

To: PLANNING AND ENVIRONMENT COMMITTEE		Subject: SCOTTISH PLANNING POLICY 4 (SPP4); MINERAL WORKING CONSULTATION DRAFT AUGUST 2005
From: DIRECTOR OF PLANNING AND ENVIRONMENT		
Date: 16 November 2005	Ref: N/PL/33-02/CL	

1. Purpose of Report

- 1.1 The purpose of this report is to inform Committee of a Scottish Executive consultation on policy for working of non-coal measures minerals, and to seek agreement of Committee to the proposed response.

2. Background

- 2.1 SPP4 Mineral Working, when finalised, will replace NPPG4, published in 1994, and will provide the policy framework for mineral working that planning authorities should use when preparing development plans and in determining planning applications. The consultation document states that it reflects up-to-date planning policy and contains changes based on a review of the effectiveness of NPPG4. SPP4 excludes opencast coal and associated minerals such as clays for brick-making; these are dealt with in SPP16: Opencast Coal, published in July 2005.
- 2.2 At present there are nine hard rock quarries operating in North Lanarkshire and one peat working. In addition, two hard rock quarries and one peat working are dormant. There are no sand and gravel quarries in the Council area.

3. Sustainability Implications

- 3.1 The SPP advocates a sustainable approach to planning for mineral development through the preparation of a positive development plans framework, rigorous development management decisions and proactive enforcement. This will ensure that the benefits of minerals development are not obtained at the expense of unacceptable impacts on either communities or the environment.

4. Considerations

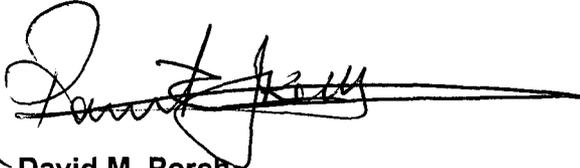
- 4.1 The aim of the SPP is stated as follows: *"Minerals are an important national resource. There is a continuing need for an adequate and steady supply of minerals for a variety of purposes. Equally, working must be fully reconciled with policies to protect local communities and the wider environment."*
- 4.2 This represents a broad continuation of existing national policy on minerals and as such no major issues arise from the draft SPP. There is an increased emphasis on community involvement in accordance with Executive policy on environmental justice.
- 4.3 Detailed comments on the consultation are included in the attached Appendix.

5. Corporate Considerations

5.1 There are no corporate considerations.

6. Recommendations

6.1 It is recommended that Committee notes the content of this report and agrees the response set out in the report and Appendix.



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DIRECTOR OF PLANNING AND ENVIRONMENT

26 October 2005

Local Government Access to Information Act: for further information about this report, please contact Craig Lindsay on 01236 616458

Background Papers:

Scottish Planning Policy SPP4 Mineral Working: Consultation Draft August 2005

National Planning Policy Guideline NPPG4 Land for Mineral Working April 1994

APPENDIX

Detailed Comments on SPP4 Mineral Working: Consultation Draft

(Comments are in italics)

Policy Context (paras 2-8)

In paragraph 7, headed "Environmental Justice" it is stated that a key element of environmental justice is ensuring that communities are provided with accessible information and with the opportunity to participate in decision making to provide them with a greater say over the environments in which they live. *Further clarification is required over what this statement means. In particular, how would the participation manifest itself, would it extend over and above participation allowed for in other areas of planning, and what are the implications for staff resources.*

Planning Policy for Minerals Extraction (paras 9-21)

The SPP makes clear (para 9) that: "...the key strategic aim is for development plans to provide policies and land allocations that do not prevent mineral working yet accommodate community and environmental interests". *This approach updates the earlier advice and makes it clear that authorities should balance economic, social and environmental factors to deliver sustainable development of mineral resources. The increased emphasis on community interests over previous advice is welcomed.*

There is also (para 10) a continuation of the present approach of defining preferred areas and areas of search with a reasoned justification for the safeguarding of such areas or particular sites or the criteria to be satisfied by an acceptable proposal. *This is a process that has generally worked well in planning for a range of natural resources, including minerals.*

The SPP indicates (para 12) that, where a local plan has recently been adopted supplementary planning guidance may be used. *Clarification of the forms of supplementary guidance that are envisaged would be helpful – would guidance notes for developers be viewed as adequate?*

Engagement with communities by operators is promoted (para 16) via a community liaison or advisory panel or committee. *It is not clear from the text whether this is a suggestion or a mandatory requirement on an operator when planning permission is granted. Clarification is also sought on whether the onus is on the authority or the operator to establish such a forum or committee.*

In para 18 a specific question is posed: "Consultees are asked for a view on whether a 500metre buffer (specified in SPP 16 for opencast coal sites) is appropriate for this SPP". *Specification of a single buffer would be over simplistic as it would not take into account differing circumstances, most importantly the type of mineral to be extracted. In the same paragraph there is a statement that buffer zones should be measured from the site boundary rather than the closest working face. While this is also simplistic it would appear to be the most straightforward means of measurement in terms of implementation.*

An increased emphasis is being placed on cumulative impact in the draft SPP and a 5 km threshold has been devised (paras 19-21). *While this increased emphasis is welcomed a number of issues are raised by the proposed wording:*

- *There is confusion as to how the assessment of cumulative impact is to be applied as there is a 5km threshold relating to settlements (para 19) and a 5km threshold relating to individual sites (para 20) and this should be clarified in the final SPP*
- *The wide range of sites to be included in the calculation of cumulative impact, including opencast coal and landfill sites, is welcomed. However the reference to "other developments with significant environmental effects" would benefit from definition, for example by specifying sites that require an Environmental Assessment.*

- It is proposed (para 20) that: "If adverse cumulative impacts cannot be mitigated adequately, permission should be refused. Future applications in the same area may be considered, other things being equal, if neighbouring sites have ceased to operate and have been restored". *This appears to encourage operators to hold back an application until another site is finished. However cumulative impact is also relevant over time and a series of consecutive developments in an area can lead to extractive activity that appears to communities to be never-ending.*

Locational Characteristics (paras 22-25)

No comments

Addressing Operational Issues (paras 26-41)

In para 28 there is reference to a single Central Belt market area for minerals, including aggregates, yet in para 42 the city regions of the four largest cities should form the market area for the provision of construction aggregates. *This inconsistency should be addressed in the final SPP.*

In a section on dust in para 32 reference is made to a study published by the University of Newcastle-upon-Tyne. *This is an extremely long report with an inconclusive ending and it is not clear what the Executive expects authorities to conclude from it in addition to the point made in para 33. Clarification of this in the final SPP would be helpful.*

There is also reference in para 32 to an Air Quality Strategy for England, Scotland, Wales and Northern Ireland. *It would be helpful if a full reference to this document could be included in the final SPP.*

It is surprising that SEPA is not mentioned in para 33 as the Agency has an important role in monitoring dust emissions. This should be rectified in the final SPP.

It is noted (para 36) that PAN51 Planning and Environmental Protection is to be revised and, on the assumption that this will clarify respective roles, this is to be welcomed.

At several points in the draft reference is made to the role of development plans in the maximisation of recycled and substitute materials (for example paras 8, 38 and 45). The only specific policy area listed is the identification of suitable sites or locational criteria for the processing of secondary materials. *Does the Executive see a wider (eg promotional) role for authorities in this area, through development plan policies or by other means?*

The Council welcomes the statement in para 40 that : "The policy in this SPP carries no presumption either in favour of or against further uses such as landfill or land raising which should be considered in the context of development plan policy, NPPG 10 Planning and Waste Management and the National Waste Plan.

In the section on restoration (para 41) financial guarantees are advocated as an alternative to financial bonds and there is reference to a Fund operated by the Quarry Products Association (QPA). *This is an option that the Council does not accept. Firstly not all operators are members of the QPA. Furthermore an operator who is flouting a planning permission may well have left the QPA even if they had been members earlier and therefore funds would not be available.*

Restoration schemes have frequently become more complex since NPPG 4 was published in 1994 but this is not recognised in the draft SPP. The on-going success of restoration schemes often depends on action beyond the typical 5 year aftercare scheme that operators are prepared to agree. However schemes with nature conservation goals can take longer than 5 years for the site to mature and further guidance on extended aftercare periods, periodic reviews of aftercare and the mechanisms to allow for on-going public access would be welcomed.

Additional Policy Guidelines for Individual Minerals (paras 42-51)

In para 49 it is made clear that the working of peat will only be acceptable in areas of degraded peat which has been significantly damaged by human activity and where the conservation value is low. *This new policy is welcomed.*

It is stated in para 51 that there may be potential for the extraction of methane gas from deeper coal deposits through developing extraction technologies. *This possibility is noted.*

Development Management (paras 52-60)

In the section on planning conditions (para 55) it is stated that the planning authority should seek to minimise the number of planning conditions and a list of appropriate topics for conditions is provided. *While minimising the number of conditions is a principle that can be supported, the list of topics includes dust, which is the responsibility of SEPA. Traffic impact is also listed and it would be helpful if the final SPP were to clarify than some traffic impacts (eg time of lorry movements) can be controlled but others (eg lorry routeing) cannot.*

In para 57 it is made clear that the Executive intends to introduce a new statutory charging regime to recover the costs of monitoring and enforcing minerals permissions from operators. *This proposal is welcomed.*

It is proposed to resume minerals production surveys in Scotland, in association with the industry. *This proposal is welcomed.*

CL
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