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Minerals Policy Statement 1: Consultation Paper Response

1. Purpose of Report

- 1.1 To inform the Panel Members of the consultation paper on Minerals Policy Statement 1: Planning and Minerals, and to seek their views on the consultation response to be sent to ODPM.

2. Background

- 2.1 Minerals Planning Guidance notes (MPGs) set out the Government's national planning policies for minerals in England. The Government's Planning Green Paper, *Planning – delivering a fundamental change*, published in December 2001, announced that the Government intended to review all its minerals planning and planning policy guidance in order:

- to see whether it is needed;
- to seek greater clarity; and
- to separate guidance on practical implementation from policy statements.

MPGs will be replaced by Mineral Planning Statements (MPSs) and Planning Policy Guidance (PPGs) by Planning Policy Statements (PPSs). Minerals Planning Guidance Note 1: *General Considerations and the Development Plan System* (MPG1) was identified as one of the first for revision in the series of 14 MPG notes.

- 2.2 It is envisaged that the existing 14 MPG's should be revised or re-presented as follows:

- MPS1 – will set out the Government's key policies and principles for minerals planning in England. The policy elements of other MPG's concerned with planning for the supply of significant minerals, notably MPG6 on aggregates, will be revised and published as annexes to MPS1. Later annexes dealing with specific minerals will be added (oil, gas, brick clay and building stone etc.).
- MPS2 – will cover principles to be followed in consideration of the environmental effects of mineral working. Consultation on MPS2 has

already taken place and the final publication is due this year. MPS2 will replace MPG11 : *The Control of Noise at Surface Minerals workings*. Further annexes on other environmental effects will follow.

- MPS3 – will update the present MPG7 : *The Reclamation of Mineral Workings*. It will cover matters relating to site restoration and management.

2.3 It is envisaged that the remaining MPGs will be consolidated into a single minerals procedural guide. There are no current proposals to review MPG5:Stability in Surface Mineral Workings and Tips.

3. Overview of MPS1 content

3.1 Comments are sought on the draft MPS1 statement Planning and Minerals and its accompanying Good Practice Guidance. MPS1 will set out the government's core policies and principals for England's mineral planning. The draft MPS1 key policies are (in line with sustainable development principles):

- the need to maintain sufficient supply to meet the anticipated need for minerals consistent with environmental acceptability;
- the need to protect designated areas of national and international importance;
- the need to encourage efficient use of extracted material and the use of substitute or recycled materials in place of primary materials wherever practicable;
- the need to ensure that where extraction does take place, restoration and aftercare is of high quality.

3.2 The draft Good Practice Guide outlines how these policies might be implemented. A 'partial regulatory impact assessment' assesses the proposals cost, benefits and risks. This will be further developed in part using the responses from the consultation exercise.

Government Objectives for Mineral Planning

3.3 The draft MPS acknowledges that minerals make a significant contribution to the nation's prosperity and quality of life, not least in helping to create and develop sustainable communities. It goes on to say that it is important that there is an adequate supply of raw material to provide the infrastructure, buildings and goods that society, industry and the economy needs but recognises that there is potential conflict between the benefits to society that minerals supply can bring and the impacts that this process may have on the environment. Minerals planning aims to provide a framework for meeting the nation's need for minerals in the most sustainable way by achieving the best practicable balance of social, environmental and economic considerations and a prudent use of natural resources. The government's objectives for minerals planning are:

- to conserve and safeguard reserves as far as possible;
- to protect nationally and internationally designated areas of landscape and sites of nature conservation value from minerals development, other than in exceptional circumstances where it has been demonstrated that the proposed development is in the public interest;
- to secure supplies of the material needed by society and the economy from environmentally acceptable sources;
- to ensure, so far as practicable, that outcomes for the minerals industry are consistent with the Government's aims for productivity growth and strong economic performance;
- to secure sound working practices so that the environmental impacts of extraction and the transportation of minerals are kept to a minimum, unless there are exceptional overriding reasons to the contrary;
- to minimise production of mineral waste;
- to promote efficient use and recycling of suitable materials, thereby minimising the net requirement for new primary extraction;
- to protect, and where possible, to enhance the overall quality of the environment once extraction has ceased through high standards of restoration and to safeguard the long-term potential of land for a wide range of afteruses.

3.4 To achieve these objectives, mineral planning authorities should carry out their planning responsibilities in line with the national policies:

National policies for minerals planning (as relevant to Hertfordshire):

3.5 *Survey:*

- Have regard to the best available information on mineral resources along with any social and environmental constraints of working them;
- undertake regular assessments of the reserves;
- consideration of the range and volumes of relevant materials which may exist within or in reasonable proximity or availability, which could provide a suitable alternative to primary minerals.

3.6 *Safeguarding:*

- Safeguard valuable resources for future use from non-mineral development. Where it is necessary for non-mineral development to take place, policies should encourage the prior extraction of minerals.
- Safeguard existing rail-head/wharfage/storage/handling facilities for bulk mineral transportation and processing sites and identify future sites for such facilities where appropriate.

3.7 *Protection of heritage and countryside:*

- Only permit mineral sites within/adjacent to European sites/Ramsar sites if will not have a significant effect (unless there are no alternatives/an overriding public interest).
- Ensure mineral developments do not occur in areas of outstanding natural beauty (and other specifically designated areas), except in exceptional circumstances.
- When considering applications impacting on the above areas, consider: the “need” for development, the cost/scope of making an alternative supply from an outside area available, any detrimental envy effects, possible impacts of extensions to existing sites.
- Subject mineral proposals affecting Sites of Special Scientific Interest (SSSIs)/European protected species/Special Protection Areas (SPAs)/Special Conservation Areas (SCAs) to rigorous examination.
- Where mineral proposals will affect nationally important archaeological remains, favour is with preservation of remains in-situ.
- Consider the biological diversity/geological interest of mineral proposals sites.
- Mineral extraction need not be inappropriate Green Belt development, provided high environmental standards are maintained.
- Presume in favour of preservation of listed buildings/historical remains.
- Seek to use poor quality land over high quality land.
- Have regard to the need to protect the wider, undeveloped countryside and seek to minimise the impact of mineral development on its quality and character.

3.8 *Supply:*

- Ensure that (in establishing policies/looking at proposals) the best balance of social/environmental/economic costs is achieved.
- Indicate areas where future mineral working may be sustainable.
- Take account of the contributions that may be made by recycled materials to mineral supply.

3.9 *Bulk transportation:*

- Promote and enable bulk movement of material by rail and inland waterways wherever possible.

3.10 *Environmental protection:*

- Adopt sound working practices to minimise environmental damage; maintain good environmental management practices, consultation with local community, ensure noise/dust etc are in line with EU standards, establish mineral site transport plans (dealing with movements, complaints etc), prevent leachate/groundwater pollution.
- Ensure mineral works do not increase flood risk/land instability (especially at the coast).

3.11 *Efficient use:*

- Encourage operators to maximise the efficient use of extracted mineral.

- Encourage the use of substitute material where possible.

3.12 *Restoration:*

- Ensure high quality restoration/aftercare of mineral sites
- Consult aerodromes if restoration to wetland may pose bird risk.

4. **The Good Practice Guidance (GPG)**

4.1 The Guidance addresses the statutory basis for mineral planning and sets out the key elements of planning control for minerals, including:

- the preparation and setting out by Regional Planning Bodies and Minerals Planning Authorities appropriate policies and suitable locations for the winning and working of minerals.
- the grant/refusal of planning permission for mineral working, associated plant and buildings, on-site transportation, disposal of mineral waste, including imposition of appropriate conditions, agreements and the updating of planning conditions by periodic review.
- the enforcement of planning control.

4.2 The Guidance defines mineral planning authorities, the principles for planning for the supply of minerals and a useful overview of the new planning system, explaining the inter-relationship between Regional Spatial Strategies and Minerals and Waste Development Frameworks. It provides advice on the preparation and review of development plans and the appraisal of policies and proposals.

4.3 With regard to development control, it advises on development control policies in plans, ancillary development and the need for environmental impact assessment.

4.4 It goes on to address specific considerations for minerals planning, including safeguarding, areas for future mineral working; applications outside areas identified for future working; permitting reserves; controlling environmental impacts; proposals in nationally designated areas and World Heritage sites; restoration, aftercare and afteruse; financial provision for reclamation; agricultural land; forestry and woodland and options for use of waste minerals and other extracted materials.

5. **The Partial Regulatory Impact Assessment**

5.1 This concludes that there is no obvious risk associated with the proposed MPS. The only real alternative to the proposal is the “do nothing” option and rely on the current MPG1, but this is not considered compatible with the style proposed for setting out planning policies and is therefore considered only as a baseline against which the main options are measured.

- *Business sectors affected:* It is envisaged that the proposals will only have positive effects for business.

- Should provide for greater efficiency in handling planning applications and streamline administrative procedures of plan preparation.
- *Economic effects*: In compliance terms the proposal is neutral.
- *Environmental effects*: no significant impacts/cost arisings from the proposals.
- *Social effects*: not anticipated to be any significant social impacts/costs.
- *Equity and Fairness*: no particular positive/negative impacts to proposal. Documents will be of greater interest to those who live near mining/quarrying operations.
- Not considered that the proposal will impact on business in general.

6 Draft response to ODPM

- 6.1 The simplified approach with fewer MPSs is welcomed, with a much clearer focus on policy and a separation of guidance. However, the production of multiple Annexes may prove to be confusing.
- 6.2 The approach of identifying potential alternative sources of suitable aggregates and taking account of their contribution to the overall supply of minerals is also welcomed. However, there needs to be some positive mechanism to ensure that the objectives for encouraging alternative supply come forward. This could, for example, be a requirement for applicants proposing extraction of primary aggregates to demonstrate that there are no suitable supplies of substitute or recycled material that could meet need.
- 6.3 MPS1 highlights the fact that safeguarding will be increasingly important and the advice regarding Mineral Consultation Areas and how districts should respond to other development applications in Mineral Consultation Areas is welcomed.
- 6.4 The national policy on supply states that Minerals Planning Authorities should indicate areas where future mineral working might be sustainable. Although Hertfordshire County Council supports this principle, in practice the most sustainable sites might not always be those sites that the industry or landowners choose to bring forward. There needs to be a strong mechanism to ensure that sites coming forward do not continue to be purely industry led.
- 6.5 The description of the Minerals and Waste Development Framework in the Good Practice Guidance is welcomed. The explanation of a single framework that can have separate or combined minerals and waste documents is very clear. The detail of what an area action plan for minerals might cover is also useful.
- 6.6 The advice on permitting reserves regarding landbanks and granting planning permission (para 39), is welcomed as it clarifies avoiding over-provision. However, it is felt that this could be strengthened in terms of taking account of need when considering proposals for primary extraction. (See also 6.2. above).

- 6.7 The advice on financial provision for reclamation (i.e. bonds) re- iterates that of MPG7. It is envisaged that MPG7 will be revised into MPS3. In the meantime the issues of financial responsibility needs to be clarified.
- 6.8 Whilst it may be the case that operators have the financial responsibility for restoration, and in the case of default it falls to the landowner, in certain circumstances it could be an ineffective use of council resources to secure restoration through enforcement (e.g. borrow pits).

Conclusion

That the draft response set out in Section 6 of the report, together with any additions or amendments suggested by the Panel, be recommended to the Executive Member for submission to the ODPM.

Background Papers

Minerals Policy Statement 1: Planning and Minerals and associated Good Practice Guidance, ODPM, November 2004

Minerals Planning Guidance Note 1: General Considerations and the Development Plan System, Department of the Environment, June 1996.

Acronyms

DPD	Development Plan Documents
EU	European Union
GPG	Good Practice Guidance
LDD	Local Development Document
MPA	Mineral Planning Authority
MPG	Minerals Planning Guidance
MPS	by Mineral Planning Statement
MWDF	Minerals and Waste Development Framework
MWDS	Minerals and Waste Development Scheme
ODPM	Office of the Deputy Prime Minister
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RSS	Regional Spatial Strategy
SCA	Special Conservation Area
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest