

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:

- 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.