

# A G E N D A

## Planning Committee

Date: **Friday, 3rd June, 2005**

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Time: **10.00 a.m.**

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Place: **The Council Chamber,  
Brockington, 35 Hafod Road,  
Hereford**

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Notes: Please note the **time, date** and **venue** of  
the meeting.

*For any further information please contact:*

*Pete Martens, Members Services,  
Tel 01432 260248*

*e-mail: [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)*

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Planning Committee

To: Councillor T.W. Hunt (Chairman)  
 Councillor J.B. Williams (Vice-Chairman)

Councillors B.F. Ashton, M.R. Cunningham, P.J. Dauncey, Mrs. C.J. Davis,  
 D.J. Fleet, J.G.S. Guthrie, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde,  
 Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, R.I. Matthews,  
 Mrs. J.E. Pemberton, R. Preece, Mrs. S.J. Robertson, D.C. Taylor and  
 W.J. Walling

	Pages
<p><b>1. APOLOGIES FOR ABSENCE</b>                      To receive apologies for absence.</p>	
<p><b>2. NAMED SUBSTITUTES (IF ANY)</b>                      To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
<p><b>3. DECLARATIONS OF INTEREST</b>                      To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p><b>4. MINUTES</b>                      To approve and sign the Minutes of the meeting held on 22nd April, 2005.</p>	1 - 4
<p><b>5. CHAIRMAN'S ANNOUNCEMENTS</b>                      To receive any announcements from the Chairman.</p>	
<p><b>6. NORTHERN AREA PLANNING SUB-COMMITTEE</b>                      To receive the attached report of the Northern Area Planning Sub-Committee meetings held on 20th April, 2005 and 18th May, 2005.</p>	5 - 6
<p><b>7. CENTRAL AREA PLANNING SUB-COMMITTEE</b>                      To receive the attached report of the Central Area Planning Sub-Committee meeting held on 4th May, 2005.</p>	7 - 8

8.	<b>SOUTHERN AREA PLANNING SUB-COMMITTEE</b>	9 - 10
	To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 11th May, 2005.	
9.	<b>DCNW2005/1029/F - ERECTION OF DETACHED DWELLING AND GARAGE LAND ADJOINING THE FORGE, LINGEN, BUCKNELL, HEREFORDSHIRE, SY7 0DY FOR: MR &amp; MRS P BARNETT, BRYAN THOMAS ARCHITECTURAL DESIGN LTD AT THE MALT HOUSE SHOBDON LEOMINSTER HEREFORDSHIRE HR6 9NL</b>	11 - 16
	To consider an application for the erection of a three bedroomed two storey detached dwelling and detached garage/store.	
	<b>Ward: Mortimer</b>	
10.	<b>MINERALS POLICY STATEMENT 2: CONTROLLING AND MITIGATING THE ENVIRONMENTAL EFFECTS OF MINERALS EXTRACTION IN ENGLAND (MARCH 2005) (MPS 2)</b>	17 - 20
	To inform Members of the existence and contents of the report	
	<b>Wards: County-wide</b>	

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 22nd April, 2005 at 10.00 a.m.**

**Present:** Councillor T.W. Hunt (Chairman)  
Councillor J.B. Williams (Vice Chairman)

**Councillors:** B.F. Ashton, Mrs. W.U. Attfield, M.R. Cunningham, P.J. Dauncey, D.J. Fleet, J.G.S. Guthrie, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, D.C. Taylor and W.J. Walling

**In attendance:** Councillors R.M. Wilson

**65. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs J Davis, P.J. Edwards, R.I. Matthews and R. Preece.

**66. NAMED SUBSTITUTES (IF ANY)**

The following substitutions were made:

Substitute	Member
Mrs U Attfield	R. Preece
Ms. G.A. Powell	R.I. Matthews

**67. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**68. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 21st January, 2005 be approved as a correct record and signed by the Chairman.

**69. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reported on the following matters:

**Development Control Performance**

Out-turn development control performance for 2004/05 was as follows:

Major Applications determined within 13 weeks 46% (Target 60%)  
Minor Applications determined within 8 weeks 51% (Target 65%)

Other Applications determined within 8 weeks 64% (Target 80%)

Although this performance failed to meet the national targets set by Best Value Performance Indicator 109 largely as a result of staff shortages when there were 8 planning officer vacancies, performance had started to improve significantly. In addition there were signs that the number of applications were starting to slacken and it was anticipated that the department would meet and exceed targets set by BVPI 109. In addition, staff were playing key roles in the implementation of Council-wide Corporate Geographic Information System and the Electronic Record and Document Management System which would in turn have an impact on future Development Control performance.

**Planning Delivery Grant**

Despite the staffing shortages, the Council was awarded a Planning Delivery Grant of £101,354 for development control performance and improved electronic delivery of the planning service. The size of this grant in the face of the acknowledged resource constraints was a tribute to the dedication and commitment of staff who had continued to perform to a high standard in often difficult circumstances.

**Staffing and Recruitment**

Staffing levels were approaching full establishment with 3 new enforcement officers being recruited and a healthy although modest response to the advertisement of the Development Control Manager, interviews for which would take place on 3rd May. The application of market forces supplements to both the Building Control Officers (3) and Senior Building Control Officers (1) posts has resulted in a positive response to adverts and recruitment to these posts would take place in the first week of May and the first week of June, 2005 respectively.

**70. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meetings held on 26th January, 2005, 23rd February, 2005 and 23rd March, 2005 be received and noted.

**71. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meetings held on 9th February, 2005, 9th March, 2005 and 6th April, 2005 be received and noted.

**72. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meetings held on 19th January, 2005, 16th February, 2005, 16th March, 2005 and 13th April, 2005 be received and noted.

**73. DCSW2005/0282/F - SAFETY FENCE, DORSTONE PLAYING FIELDS, DORSTONE, HEREFORDSHIRE**

The Committee noted that the application had been referred to it because the local Ward Member was a Trustee of the Playing Fields Association and his name was on the deeds of the land.

In accordance with the criteria for public speaking Dr Hession spoke against the application and Mr Garrard spoke in favour of the application.

The Southern Team leader explained details of the application and the Committee noted the following issues:

- impact upon Area of Great Landscape Value;
- Conservation Area Issues;
- impact upon Public Right of Way; and
- residential amenity.

The Committee noted the concerns of the objector and the steps which were being taken by the applicants to minimise the impact upon his property and the Conservation Area. Having considered all the facts, the Committee was satisfied that the application complied with the planning policies contained within the South Herefordshire District Local Plan in relation to the designated Area of Great Landscape Value and the Conservation Area.

**RESOLVED: That planning permission be granted subject to the following conditions:**

**1. A01 (Time limit for commencement (full permission))**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2. A06 (Development in accordance with approved plans)**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**3. Notwithstanding the approved drawings, details of the netting shall be submitted to and approved by the local planning authority prior to the commencement of any works.**

**Reason: To ensure adherence to the approved plans and to protect the general character and appearance of the area.**

**Informative(s):**

**1. The right of way should remain open at all times throughout the development. If development works are perceived to endanger members of the public then a temporary closure order should be applied for from this department, preferably 6 weeks in advance of works starting. The right of way should remain the historic width and suffer no encroachment or obstruction during the works or at any time after completion.**

**2. N15 - Reason(s) for the Grant of Planning Permission**

**74. DATE OF NEXT MEETING**

Friday 3rd June, 2005.

The meeting ended at 10.25 a.m.

**CHAIRMAN**



PLANNING COMMITTEE

3RD JUNE, 2005

**REPORT OF THE NORTHERN AREA PLANNING  
SUB-COMMITTEE**

Meetings held on 20th April, 2005, and 18th May, 2005

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**Membership:**

**Councillors:** Councillor J.W. Hope M.B.E (Chairman)  
 Councillor J. Stone on 20th April and Councillor K.G. Grumbley from  
 18th May (Vice-Chairman)  
 Councillors B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke,  
 P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt,  
 T.W. Hunt T.M. James, Brig. P. Jones C.B.E., R.M. Manning, R. Mills,  
 R.J. Phillips, D.W. Rule M.B.E., R. V. Stockton, J.P. Thomas and  
 J.B. Williams (Ex-officio).

**PLANNING APPLICATIONS**

1. The Sub-Committee has met on 2 occasions and has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended - 17
  - (b) applications refused as recommended - 1
  - (c) applications refused contrary to recommendation - 2 (not referred to Planning Committee by the Head of Planning services)
  - (d) applications approved contrary to recommendation – 0 (not referred to Planning Committee by Head of Planning Services).
  - (e) deferred - 2
  - (f) site inspections - 2
  - (g) number of public speakers - 16 (5 supporters, 6 objectors, 5 parish councils)

**PLANNING APPEALS**

2. The Sub-Committee received information reports about 4 appeals received and 14 determined (1 withdrawn, 1 upheld and 12 dismissed).

**J.W. HOPE M.B.E  
 CHAIRMAN  
 NORTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meetings held on 20th April and 18th May 2005**



PLANNING COMMITTEE

3RD JUNE, 2005

## REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 4th May, 2005

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### Membership:

**Councillors:** Councillor D.J. Fleet (Chairman)

Councillor R. Preece (Vice-Chairman)

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (Ex-officio), G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, Ms A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (Ex-officio) and R.M. Wilson.

### PLANNING APPLICATIONS

1. The Sub-Committee has met on one occasion and has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended - 6
  - (b) applications refused contrary to recommendation - 3 (not referred to the Head of Planning services)
  - (c) applications approved contrary to recommendation - 1 (not referred to the Head of Planning Services).
  - (d) deferred - 1
  - (e) site inspections - 3
  - (f) number of public speakers - 5 (supporters - 3, objectors - 2)

### PLANNING APPEALS

2. The Sub-Committee received an information report about 1 appeal received and 5 determined (4 dismissed, 1 allowed with conditions).

**D.J. FLEET  
CHAIRMAN  
CENTRAL AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting held on 4th May, 2005**





PLANNING COMMITTEE

3RD JUNE, 2005

**REPORT OF THE SOUTHERN AREA PLANNING  
SUB-COMMITTEE**

Meeting held on 11th May, 2005

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**Membership:**

**Councillors: Councillor Mrs. R.F. Lincoln (Chairman)  
Councillor P.G. Turpin(Vice-Chairman)  
Councillors H. Bramer, M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis,  
G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, T.W. Hunt (Ex-officio),  
Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams**

**PLANNING APPLICATIONS**

1. The Sub-Committee has met on 1 occasion and has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended – 12
  - (b) applications refused contrary to recommendation – 1 (not referred to the Head of Planning services)
  - (a) site inspections - 3
  - (b) number of public speakers - 10 (supporters - 5, objectors - 4, parish councils - 1)

**PLANNING APPEALS**

2. The Sub-Committee received information reports about 5 appeals received and 4 determined (1 upheld, and 3 dismissed).

**MRS. R.F. LINCOLN  
CHAIRMAN  
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting held on 11th May, 2005.**



**9 DCNW2005/1029/F - ERECTION OF DETACHED DWELLING AND GARAGE LAND ADJOINING THE FORGE, LINGEN, BUCKNELL, HEREFORDSHIRE, SY7 0DY**

**For: Mr & Mrs P Barnett, Bryan Thomas Architectural Design Ltd at The Malt House Shobdon Leominster Herefordshire HR6 9NL**

**Date Received:**  
30th March 2005

**Ward:**  
Mortimer

**Grid Ref:**  
36494, 67248

**Expiry Date:**  
25th May 2005

Local Member: Councillor Mrs L.O. Barnett

**1. Site Description and Proposal**

- 1.1 The application seeks planning permission for the erection of a three bedroomed two storey detached dwelling and detached garage/store.
- 1.2 The site is located within the defined settlement development boundary of Lingen and is adjacent to the applicants dwelling at 'The Forge'. This structure was formally one dwelling that has been divided into two separate dwelling units. Grade II Listed it is of sandstone rubble, timber-frame with plaster and brick infill construction under a tile roof.
- 1.3 The site for the proposed development is also designated as a Protected Area and adjacent to a Scheduled Ancient Monument it is also within the Lingen Conservation Area.
- 1.4 The location otherwise is semi-rural in nature and other than the applicants dwelling, the scheduled Ancient Monument (Castle Motte and Bailey and the Church, within close proximity to the eastern side of the proposed development site) is surrounded by agricultural land. This land forms part of an Area of Great Landscape Value as designated in the Leominster District Local Plan. The C.1007 public highway adjoins the southern boundary of the application site.
- 1.5 The proposed development is a 'cottage style' development of external facing brickwork laid in lime mortar under the natural blue/grey slate roof. The proposed plans indicate purpose made timber windows. The proposed dwelling internally to contain an entrance hall, sitting room, kitchen/dining room and utility on the ground floor and three bedrooms and bathroom on the first floor. It is proposed that the windows of these bedrooms are of 'dormer' construction. Alongside the north western elevation, it is proposed to erect a detached single bay garage and attached store using external construction materials to compliment the proposed dwelling.

## 2. Policies

### 2.1 Planning Policy Guidance Note 3 – Housing

### 2.2 Leominster District Local Plan

- A1 – Managing the District's Assets and Resources
- A2 – Settlement Hierarchy
- A9 – Safeguarding the Rural Landscape
- A10 – Trees and Woodland
- A18 – Listed Buildings and their Settings
- A21 – Development within Conservation Areas
- A22 – Ancient Monuments and Archaeological Sites
- A23 – Creating Identity and an Attractive Built Environment.
- A24 – Scale and Character of Development.
- A25 – Protection of Open Areas or Green Spaces
- A54 – Protection of Residential Amenity

### 2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable Development
- S2 – Development Requirements
- S3 – Housing
- S7 – Natural and Historic Heritage
- DR1 – Design
- DR4 – Environment
- H6 – Housing in Smaller Settlements
- H13 – Sustainable Residential Design
- LA2 – Landscape Character and Areas Least Resilient to Change
- LA3 – Setting of Settlements
- LA5 – Protection of Trees, Woodlands and Hedgerows
- LA6 – Landscaping Schemes
- NC4 – Sites of Local Importance
- HBA4 – Setting of Listed Buildings
- HBA6 – New Development within Conservation Areas
- HBA8 – Locally Important Buildings
- HBA9 – Protection of Open Areas and Green Spaces
- ARCH3 – Schedule Ancient Monuments

## 3. Planning History

None relevant to this planning application.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency - No objections in principle subject to the attachment of a condition to any approval notice issued with regards to a scheme of foul drainage works.
- 4.2 English Heritage – State in their response: 'The Castle and Church at Lingen form an important group and this development would adversely affect the setting of the castle. English Heritage therefore object to this application. The castle and Church at Lingen form a classic historic group of high value. Their setting will be significantly affected by the insertion of this new development. The construction appears to impinge upon the

remains immediately outside the castle. On the above grounds, we would object to this application.

We consider that the implications of this application are so significant that we would welcome the opportunity of advising further on the revised proposals. Please let me have the necessary additional information in time for us to comment again if necessary, before the application is determined.

Please send us a copy of the decision notice in due course. This will help us monitor actions related to changes to historic places.

#### Internal Council Advice

- 4.3 Highways Manager has no objection to the grant of permission.
- 4.4 Public Rights of Way Manager states 'The proposed development would not appear to affect public footpath LN28. However the following points should be noted:  
The applicants should ensure that they hold lawful authority to drive over the public footpath LN28 which runs along the front of the proposed development site (as per the attached plan), as the land does not appear to be part of the highway verge. Records suggest that this land may be part of the church property, but the applicants would need to carry out their own investigations.
- 4.5 County Archaeologist states 'The application site is a particularly sensitive one archaeologically, and in relation to the historic form of Lingen. The site is directly adjacent and very close to the extent earthworks of Lingen Castle, a Scheduled Ancient Monument (site and monuments ref HSM 1669). The site is also within the layout of the medieval settlement of Lingen (ref HSM 8267) and close to the Church.

The general location of the site is part of a historically significant open space associated with castle and Church in this part of Lingen. The importance of this open space is acknowledged by the currently adopted Leominster District Local Plan 1999, which explicitly includes the site within the meaning of Policy A25 (protection of open space). Having regard in particular to parts (1) and (4) of this policy. I have major concerns.

It is further my view that development would have an unacceptable impact on the setting of the castle here. Given the proximity of the Church already noted, and the numerous Public Rights of Way around the open space of both the Church and castle, and infill development at proposed would be very damaging.

Accordingly on the basis of the clear guidance given in PPG16 Section 8, County Structure Plan Policy CTC.5, and in particular Policy A.22 (1) of the Leominster District Local Plan 1999, I would advise that this application be refused on archaeological grounds.'

- 4.6 Conservation Manager response states ' The construction of a dwelling in this location will not enhance the character or appearance of the Lingen Conservation Area. Its proposed location between a listed building (The Forge) and a Scheduled Ancient Monument is not appropriate and would not contribute positively to this historic significant setting. The conclusion is objections as outlined above.
- 4.7 Landscape Officer response states 'The application site consists of part of the garden of The Forge. It is bounded to the north-east by a historic site, a Motte and Bailey and

to the south-east by St. Michael's and all Angels' Church. The site falls within the settlement boundary for Lingen and within the village Conservation Area.

In terms of tree issues, I have no objections, as all of the significant trees on the site would be retained. However, this development would impinge on the setting of the historic site and the church. I recommend, therefore, that permission should be refused for the development because it would be contrary to Policy A.25: Protection of Open Areas or Green Spaces, of the Leominster District Local Plan (1999).

## 5. Representations

5.1 Lingen Parish Council states in their response to the application: 'The executive Planning Sub Committee met on site on 9th April and spent some time studying the site and its position in relation to the Church and The Forge. The Leominster District Plan and recent building do allow this application but the Committee felt that they would ask full Council to consider the plans especially in relation to cladding, as any construction needs to be sensitive to this particular site. Eventually the Council resolved to support the application in overall principle with some concerns only relating to the external cladding and its sympathy with The Forge.

5.2 One letter in support of the application has been received from the applicants agent. This letter in summary states: That the objections from the consultees are noted. That the proposed dwelling is a modest 175 sq metres in floor area and has been designed to compliment rather than compete within the adjoining Listed Building and that the dwelling is to be sited 100 metres from the castle and 75 metres from the church. The letter further states that the site is within the Lingen settlement boundary and not designated as protected open space as far as he is aware.

The letter further states that the settlement has seen recent development and that Mr & Mrs Barnett wish to remain in the settlement and leave their present dwelling for personal reasons.

5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Committee Meeting.

## 6. Officers Appraisal

6.1 This application is clearly controversial on issues of location and setting historically in relationship to the adjacent site of the Ancient Monument, The Castle Motte and Bailey, the nearby Church, adjacent Grade II Listed dwelling known as 'The Forge' and policy designation of the surrounding area in which the application site is located.

6.2 The proposed dwelling is in principle relatively sympathetic to the setting of the listed building in architectural and design form, and the proposed external cladding of the dwelling can be addressed through a condition attached to any approval notice issued. Therefore, is it considered that the proposed development generally is in accordance with Policy A18 on Listed Buildings and their Settings in the Leominster District Local Plan.

6.3 The two policies in the Leominster District Local Plan that this proposal clearly does not conform with are Policies A22: Ancient Monuments and Archaeological Site and

A25: Protection of Open areas and Green Spaces. Also of relevance is Policy A1 on Managing the District's Assets and Resources.

- 6.4 Policy A1 states in criteria 2  
'Open or undeveloped sites which contribute to the character appearance and amenity of a settlement will be protected from development even when they fall within a settlement boundary in accordance with Policy A25'.
- 6.5 Policy A25 on Protection of Open Areas or Green Spaces states amongst its criteria  
'Proposals which would result in the loss of important open areas or green spaces which contribute to the character, form and pattern of a settlement, will not be permitted where such elements:
- 1) Provide relief within an otherwise built up frontage;
  - 2) Create a well defined edge to the settlement;
  - 3) Provide a buffer between incompatible uses;
  - 4) Provide important views of attractive buildings or their settings, or of attractive landscapes.
  - 5) Provide an important amenity of value to the local community.
  - 6) Contribute as an important element within an attractive street scene or
  - 7) Represent an historic element within the origins or development of the settlement or area.
- 6.6 Policy A22 on Ancient Monuments and Archaeological Sites states in Section 1 'There will be a presumption against development proposals which would fail to preserve the site or setting of a scheduled Ancient Monument or other nationally important monument.'
- 6.7 The applicants agent in a letter dated 22<sup>nd</sup> April 2005 and 10<sup>th</sup> May 2005 from Planning Services has been informed of objections received as earlier mentioned in this report and no response has been received other than the letter of response as summarised in Section 5.2 on Representations has been received.
- 6.8 Although Officer's do have sympathy with the applicants personal circumstances, these are not relevant to the planning issues and the proposed development clearly goes against policy criteria of Policies A1, A22 and A25 of the Leominster District Local Plan.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

**The site for the proposed development is designated as a protected area and is adjacent to a Scheduled Ancient Monument. It is considered that the proposed development will have a significant detrimental impact on the historic and visual setting of the location and is therefore contrary of Policies A1, A22 and A25 of the Leominster District Local Plan.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



## **10 MINERALS POLICY STATEMENT 2: CONTROLLING AND MITIGATING THE ENVIRONMENTAL EFFECTS OF MINERALS EXTRACTION IN ENGLAND (MARCH 2005) (MPS 2)**

**Report By: Head of Planning Services**

### **Wards Affected**

Countywide

### **Purpose**

1. To inform Members of the existence and contents of the report

### **Financial Implications**

2. None

### **Background**

- 3 As part of its programme of modernising the Planning system the ODPM has now published MPS 2. The statement follows initial and revised consultation papers issued in May 2000 and February 2003 and supersedes Mineral Planning Guidance Note II "The Control of Noise at Surface Mineral Workings" (1993).
- 4 The MPS comprises an over-arching Statement setting out government policy and 2 Annexes, on Dust and Noise respectively, setting out guidance on these matters. These annexes supersede parts of Mineral Planning Guidance Note 2 (Applications, Permissions and Conditions: July 1998). Further annexes are likely in due course (e.g. on blasting). Copies of the statement and annexes have been placed in the Members Information Room.

### **Content of Minerals Policy Statement 2**

- 5 MPS2 states the principles to be followed in considering the environmental effects of mineral working and expands in appendices on the need for community consultation and involvement and environmental management systems (EMSs).
- 6 In particular, that Mineral Planning Authorities (MPAs) should incorporate the objectives of sustainable development in minerals planning whilst recognising the potential conflict between the exploitation of resources and environmental aims. In order to reconcile such conflicts, MPAs should:

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Further information on the subject of this report is available from Mr N Dean on 01432 260385

- 7 “aim to:
- conserve minerals as far as possible, whilst ensuring an adequate supply to meet the needs of society;
  - ensure that the environmental impacts caused by mineral operations and the transport of minerals are kept to an acceptable minimum;
  - minimise production of waste and to encourage efficient use of materials, including appropriate use of high-quality materials, and recycling of waste;
  - encourage sensitive working, restoration and aftercare practices during minerals extraction and to conserve or enhance the overall quality of the environment once extraction has ceased;
  - safeguard the long-term capability of best and most versatile agricultural land, and conserve soil resources for use in a sustainable way; and
  - protect areas of nationally-designated landscape or archaeological value, cultural heritage or nature conservation from mineral development, other than in exceptional circumstances where it has been demonstrated that the proposed development is in the public interest.”
- 8 The MPS gives guidance on what should be taken into account in Development Plan policies and proposals for minerals extraction and associated development, urges pre-application discussion, advises on the consideration of applications, the use of conditions and issues relating to the proximity of mineral working to communities. Its conclusion states,

“This statement and its annexes reflect current good practice ... the First Secretary of State looks to all local planning authorities and to mineral operators to follow the policies that it sets out. They should ensure that the environmental impacts of mineral working are controlled and foster good community relations between mineral developers and operators and those living close to mineral workings... The Annexes to (the) Statement cover best current practice for the various types of environmental impacts.”

### Officers Appraisal

- 9 The MPS reflects the “portfolio” style of the new planning system in the way it consists of a ‘core document’ which sets out basic policies and supplementary parts addressing detailed issues. This will allow revisions to be made more easily than has been the case in the past. The policy element of the Statement is useful as a summary of current issues but it does contain some new elements and new emphases, (underlined) viz:
- “- that Development Plan policies and proposals for minerals extraction and associated development should take into account ..... (inter alia)
- the impacts on landscape, agricultural land, soil resources, ecology and wildlife, including severance of landscape and habitat loss and impacts on sites of nature conservation and, archaeological and cultural heritage value; (and)

- the benefits such as providing an adequate supply of minerals to the economy and hence for society (including construction materials needed for the development of national infrastructure and the creation of sustainable communities), creating job opportunities, and the scope for landscape, biodiversity and amenity improvements through mineral working and subsequent restoration.”

The reference to securing improvements is particularly interesting and is welcomed by Officers.

- 10 Pre application discussions by the applicant and site monitoring by the MPA, “an essential feature of control over mineral extraction” are strongly encouraged. Some emphasis is also put on the need for Community Consultation and Involvement, itself an important part of the new planning system. Most significantly however, for the first time, it is now government policy that:

“Operators should aim to develop a good track record on the environment, on community consultation and on responding to complaints. This is performance against which future project proposals can be judged.” It remains to be seen how easy it will be for Officers to apply this concept. In principle, however, it could be very helpful in persuading operators of the importance of maintaining high standards on site, even if they do not relate to matters expressly covered by conditions.

- 11 A separate appendix explains the value of Environmental Management Systems (EMSs) in enhancing industry practice. In the year 2000 the Quarry Products Association proposed that compliance with EMS systems should in itself be an adequate demonstration of good practice and compliance with conditions. The government did not accept this. The MPS clearly recognises that EMS systems are potentially useful tools but significantly does not endorse or require them as part of the planning or site maintaining process. Officers welcome all of the new elements and the emphasis given them.
- 12 The Dust and Noise Annexes to the MPS, which are based on research undertaken by the ODPM, explain the technical issues and advise how the adverse effects from these matters would be minimised. Officers welcome the guidance and consider that any clarification of the issues involved can only be welcome. Inevitably however the guidance is limited and cannot cover all eventualities, in most cases the Council will still have to rely on its Environmental Health Officers for some elements of site monitoring and enforcement.
- 13 In general therefore Officers welcome guidance and the advise in the Dust and Noise Annexes and consider that they will be useful in mitigating the adverse effects of mineral working.

## RECOMMENDATION

**That Members note the report**

### BACKGROUND PAPERS

- MPS 2 and Annexes on Dust and Noise.

