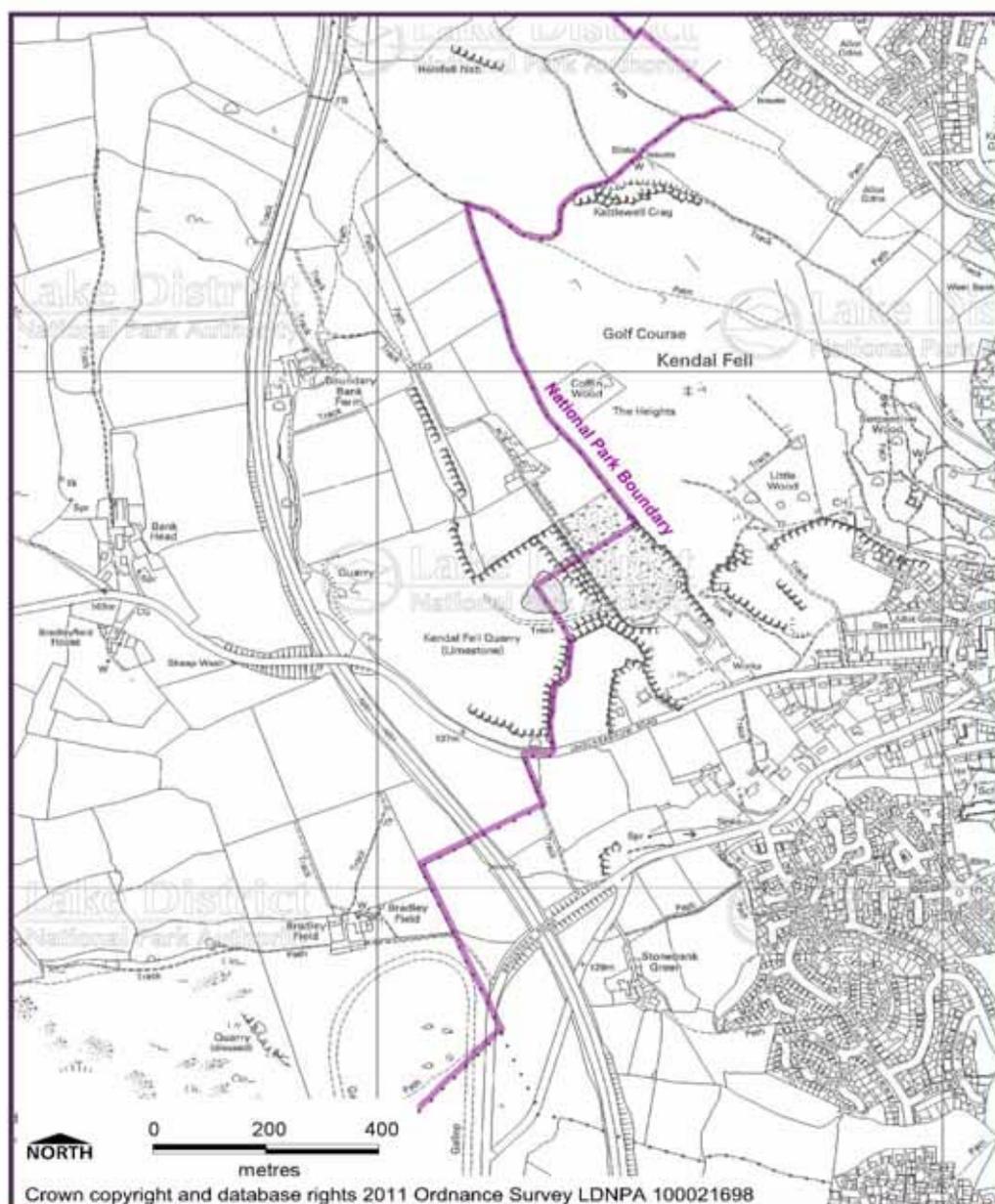
Limestone

Shap Beck Quarry: The National Park Boundary to the south and east, mineral resource boundary to the west and the topography and current uses of land to the north informs the proposed MSA.



Kendal Fell:

There is no scope to delineate a MSA around Kendal Fell Quarry due to its close proximity to roads, access tracks, existing residential and employment areas. Core Strategy policy CS31 states we will seek to allocate Kendal Fell Quarry for a waste management and treatment facility. This is to assist South Lakeland District Council with the redevelopment of the Canal Head area of Kendal, which requires the relocation of the household waste recycling centre. We are proposing to allocate the entire site for this use, to allow flexibility over where such a facility (of up to 3 hectares in area) could be accommodated within the 8.9 hectare site. Whilst there may be scope for other types of development at Kendal Fell Quarry in addition, no consideration has been given to the suitability of the site to accommodate other development. Please see the main preferred options consultation report.



4 How to comment

4.1 This is your final chance to comment on our proposed Mineral Safeguarding Areas. We welcome feedback, particularly from the mineral industry, to further refine these boundaries if necessary.

4.2 Comments and suggestions relating to the proposed Mineral Safeguarding Areas can be made via the online questionnaire available on our website www.lakedistrict.gov.uk/ldf , or via the questionnaire included at the back of this report which can be sent to the address below.

Spatial Planning and Communities Team
Lake District National Park Authority
Murley Moss
Oxenholme Road
Kendal
Cumbria
LA9 7RL

4.3 The Preferred Options Report consultation begins on 26 September 2011 for eight weeks and we welcome your comments no later than 30 November 2011.

4.4 If you wish to discuss this report further please contact Paula Allen (01539-792677) or email at Paula.Allen@lakedistrict.gov.uk

4.5 A series of consultation events have been arranged at several locations throughout the National Park to enable members of the public to discuss the proposed sites with us. Details of these events are on our website.

4.6 Once the consultation has ended we will collate the responses into a Consultation Responses Report and make changes to the document where there is clear evidence and justification to do so. A final report will be produced and submitted to Secretary of State for examination alongside the main Allocations of Land Development Plan Document.

4.7 An independent Inspector will hold a Public Examination into the final report, which will be held in Summer/Autumn 2012.