

10 ODPM CONSULTATION PAPER ON MINERALS POLICY STATEMENT 1 “PLANNING AND MINERALS” (MPS1) AND ASSOCIATED GOOD PRACTICE GUIDE

Report By: Head of Planning Services

Wards Affected

Countywide

Purpose

1. To inform members of the consultation and to recommend comments to the ODPM.

Financial Implications

2. None

Background

3. The ODPM has announced that it intends to review all its mineral planning and policy guidance, to see if it is needed, to seek greater clarity and to separate guidance on practical implementation from policy statements. MPS 1 will set out the Government's key policies and principles for minerals planning and will replace the existing MPG 1. The policy elements of other MPG's concerned with planning for the supply of significant minerals will be revised and published as annexes to MPS 1. Later annexes will deal with other significant minerals, such as oil and gas, brick clay and building stone. Other Mineral Policy Statements will follow. The current proposals for consultation consist of

- Draft MPS 1,
- Draft Good Practice Guidance, and
- A Partial Regulatory Impact Assessment.

A copy of all of the above has been lodged in the Members' Information Room.

Content of the Draft Minerals Policy Statement 1

4. The draft sets out the following objectives for minerals planning:
 - To conserve and safeguard mineral resources as far as possible;
 - To protect nationally and internationally designated areas of landscape and sites of nature conservation value from minerals development, other

Further information on the subject of this report is available from Mr Nick Dean on (01432) 260385

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 economical 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 the extraction has ceased through high standards of restoration and to safeguard the long term potential of land for a wide range of after uses.
5. National Policies are set out in some detail specifying the importance of up-to-date surveys, the need to safeguard mineral resources, protect features of nature conservation, countryside or heritage importance and the environment generally, ensure that "the best balance of social, environmental, and economic costs of benefits is achieved ... balancing environmental considerations against the need to maintain an adequate supply of minerals including recycling, the efficient use of minerals and the restoration of sites."
6. A non-statutory Good Practice Guide is also proposed explaining related issues in some detail. MPS 1 is intended to be a formal statement of minerals planning policy. The Good Practice Guide is to give advice on how the policies in MPS1 might be implemented. A Partial Regulatory Impact Assessment is appended to the consultation to assess the impact of the proposals in terms of the costs, benefits and risks.

Officer's Appraisal

7. The Head of Minerals Planning in the ODPM has stated (elsewhere) that "sustainable communities is the new wrapper, but the fundamentals of modern minerals policy remain;
- meeting the national need for construction materials,
 - at least environmental cost,
 - while cutting waste, promoting reuse/recycling and
 - safeguarding the most sensitive habitat and heritage areas."

And this is a fair summary of the new policy.

8. In general, Officers consider that the proposed MPS 1 is a useful revision, updating existing policy to accord with changes in the Development Plan system. In many cases the changes proposed are fairly subtle, however the emphasis is towards the greater protection of environmental issues than hitherto and Officers consider this very welcome. For example, the existing MPG 1 states that it "is essential, in order to contribute to the improvement in the long run performance of the economy that there is an adequate and steady supply of minerals." In the past MPA's were required to produce elaborate, slightly unrealistic, tables showing the "productive capacity" of all the sites in an area to demonstrate this. The draft MPS1, by contrast, requires MPA's to "ensure that ... the best balance of social, environmental and economic costs and benefits is achieved, taking into account the principle of sustainable development and balancing environmental considerations against the need to maintain an adequate supply of minerals to meet the justified needs of the economy and society." i.e. that the balance of other considerations comes first and may be more important than the provision of aggregates, that need has to be justified and that the productive capacity of sites is less important than it has been.
9. In the same kind of way MPA's are now enjoined to ensure that major developments "do not take place in ... AONB's ... except in exceptional circumstances (where) mineral developments should be demonstrated to be in the public interest before being allowed to proceed and to assess whether the need for minerals outweighs any impacts there may be on SSI's or European Protected Species. The presumption is now clearly stated in favour of the physical preservation of listed buildings and nationally important archaeological or historical remains, whether scheduled or not, and their settings. Officers welcome and support the changed emphasis away from ensuring supply to one of favouring the protection of environmental features and welcome the clarification provided in para. 46 of the Good Practice Guide in this respect. In addition, some clarification on how financial provisions for the reclamation of sites should be demonstrated is provided in paras 51-53 of the Good Practice Guide. Officers also welcome this but would like an even clearer statement to be made.
10. Some of the changes proposed however, although desirable in principle, are beyond the legal powers of MPA's to achieve. The proposed para.11 of the Good Practice Guide for example requires NPA's to
- Require mineral operators to adopt sound working practices ... to incorporate and maintain good environmental management practices ... and to have effective consultation and liaison with the local community before submitting planning applications...
 - MPA's are also required to state the criteria to be applied to minerals proposals in conditions ... to ensure that noise, dust and particle emissions and any blasting vibrations caused by mineral extraction are in accordance with EC standards ... and to encourage the establishment of voluntary mineral site transport plans.

Officers are most concerned that these all depend on the active goodwill of operators and are either beyond the legal powers available to MPA's or are impractical to enforce. Officers consider that significantly more advice (not

only the clarification of EC standards) but a firmer policy commitment from the ODPM to enable MPA's to argue these matters successfully at Appeal is necessary to give these proposals meaning. As proposed at present they can be little more than pious optimism.

11. The guidance includes a general policy to maintain landbanks (a stock of planning permissions for extractions of minerals) and states that further guidance will be provided to clarify this for specific minerals. Officers consider it fundamental to any form of successful mineral planning that these details should be provided as soon as possible.
12. The draft introduces a requirement for MPA's to provide guidance in their development plans on how they will ensure minerals proposals do not result in risks to human health. Officers consider that while this is desirable considerable more guidance is necessary from the ODPM to clarify what this will mean in reality and in particular who should be consulted on what matters. Research on these issues comparable to that recently produced regarding the waste industry would be of the highest value.
13. The draft encourages the efficient use of recycled minerals, which Officers consider is highly desirable but detailed specifications of what information operators could be expected to provide would be very useful (e.g. an assessment of likely recyclable materials, and the potential for recycling these and other C& D wastes on site). Finally, Officers consider that one major criticism of the draft must be the lack of clarification it gives to the concept of Spatial Planning and how this might relate to the production of minerals. This is a term which the government uses widely but which continues to remain elusive to practitioners.

RECOMMENDATION

That Members endorse the above comments and authorise Officers to inform the ODPM accordingly.¹

¹ Background Papers Consultation Paper on Minerals Policy Statement 1: Planning and Minerals and Associated Good Practice Guidance November 2004.