

North Yorkshire Joint Mineral and Waste Local Plan

Matter 3: Transport, infrastructure and safeguarding

Additional note on Potash Mineral Safeguarding by the Mineral Products Association.

Following an intervention by the Mineral Products Association(MPA) during the discussion on potash safeguarding (14 March 2018) between INEOS and Sirius Minerals the Inspector requested a note from the MPA setting out its concerns to her.

The MPA intervention was reluctantly made as it has no direct interests in potash or shale gas. However, the way the discussion was proceeding the MPA were concerned that a bespoke safeguarding solution was likely to be agreed that would set a wider precedent for safeguarding and in any event would be UNSOUND.

NPPF at paragraph 143 states;

In preparing Local Plans, local planning authorities should:

- *(3rd bullet) **define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised** [emphasis added] by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultation Areas based on these Mineral Safeguarding Areas*

In the Annex 2 (Glossary) of the NPPF potash is listed, with others, as a mineral of local and national importance.

The Local Authority (LA) advised the Examination that they had taken a “*proportionate and reasonable*” approach in safeguarding only part of the known potash resource. This is clearly against the requirement of paragraph 143 which is unequivocal and requires Mineral Safeguarding Areas(MSA) to be defined in order that **known locations** of specific minerals resources of local and national importance are not needlessly sterilised.

There is no flexibility in the NPPF for the LA to take a *proportionate and reasonable* approach to safeguarding and only safeguard a proportion of the known potash resource. NPPF makes it clear in paragraph 143 that the creation of an MSA does not create a presumption that the mineral resource so there should be no concerns in safeguarding the potash resource in full as required by national policy. The current approach makes the plan UNSOUND and furthermore sets a dangerous precedent for future safeguarding approach to all minerals in the future

The whole purpose of safeguarding minerals is to protect known mineral resource for future generations, and the known potash resource should be safeguarded in full.

On the interface between potash and shale gas the situation is simple. The potash resource is known but the shale gas resource is not. Applying the precautionary principle, the known potash resource should not be prejudiced by something that currently is not proven. In the event knowledge of shale gas improves then this issue can be revisited in the compulsory 5 year review of the Plan.

M E NORTH

On behalf of the Mineral Products Association

19/03/18