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Evaluation of Minerals Policy Statements

Volume 1: Main Report

Minerals and Waste Programme

Commissioned Report CR/10/044 N



BRITISH GEOLOGICAL SURVEY

MINERALS AND WASTE PROGRAMME

COMMISSIONED REPORT CR/10/044 ^N

Evaluation of Minerals Policy Statements

Volume 1: Main Report

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Foreword

This research was commissioned by the Department for Communities and Local Government (DCLG) via the DCLG – BGS Joint Minerals Information Programme. It was undertaken by Joseph Mankelow and Chloe Wrighton of the BGS, David Highley (formerly BGS), and Julian Wooderson and Steven Fidgett of Alliance Planning. Whilst every effort has been made to ensure the accuracy of the report, the authors will not be liable for any loss or damages incurred through the use of this report.

This research was commissioned and undertaken between January and the end of March 2010. Following the General Election in May 2010 the Coalition Government announced its intention to reform the planning system. Further details of these changes were set out in the Localism Bill published in December 2010. In addition, the Government announced a review of planning policy, designed to consolidate policy statements, circulars and guidance documents into a single consolidated National Planning Policy Framework. Both developments will impact on planning for the future supply of minerals. The structure of the report has been changed to reflect the Government's intention to abolish Regional Strategies with the information gathered and analysis undertaken being presented in an appendix. The report should be read in the context of a changing framework for planning.

Acknowledgements

This research ran for a period of 12 weeks, from 4 January until 31 March 2010. It relied on a large amount of partner input. The authors would like to thank the many individuals who took the time to provide assistance and input via participation in the two focus group workshops, submission of responses to the project questionnaire, submissions via email or face-to-face meetings. A list of contributors is provided in Appendix 1. The authors would also like to thank colleagues within BGS, in particular Jenny Forster, Naomi Idoine and Christina Edwards for their assistance organising the two focus group workshops.

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Executive Summary

The Planning White Paper: *Planning for a Sustainable Future* published in 2007, set out proposals for streamlining planning policy. In this context research was commissioned by the Department for Communities and Local Government in January 2010, to undertake an evaluation of the implementation of mineral policy statements for England in order to inform any possible future review. The objectives were to:

1. Separate the ‘policy’ and ‘guidance’ components for specific Minerals Policy Statements (MPSs) / Minerals Planning Guidance Notes (MPGs) in order to assess the relative proportions of each. The documents assessed were MPS1, MPS2, MPG3, MPG5, MPG7, MPG10, MPG13 and MPG15.
2. Determine the uptake of national minerals policies in Regional Strategies (RSs) and local planning documents, and their application through development (management) control.
3. Identify any barriers to the effective implementation of national minerals policy.
4. Identify any policies which require review, clarification or amendment in the light of legislation, local practice or interpretation.
5. Identify partners’ preferred style and format for national minerals policy which will allow Government to most effectively deliver its objectives for minerals planning.
6. Undertake a strategic level review of legislation, policy and strategies that have been introduced since November 2006, when MPS1: *Planning and Minerals* was published, in order to identify those that may have an impact on existing minerals policy.

The research was informed by extensive document analysis accompanied by two focus group workshops, a questionnaire and interviews.

There are currently 13 national mineral policy documents (MPSs / MPGs) amounting to about 680 pages of policy and guidance. All of the MPGs predate MPS1 (2006), the overarching national minerals policy which covers **all** minerals. The MPGs are showing signs of age in their content and structure, and some also duplicate policy now presented in MPS1. They also contain significant amounts of guidance. Some also provide contextual material which is now considerably out of date. An analysis of MPS1, MPS2, MPG3, MPG5, MPG7, MPG10, MPG13 and MPG15 to separate ‘policy’ from ‘guidance’ has shown that only MPS1 contains more ‘policy’ than ‘guidance’.

An analysis of RS documents has shown that most contained some form of minerals policy as part of a suite of wider policies for each region. However, there did not appear to be a consistent approach to the inclusion of mineral policies and the wording often did not appear to fully reflect national policy or employed confusing terminology. However, following the Coalition Government’s clear intention to abolish Regional Strategies any review of national planning policy and preparation of Local Development Frameworks (LDFs), will need to consider whether policies previously included at regional level should be re-incorporated at either national or local level.

An analysis of policy integration within 19 local planning documents presents a relatively mixed picture of MPS and MPG policy integration within the adopted Local Development Documents (LDDs) reviewed. By comparison a generally greater level of integration was identified in existing Minerals Local Plans. However, the majority of the adopted LDDs are Core Strategy documents and, therefore, more detailed policy requirements are likely to be addressed in subsequent Development Plan Documents (DPDs), such as Site Allocations and Development Management policy documents. The LDF system has, therefore, introduced the additional need to separate national minerals policies into those that are appropriate to a Core Strategy and those more relevant to Development Management or Site Allocations documents.

A qualitative review of a sample of appeal decisions in the last five years has shown that there remains a significant reliance on national minerals policy contained in both MPSs and MPGs. This was also reflected in local authority committee reports relating to mineral planning applications which refer to both development plan policy and national minerals policy.

Regarding the implementation of national minerals policy, the majority of the issues of concern to partners related to procedures rather than the policies themselves. Overall MPS1 was considered to be a sound, if not model, minerals policy document. However, it was agreed by many that it was not policy that was at fault but a lack of its delivery through the overly complex and costly new plan-making process introduced by the Planning and Compulsory Purchase Act 2004. The lack of resources available to both Mineral Planning Authorities and central government were also considered barriers to policy implementation, along with the need for better communication at all levels of planning. However, such issues are unlikely to be resolved by changes to national minerals planning policy.

With regard to the presentation of future policy, partners welcomed the proposal for a clearer distinction between minerals policy and minerals guidance, and felt that any clarification of policy would greatly assist in downstream implementation. It was noted that substantial duplication of policy is present in the MPSs and MPGs, allowing considerable scope for streamlining provided that this is undertaken in a careful and considered way. However, there was concern that any attempt to streamline the remaining (i.e. not duplicated) policy could result in a loss of detail or clarity, potentially leading to ambiguity, misinterpretation and, perhaps, to increasing legal challenge. It was also felt that during any future review of policy, consideration must be given as to how best to retain and present valuable minerals guidance.

The research identified strong support for a single, national minerals policy document, supported by mineral specific annexes and a good practice guide. It was proposed, however, that separate Minerals Policy Statements should be abandoned and national minerals policy integrated into the Planning Policy Statement (PPS) series with a separate PPS on *Minerals*. This would provide for a better recognition of national minerals policy within the mainstream planning agenda. A PPS on *Minerals* would be essentially based on MPS1, but also incorporate relevant minerals policy from MPS2 and MPG7. The valuable, mineral specific annexes to MPS1 should be retained. The mineral specific policies contained within the older MPGs, such as MPG3 on coal, should also be retained as additional, short annexes to MPS1. This would allow for the removal of several old-style MPGs. Any new PPS on *Minerals* should be accompanied by a new Practice Guide covering guidance for all minerals, together with the important subjects of mitigating the environmental impacts of mineral workings and their high quality restoration. A new Mineral Planning Procedure Guide might replace those MPGs that have significant content related to procedure (e.g. those dealing with minerals applications, permissions and conditions).

Since the introduction of MPS1, a large number of legislative and non-legislative documents have been published at the European and UK levels. Some of these might have an impact on the way that future minerals planning is implemented.

An adequate, steady and secure supply of minerals is important to sustaining industries that depend upon them as essential raw materials. However, in a densely populated country like England, minerals extraction is almost always controversial and opposed by host communities. Managing the nation's finite mineral resources through a strategic, plan-led approach is, therefore, crucial. A clear and unambiguous national minerals policy, allied to other national policy objectives, is essential and the key to maintaining sustainable, long-term continuity of minerals supply.

1 Introduction

1.1 THE IMPORTANCE OF MINERALS POLICY

Minerals play a fundamental role in underpinning sustainable growth in the economy and our society and quality of life are highly dependent upon them. An adequate, steady and secure supply of minerals is the key to sustaining industries and employment in construction, manufacturing, agriculture and energy generation that depend upon them as essential raw materials. Minerals are used in large quantities and are the largest material flow in the economy. Global competition for mineral supplies is increasing. Indigenous mineral resources are, therefore, valuable national assets and it makes good sense to make the best use of them where economically viable and environmentally sustainable to do so. The use of renewable energy sources, recycled materials and industrial by-products can, and rightly should, be maximised to meet part of these requirements and reduce waste, but primary minerals will continue to be required.

The location of mineral resources fundamentally reflects geology; minerals can only be worked where they occur. This, together with the continuous nature of minerals extraction, sometimes extending over many decades, distinguishes the extractive industries from other sectors of the economy. Mineral development has impacts on the landscape, the environment and the amenity of people; it is almost always controversial and opposed by host communities. Locally-elected representatives have, therefore, difficult choices to make about where it is acceptable to work minerals. Effective planning for the supply of minerals depends on identifying the most appropriate locations for extraction, undertaking operations with the minimum of environmental impacts, and ensuring high quality restoration to appropriate after-use. Minerals are finite resources and an important element of sustainable development is to ensure that they are not needlessly sterilised by other forms of development. Safeguarding minerals is the process that ensures that outcome. It contributes to future continuity of supply and it is an important element of mineral planning. There are marked differences in the geological occurrence, properties, markets, and supply and demand for minerals. Some minerals are also fairly widely distributed whilst others are scarce. All of these many factors have resulted in a large body of mineral policy and guidance documents being produced.

Minerals Policy Statements (MPSs) and Minerals Planning Guidance Notes (MPGs) set out national policy on minerals and minerals planning issues (Table 1). They also provide guidance to local authorities and the minerals industry on policies and the operation of the planning system with regard to minerals. Mineral Planning Authorities (MPAs) must take them into account in preparing their development plans. Minerals policy is also material to decisions on individual planning applications and appeals.

England has one of the highest population densities in the world and future minerals supply will increase the already considerable pressures on land. Managing the development of the nation's finite mineral resources through a strategic, plan-led approach is, therefore, crucial. Clear and unambiguous minerals policy, allied to other national policy objectives, is essential and the key to maintaining sustainable, long-term continuity of minerals supply.

1.2 AIMS AND OBJECTIVES OF THE RESEARCH

The Planning White Paper: *Planning for a Sustainable Future* (2007) set out proposals for streamlining planning policy. This would achieve a more strategic, clear and focused framework which would provide an improved context for plan making and decision taking at the local level. This commitment was a response to the Kate Barker Review (2006). The Killian Pretty Review

(2008) also reinforced the urgent need to review national planning policy and guidance, and recommended that the framework should be more user-friendly.¹

Many of the existing national mineral policy documents are old and the policy and legislative framework within which they sit has changed and will be subject to additional change in the future. Consequently, the Department for Communities and Local Government (DCLG) commissioned the British Geological Survey (BGS) to carry out an evaluation of selected Minerals Policy Statements and Minerals Planning Guidance notes, and an analysis of their implementation. The aim of the research was, therefore, to provide information that will feed into any future review, should one occur.

The key objectives were to evaluate a suite of minerals policy / planning documents, in particular MPS1, MPS2 and MPG3, specifically to:

1. Separate 'policy' from 'guidance' for specific MPSs / MPGs in order to assess the relative proportions of each.
2. Determine their uptake in Regional Strategies (RSs) and local planning documents, and their application through development (management) control.
3. Identify any barriers to the effective implementation of national minerals policies.
4. Identify any policies which require review, clarification or amendment in the light of legislation, local practice or interpretation.
5. Identify partners' preferred style and format for national minerals policy which will allow Government to most effectively deliver its objectives for minerals planning.
6. Undertake a strategic level review of legislation, policy and strategies that have been introduced since November 2006, when MPS1: *Planning and Minerals* was published, in order to identify those that may have an impact on existing minerals policy.

It is important to stress that the purpose of this research was to concentrate on determining the extent to which existing policy is working rather than determining what the policy should be. However, where comments were received regarding future policy, these have been reported.

¹ Following the General Election in May 2010 the Conservative-Liberal Democrat Coalition Government seeks to introduce a National Framework for Development. Clearly any future review of national minerals policy will now be undertaken in this context.

Table 1 Current national minerals policy documents

Minerals Policy Document	Date published	Document size (pages)
MPS1: Planning and Minerals Includes annexes on: 1. Aggregates; 2. Brick clay; 3. Natural building and roofing stone; and 4. On-shore oil and gas and underground storage of natural gas	2006	40
MPS2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England Includes annexes (as two separate documents) on: 1. Dust; and 2. Noise	2005	114
MPG2: Applications, permissions and conditions	1998	51
MPG3: Coal Mining and Colliery Spoil Disposal Includes annexes on: A. Colliery spoil disposal; B. Planning and pollution control; C. Specific impacts; D. The Coal Authority; and E. Compulsory rights of access to land and orders extinguishing or temporarily suspending public rights of way	1999	52
MPG4: Revocation, Modification, Discontinuance, Prohibition, and Suspension	1997	17
MPG5: Stability in Surface Mineral Working and Tips Includes appendices on: A. Instability in surface mineral workings and tips; B. Guidelines on the design, assessment and inspection of excavated quarry slopes; and C. Guidelines on the design, assessment and inspection of tips	2000	37
MPG7: Reclamation of Mineral Workings Includes annexes on: A. Planning and implementing reclamation schemes; B. Reclamation for different after-uses; C. Characteristics of the main types of surface mineral workings and spoil disposal areas in England and the implications for reclamation; and D. Financing of restoration and aftercare	1995	86
MPG8: Planning and Compensation Act 1991: Interim Development Order Permissions (IDOs) - Statutory Provisions and Procedures Includes annexes on: A. Official form for application for registration of IDO Permission (Old Mining Permission); B. Official form for application for determination of condition IDO Permission is to be subject; and C. Official form for appeals to the Secretary of State	1991	23

Table 1 Current national minerals policy documents continued...

MPG9: Planning and Compensation Act 1991 - Interim Development Order Permissions (IDOs): Conditions Includes annex on: A. Illustrative guide to conditions	1992	21
MPG10: Provision of Raw Material for the Cement Industry Includes annexes on: A. Geological factors in cement manufacture; B. Forecast of demand for minerals used in the manufacture of cement; and C. Quarry plans for working, restoration, aftercare and after-use	1991	37
MPG13: Guidelines for Peat Provision in England Includes annexes on: A. Peat Working Group - Terms of reference and membership; B. Peatland types, their distribution and condition; C. Trends in the use of peat and alternative materials; and D. Guidelines for the rehabilitation of raised bogs	1995	58
MPG14: Environment Act 1995: Review of Mineral Planning Permissions Includes annexes on: A. Suggested Forms of Notice and Certificates; B. Notice of Preparation of Second List of Mineral Sites; C. Suggested form of Modified Notices; D. Notice of Sites Included in First List or Posted on the Land; E. Reminder of Specified Date for Service of Application for Determination of Conditions under Initial Reviews F. Official Form for Application for Determination of Conditions to Which a Mineral Site or Mining Site is to be Subject; G. Notice of Application for Determination of Updated Conditions; H. Notice to Accompany Determination of Conditions Which Restrict Working Rights for Active Phase I and Active Phase II Sites; I. Suggested Form of Modified Notices to Accompany Appeals Against Mineral Planning Authority's Determination of Conditions Under Either Initial or Periodic Review; J. Official Form for Appeals to the Secretary of State; K. Notice of Sites Subject to Periodic Review; L. Reminders of Date Specified for Service of Application for Determination of Conditions under Periodic Reviews; and M. Illustrative Guide to Conditions	1995	101
MPG15: Provision of Silica Sand in England Includes annexes on: A. Projection of demand for silica sand; B. Geological and other technical factors in the extraction and processing of silica sand; and C. Quarry plans	1996	44
Total pages		681

2 Review of national minerals ‘policy’ and ‘guidance’

2.1 INTRODUCTION

Prior to assessing the level of implementation of specific statements of minerals policy within Regional Strategies (RSs) and Local Development Documents (LDDs) an interpretation of the ‘policy’ and ‘guidance’ content of the majority of the national minerals policy documents shown in Table 1 was undertaken. The documents assessed were MPS1, MPS2, MPG3, MPG5, MPG7, MPG10, MPG13 and MPG15.

2.2 OVERVIEW OF METHODOLOGY

In order to distinguish ‘policy’ from ‘guidance’ the following Oxford English Dictionary definitions were utilised:

- **Policy** = a course or principle action proposed or adopted by an organisation or individual.
- **Guidance** = advice or information aimed at resolving a problem or difficulty.

A policy thus, in the interpretation of the authors:

- needs to be something substantive;
- has to be followed whereas guidance does not;
- is written to tell you **what** you must do whilst guidance describes **how** policy should be implemented.

In undertaking the analysis it was sometimes difficult to distinguish between ‘policy’ and ‘guidance’. This was often due to the wording of policies. Further, many ‘policies’ were found to become totally meaningless without the associated wrapping of ‘guidance’ in order to provide context. Where this occurred the minimum wrapping of ‘guidance’ was left attached to the ‘policy’ in order to provide clarity. In addition, the ‘national objectives for minerals planning’, where given in each of the policy documents, have been included as ‘policy’ in the results tables. This is for two reasons:

1. The objectives define what the policies are aiming to achieve and were, therefore, considered to be crucial to each policy document. They are highly likely to be retained, in some format, in any future review.
2. It should be possible to find at least one associated policy for every objective listed within the policy documents.

Tables containing the separated ‘policy’ and ‘guidance’ for each of the policy documents assessed are presented in Appendix 2. It is clear that this evaluation exercise is subjective and were it to be undertaken by different people (be they planners, the industry, NGOs, lawyers etc.) different results might be obtained. It is hoped, however, that there would be a broad consensus with the interpretation presented here.

2.3 SUMMARY OF KEY FINDINGS

The evaluation indicated that across the MPSs / MPGs there is a large amount of repetition of policies, for example on environmental protection and ensuring high standards of restoration. Whilst there are differences in the words used in particular policies the overall aims are the same.

In any future streamlining of national minerals policy any repetitive policies would need to be assessed, re-written and updated to incorporate the overall aims they aspire to.

There are also policies that are specific to particular MPSs / MPGs, notably those that relate to individual minerals, such as MPG15 on silica sand. An analysis of those policies that are considered to be 'unique' to these documents / minerals is shown in Table 2. Thus, in the case of MPG15, nine of 21 policies are considered to be specific to silica sand and would probably need to be retained in any future streamlining of policy. This exercise also provided an indication of the level of duplication of policy with that already contained within MPS1. MPS1 is, therefore, not included in Table 2 as the overarching policy it contains applies to all minerals. The mineral annexes to MPS1 (e.g. MPS1 Annex 1: *Aggregates*) contain only mineral specific policies and there is no duplication.

Table 2 Statements of policy considered to be unique to each MPS / MPG

Policy document	Statements of policy considered to be unique		Words utilised in outlining these unique policies	
	Number	Per cent	Number	Per cent
MPS2*	49 of 56	88	4477 of 5125	87
MPG3	14 of 34	41	1165 of 2607	45
MPG5	9 of 10	90	740 of 794	93
MPG7	34 of 34	100	2165 of 2165	100
MPG10	12 of 37	32	1024 of 3228	32
MPG13	11 of 41	27	1042 of 2821	37
MPG15	9 of 21	43	784 of 1462	54

* Includes annexes.

Once 'policy' had been separated from 'guidance' a comparison of the proportion of words devoted to stating policy to that providing guidance was made and the results are presented in Figure 1. It is clear that the older policy documents (the MPGs) contain a higher proportion of 'guidance' than 'policy'. However, even the more recent policy documents (MPSs), whilst containing fewer words overall, still contain a relatively high proportion of 'guidance'. This highlights the fact that statements of policy often need to have associated 'guidance' in order to provide clarity and context to the 'policy'. Further, out of all the policy documents assessed only MPS1 contains a higher proportion of 'policy' as distinct from 'guidance'.

2.4 CONCLUSION

There are 13 national mineral policy documents (MPSs / MPGs) amounting to about 680 pages of content. Analysis of MPS1, MPS2, MPG3, MPG5, MPG7, MPG10, MPG13 and MPG15 has shown that only MPS1: *Planning and Minerals* (the overarching national minerals policy document) contains more 'policy' than 'guidance'. This evaluation has, therefore, established that a large proportion of each of the national minerals policy documents assessed consists of 'guidance'. An important element of any future streamlining of policy should be to consider how best to retain and present this large body of valuable guidance which is so essential for modern mineral planning.

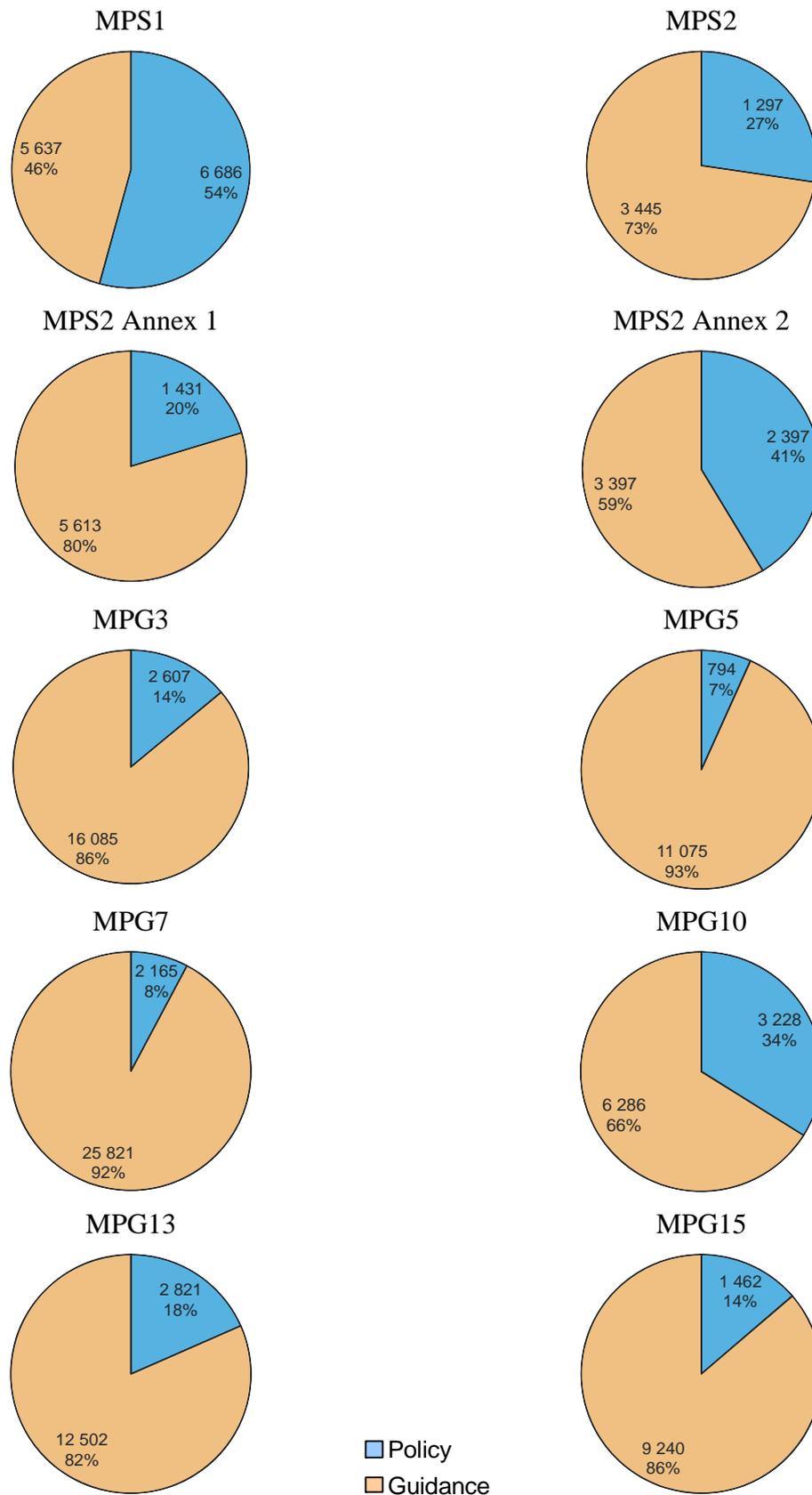


Figure 1 Relative proportion of words contributing to ‘policy’ and ‘guidance’ in selected national minerals policy documents²

² Excludes titles, captions, tables, figures and charts.

3 Review of national policy implementation in Regional Strategies

3.1 INTRODUCTION

This aspect of the research examined the take-up of the policies in Minerals Policy Statements (MPSs) and Minerals Planning Guidance Notes (MPGs) at the regional level. A desk top review of the Regional Strategy (RS) for each of the nine³ English regions was undertaken in order to understand and identify the extent to which Regional Planning Bodies (RPBs) had adopted MPS and MPG policy in the RS preparation process. The analysis of RS documents demonstrated that most did contain some minerals policy as part of a suite of wider policies for each region. However, there did not appear to be a clear or consistent approach to the inclusion of mineral policies and the wording often did not appear to fully reflect national policy and / or employed confusing terminology. This implied a need for additional guidance on how national mineral policies should have been incorporated at the regional level.

Following the Coalition Government's clear intention to abolish Regional Strategies any review of national planning policy and preparation of Local Development Frameworks (LDFs), will need to consider whether policies previously included at regional level (for example, the aggregate apportionments) should be re-incorporated at either national or local level. In this context both the information gathered and analysis undertaken are still pertinent but are now presented in Appendix 3.

³ A total of eight RPBs had been established in England, plus the Mayor of London who is responsible for producing a planning strategy for London. The London Plan will continue to provide the planning framework for the London Boroughs.

4 Review of national policy implementation in local plans

4.1 INTRODUCTION

This section of the research examines the take-up of Minerals Policy Statements (MPS) and Minerals Planning Guidance Notes (MPG) policy at the local plan level. A desk top review of 14 minerals-related Local Development Documents (LDDs) which have been found 'sound' by an independent inspector at Examination in Public (EiP) was undertaken in order to understand and identify the extent to which Mineral Planning Authorities (MPAs) have adopted MPS and MPG policy in the (LDD) preparation process.

In addition to the LDD review an analysis of five Minerals Local Plans was also undertaken as a comparator in order to identify any differences in interpretation and approach to the adoption of MPS and MPG policy. Some of the Local Plans assessed do, however, pre-date the publication of certain national minerals planning policy documents and all of them were published prior to MPS1.

Certain national policies do not apply to all LDDs. Some of these policies will not be applicable as they refer to higher levels of planning. However, a significant proportion will also not apply because a particular mineral does not occur in the MPA.

4.2 LEGISLATIVE CONTEXT

The Planning and Compulsory Purchase Act 2004 (hereafter referred to as the Act) introduced substantial changes to the planning system. The Act requires mineral and waste planning authorities to prepare and maintain either a Minerals and Waste Development Framework (MWDF) (for two tier authorities) or an LDF. The MWDFs are progressively replacing Structure Plans and Local Plans. The MWDF will set out the spatial strategy for minerals and waste development. The MWDF contains a suite of LDDs including a Core Strategy Development Plan Document (DPD), Development Control Policies DPD, Site Specific Allocations DPD and an illustrative Proposals Map. As the new DPDs emerge existing Minerals Local Plans and Waste Local Plans will be replaced.

4.3 OVERVIEW OF METHODOLOGY

In order to evaluate the extent to which MPS and MPG policy have been incorporated into the LDD and Minerals Local Plan process, a qualitative assessment of the minerals policies contained in the selected adopted LDDs and Minerals Local Plans was carried out. The LDDs were chosen to reflect:

- Practical examples of a 'sound' LDD;
- A good geographical distribution across England;
- A mix of urban and rural areas, Unitary Authorities, National Parks and County Councils; and
- Areas where mineral deposits are widespread and areas where they are limited.

The appraisal process broadly comprised the following key stages:

- Evaluation of LDD and Minerals Local Plan minerals policy against MPS / MPG policy to establish level of policy integration;
- Draw conclusions and assign each MPS / MPG policy an assessment score; and

- Present the findings derived from the qualitative analysis, highlighting the level of policy integration, areas that require improvement and gaps in policy.

The documents evaluated are listed below:

Local Development Documents

- Suffolk Minerals Core Strategy Adopted Version, September 2008
- The Broads Authority Core Strategy, 28 September 2007
- London Borough of Richmond Upon Thames Core Strategy, April 2009
- Cumbria Minerals and Waste Core Strategy, 23 April 2009
- Cumbria Generic Development Control Policies, 23 April 2009
- Wakefield Core Strategy, April 2009
- Wakefield Development Policies, April 2009
- Joint Lancashire Minerals and Waste Core Strategy, February 2009
- Leicestershire Minerals Core Strategy and Development Control Policies, July 2006
- North York Moors National Park Authority Core Strategy and Development Policies, November 2008
- Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Core Strategy, July 2007
- Plymouth Core Strategy, April 2007
- Wiltshire and Swindon Minerals Core Strategy, June 2009
- Wiltshire and Swindon Minerals Development Control Policies, September 2009

Minerals Local Plans

- Durham County Council- Minerals Local Plan, December 2000
- Devon County Council- Minerals Local Plan, June 2004
- Staffordshire County Council- Minerals Local Plan, 1999
- Derby City Council and Derbyshire County Council- Minerals Local Plan, April 2000
- Havering London Borough- Unitary Development Plan, March 1993

The results of the assessment were recorded in a matrix (the full results can be found in Appendix 4). Two axes formed the framework of the assessment matrix, with the horizontal axis containing the individual LDD and Minerals Local Plan and the vertical axis a list of all MPS and MPG policies against which the LDDs and Minerals Local Plans were evaluated. The level of integration of each MPS and MPG policy within the LDD and Minerals Local Plan was scored using the following criteria:

✓	MPS / MPG policy fully integrated with LDD / Minerals Local Plan.
*	No MPS / MPG policy integration with LDD / Minerals Local Plan.
	Not Applicable- National policy on how MPA should carry out their functions and not for translation into planning policy or specific mineral not present in the MPA.

4.4 SUMMARY OF KEY FINDINGS

The evaluation has provided useful information and valuable insight into the level of MPS and MPG policy integration at the LDD and Minerals Local Plan level. This section of the research report presents a summary of the key findings from the LDD policy evaluation. Cross reference to the results for Minerals Local Plans is made where relevant. The full appraisal results for both LDD and Minerals Local Plans are set out in Appendix 4. The findings are summarised below under the relevant MPS / MPG policy topics and in the order they appear in the national policy documents. A pie chart is used to show the level of policy integration within the reviewed LDDs only.

4.4.1 MPS1: PLANNING AND MINERALS 2006

SAFEGUARDING

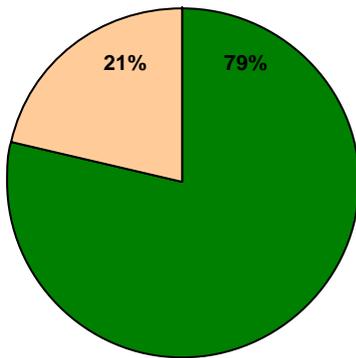


Figure 2 Safeguarding mineral resources

Protecting mineral resources from unnecessary sterilisation is an important component of ensuring the long term supply of minerals. It is, therefore, important that appropriate safeguarding policies are integrated in LDDs. The research demonstrates that safeguarding policy for mineral resources has been well integrated within both LDDs and the Minerals Local Plans.

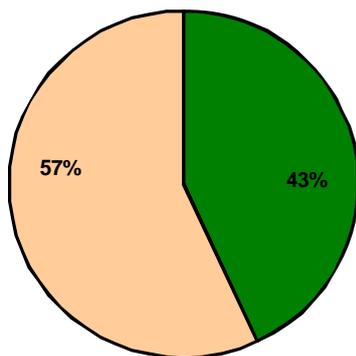


Figure 3 Prior extraction of minerals

In terms of the integration of policies relating to the prior extraction of minerals, the Minerals Local Plans fared better compared to the LDDs. Only 43% of the LDDs reviewed incorporated a specific prior extraction policy.

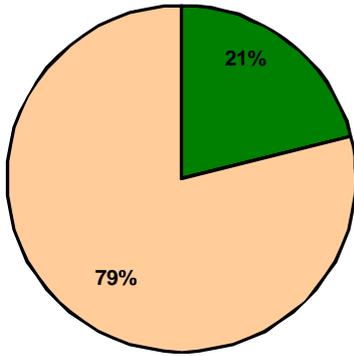


Figure 4 Safeguarding infrastructure necessary for transporting minerals

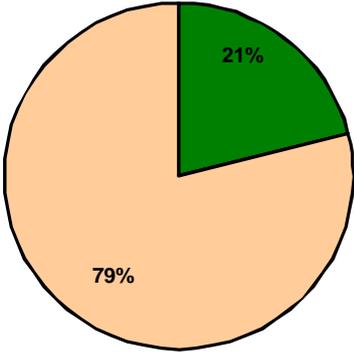


Figure 5 Safeguarding mineral handling, processing and distribution sites

Policies seeking to safeguard minerals infrastructure for transporting minerals, such as railheads and wharf facilities, and sites for mineral handling, processing and distribution have been poorly integrated within both LDD and Minerals Local Plan policy. The promotion of the sustainable transport of minerals by rail, sea or inland waterways is one of the key objectives for sustainable development.

PROTECTION OF HERITAGE AND COUNTRYSIDE

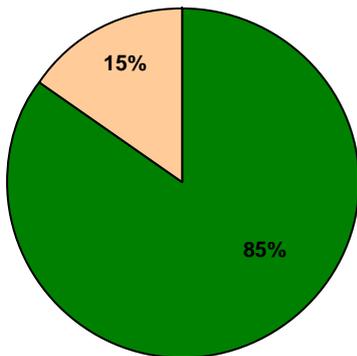


Figure 6 Protection of European Sites

European legislation protects the natural heritage of sites of European nature conservation importance (potential and classified SPA, candidate and classified SAC and listed Ramsar Sites). Furthermore, PPS9: *Biodiversity and Geological Conservation* states at paragraph 6, 'since these sites enjoy statutory protection specific policies in respect of these sites should not be included in LDDs'. PPS9 continues, 'Local Planning Authorities should identify these sites on proposals maps and may need to cross-refer to the statutory protection given to these sites in the explanatory texts in LDDs'. Notwithstanding the guidance contained in PPS9, specific policies seeking to protect European sites from development are still often included within LDDs, this approach is reflected in this research. The research demonstrates a high level of integration of

policy within LDDs. The Minerals Local Plans reviewed which were prepared prior to the adoption of PPS9, demonstrate a good level of policy integration.

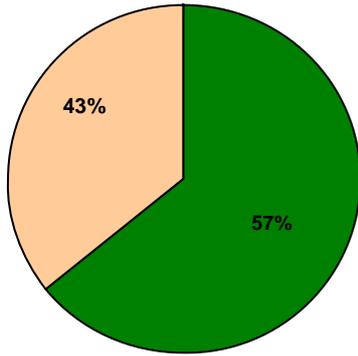


Figure 7 Protection of Sites of Special Scientific Interest

The protection afforded to Sites of Special Scientific Interest (SSSIs) is set out in PPS9 paragraphs 7 and 8. Paragraph 7 confirms that those SSSIs not afforded international designation should be ‘given a high degree of protection under the planning system through appropriate policies in plans’. Paragraph 8 states that ‘where a proposed development on land within or outside a SSSI is likely to have an adverse effect on a SSSI, planning permission should not normally be granted’. The review demonstrates that explicit policies relating to the protection of SSSIs have been relatively well integrated within LDD and Minerals Local Plan Policy.

Some MPAs stated within LDDs that specific policies do not need to be prepared on internationally designated sites because these sites are protected through international and national legislation and policy.

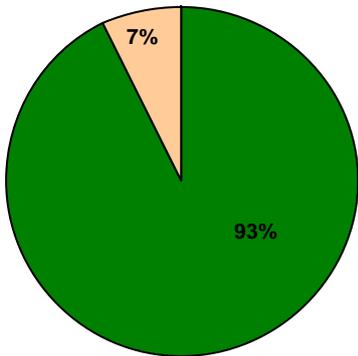


Figure 8 Protection of regional and local sites of biodiversity, geodiversity, landscape and historical interest

Planning policies on the protection of regional and local sites of biodiversity, geodiversity, landscape and historical interest have been particularly well covered by both LDDs and Minerals Local Plans, with a high level of policy integration.

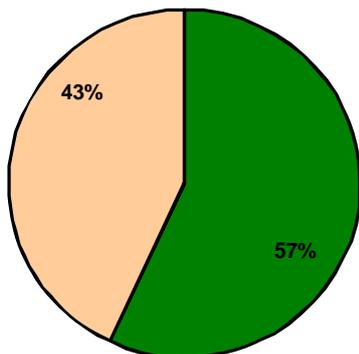


Figure 9 Green Belt development

There is a varying level of integration of Green Belt policies in the LDDs, with 57% of LDDs reviewed including a specific Green Belt policy. The review of the Minerals Local Plans highlighted a higher level of Green Belt Policy integration. It seems that a number of MPAs have adopted the approach that it is not necessary to repeat national planning policy on Green Belt development within LDDs.

Planning Policy Guidance 2: *Green Belts* (PPG2) gives guidance on the role of the planning system in relation to development in the Green Belt. The guidance centres on the presumption against *‘inappropriate development’* within the Green Belt and goes on to define what may be considered as appropriate development. This includes forms of development that maintain the open character of the countryside, such as agriculture, recreation and forestry. PPG2 makes clear at paragraph 3.11 that minerals development is not inappropriate development providing that high environmental standards are maintained and the site is appropriately restored.

Paragraph 14 of MPS1 states,

“..while there is a general presumption against inappropriate development in the Green Belt, which should not be approved except in very special circumstances, mineral extraction need not be inappropriate development, nor conflict with the purposes of designating Green Belts.”

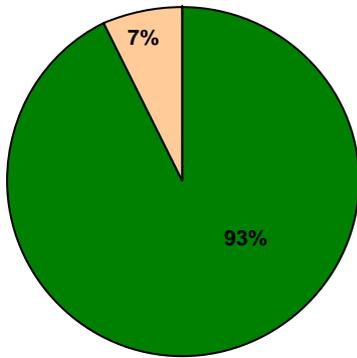


Figure 10 Preservation of listed buildings, nationally important archaeological remains

Built heritage policies received a high level of integration within both LDD and Minerals Local Plan policies.

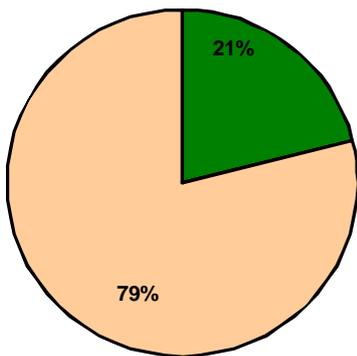


Figure 11 Preserve higher quality agricultural land

The LDD review has highlighted the conspicuous absence of policies seeking to avoid the loss of land of high agricultural quality (Grades 1, 2 and 3a), when lesser quality land is available. Conversely the Minerals Local Plans review revealed an excellent level of integration of agricultural land policies.

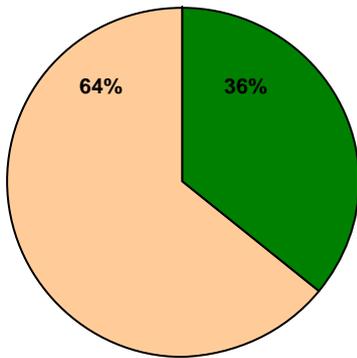


Figure 12 Impacts on rural communities

Only 36% of the LDDs reviewed incorporated specific policies relating to the amenity of local communities. LDDs should include an overarching local amenity protection policy which seeks to safeguard the amenity of the local community from minerals operations. The Minerals Local Plan review highlights an excellent level of integration of amenity policies.

SUPPLY

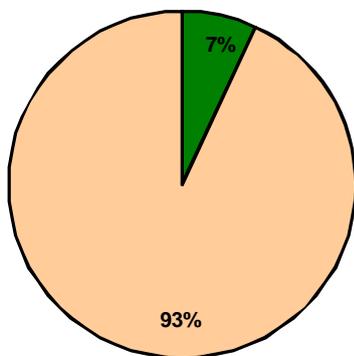


Figure 13 Indigenous supply of minerals

Sourcing minerals locally and self-sufficiency are key issues which have been poorly integrated within both LDD and Minerals Local Plan policy. It is important that appropriate policies are included within LDDs to ensure the best use of indigenous mineral resources as a key element of sustainable development.

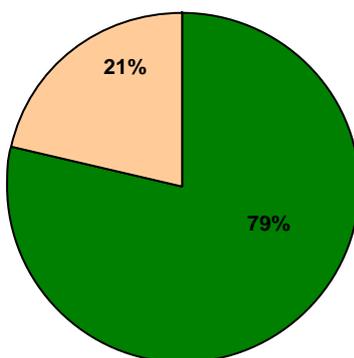


Figure 14 Maximise the use of substitute, recycled and marine dredged aggregates

It is national policy to reduce the contribution of primary land-won minerals by increasing the use of secondary and recycled materials. This important objective of increasing the supply of substitute and recycled materials has been well reflected within LDD and Minerals Local Plans policy.

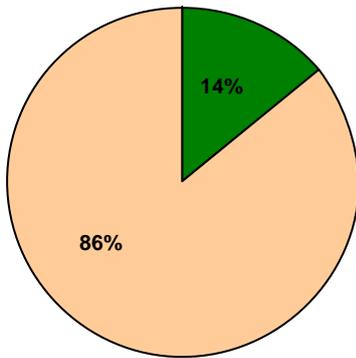


Figure 15 Identify sites, preferred areas and / or areas of search for the future

In order to provide greater certainty of where future sustainable mineral working will take place, paragraph 15 of MPS1 confirms that *'sites, preferred areas and / or areas of search should be identified, having taken account of environmental considerations'*.

Identifying sites, preferred areas and / or areas of search has generally been poorly integrated within the LDDs that have been reviewed. This is perhaps not surprising given that the review has focused on adopted Core Strategies, which primarily set out the spatial vision, strategy, strategic objectives and policy for the area. Subsequent LDDs, such as Site Allocations documents and Proposals Maps usually identify sites and areas for future working. The Core Strategies which did not identify sites / areas of search confirmed that future LDDs will identify *'specific sites'*, *'preferred areas'* and *'areas of search'*. There is, however, a time lag associated with the development and adoption of new LDDs that is clearly leading to a delay in carrying such provision forward.

All the Minerals Local Plans reviewed, identified mineral site allocations.

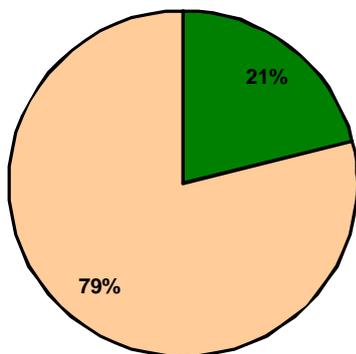


Figure 16 Extensions of existing mineral workings

Policy encouraging extensions to existing quarries rather than new sites has been poorly integrated within LDDs. Conversely the Minerals Local Plans have an excellent level of policy integration. LDDs could usefully contain policies confirming that preference will normally be given to extensions to existing workings where this would not conflict with other plan policies.

MAINTENANCE OF LANDBANKS

Within Minerals Core Strategies and Minerals Local Plans the analysis demonstrates a high level of integration of policies relating to landbank indicators for different non-energy minerals.

In terms of integration of landbank policy within the remaining LDDs, the Minerals Development Control Policies LDDs generally cross-refer in supporting text to the Core Strategy landbank policies. The assessed National Park Authorities have not included landbank indicators within their Development Plans as planning permission in these areas has been interpreted as only being permitted in exceptional circumstances, as per Paragraph 15 of MPS1 which states, *'provide for the maintenance of landbanks, for non-energy minerals as far as practicable from*

outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites'. The remaining Core Strategies (i.e. all encompassing Core Strategies which cover minerals, housing, employment, retail, leisure etc.) show a poor level of landbank policy integration.

BULK TRANSPORT

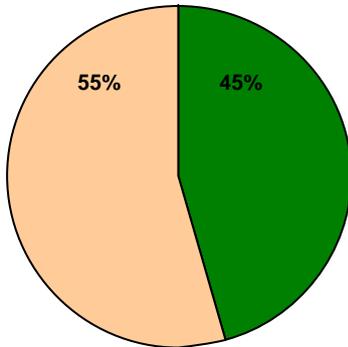


Figure 17 The bulk movement of minerals by rail, sea or inland waterways

Specific policies seeking to promote the movement of minerals by rail, sea or inland waterways has been poorly integrated with only 45% of the LDDs reviewed incorporating policy promoting the transportation of minerals by rail or water based modes of transport. The Minerals Local Plans fair considerably better with an excellent level of policy integration.

ENVIRONMENTAL PROTECTION

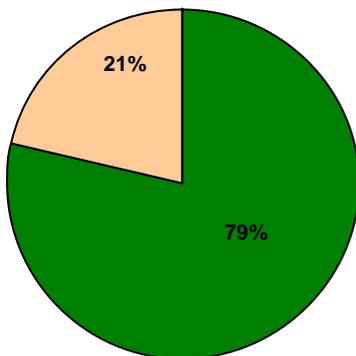
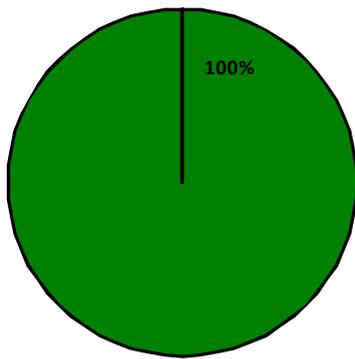
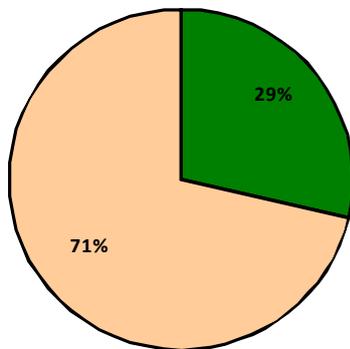


Figure 18 Seek to protect and enhance the character of surrounding rural and urban areas

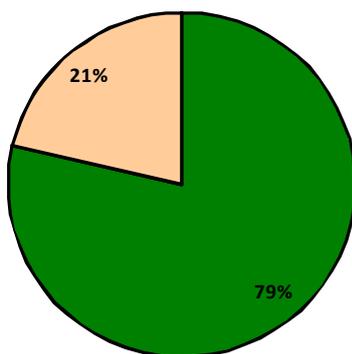
Policies addressing the protection and enhancement of the local environment have been well recognised with good levels of policy integration within both LDDs and Minerals Local Plans.

EFFICIENT USE**Figure 19 Encourage the efficient use of all minerals and alternatives to them**

Planning policies encouraging the efficient use of all minerals have been particularly well covered by LDDs. This is less so for Minerals Local Plans.

**Figure 20 Encourage high quality materials to be used for appropriate circumstances**

Policies encouraging the appropriate use for minerals have been poorly integrated in the LDDs assessed. There is a slightly better representation of such policies within the Minerals Local Plans.

RESTORATION**Figure 21 Take account of the opportunities for enhancing the overall quality of the environment**

Policies seeking to utilise restoration as a means of enhancing the overall quality of the environment have been well recognised with good levels of policy integration within both the LDDs and Minerals Local Plans.

4.4.2 MPS1 ANNEX 1: AGGREGATES

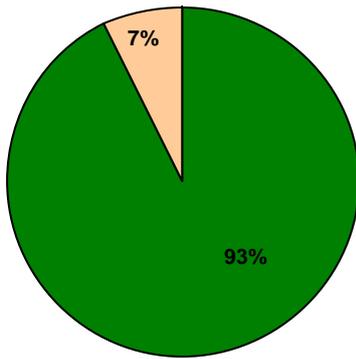


Figure 22 Aggregate apportionment

Defining the sub-regional apportionment figure has been well integrated within LDDs and Minerals Local Plans.

4.4.3 MPS1 ANNEX 2: BRICK CLAY

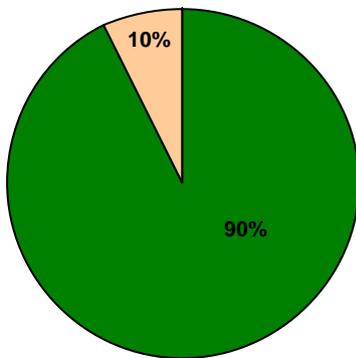


Figure 23 Safeguarding brick clay

The need to safeguard brick clay is particularly well covered by policy in the LDDs. Minerals Local Plans fared slightly poorer with only 50% of plans reviewed integrating a brick clay safeguarding policy.

4.4.4 MPS1 ANNEX 3: NATURAL BUILDING STONE AND ROOFING STONE

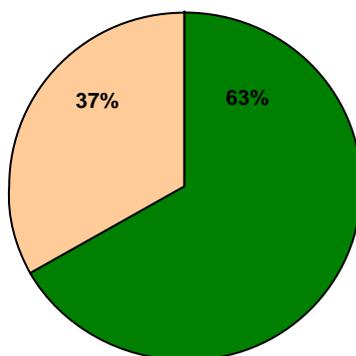


Figure 24 Safeguarding building stone resources

Policies to safeguard building and roofing stone has been relatively well integrated within LDDs. However, none of the Minerals Local Plans reviewed include a building stone safeguarding policy.

4.4.5 MPS1: ANNEX 4: ON-SHORE OIL AND GAS AND UNDERGROUND STORAGE OF NATURAL GAS

GUIDANCE AND CRITERIA FOR LOCATION OF CONVENTIONAL OIL AND GAS DEVELOPMENT

Specific policies relating to oil and gas exploration and extraction have been relatively well integrated within Minerals Core Strategies and Minerals Local Plans. However, other Core Strategies (i.e. all encompassing Core Strategies which cover minerals, housing, employment, retail, leisure etc.) and National Park Core Strategies either completely fail to refer to oil and gas exploration and extraction or it is addressed in supporting text only.

4.4.6 MPS2: CONTROLLING AND MITIGATING THE ENVIRONMENTAL EFFECTS OF MINERALS EXTRACTION IN ENGLAND

PLANNING CONSIDERATIONS

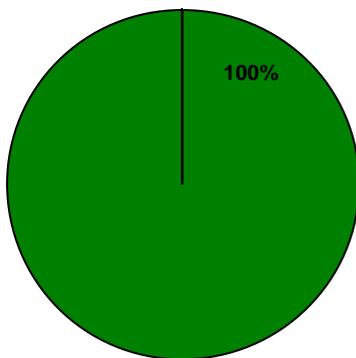


Figure 25 Take account the impacts of mineral working

The requirement for development plan policies for mineral extraction and associated development to consider specific impacts, such as visual intrusion, noise, dust, cultural heritage and traffic etc. has been well integrated within LDDs and Minerals Local Plans. Generally, the Minerals Core Strategies and Development Control DPDs refer specifically to taking into account the impacts of minerals related proposals, whereas the all encompassing Core Strategies refer to the impacts of development proposals in general.

4.4.7 MPS2 Annex 1: Dust

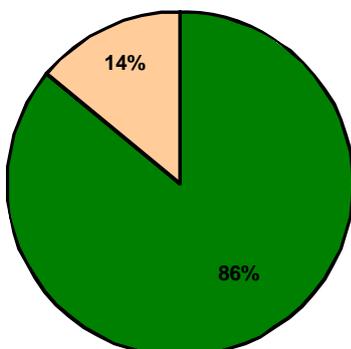


Figure 26 Control and / or mitigation of dust emissions

4.4.8 MPS2: ANNEX 2: NOISE

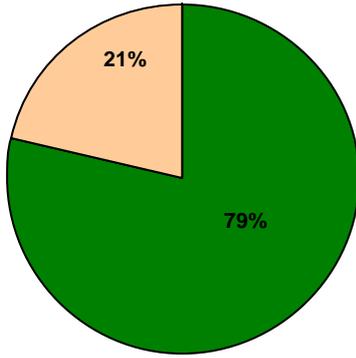


Figure 27 Mitigation of noise emissions

Overall, there is a high level of integration of policies in respect of noise and dust associated with minerals development within LDDs and Minerals Local Plans. The two Minerals Core Strategies which did not include specific noise and dust policies provided a short justification for their absence. The Suffolk Minerals Core Strategy confirmed in supporting text that MPS1 and MPS2 provide the policy framework for these issues and, therefore, detailed generic Development Control policies are not proposed. The Cumbria Minerals and Waste Core Strategy confirmed in supporting text that the Generic Development Control Policies document will include policies relating to such issues.

4.4.9 MPG3: COAL MINING AND COLLIERY SPOIL DISPOSAL

POLICY TESTS

MPG3 has increased the weight given to environmental factors in the determination of opencast coal extraction proposals. Opencast developments will only proceed if they meet challenging sequential tests set out in paragraph 8 of MPG3.

The analysis demonstrates a significant variation in the approach adopted to the policy tests by those MPAs whose area contains coal resources. This is not surprising given MPAs adapt an approach according to the locality. The policy tests are not referred to in the Cumbria Minerals and Waste Core Strategy but addressed as a policy within the Development Control Policies DPD. Conversely, the Wakefield Core Strategy refers to the tests in supporting text only and states that proposals must comply with government guidance. The Leicestershire Minerals Core Strategy and Development Control Policies DPD address the policy test issue in both supporting text and policy.

SCOPE FOR ENVIRONMENTAL IMPROVEMENTS

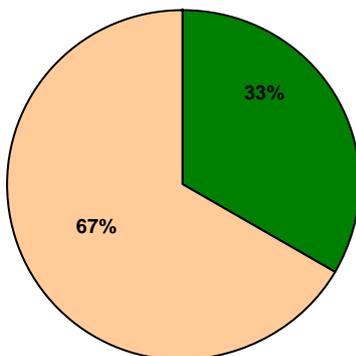


Figure 28 Give priority to proposals which bring about environmental improvements

Paragraph 14 of MPG3 confirms that policies should give priority to proposals which will bring about environmental improvements. Where there is overall environmental benefit to be gained the MPA is expected to give priority to such proposals. Overall, the LDD review illustrates a relatively poor level of policy integration compared to an excellent level of integration within the Minerals Local Plans.

CUMULATIVE IMPACT

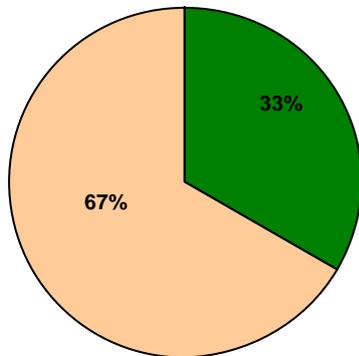


Figure 29 Cumulative impact of opencast developments

Paragraph 18 of MPG3 explicitly states that the cumulative impact of proposed opencast development on communities and environments subjected to successive opencast developments over a number of years should be taken into account by Development Plans. Policies relating to the cumulative impact of opencast developments have been poorly integrated at the LDD level, although the Minerals Local Plans fair marginally better.

4.4.10 MPG5: STABILITY IN SURFACE MINERAL WORKINGS AND TIPS

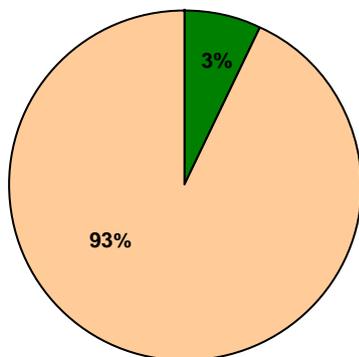


Figure 30 Consider stability in relation to surface workings and tips

Overall, specific policies relating to stability issues have been poorly integrated within LDDs and Minerals Local Plans. The possibility of subsidence as a result of mineral workings should be explicitly considered within LDD policy.

4.4.11 MPG7: RECLAMATION OF MINERAL WORKINGS

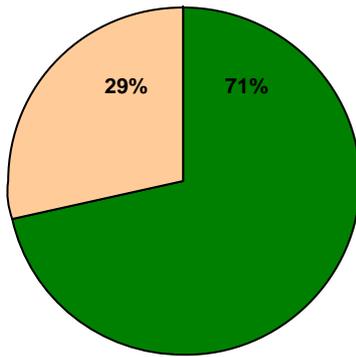


Figure 31 The need for restoration and aftercare of mineral workings

Overall, policies relating to the restoration and aftercare of mineral workings have been well integrated within LDDs and Minerals Local Plans. Generally, the Minerals specific LDDs (i.e. Minerals Core Strategies and Minerals Development Control DPDs) address the issue in more detail in terms of setting out specific requirements for preferred uses, strategy and phasing etc. compared to the all encompassing LDDs.

4.4.12 MPG10: PROVISION OF RAW MATERIAL FOR THE CEMENT INDUSTRY

MAINTAINING A LANDBANK FOR CEMENT PLANT

With regards to cement manufacturing, of the LDDs reviewed only the Wiltshire and Swindon LDDs and the Lancashire LDD are relevant. The Wiltshire Council and Swindon Borough Council Core Strategy states that the Councils can rely on continuity of supply for cement raw materials for at least 25-27 years so they do not consider it necessary to provide landbank security of an additional 15 years beyond 2026. In addition, the Core Strategy confirms the landbank position will be consistently monitored to ensure continuity of supply in accordance with MPG10. The Joint Lancashire Minerals and Waste Core Strategy states that the expected landbank for cement manufacturing is 25 years and that additional land will be made available during the Plan period for the extraction of minerals for cement manufacturing, where it can be demonstrated that the landbank supplying the manufacturing plant will fall short of 25 years.

4.4.13 MPG13: GUIDELINES FOR PEAT PROVISION IN ENGLAND INCLUDING THE PLACE OF ALTERNATIVE MATERIALS

Within MPG13, mention is made of policy to maintain and encourage a competitive UK horticultural industry and that the market demand for peat be met by indigenous sites. Notwithstanding this support for the horticultural industry there is recognition in MPG13 that peat is a finite resource, and its extraction can have significant environmental impacts. MPG13 confirms that future peat extraction from any new sites should be restricted to areas that have already been significantly damaged by recent human activity and are of limited or no current nature conservation or archaeological value. In addition, MPG13 indicates that the subsequent restoration of such sites should give priority to wetland rehabilitation and to the enhancement of the nature conservation resource.

The relevant LDDs and Minerals Local Plans generally demonstrate a poor level of integration of national planning policy relating to peat extraction operations. This is an important omission given policy to protect and conserve peat bogs for future generations.

4.4.14 MPG15: PROVISION OF SILICA SAND IN ENGLAND

There are no significant silica sand resources in the areas covered by the LDDs analysed and thus no policies.

4.4.15 RECOMMENDED FURTHER WORK

Given the relatively limited number of minerals-related LDDs currently adopted it is recommended that further research to evaluate the integration of MPS/MPG policy with the LDD process is conducted when a greater number of LDDs have been adopted, including the review of Site Allocations and Development Control LDDs.

4.5 CONCLUSIONS

Overall, the detailed assessment matrices (Appendix 4) present a relatively mixed picture of MPS and MPG policy integration within the adopted LDDs reviewed but a generally greater level of integration within the remaining Minerals Local Plans. However, given that the majority of the adopted LDDs are Core Strategy documents, which primarily set out the spatial vision, strategy, strategic objectives and policy for the area, it is perhaps not surprising that these documents have not addressed all the detailed MPS and MPG policy requirements. The detailed policy requirements will be addressed in subsequent LDDs such as Site Allocations and Development Control policy documents. This time lag between stages is a potential cause for concern. It will also be necessary, given the Government's intention to abolish Regional Strategies, to consider whether some strategic mineral policies need to be reincorporated elsewhere within the development plan.

Whilst the key policy issues of minerals safeguarding, protection of heritage, biodiversity, landscape, supply, efficient use of resources, restoration and landbanks have largely been addressed within the adopted LDDs, it is clear that there are a number of important policy areas which are absent in adopted LDDs. Particular areas of poor integration are outlined below (issues are not in any priority order):

Areas of poor integration within both LDDs and Minerals Local Plans

- Policies seeking to safeguard minerals infrastructure for transporting minerals and sites for mineral handling, processing and distribution.
- Principles of self-sufficiency, local supply and proximity which have a bearing on the carbon reduction agenda.
- Specific policies relating to stability issues.
- Specific policies relating to peat extraction operations.
- Specific policies to encourage high quality materials to be used for appropriate uses.

Areas of poor integration within LDDs

- Lack of consideration of prior extraction issues.
- Policies seeking to avoid loss of land of high agricultural quality.
- Specific policies relating to local amenity protection.
- Specific policies encouraging extensions to existing quarries rather than new sites.
- Specific policies seeking to promote the movement of minerals by rail, sea or inland waterways.

- Giving priority to opencast coal extraction proposals which will bring about environmental improvements.
- Cumulative impact of opencast developments.
- Specific policies seeking to minimise the amount of minerals waste produced.
- Setting out the criteria against which the MPA will assess the environmental acceptability of the expected noise emissions from a proposed surface mineral operation.
- Supporting text should be incorporated within LDDs confirming that development proposals within the Green Belt will be determined in accordance with the policies and guidance set out in PPG2.

5 Review of national policy in development management decisions

5.1 LEGISLATIVE CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on individual planning applications and appeals to be made in accordance with the relevant policies of the development plan unless material considerations indicate otherwise. This updated and amended the provisions of section 54A of the Town and Country Planning Act 1990. Under Section 38(3) the Regional Spatial Strategy (now Regional Strategy) formed part of the development plan for the purpose of such determination. Whilst the Government intends to abolish Regional Strategies, at the time of this analysis RSs still formed part of the development plan. Likewise, where applications are proposed to be approved as a departure from the development plan, (at the time of this analysis) they were also required to be referred to the Government Office acting for the Secretary of State.

As such, it is important that development plan policy reflects statements of national planning policy and the other material considerations relevant to the local level. It is equally important that individual development control (management) decisions reflect the policy context set through the development plan as the starting point for determination. Any other material considerations that would indicate a different decision or have a bearing on the determination should then be taken into account.

5.2 OVERVIEW OF METHODOLOGY

As part of this research, a brief review has been undertaken of development control decisions involving minerals. This process assembled 60 individual decisions over the last few years since the adoption of MPS1 and a selection of these have been reviewed in forming the views set out in this section. This involved a random selection of decisions made across a variety of mineral types, local authorities and geographic coverage. An analysis was also undertaken of appeal decisions. There are limitations to this study as a full statistical analysis of decisions was not undertaken. Instead, the analysis attempted to identify similarities and differences from a sample of the planning decisions made. Finally an assessment was made of the types of conditions attached to the permissions in order to summarise how MPAs implement policy through conditions.

5.3 SUMMARY OF KEY FINDINGS

Although the analysis revealed a degree of variation in the style, apparent depth and manner of reporting with some variation in the treatment of different issues, it clearly indicated a high degree of commonality between the issues considered and an underlying understanding of those issues.

The outcome of any individual decision appears to be based largely on the individual circumstances of the case, whether the site is identified in the development plan or whether there is an identified need, the likelihood of there being material planning objections to the development proposed and the weight attached to each issue by officers and elected members.

The starting point for most decisions is the policies in the adopted development plan and for this analysis included RS policies. Policies as set out in MPS, MPG and PPS documents at the national level also form material considerations and, therefore, are important.

MPAs, as a matter of routine, also refer in their reports to committee to the policies of the district local plan or LDD which, although not minerals specific, are indirectly relevant in defining areas of particular constraint or other relevant development.

Typically, consideration of individual application proposals will comprise the following key elements:

- Purpose of report;
- Background to the proposal;
- The proposal;
- Procedure and administration;
- Summary of key issues;
- Relevant planning policy – national and development plan;
- Planning history;
- Site characteristics;
- Consultations summary (including third parties);
- Environmental and amenity issues (including Environmental Impact Assessment (EIA) where relevant);
- Assessment and consideration of proposal;
- Recommendation and conclusions;
- Conditions and planning obligations; and
- Reasons for decision.

The policies of the development plan are referenced in both the context of applications, the assessment of technical and environmental issues, the setting of conditions and in setting out the main reasons for the decision. In many cases, the planning policies are either set out in full, or in list form and then discussed alongside the specific issue raised by the development that is proposed. They, therefore, form the basis of the key statutory aspects of the determinations being made and inform the weight and criteria being applied.

Although practice varies, many local authorities also refer to national planning policy where this is relevant to the proposal. This is particularly the case where there is an aspect of national policy that is pertinent or not wholly reflected in the development plan, or where the additional guidance given adds to the policy set out at the local level (e.g. PPS25 on flood risk and MPS2 Annex 2: *Noise*). National policy is also referenced where it has the effect of strengthening a particular aspect of policy interpretation, such as in the weight and considerations relevant to areas of constraint (e.g. Area of Outstanding Natural Beauty (AONB), Special Protection Area (SPA) / Special Area of Conservation (SAC) and SSSI) as well as in the interpretation of need (e.g. landbank or the importance of the particular mineral). MPS1 appears to be the most commonly referenced, but other MPSs and MPGs are referred to where relevant, particularly where this sets the context or standards for the assessment of individual proposals.

Where applications are refused, or have been granted permission, the reasons for the decision generally cite the relevant policies of the development plan. In the case of appeal decisions (see below) reference is also regularly made to national planning policy to justify the decision being taken.

5.4 APPEAL DECISIONS ANALYSIS

As part of this research an analysis was undertaken of appeal decisions concerning mineral planning applications over the five years from February 2005 to February 2010. This covered all mineral types in England. The analysis included inquiries, hearings and written representations and yielded a total of 52 appeal decisions, an average of just over ten each year over the period.

Of all mineral planning appeals in England in the last five years, some 51 per cent were for new mineral reserves, either as new sites or as extensions to existing mineral workings. Around 49 per cent were for other development and generally comprised appeals against the determination of conditions, either as a normal planning approval or as part of an IDO or ROMP determination. In some cases other development also included ancillary plant or buildings.

Success rates were generally high, with around 69 per cent of appeals for new mineral reserves being allowed and 31 per cent being dismissed. For other development the success rate was a little lower at 60 per cent allowed, 39 per cent dismissed and one remaining to be fully determined. The success rate at planning appeals for all development types, including the Householder Appeals Service in 2009/10 is considerably lower at 32 per cent (Planning Inspectorate, 2010).

From the general appeal search nine decisions were assessed in detail for the range of issues considered. These covered a range of mineral types, including coal and fireclay, peat, sand and gravel, fluorspar and limestone. A full schedule of the appeals, with the summaries of the cases is set out in Appendix 5.

The appeal decisions considered in detail indicated that a number of key issues were referred to in the Inspector's decision letter or in the decision by the Secretary of State, for those cases that were recovered for his / her determination.

In each of the appeal cases considered in detail the development plan was referred to as the starting point for determination. However, the vast majority also referred extensively to national planning policy in MPS / MPG and PPS form, together with other statements of policy, including the Energy White Paper, Environment Agency guidance and other policy documents that do not have planning as their primary focus.

The issues assessed in each appeal considered the degree to which the proposal accorded with the development plan, whether there were other statements of Government planning policy that were material to the issues in hand and / or whether there were other overriding issues or concerns.

Of the matters considered in the appeals, the need for the mineral and for the appeal proposal specifically, in terms of national and local policy considerations, was referred to in almost all cases. This was generally considered necessary where there were other possible material planning objections. The most common constraints considered to be part of the main issues in the appeals assessed were noise, landscape, transport and air quality, with issues such as hydrology, archaeology, green belt, recreation and nature conservation also being referenced in some cases.

Of the appeal case summaries, it is apparent that a wide range of issues has been considered. These generally reflect the need for the proposal on the one hand and the potential planning objections on the other, drawing on the relevant development plan policy as the starting point, with national planning policy and other material considerations referred to as appropriate. These seemed in particular to be where national policy went further or was more specific than policy at the local level (e.g. energy policy and noise guidance). Need was often assessed in accordance with the development plan (local and regional where relevant) and national policy. Generally there was no evidence of need for the mineral outweighing constraints where significant planning objections were identified. Each case appeared to be based on a balanced assessment of

the degree of any harm and the merits of individual proposals, with a number of cases dismissed where the harm was held to be substantial.

5.5 PLANNING CONDITIONS

The review of both development control decisions and appeal decisions has resulted in a list of typical features / matters that are normally covered by condition, many of which derive from the policies set out in the development plan or in MPS / MPGs (e.g. noise standards). Therefore, MPAs also implement national policy through conditions attached to a planning permission. It should be noted that additional matters are sometimes included in Section 106 planning obligations, typically comprising matters such as off site infrastructure provision, lorry routing or payments that cannot be covered by condition.

A typical schedule of conditions on a modern permission often runs to between 25 to 50 conditions, many of which require the submission of detailed schemes and several of which are required prior to commencement or within a defined period. This is clearly based in large part on the issue headings set out in the development plan and at national level. It reflects the increasing degree of sophistication of planning controls over mineral working, as well as priorities for relatively recent trends in matters such as community engagement, habitat creation, heritage protection and amenity controls. Conditions typically cover the following range of matters, although it should be noted that not all conditions are present or appropriate in every decision and vary according to specific circumstances:

- | | |
|-------------------------|--|
| • Commencement | Statutory commencement
Notification of commencement
Pre commencement works |
| • Approved details | Accordance with submitted details
Plans |
| • Limit of working | Limits of working / buffer
Depth of extraction
Monitoring / survey of quarry
Minerals to be extracted |
| • Phasing | Order and sequence of phased working |
| • Importation / export | Importation of materials
Infilling with waste
Export of restoration materials |
| • Cessation / duration | Cessation of extraction / duration
Phased working and restoration
Temporary suspension and restoration |
| • Community | Site contact details
Site retention of approved details
Local liaison committee
Complaints strategy |
| • Permitted Development | Withdrawal of permitted development rights |
| • Materials Handling | Soil and overburden management
Reinstatement practice |
| • Plant | Plant specification
Plant site layout
Stockpiling |

- Transport
 - Internal access
 - Transport movement limits
 - Record of transport movements
 - Vehicle wheel and body cleaning
 - Parking
 - Access
 - Traffic signage
- Stability
 - Protection of rail and other infrastructure
 - Vibration
 - Ground stability
- Bird Strike
 - Bird risk management
- Hours
 - Hours of operation
- EMS
 - Environmental management system
 - Site maintenance
- Restoration
 - Restoration landform
 - Restoration commencement
 - Submission of restoration details
 - Removal of all plant and structures
- Aftercare
 - Aftercare period and plan
- After-use
 - After-use
- Archaeology
 - Archaeological excavation
 - Archaeological protection / recovery and recording
- Noise
 - Noise - temporary
 - Noise - operational
 - Noise monitoring and mitigation
- Blasting
 - Blasting management / details
 - Blasting monitoring and mitigation
- Dust
 - Dust / air quality management plan
 - Dust monitoring and mitigation
- Water
 - Protection of surface water and drainage
 - Water management and drainage
 - Water monitoring
- Pollution prevention
 - Pollution control
- Ecology
 - Ecology mitigation
 - Habitat creation
- Recreation
 - Rights of way

5.6 CONCLUSIONS

Overall, therefore, while the inclusion of relevant policies in the development plan forms the key basis for the consideration of individual planning applications and appeals and indeed, is the statutory starting point for decision making, there is still a significant reliance on national planning policy. This includes areas where there is a technical basis to the policy at national level (including guidance and standards) and areas where national policy gives guidance on the weight to be given to particular policies or helps to explain their context. As such, statements of national

policy will continue to have an important function in both framing the policies of the development plan and in individual development decisions as long as they fulfil these functions.

6 Partner views on implementation of policy

6.1 INTRODUCTION

In addition to the extensive desk-based study undertaken and in order to seek information from partners, the BGS also ran two one-day focus group workshops, held face-to-face interviews and utilised a questionnaire (Appendix 6).

The first focus group workshop was held at the BGS in Keyworth on 15 February, 2010 and had 19 attendees. The second was held at the DCLG in London on 18 February, 2010 and had 20 attendees. Each workshop was attended by a range of partners from government departments, MPAs, industry, heritage bodies and NGOs.

The workshops focused primarily on obtaining views on the implementation of MPS1 policies, rather than the policies themselves. However, attendees were encouraged to highlight pertinent issues with regard to other MPSs /MPGs and to provide additional information through the questionnaire. Issues covered during the day were:

1. Implementing policy
 - a. Identifying barriers in implementing the policies required to meet the objectives of MPS1.
 - b. Identifying consequences that have emerged from implementing the national mineral planning policies (positive and negative impacts).
2. Policy into practice
 - a. Are certain national mineral planning objectives given more weight in practice at the local level, in terms of their status in RSs and LDDs? Why?
 - b. Are certain national mineral planning objectives more time consuming to implement than others? Why?
3. Interpreting policy
 - a. Identifying areas in national mineral planning policy that would benefit from clarification or additions.
 - b. In implementing the policies, do MPAs consequently meet the planning objectives?
4. Presenting national mineral planning policy
 - a. What format should the national mineral planning policy documents take, how should they be presented?
 - b. What are the essential components of a good national mineral planning policy document?

The questionnaire allowed partners to provide additional comments on specific policies within MPS1 and the other MPSs/MPGs. The questionnaire allowed partners to:

1. Provide comment on whether national policy was being effectively implemented.
2. Identify any barriers to implementation.
3. Identify benefits from policy implementation.
4. Identify any negative consequences from policy implementation.
5. Identify any policies which are felt to be given greater weight when being implemented.

6. Identify any policies which are felt not to contribute to meeting the overarching national objectives for minerals.

The questionnaire was made available via the BGS www.mineralsUK.com website and specifically distributed to:

1. Mineral Planning Authorities - via the Regional Aggregates Working Party Secretaries;
2. The Planning Officers' Society; and
3. Industry - via the CBI Minerals Group and Trade Associations.

There were only 14 respondents to the questionnaire. However, the fact that there was only a three week period for partners to complete an extensive questionnaire shows that those who chose to respond did so because they felt just concern and had important information to impart.

The following chapter summarises the views expressed by partners via the focus group workshops, questionnaires and interviews. A more detailed summary of partner views on the implementation of minerals policy is contained in Appendix 7. Whilst the primary purpose was to obtain views on how existing policy is working, where views were expressed on particular policies these have also been summarised.

6.2 MPS1 – PLANNING AND MINERALS

There were no significant negative views on MPS1, with some feeling that it is a model policy document. MPS1 recast MPG1: *General Considerations and the Development Plan System* and MPG6: *Guidelines for Aggregates Provision in England* and preserved the good policies of each; it also cut out flowery language. Whilst there may be a lack of clarity in places, the general view was that it doesn't require significant amending. Also, some concern was expressed that by streamlining policy any loss of detail or clarity could potentially lead to ambiguity, misinterpretation and, perhaps, to increasing legal challenge. 'Less policy' does not necessarily mean 'more effective policy'. It was also recognised that MPS1 was three years old and too little time had elapsed to judge how well it has performed. Many partners noted that it was not minerals policy that is at fault but a lack of its delivery through an overly complex and costly plan-making system. Any change or revision to policy might result in the already slow LDF plan-making process being slowed even further. Moreover, it should not be underestimated the amount of time and effort that went into producing MPS1 (and MPS2) which itself was a product of a streamlining exercise. With businesses currently suffering the recession and many local authorities experiencing financial difficulties, is the time right for further 'streamlining of other minerals policy'?

6.2.1 MPS1 – National objectives for minerals planning

The national objectives for minerals planning in MPS1 were generally considered to be sound and have been transferred through to actual mineral policies. However, it was considered by some partners that the objectives lacked focus, there were too many of them and they didn't link together well. Industry, in particular, thought that supply issues should receive greater prominence with the object '*to secure adequate and steady supplies of minerals needed by society and the economy...*' being the key reason why a separate minerals policy document is required. Other partners noted that any greater emphasis on this particular objective would, however, still need to be qualified and satisfy a range of other policies, notably on environmental protection. It was noted that the national objectives made no mention of landbanks, a key policy issue for a number of minerals, or indeed the concept of 'continuity of supply'. Other objectives, like encouraging the efficient and sustainable use of minerals and promoting the sustainable transport of minerals, were regarded as aspirational and difficult, if not impossible, to control through the planning process. The importance of maximising the use of recycled and alternative

materials in place of primary minerals was recognised. In general industry representatives felt that the expectations about the contribution these materials can make to future supply is often unrealistic. MPA representatives noted that the lack of reliable data on the availability of recycled and alternative materials makes it very difficult to implement sound policies regarding their use. With respect to safeguarding mineral resources, there was wide recognition of the importance of this objective. However, it is proving to be one of the most difficult to implement. Reasons for this include lack of clarity of the associated policy and the lack of a consistent methodology to achieve its aims.

It was suggested that the national objectives might be better presented if they were grouped, perhaps under three separate headings; supply, environmental protection and sustainability issues. Such an approach might provide a better focus and help to link similar objectives together.

It was also felt, by some, that MPS1 needs to make clear what the basic issues associated with minerals policy are, these being supply to meet demand and the issue of geological and geographical location of mineral resources. One partner noted that the purpose of minerals planning should be to identify the role of potential mineral bearing land within the overall vision for an area prior to extraction, during working and after-use through restoration so that minerals become embedded into overall planning. Currently there is lack of long term thinking (20+ years) in minerals planning which contrasts with thinking on other issues, such as climate change. Putting minerals into a long term vision would help communities appreciate how minerals form part of their landscape and would enable infrastructure to be put in place to mitigate the impacts of their development.

6.2.2 MPS1 – National policies for minerals planning

Partners accepted MPS1 as a sound working policy document which meets its objectives. However, if it is reviewed, certain policies could undergo reassessment, revision and / or clarification. Table 3 summarises the issues raised. However, appearance of an issue in Table 3 does not indicate a consensus among partners; likewise the order raised issues are listed does not depict any priority. A more detailed summary of partner views obtained during the focus groups, questionnaire and interviews is provided in Appendix 7.

Table 3 Summary of partner views on MPS1: *Planning and Minerals* policies

MPS1 Policy - Survey				
Policy implementation	Barriers to implementation	Benefits arising from implementation	Negative impacts	Relative policy weight
<p>Effort focused on specific minerals to address specific issues.</p> <p>Large reliance on industry to provide data.</p>	<p>Resources within MPAs. (Level of relevant) expertise within MPAs.</p> <p>Reluctance in industry to supply data as commercial confidentiality cannot be assured (Freedom of Information).</p> <p>Format of data collection and required merging of data prior to use.</p> <p>Lack of data regarding local (MPA) (specifically aggregates) consumption.</p>	<p>Adequate provision in Development Plans must be justified against best assessment of mineral resources and reserves available.</p> <p>Evidence to be used when determining planning applications.</p> <p>The Managed Aggregate Supply System (MASS) implemented via MPS1 ensures continued monitoring of aggregate minerals.</p>	<p>Confidentiality concerns amongst industry.</p> <p>Survey fatigue among MPAs and industry.</p> <p>A limited picture to present.</p> <p>Speculation as to the quantities of recycled and alternative materials available.</p> <p>Lack of data means some decisions on allocations for specialist minerals or sites in the right locations cannot be made.</p> <p>Increasing reliance on unreliable data especially regarding alternative materials.</p>	No views received.
MPS1 Policy - Safeguarding				
Policy implementation	Barriers to implementation	Benefits arising from implementation	Negative impacts	Relative policy weight
<p>Safeguarding in new planning documents at an early stage.</p> <p>Methods have differed resulting in variable safeguarding policies at the local level.</p> <p>Prior extraction policy little utilised and not reflected in regional and local planning documents.</p>	<p>Clarification of terms used in policy required.</p> <p>Lack of awareness amongst District Councils and Unitary Authorities.</p> <p>Lack of information for specific mineral types.</p> <p>Lack of safeguarding policy within RSs.</p> <p>Lack of actually delineated Mineral Safeguarding Areas.</p> <p>Lack of suitable guidance.</p>	<p>If properly implemented, safeguarding would ensure that mineral resources and infrastructure are protected.</p> <p>Work at the national level has lead to a greater awareness regarding distribution of mineral resources.</p>	<p>Operation of mineral infrastructure is currently being compromised by adjacent development.</p> <p>Cost in terms of time, effort and money.</p> <p>Use of ownership criteria / industry interest as only reason to define MSAs.</p>	More required at regional level.

Table 3. Summary of partner views on MPS1: Planning and Minerals policies continued...

MPS1 Policy - Protection of heritage and countryside				
Policy implementation	Barriers to implementation	Benefits arising from implementation	Negative impacts	Relative policy weight
<p>There is a need for balance. Policies are missing an opportunity to encourage Biodiversity Action Plans. Policies could reflect wider arguments for soil and land management.</p>	<p>Clarification of terms used in policy required.</p> <p>Lack of resources in MPAs to monitor sites / restoration schemes.</p> <p>Smaller sites cannot be treated the same way in planning terms as larger sites.</p> <p>For aggregates there is a conflict between protection of designation and meeting apportionment figures.</p>	<p>Designated sites and cultural assets protected.</p> <p>Operators have a fixed set of criteria they must comply with in order to obtain a licence to operate.</p> <p>Contributes to sustainable development by restoring land to a high standard.</p>	<p>Lack of recognition that geology is often reason for designation and this geology hosts some important mineral resources.</p> <p>Reserves in National Parks and AONBs are finite and policies need to be put in place to better plan for their long term replacement.</p> <p>Failure to recognise policy tests are different when being applied at the plan as opposed to the planning application level.</p> <p>Lack of recognition that mineral extraction may be required to address public safety.</p>	<p>Policies are required at all levels of planning.</p> <p>Insufficient weight given to the positive contribution mineral operations make.</p>
MPS1 Policy – Supply				
Policy implementation	Barriers to implementation	Benefits arising from implementation	Negative impacts	Relative policy weight
<p>Little recognition of the link between indigenous supply, security of supply and sustainable development.</p> <p>Landbanks an issue.</p> <p>MASS does not allow consideration of alternatives at the local level.</p> <p>MASS <i>Guidelines</i> being inappropriately interpreted.</p>	<p>Clarification of terms used in policy required.</p> <p>Misinterpretation is leading to ambiguity. E.g. of specific ‘sites’, ‘preferred areas’ and ‘areas of search’.</p> <p>Limited ability by MPAs to influence end-use (which is controlled by market forces).</p> <p>Lack of suitable statistics.</p> <p>Over precision in landbank calculations.</p>	<p>Allows specific planning for precise levels of minerals.</p> <p>Increased certainty for the industry, local communities and authorities.</p> <p>Policy is essential for balancing the need for minerals against impacts of extraction.</p>	<p>Lack of supply policies implemented at the regional level.</p> <p>Greater emphasis required to maintain landbanks for specific minerals.</p> <p>MPA reluctance for separate policy approaches in relation to energy and non-energy minerals.</p> <p>Landbanks in National Parks a ‘compromise’ position.</p> <p>Over-dominance of aggregates in policy-making.</p>	<p>Need to maintain adequate and steady supply is key (with appropriate environmental qualification)</p>

Table 3. Summary of partner views on MPS1: Planning and Minerals policies continued...

MPS1 Policy - Bulk transportation				
Policy implementation	Barriers to implementation	Benefits arising from implementation	Negative impacts	Relative policy weight
Limited, inadequate and even not relevant. More market forces driven. Split in planning responsibilities results in this policy being overlooked.	Commercial viability limits use of certain transport methods. Lack of coordination between MPA and District planning. Competition with higher value cargoes (e.g. at wharves).	Significant benefits to the economy and the environment if minerals transport facilities are safeguarded. Access to wharves can help to reduce pressures on limited land-won opportunities.	MPA has limited ability to influence.	Strategic minerals infrastructure should be identified in the RS as it is often a transboundary issue.
MPS1 Policy - Environmental protection				
Policy implementation	Barriers to implementation	Benefits arising from implementation	Negative impacts	Relative policy weight
Is implemented effectively. Is complimented with MPS1 policy on heritage and countryside. Pre-application discussions useful. Operators pro-active engagement with communities. Good industry practice during and after extraction.	Lack of technically experienced officers within MPAs. Causes delay and mistakes. Policy and guidance need to cater for a non-technical audience. Duplication of control through Environmental Permitting Regime. Lack of a minerals validation checklist as there is for waste.	Enhanced and appropriate environmental protection. Collaborative working between MPAs and operators. Improvements in standards for environmental monitoring.	Time taken for consultation and the planning process. Duplication of control through Environmental Permitting Regime has lead to uncertainty and additional (and unnecessary) cost to operators.	Felt by some to be a lack of balance, with environmental protection policies receiving most weight.

Table 3. Summary of partner views on MPS1: Planning and Minerals policies continued...

MPS1 Policy - Efficient use				
Policy implementation	Barriers to implementation	Benefits arising from implementation	Negative impacts	Relative policy weight
<p>Sound (and supported) sentiments but largely falls outside of minerals planning.</p> <p>Market demand and commercial considerations encourage appropriate use which largely results in the Efficient Use policies being achieved.</p>	<p>Clarification of terms used in policy required.</p> <p>Lack of data regarding availability of substitute and recycled materials.</p> <p>Technical skills within the MPAs.</p> <p>Increased regulation of minerals 'waste' will make it more costly to optimise site restoration.</p>	<p>Policies give a clear and consistent basis for MPAs to formulate local policies. This makes it clear to operators the standards they are expected to achieve.</p> <p>Raised profile of minerals and their uses.</p>	<p>Does not currently have the capability to be effectively implemented through minerals planning.</p> <p>Reduction in the capacity to meet Biodiversity Action Plan targets.</p>	No views received.
MPS1 Policy - Restoration				
Policy implementation	Barriers to implementation	Benefits arising from implementation	Negative impacts	Relative policy weight
<p>Good suite of required policies seen as being effectively implemented.</p> <p>Wide acknowledgement of excellent and efficient restoration of sites.</p> <p>Associated policy within MPG7 needs to be updated to better reflect modern restoration options.</p>	<p>Lack of regional policy on restoration.</p> <p>Lack of resources and technical awareness within MPAs.</p> <p>Commercial pressures on operators.</p> <p>Landowner interests (reluctance to restore to after-use returning limited monetary value).</p> <p>Mining Waste Directive limiting amount of inert material available for restoration.</p>	<p>Collaborative working between all parties.</p> <p>Opportunities to meet biodiversity and nature conservation objectives.</p>	<p>Lengthy management plans required for mineral sites seen as being inappropriate (or at least disproportionate) when compared with requirements on other forms of development.</p> <p>Lack of recognition of industry's high restoration standards and successes.</p>	Aftercare considered important for achieving sustainable development.

6.3 MPG3 - COAL MINING AND COLLIERY SPOIL DISPOSAL

In addition to MPS1 partners had the opportunity to provide comments on their experiences of MPG3 and in particular paragraph 8 which states that *'...in applying the principles of sustainable development to coal extraction, whether open-cast or deep-mine, and to colliery spoil disposal, the Government believes there should normally be a presumption against development unless the proposal would meet the following tests:*

1. *Is the proposal environmentally acceptable, or can it be made so by planning conditions or obligations?*
2. *If not, does it provide local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission?*
3. *In National Parks and Areas of Outstanding Beauty (AONBs), proposals must also meet the additional tests set out in paragraphs 28 and 29 below.*
4. *Proposals within or likely to affect Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs) must meet the additional tests set out in paragraphs 30 and 31.*
5. *Proposals within the Green Belt must meet the additional test in paragraph 36...*

It was felt that paragraph 8 of MPG3 has had a detrimental impact on coal supply since it was introduced in 1999. With the development of coal technologies, national energy policy and the new development management approach to planning, it was felt that it is now time that paragraph 8 was reviewed and a more balanced policy adopted. It was noted by one partner that it is usual to present policies in a positive way, i.e. the presumption against development could be rephrased without fundamentally changing national policy. For example, *'the Government believes that proposals should be permitted where it would meet the following tests...'* This would change the initial interpretation from a negative to a more positive starting point. This is more in line with the rest of national planning policy on minerals.

Table 4 presents a summary of partner contributions with a more detailed summary being provided in Appendix 7.

6.4 MPG15 – PROVISION OF SILICA SAND IN ENGLAND

Specific reference to silica sand was made by some partners during the focus group workshops and in the questionnaire. Where specifically relevant to MPG15 they have been summarised in Table 5 with a more detailed summary provided in Appendix 7.

MPG15 was generally viewed as a positive and understandable policy document. Whilst the economic data it contains is out-of-date, the regular review of the BGS *Mineral Planning Factsheet* on Silica Sand was highlighted as providing a comprehensive update of this information. The Policy element of MPG15 was considered to be still relevant in today's climate and it could generally be cited as a policy document which remains fit for purpose. However, partners noted that when MPG15 was written, the then Department of the Environment (DoE) was responsible for minerals provision and the Department for Trade and Industry (DTI) led on the economic contribution made by the industry. Since then, DCLG, the Department for Business, Innovation and Skills (BIS), the Department for Environment, Food and Rural Affairs (Defra) and the Department of Energy and Climate Change (DECC) all now have responsibilities which potentially impact on minerals supply. Policy implementation has, therefore, become fragmented, particularly in relation to nationally important minerals such as silica sand, giving the impression of conflicting department priorities.

Table 4 Summary of partner views on MPG3: Coal Mining and Colliery Spoil Disposal, paragraph 8

MPG3: Coal Mining and Colliery Spoil Disposal, Paragraph 8				
Policy implementation	Barriers to implementation	Benefits arising from implementation	Negative impacts	Relative policy weight
<p>Recognised that paragraph 8 presumption against does not apply to other forms of mineral extraction</p> <p>Presumption against development felt to be causing MPAs to pre-judge a position of refusal.</p> <p>Planning Inspectors appear to be interpreting policy correctly.</p> <p>Recent planning permission approvals being interpreted as an (unconfirmed) shift in national policy.</p>	<p>The often unbalanced interpretation of paragraph 8 was felt to be a major barrier to effective implementation of national policy.</p> <p>It is the role of the Environmental Statement to demonstrate environmental acceptability as opposed to MPA assessment.</p> <p>There is a need for policy to reflect modern terminology.</p> <p>Clarification of policy for MPAs on deep coal resources in development planning</p>	<p>MPG3 paragraph 8 can be regarded as an important piece of the mosaic of potential funding sources for obtaining community benefits.</p>	<p>The presumption against development. Proposals for coal extraction are being required to meet both the environmental acceptability test and the community benefit test which is a misinterpretation of the policy.</p> <p>There is some suggestion, advanced at times, that because coal has MPG3, then the policy in MPS1 does not apply to coal, which is a fundamental misinterpretation of MPS1.</p>	<p>Contribution of coal to the nation's future energy needs and energy security not being recognised.</p> <p>There is a lack of recognition that community benefits can be both in relation to the 'local' and 'wider' community. This term is not defined and often it is applied as being the immediate village.</p>

Table 5 Summary of partner views on MPG15: Provision of Silica Sand in England

MPG15: Provision of Silica Sand in England				
Policy implementation	Barriers to implementation	Benefits arising from implementation	Negative impacts	Relative policy weight
<p>MPAs do acknowledge the need for an adequate and steady supply of silica sand.</p> <p>Interpretation of landbank provision was considered to be variable and fails to fully recognise the landbank policy stated in MPG15.</p> <p>Implementation of end-use controls were considered to be inappropriate.</p>	<p>Clarification of terms used in policy required.</p> <p>Misinterpretation is leading to ambiguity. E.g., of specific 'sites', 'preferred areas' and 'areas of search'.</p> <p>Silica sand is a scarce resource located in specific areas of the country, landbanks need to better reflect the investment required for extraction, processing and distribution.</p>	<p>The majority of silica sand producing MPAs seek to comply with the need to ensure an adequate and steady supply of mineral.</p> <p>MPG15 provides a clear, concise definition of the terminology to be used in emerging regional and local policy that makes it easy for both industry and authorities to follow.</p>	<p>Interpretation of terms within MPG15 ('specific sites' etc.) is leading to ambiguity regarding silica sand provision.</p> <p>The landbank requirements in MPG15 are 'site specific'. This is not always implemented as such.</p>	<p>No views received.</p>

6.5 CONCLUSIONS

Whilst there was a consensus among partners that MPS1 is a sound policy document and is fit for purpose, if it is to be reviewed there are areas that require re-assessment and, specifically, clarification. For other minerals policy documents, whilst specific comments were restricted to MPG3 and MPG15, should these also be reviewed then there is also scope for clarification and improvement.

However, the majority of the issues of concern to partners regarding the implementation of national minerals policy related to procedures rather than the policies themselves.

In summary, the main issues raised by partners regarding the implementation of national minerals policy are:

- Failure to deliver / delay in delivery of Local Development Frameworks under the new planning regime is seen as being a critical barrier to implementing national minerals policy. For those minerals LDFs that do exist, the sound policies in MPS1 have not always flowed through into the LDF core policies. There is a need to balance national minerals policies with local considerations (or linkages). Some partners felt that the production of ‘model’ LDF documents would be useful.
- Policy in MPS1 is duplicated in other MPGs.
- Terms used in MPSs/MPGs need to be carefully considered and in some cases clarified so that they can be interpreted and implemented accurately. As such the evidence base requirements for policy development and implementation are not always clear. Specific examples provided by partners include:
 - ‘*proven resources*’ within MPS1 Safeguarding Policy;
 - ‘*exceptional circumstances*’, ‘*major mineral developments*’, the ‘*need for the development*’, ‘*in the public interest*’, ‘*national considerations of mineral supply*’ and ‘*high standard of restoration*’ within MPS1 Protection of Heritage and Countryside Policy;
 - minerals which are of ‘*national significance*’;
 - specific ‘*sites*’, ‘*preferred areas*’ and ‘*areas of search*’ within MPS1 Supply Policy (although these are defined in MPS1: *Planning and Minerals Practice Guide*).
- Insufficient attention is being given to the MPS1: *Planning and Minerals Practice Guide* (also considered to contain some policy).
- There are no specific national planning policies for certain minerals and as such where MPS1 policy refers to ‘*any relevant planning guidance specific to each mineral*’ there is room for misinterpretation and difficulties in implementation.
- Terminology used in policy document titles is leading to misinterpretation of their status, with Minerals Planning Guidance Notes sometimes being interpreted as just guidance documents as opposed to also statements of policy.
- Communication through the national, county and district, or unitary authority levels is a barrier. District councils often do not take account of county views, for example on possible extraction prior to development. Communication between counties and districts on MSAs and the granting of inappropriate development adjacent to mineral infrastructure (wharves and rail depots) by both districts and unitary authorities were other examples provided.
- Delivery of policy on safeguarding minerals is considered poor and it was noted that MPAs were not well equipped to carry this policy out. Greater importance should be attached to sustaining long term minerals supply.

- The lack of a 'statement of need' for minerals within national minerals policy was seen by many (not all industry affiliated) as a barrier to implementing policy. It was felt that such a statement would provide a better advocacy for minerals in an era when no one government department has overall responsibility for minerals (i.e., lack of a minerals 'Champion'). A statement of need providing a closer integration of minerals policy with other national policy objectives - economic, social and environmental – was considered to be valuable.
- The marine aggregates industry (with its different consent regime) is now represented by Defra and whilst included in the *Guidelines for Aggregate Provision* there was felt to be an unclear relationship with land-based supply and a poor representation in MPS1.
- Lack of required data / data in the right format to inform the evidence base, specifically with regard to the supply of recycled and alternative materials.
- Duplication of regulation / overlapping responsibilities between the MPAs and other organisations such as the Environment Agency.
- Overworked and inadequately resourced planning authorities. Lack of minerals expertise (following the decline in the number of specialist mineral planners) and an associated lack of knowledge on minerals issues other than aggregates in MPAs. There is a need for experienced planners to interpret, draft and implement policy. Other resource issues include lack of finances and also ability to cope with an evolving planning regime.
- There was a feeling that undue political pressure is being put on MPA officers by committee members. Elected representatives in authorities often do not fully understand their roles and responsibilities. Strong, clear national policy is crucial in order to assist planning officers when making representations to committee members.
- Resourcing in central government to support minerals policy was also a concern among partners.

7 Presentation of national minerals planning policy

7.1 BACKGROUND

Minerals planning guidance documents were introduced in the 1980s to set out government policy for minerals and guidance on how this should be applied to planning policy documents and planning applications. These replaced earlier Circulars and a procedural guide commonly known as the '*Minerals Green Book*'. Over the years 15 MPGs were prepared and were selectively updated and, in some cases, replaced (Table 6).

The Green Paper *Planning: delivering a fundamental change*, published in 2001, set out wide-ranging proposals for the reform of the planning system. Part of this proposed that all national policy should be revised and represented in a clearer style, separating policy principles from ancillary advice. Minerals Policy Statement 1: *Planning and Minerals*, which was published in 2006, resulted from this review and condensed minerals policy for all minerals into a single document. The original intention was to have associated annexes on eight major minerals; aggregates, brick clay, building stone, oil and gas, coal, cement raw materials, peat and silica sand, which would address the specific planning issues associated with these minerals. However, only the first four of these were produced because of the need to keep MPS1 short and prevent excessive delay in publication. They, like the body of MPS1, were the subject of a long public consultation with all key partners. The absence of annexes on other minerals, and notably those with no guidance at all, has been interpreted by some MPAs that these minerals are of lesser importance.

Minerals Policy Statement 2: *Controlling and Mitigating the Environmental Effects of Minerals Extraction in England* was published in 2005. It was conceived prior to the time that the requirement to streamline policy was fully adopted. The original intention was to produce six annexes on dust, noise, traffic, blasting, quarry and tip stability, and impacts on the water environment. However, only Annex 1: *Dust* (new) and Annex 2: *Noise* (replacing MPG11) were published as separate documents despite the research base being completed on all the other issues. Again this may give the impression that dust and noise are more significant environmental impacts, although this is not necessarily the case. Much of MPS2 essentially provides valuable practice guidance on the important area of applying conditions to mitigate the environmental impacts of mineral working (see Figure 1).

The intention was also to replace MPG7: *Reclamation of Mineral Workings* published in 1996, with a new MPS3 but the latter was never started. However, much of MPG7 is not a policy statement but essentially guidance; it would be more appropriately included in a practice guide. High quality restoration is crucial in delivering acceptable mineral development proposals and the industry has made great strides over the years in this respect. However, the existing guidance in MPG7 is out-of-date and was prepared at a time when agricultural after-uses were the main target. Since then emphasis has shifted towards biodiversity (and geodiversity) and there are signs of a move to more innovative restoration strategies for landscapes, mixed uses and built development. However, food security is now emerging as an issue, and perhaps agriculture may once again become a higher priority.

7.2 PARTNER VIEWS

As background prior to an analysis of the views expressed on the presentational style of any future national minerals planning policy the following points were made at the focus groups and through other submissions. The objective of clearly separating policy from guidance was strongly supported, although it was recognised that it is sometimes difficult to distinguish

between the two. A lawyer might argue that policy has to be followed, whilst guidance must be taken into account but does not have to be followed if there are good reasons for doing otherwise. Guidance should provide advice and information on how policy is to be implemented. One partner felt that it was important to clearly identify what the national policies were in policy statements, thus removing any ambiguity. This effectively is done in MPS1 where a heading 'National policies for minerals planning' pre-fixes the actual policies. The same approach is adopted in most of the annexes, e.g. 'National policies for brick clay provision,' but anomalously in Annex 1: *Aggregates* the corresponding heading is only 'Provision for land-won aggregates'. It was claimed that such an omission could be exploited by a lawyer: a consistent approach to presenting policy is, therefore, very important.

7.3 FUTURE FORMAT

The focus groups identified strong support, across industry, MPA and NGO representatives, for a single national minerals policy document, based on MPS1, supported by mineral annexes and a good practice guide. This concept extended to abandoning separate Minerals Policy Statements altogether and integrating national policy on minerals into the Planning Policy Statement series. A single PPS on '*Minerals*' was favoured to produce a coherent series of planning policy statements with associated annexes. It was felt that this approach would provide for better integration and cross reference with other national policy statements and objectives and improved uptake by unitary authorities who, it was claimed, often did not take account of minerals policy. One partner felt that the retention of the MPS series might suggest that minerals are not part of the mainstream planning agenda as waste is under PPS10. Minerals issues are critical to delivering sustainable development not only in providing essential raw materials for the economy but in facilitating land to be brought forward to meet other planning objectives. In order for this to be achieved, mineral planning should be brought into the overall vision of place and part of the place shaping agenda that are set out as part of the Development Framework for an area. A PPS on '*Minerals*' would underscore the national objective of mineral planning contributing to the four aims of sustainable development. It was noted by one partner that PPS10: *Planning for Sustainable Waste Management* and, its associated practice guide, are very clear about what was needed in development plans. In contrast MPS1 and its practice guide are less clear.

The planning issues associated with specific minerals reflect many factors, not least geology, which dictates the location, method and scale of extraction, and processing. Any new PPS on minerals should retain the annexes on individual minerals to focus on the planning issues and objectives specific to these minerals. It is widely accepted that the existing four annexes to MPS1 have proved valuable additions and it would be retrograde to lose them. Additional short annexes would consolidate some of the mineral specific policies, for example on landbanks, contained in the older MPGs on coal, cement raw materials, peat and silica sand. These older minerals planning guidance notes are repetitive and also contain a great deal of non-mineral specific planning material now covered in MPS1. Some also contain out-dated descriptions of the relevant industries, for example silica sand and cement raw materials. This type of information is best presented elsewhere (see below). These annexes could be quite short once the descriptive material and duplication has been removed. In addition, some of MPG3 dealing with colliery spoil disposal might be better incorporated with general guidance on mining waste. There was also a call for additional annexes on specific industrial minerals, which may be scarce but nevertheless of national and regional importance, but not currently covered by minerals planning guidance. Any revised MPS (or PPS) with additional annexes, albeit short ones, raises issues about the overall size of the document and the problem of bringing it all together for publication within a reasonable timescale. A further option could be to have the annexes as separate documents or groups of documents. Although not discussed at the focus groups, possible groupings of annexes are; construction minerals (*Aggregates, Brick Clay, Cement Raw Materials, Building and Roofing Stone*); energy minerals (*Coal, Oil and Gas, and Underground*

Gas Storage); and other minerals (Peat, Silica Sand and any additional industrial minerals if separate annexes were ever produced). A further important function of MPS1, raised outside the focus groups, is to provide, in Annex 1 on *Aggregates*, the policy support for the Managed Aggregates Supply System (MASS). The general consensus is that MASS has worked well and separate supply *Guidelines* on aggregate provision will need to be issued periodically.

As noted above, MPS2 and MPG7 are essentially guidance. However, they should be re-examined and any policy incorporated into a revised MPS1 (or PPS on *Minerals*) to produce a document that would cover all policy relevant to minerals supply, and the environmental effects and rehabilitation of mineral workings. The guidance could then be re-issued, with revisions, either as a new minerals environmental practice guide or perhaps best incorporated into a revised practice guide to MPS1 (or a PPS). It was also noted that an annex to the existing MPS2 on quarry and tip stability would allow the cancellation of MPG5: *Stability of Surface Mineral Workings and Tips*. However, this would need revision in the light of the Mining Waste Directive.

At the focus groups there was only limited opportunity for participants to study PPS4: *Planning for Sustainable Economic Growth*. The style was generally approved, although it was noted that it also contained some guidance in addition to policy. This is perhaps inevitable, and indeed desirable, to ensure that policies are placed in context. It was also noted that PPS4 made no reference to minerals, or indeed manufacturing, and some participants were surprised that it was still quite long.

Partners mentioned that the series of *Mineral Planning Factsheets* produced by the British Geological Survey on behalf of the Department for Communities and Local Government since 2004 provide comprehensive overviews of the supply of specific minerals produced in Britain. They are primarily intended to inform the land-use planning process by providing authoritative factual information in a consistent format; they are also of benefit to a wider range of partners. The factsheets are available online at www.mineralsUK.com and are regularly updated in terms of statistics and developments in the industry so that they can provide a continuing source of reference. In this respect partners noted that the factsheets already effectively replace the outdated descriptions of the industry provided in MPG10 on the provision of cement raw material and MPG15 on the provision of silica sand. Whilst the factsheets do review the economic importance of the relevant minerals, they do not, and should not, provide the clear statements of 'national need' for specific minerals that have been called for by some partners.

7.4 CONCLUSIONS

On the basis of the focus groups, together with other evidence presented to the project team, the general consensus for the format and presentational style of any future national minerals policy should be:

- To have a single overarching **Planning Policy Statement** on *Minerals* essentially based on MPS1, but also incorporating policy from MPS2 and MPG7. This would provide the core policies relevant to all minerals, in the style of PPS4
- To retain the existing Annexes to MPS1 as Annexes to a new PPS
- Prepare additional short Annexes on Coal, Cement Raw Materials, Peat and Silica Sand based on the policies in the relevant old-style MPGs
- Prepare an additional short Annex, or Annexes, on important industrial minerals not currently covered in MPGs

- Prepare a revised **Practice Guide** for the new PPS covering all minerals and incorporating the environmental management guidance contained in MPS2 (and its existing and proposed annexes) and MPG7.

Although not considered in this project it has been suggested that a new **Mineral Planning Procedure Guide** might replace MPG2, MPG4, and possibly MPG8, MPG9 and MPG14. Planning conditions will continue to be reviewed at intervals. We recommend that these MPGs be re-examined to see to what extent the material they contain will be needed in the future. If they are it is recommended that the relevant material be incorporated into a single guide.

Table 6 A proposed scheme for the integration of former and existing Minerals Planning Guidance Notes and Minerals Policy Statements.

(*MPGs not considered in this study).

ORIGINAL MPGs	CURRENT POSITION	PROPOSED FUTURE SYSTEM
MPG1: General Considerations and the Development Plan System (1996)	MPS1: Planning and Minerals (including 4 annexes) (2006)	PPS: Planning Policy Statement on Minerals, including existing 4 annexes in MPS1, together with additional annexes on Coal, Cement Raw Material, Peat, and Silica Sand. Additional mineral annexes if required.
MPG2: Applications, Permissions and Conditions (1998)	*MPG2: Applications, Permissions and Conditions (1998)	Mineral Planning Procedure Guide?
	MPS2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (including 2 annexes) (2006)	Policy in MPS2 incorporated in PPS Minerals. Guidance to Practice Guide. Additional 'missing' annexes if required.
MPG3: Coal Mining and Colliery Spoil Disposal (1998)	MPG3: Coal Mining and Colliery Spoil Disposal (1998)	Annex on Coal in PPS Minerals
MPG4: Revocation, Modification, Discontinuance, Prohibition and Suspension Orders - Town and Country Planning (Compensation for Restrictions on Minerals Working and Minerals Waste Depositing) Regulations (1997)	*MPG4: Revocation, Modification, Discontinuance, Prohibition and Suspension Orders - Town and Country Planning (Compensation for Restrictions on Minerals Working and Minerals Waste Depositing) Regulations (1997)	Mineral Planning Procedure Guide?
MPG5: Stability in Surface Mineral Workings and Tips (2000)	MPG5: Stability in Surface Mineral Workings and Tips (2000)	Practice Guide to PPS Minerals
MPG6: Guidelines for Aggregates Provision in England (1994) (with partial revisions in 2003)	MPS1: Planning and Minerals (Annex 1: Aggregates) (2006)	Annex on Aggregates in PPS Minerals
MPG7: Reclamation of Minerals Workings (1996)	MPG7: Reclamation of Minerals Workings (1996)	Policy in MPS2 incorporated in PPS Minerals. Guidance to Practice Guide
MPG8: Planning and Compensation Act 1991: Interim Development Orders Permissions (IDOs) - Statutory Provisions and Procedures (1991)	*MPG8: Planning and Compensation Act 1991: Interim Development Orders Permissions (IDOs) - Statutory Provisions and Procedures (1991)	Mineral Planning Procedure Guide?
MPG9: Planning and Compensation Act 1991: Interim Development Orders Permissions (IDOs) - Conditions (1992)	*MPG9: Planning and Compensation Act 1991: Interim Development Orders Permissions (IDOs) - Conditions (1992)	Mineral Planning Procedure Guide?
MPG10: Provision of Raw Material for the Cement Industry (1991)	MPG10: Provision of Raw Material for the Cement Industry (1991)	Annex on Cement Raw Materials in PPS Minerals
MPG11: The Control of Noise at Surface Mineral Workings (1993)	MPS2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (Annex 2: Noise) (2006)	Practice Guide to PPS Minerals
MPG12: Treatment of Disused Mine Openings and Availability of Information on Mined Ground (1994)	*PPG14: Development on Unstable Land. Annex 2. Subsidence and Planning (2002)	Not applicable
MPG13: Guidelines for Peat Provision in England, including the place of alternative materials (1995)	MPG13: Guidelines for Peat Provision in England, including the place of alternative materials (1995)	Annex on Peat in PPS Minerals
MPG14: Environment Act 1995: Review of Mineral Planning Permissions (1995)	*MPG14: Environment Act 1995: Review of Mineral Planning Permissions (1995)	Mineral Planning Procedure Guide?
MPG15: Provision of Silica Sand in England (1996)	MPG15: Provision of Silica Sand in England (1996)	Annex on Silica Sand in PPS Minerals

Key
 Planning Policy Statement on Minerals inc. Annexes

 Practice Guide to PPS Minerals

 Possible new Planning Procedure Guide

8 Recent primary legislation / policies / strategies that may affect minerals policy

The policy framework in England is subject to continual change. Since the introduction of MPS1 in November 2006, a large body of legislative and non-legislative documents have been published at the European and UK levels. Many of these influence the way that minerals planning should be structured in terms of plan-making and the way that mineral developments should be managed. Table 7 lists the documents that may affect the general minerals planning ‘framework’⁴. Where the documents in Table 7 are not mentioned in the following text, it is considered that they introduce procedural changes that will affect the whole planning system rather than specifically minerals planning. The legislation / policies / strategies that have been identified have been grouped, for the purpose of reporting, into the following broad headings.

8.1 DEMAND FOR MINERALS

Many of the documents reviewed have the potential, if implemented, to affect the demand for, and, therefore, the supply of different minerals. Primarily driven by concerns about climate change and the emission of greenhouse gases, notably carbon dioxide, the Climate Change Act 2008, the Energy Act 2008, the Planning and Energy Act 2008 and the Green Energy (Definition and Promotion) Act 2009 provide a legislative basis on which to form policies for energy supply. Another fundamental driver in these Acts is the sustainable use of natural resources and the need to encourage renewable sources of energy.

The Climate Change Act 2008 specifies that it is the duty of the Secretary of State to ensure that the net UK carbon account in 2050 is at least 80 per cent lower than the 1990 baseline⁵ and that regard must be had to the need for UK domestic action on climate change. Under the Act, trading schemes can be set up through secondary legislation. They may limit activities that lead, directly or indirectly, to emissions of greenhouse gases or they may encourage activities that directly or indirectly lead to a reduction in greenhouse gas emissions or the removal of greenhouse gases from the atmosphere. Trading schemes may apply to activities that are regarded as *‘indirectly causing or contributing to greenhouse gas emissions if they involve... the production or supply of anything whose subsequent use directly causes or contributes to greenhouse gas emissions’*. The Act is very likely, therefore, to impact on the use and supply of fossil fuels. As with many industries, such a scheme is likely to have an affect on mineral operations.

The Energy Act 2008 gives powers to the Secretary of State to create a renewable obligations order which would apply to designated electricity suppliers and relate to the source or way in which electricity is generated. The Planning and Energy Act 2008 introduced the option for local planning authorities in England and Wales to include policies in their plans which could impose reasonable requirements for a proportion of the energy used in development in their area to be from renewable or from low carbon energy sources in the locality of the development. The Green Energy (Definition and Promotion) Act 2009 provides the basis for the Secretary of State to issue regulations on microgeneration in England for domestic and non-domestic buildings.

⁴ The table lists documents that have been published between November 2006 and end-February 2010 that have the most potential to affect minerals policies in the view of the authors; it should not be considered exhaustive. It was compiled using the publication search on the Communities and Local Government website, the list of Acts on the Office of Public Sector Information website and the combined knowledge of British Geological Survey researchers and attendees of the focus group workshops. Consultation documents have not been analysed.

⁵ The aggregate amount of the net UK emissions of carbon dioxide for that year, and the net UK emissions of each of the other targeted greenhouse gases.

The provisions made in these Acts may ultimately affect the demand for fossil fuels as the emphasis on renewable sources is implemented and the balance of supply adjusts. However, the extent that this will impact on domestic fossil fuel production will depend on the balance between indigenous and imported supplies.

'Building a Greener Future: policy statement' (2007) states the aim of achieving zero carbon⁶ in new homes by 2016, through the energy / carbon performance requirements set in building regulations. New commercial development is also targeted with the view that it should deliver substantial reductions in carbon emissions over the next decade with regards to non-process related emissions. The introduction of Energy Performance Certificates, the display of energy certificates in large public buildings and a mandatory UK cap and trade scheme known as the 'Carbon Reduction Commitment' are all mentioned in the document as ways to reduce carbon emissions and all have implications for the demand for fossil fuels.

'Planning Policy Statement: Planning and Climate Change' (2007) further builds on the policies included in *'Building a Greener Future: policy statement'* (2007). In the document it is stated that when making decisions about their spatial strategies, regional planning bodies and all planning authorities should apply the principles that new development should be planned to limit carbon dioxide emissions and planned to make good use of opportunities for decentralised and renewable or low carbon energy. The document introduces the requirement that a target for new development should be set by planning authorities for the percentage of energy used that should come from decentralised and renewable sources where it is viable. The document *'Planning Policy Statement: Ecotowns'* (2009) places more stringent requirements on developers regarding carbon reductions, but also includes the requirement that homes in ecotowns should demonstrate high levels of energy efficiency in the fabric of buildings. The strategy for improving quality of place *'World Class Places'* (2009) also states that places need to be planned so that they are more energy efficient and less carbon dependent. This is likely to have an effect on the demand for certain building materials.

The drive for 'greener' homes and development will have an effect both in terms of the types of materials used and their relative proportions, thus affecting demand for minerals. The drive for greener development will not necessarily result in a lower demand for minerals but more of a shifting of demand from certain minerals to others. Products such as low carbon concrete contain smaller proportions of primary mineral. However, increasing use of natural stone for vernacular building is resulting in a higher demand for this building product.

Although the white paper *The UK Low Carbon Transition Plan* (2009) sets out the strategy for increasing use of low carbon infrastructure, during the transition the need for a secure supply of fossil fuels is recognised. This has implications for mineral policies that deal with fossil fuels and the planning system which delivers the sites. Although the main concern is the fuel that is imported, there are also implications for the sub-surface storage of fossil fuels, particularly natural gas. There is an emphasis on clean sources of energy such as renewable, nuclear, and fossil fuel plants fitted with carbon capture and storage technology. Funding is proposed for up to four demonstration sites for capturing and storing emissions from coal-fired power stations. In addition, steps will be taken, such as:

- obtaining 40 per cent (by 2020) of our electricity from low carbon sources;
- 30 per cent (by 2020) from renewable sources;
- providing financial incentives for using renewable sources of energy set through the renewable obligation; and
- the introduction of clean energy cash-back schemes.

⁶ Zero carbon: over a year the net carbon emissions from all energy use in the home would be zero.

These will all have an effect on the demand for fossil fuels.

The UK Renewable Energy Strategy (2009) adds the scenario that 12 per cent of our heat could be generated from renewables and includes a commitment to put in place the mechanisms to provide financial support for renewable electricity and heat worth approximately £30 billion by 2020. Part of the strategy involves the extension and expansion of the renewables obligation, to introduce a new Renewable Heat Incentive and 'Feed-In Tariffs' to provide guaranteed payments to producers for renewable heat and small-scale electricity generation. The increase in research into emerging technologies for alternative sources of supply such as wave and tidal, off-shore wind and biofuel power generation is likely to have implications for future demand for fossil fuels. The Renewable Energy Strategy suggests amending the Renewable Transport Fuel Obligation to impose an obligation designed to deliver 10 per cent renewable energy consumed in transport by 2020, subject to sustainability controls. This will ensure that transport fuels contain a rising level of biofuels automatically at the pump without the driver needing to take any action. In total the impact on demand for fossil fuels through delivery of the strategy is likely to be a reduction of the forecast use in 2020, by 10 per cent. Amending the Renewable Transport Fuel Obligations will potentially affect minerals transport.

In '*A Strategy for England's Trees, Woods and Forests*' (Defra, 2007) the use of wood fuel as a source of heat and energy is emphasised. Its implementation may have a small effect on the demand and, therefore, the supply of minerals. It is estimated in the strategy that English woodlands that are not currently managed could be a significant source of wood fuel and could provide a long term sustainable supply of bioenergy to support 270,000 homes. Timber could also be used as a building material in houses which would again affect the demand for other mineral products in construction, albeit in a small way. Implications from this strategy include a potential reduced demand for fossil fuels and a potential reduced demand for minerals used in construction. By encouraging the planting of woodland, this strategy also has implications on the choice of restoration schemes implemented for old mineral workings (see below). However, the potential sterilisation of mineral resources by planting new woods also needs to be considered.

Planning Policy Statement 3: *Housing* (2006) relates to the delivery of national objectives for housing. Large volumes of minerals are needed in order to supply the construction materials necessary to build houses and as such PPS3 has indirect impacts on minerals policies. The importance of the local character of an area and, in particular, the design of new housing which is appropriate to its setting, also highlights the importance of using local building materials. As such, there will continue to be a need for these building materials (aggregates, natural stone, brick clay etc) as these policies are applied.

The *Food Strategy 2030* (2010) identifies the challenges that are evident as a result of population growth, climate change and the pressures that we are putting on land in the context of the need to produce more food sustainably. The aim is to achieve a sustainable and secure food system. The main ways in which the food strategy may affect minerals supply, is through the increased competition for land as the food industry attempts to be more responsive to demands from the market, through mineral site restoration schemes which may contribute land to meet this demand, and through the reduction in demand for fossil fuels if the companies that produce and manufacture food and food products turn to more 'natural' energy sources such as biogas and manure. Demand for fertiliser minerals may also be affected.

Another already recognised physical link with respect to the demand for minerals (but one which is not addressed directly in national minerals policies for land won minerals), is the demand for minerals for flood defences. In Marine Minerals Guidance Note 1 it is stated that marine sand and gravel can match closely the material naturally found on beaches and is generally considered more suitable than land-won material (with particular reference to coastal defences). Demand for mineral to construct flood defences is indirectly alluded to in Planning Policy Statement: *Planning and Climate Change* (2007) through reference to vulnerability of development to the changing climate and the provision of resilience.

The EU Raw Materials Initiative (European Commission, 2008) concerns securing reliable and undistorted access to raw materials for Europe. There are three ‘pillars’ to the strategy:

- 1) Ensure access to raw materials from international markets under the same conditions as other industrial competitors;
- 2) Set the right framework conditions within the EU in order to foster the sustainable supply of raw materials from European sources; and
- 3) Boost overall resource efficiency and promote recycling to reduce the EU’s consumption of primary raw materials and decrease relative import dependence.

As the Initiative promotes both security of supply and the need to use raw materials as sustainably as possible, it complements national minerals policies which are underpinned by the principles of sustainable development. Consequently, the context within which Member States’ mineral policies are set may change as the initiative is taken forward. This will need to be considered in any future review of national minerals policy.

8.2 RESTORATION OF SITES

Minerals Planning Guidance 7: *Reclamation of minerals workings* was published in 1996, and although it is still a useful document in terms of the advice it contains, it requires updating to take account of more recent policies and strategies that are relevant to the restoration of mineral sites.

Planning Policy Statement: *Planning and Climate Change* (2007) states that regional planning bodies should recognise the potential of, and encourage those land uses and land management practices that, help secure carbon sinks. The restoration of minerals sites often involves creating woodlands and habitats which act as carbon sinks. Reference to this within any revised MPG7 would reinforce this type of land management. Another major objective in ‘*A Strategy for England’s Trees, Woods and Forests*’ (2007), is the expansion and maintenance of sustainably managed trees, woods and forests that are resilient to climate change. Schemes for trees will need to take into account the effects of climate change such as water shortages, pests and diseases. Wild plants and animals that inhabit woodlands may also be affected by climate change. Restoration schemes for mineral sites provide opportunities to mitigate negative changes, supporting the expansion of trees and woodlands and the species that rely upon them. Other benefits include the protection of soil by intercepting runoff water and reducing peak flow in rivers through water uptake; the protection of water by intercepting diffuse pollution before it reaches a water course; and the protection of air quality by intercepting air pollutants from agriculture and transport. It may be appropriate to signpost these benefits within a revised MPG7.

Green Infrastructure is identified in ‘*A Strategy for England’s Trees, Woods and Forests*’ (2007) as ‘*a network of green spaces in and around towns, and between urban and rural areas. It may include open spaces, parks, water bodies and nature reserves as well as street trees and woodlands ...*’. In the strategy these spaces are considered important to the ‘sense of place’ where people live and work as they act as features that can separate land uses and introduce diversity to the landscape. One of the policies identified in the strategy is to ‘*integrate trees, woodland and associated green space into local growth, regeneration and brownfield restoration, as a cost effective and sustainable contribution to local environmental quality*’. The strategy for improving quality of place ‘*World Class Places*’ published in May 2009 includes the statement that policies and guidance need to reflect the importance of green infrastructure. MPG7 currently does not promote the concept of green infrastructure with respect to the restoration of minerals sites, but this is a concept which could be considered if the policy document is updated in the future.

One of the policy objectives stated in Planning Policy Statement 3: *Housing* (2006) is that the planning system should deliver a flexible responsive supply of land. Restored minerals sites could provide a contribution to housing supply if located in appropriate areas. The possibilities and implications of housing as a restoration proposal could be included in a revised MPG7.

In Article 4 of the revised EU Waste Framework Directive (2008/98/EC), the priority order of waste prevention and management (the waste hierarchy) that should be applied by member states is set out. In the Waste Strategy 2007, the pursuance of the reduction of the use of landfill is a key theme, whilst it is recognised that landfill of some wastes may have a place as a means to restore exhausted mineral workings. The Waste Strategy 2007 refers also to the forthcoming Strategy for Sustainable Construction. In this strategy, which was published in June 2008, the intention to work with the construction industry to halve the 2008 level of construction and demolition waste going to landfill by 2012 was stated. This emphasis on diversion from landfill and on the reuse and recycling of raw materials may have an effect on the demand for minerals and also has implications for the restoration of minerals sites, as there will be less material available for landfill and raising the levels of the site.

The *Food Strategy 2030* (2010) has implications for restoring mineral sites with agricultural afteruses once again becoming a higher priority.

8.3 WORKING OF SITES / IMPLICATIONS FOR INDUSTRY

Some national strategies have the potential to affect the way in which future mineral sites are worked, particularly with regard to the protection of soil and for the storage and use of materials that are extracted from the void and stockpiled / stored on site. However, soil protection for use in restoration is standard practice in the minerals industry.

Soil gives us food, clothing and fuel and is described in *Safeguarding our Soils: A Strategy for England* (2009) as a basic building block for life. Soil stores a large amount of carbon in the form of organic matter. Over half of the soil carbon in the UK is within peat habitats, many of which are protected assets through the Sites of Special Scientific Interest (SSSI) framework because of their biodiversity and ecological value. The UK Biodiversity Action Plan also provides protection for peat and includes targets to protect and restore this habitat as well as committing to increasing areas of peat-forming habitat and improving the condition of undesignated habitats. The strategy explores peat restoration opportunities that do not increase methane emissions disproportionately. One target for lowland raised bogs is for '90% of the total UK market for composts and other growing media to be peat free by 2010' (page 18). The Partnership Project on Peat (a multi-agency project) will review the current evidence base, review the policy framework and make broad policy recommendations, so continuing Defra's work on peat and climate change mitigation.

The strategy sets a high level goal of significantly reducing the rate of loss of soil carbon by 2020 by working through the Partnership Project on Peat to develop measures for the restoration and prevention of degradation of peat by 2010, by developing an appropriate framework to further reduce the horticultural use of peat beyond 2010 and by providing support to planners to enable them to consider soil carbon losses or gains as a result of land use change.

Described in the strategy is the intention to assess how the planning system should tackle the impacts of climate change on soils in plan making and development management and examine whether guidance is required on how soils should be managed during construction. The issue of soil losses (due to the compaction of soil or 'soil sealing') and soil functions is mentioned, together with the intention to provide sufficient guidance and tools to allow decision makers to take these into account. A review of the weight given to soil policy will be undertaken and a review of the effectiveness of existing planning policy with regard to soils to inform considerations about whether an update is necessary.

Also described in the strategy is an intention to revise and issue guidelines regarding the protection and management of soil for agricultural use and the soil carbon store. This is likely to affect the way in which minerals sites are operated and restored. The specific targets to reduce the consumption of peat in some markets will affect the peat industry and also the background information that is contained in MPG13. If toolkits for local authorities are introduced to help inform decisions about soil and its functions and the planning policy for soil is updated, the effect on the minerals planning framework will need to be considered.

Directive 2006/21/EC was adopted by the European Parliament and Council of the European Union on 15 March 2006, concerning the management of waste from extractive industries (commonly known as the ‘Mining Waste Directive’). The Directive applies to waste arising from the prospecting, extraction, treatment and storage of mineral resources and from the working of quarries. It introduces the concept of a ‘mining waste facility’, the operation of which requires a waste management plan and a permit from a competent authority. Stockpiles of material and materials that are in a liquid state or in suspension are classified as a mining waste facility depending on their composition and the amount of time that they are stockpiled / stored. The transposition of the Directive into UK Law has been through *The Environmental Permitting (England and Wales) (Amendment) Regulations 2009* and an additional piece of legislation, *The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009*. The Directive and legislation that transposes the Directive into UK Law may affect the way that the UK extractive industry stores materials and the national minerals policies which deal with this.

Another theme relevant to the working of sites that is evident in Planning Policy Statement: *Planning and Climate Change* (2007) is the reduction, through careful planning, of the travel of people and the movement of goods. Of particular relevance is the requirement to consider the use of sustainable transportation methods with the aim of achieving a reduction of carbon emissions. This will continue to be relevant to the minerals industry.

8.4 PROCEDURAL CHANGES OF NOTE THAT ARE LIKELY TO SPECIFICALLY AFFECT MINERALS POLICIES

The ‘*Planning Act 2008*’ introduced the formation of the Infrastructure Planning Commission (IPC), a body which would determine applications for projects that are defined under the Act as ‘*nationally significant infrastructure projects*’. An application for development relating to underground storage facilities would fall into this category if it is;

- a) carrying out operations for the purpose of creating underground gas storage facilities in England;
- b) starting to use underground gas storage facilities in England and the working capacity of the facilities is expected to be at least 43 million standard cubic metres, or the maximum flow rate of the facilities is expected to be at least 4.5 million standard cubic metres per day; or
- c) carrying out of operations for the purpose of altering underground gas storage facilities in England and the effect is expected to be to increase by at least 43 million standard cubic metres the working capacity of the facility, or to increase by at least 4.5 million standard cubic metres per day the maximum flow rate of the facilities.

The change in application procedure for these facilities will impact on MPS1 Annex 4: *On-shore Oil and Gas and Underground Storage of Natural Gas*.

The determination of such applications would have been by the IPC using new National Policy Statements⁷. However, the IPC was abolished by the new Coalition Government. It will be

⁷ These are currently at various stages in the drafting process.

replaced by a system where Ministers will take decisions on new infrastructure projects which are critical to economic growth. National Policy Statements will be subject to ratification by Parliament.

Part 9 of *The Planning Act 2008* makes various alterations to the existing town and country planning regime but these will relate to the planning framework within which minerals planning sits and are procedural rather than mineral specific planning issues. Procedures relating to old mining permissions do feature in this Part and should be considered. Part 11 of *The Planning Act 2008* provides for regulations to be set by the Secretary of State which will ensure that costs incurred in providing infrastructure to support the development of an area can be funded (wholly or partly) by owners or developers of land. The main details of the implementation of the Community Infrastructure Levy will be set out in the regulations, which have not yet been adopted. This is unlikely to affect national minerals policies although it may affect mineral developers when applying for planning permission.

In Chapter 1 of the *Local Democracy, Economic Development and Construction Act 2009*, a duty is put on the principal local authority to promote understanding of the duties of the authority, the functions of the authority, the democratic arrangements of the authority and how members of the public can take part in these democratic arrangements. The increasing awareness that the community should be given opportunities to be involved in land use planning is a contextual element to minerals planning, but one that might be referred to in national minerals policies.

Minerals and the minerals industry are not referred to in PPS4: *Planning for Sustainable Economic Growth* (2009). However, the objectives in PPS4 are supported by the minerals industry by creating employment opportunities and generating an economic output and product in the way of export material and material for the construction industry. For this reason, minerals development is relevant to policies in this document. Although the policies in PPS4 are not minerals specific, they will affect the way in which mineral applications are determined and the information that should be addressed in any planning application. They should be signposted in national minerals policies.

Planning Policy Statement 25: Development and Flood Risk (2006) states the requirement for all development applications to include a Flood Risk Assessment. The level of detail in the assessment will depend on the category of flood plain in the locality and the compatibility of the development with flooding. In the case of mineral developments, they are classified as less vulnerable developments, or water compatible developments in the case of sand and gravel workings (including processing plant if the entire site is within a flood plain). There are specific procedures that local planning authorities and developers need to undertake in order for the requirements of PPS25 to be met. The sequential approach should always be applied, wherever possible, so that those areas of the site most at risk from flooding are utilised for the least vulnerable part of the process. PPS25 should be signposted in national minerals policies as it affects the choice of location of mineral developments.

Planning Policy Statement 12: *Local Spatial Planning*, published in 2008, provides guidance on the structure of Local Development Frameworks and is also relevant to minerals and waste policies. However, the introduction of this document is not likely to have an effect on national minerals policies as the procedures that are listed in the document are not unique to minerals planning.

The Town and Country Planning (Consultation) (England) Direction 2009 and its accompanying *Circular 02/2009* introduce the requirement for local planning authorities to consult the Secretary of State where they are minded to grant permission for a development which falls into categories as defined in the Direction. These include 'green belt development', 'development outside town centres', 'world heritage site development', 'playing field development', and 'flood risk area development'. This Direction relates to consultation procedures and is, therefore, for

the purpose of this study, considered to be procedural, although it affects the context within which mineral planning operates.

Marine mineral guidance 2: the control of marine minerals dredging from British seabeds was published by Defra in 2007. Although only applicable to the extraction of minerals from the seabed (mainly sand and gravel), the whole system of aggregate supply is interrelated and land-based and offshore extraction cannot be considered in isolation. The vision of improving the way in which the marine environment is planned, managed, regulated and protected is demonstrated by the Marine and Coastal Access Act 2009. The Act introduces a new system of marine spatial planning that is considered essential for the sustainable use of the seas and to deliver an effective and coherent approach to the management of the marine environment. Policies within which the marine aggregates industry operates will be changing as a result of the Act. The consenting of new marine aggregates resources is now the responsibility of the new Marine Management Organisation (MMO). The future work of the MMO will need to be taken into account in any revision of the *Guidelines* for aggregates provision.

The *Government Response to the Killian Pretty Review* (2009), among other things, outlines high priority proposals that include to;

- reduce the number of small scale developments that require full planning permission;
- make the planning application process more efficient and effective for all involved;
- improve the quality of information available to users of the planning application system;
- improve the local authority capacity and performance in the process; and
- streamline the national policy framework.

All will have an effect on aspects of the system within which mineral planning operates. However, of particular note is the intention to streamline policy which will affect minerals policy documents. *The Government response to the Taylor Review of Rural Economy and Affordable Housing* (2009) reaffirms the intention to streamline policy. Both documents recognise that proper planning for economic development at an appropriate scale whilst ensuring protection of the countryside can help rural communities to prosper. It is recognised that emphasis should be made on the opportunities in, and contribution of, rural economies, which indirectly includes mineral development.

The new Coalition Government are proposing a more local agenda for planning. This will have clear implications for the Managed Aggregates Supply System (MASS) which relies on apportionment at the regional and sub-regional level. It may also affect the supply of other minerals.

Table 7 Affecting primary legislation, policies, and strategies developed since 2006

Legislation / policy / strategy document	Date published	Potentially affecting reason and relevant MPS / MPG (where specific)
Directive 2006/21/EC Mining Waste Directive	March 2006 (used to summarise the effects of UK legislation)	Restoration materials: MPG7 Permitting regime
Legislative and Regulatory Reform Act 2006	November 2006	
Planning Policy Statement 3 (PPS3): <i>Housing</i>	November 2006	Restoration and brownfield land: MPG7 Building stone: MPS1
Planning Policy Statement 25: <i>Development and Flood Risk</i>	December 2006	Location of development
A Strategy for England's Trees, Woods and Forests	2007	Demand for fossil fuels: MPS1, MPG3 Restoration: MPG7
Marine Mineral Guidance 2: <i>The control of marine minerals dredging from British seabeds</i>	2007	Supply and demand of aggregates
Building a Greener Future: policy statement	July 2007	Demand for fossil fuels: MPS1, MPG3
Sustainable Communities Act	October 2007	
Planning Policy Statement: <i>Planning and Climate Change</i>	December 2007	Demand for fossil fuels and other minerals: MPS1, MPG3 Restoration: MPG7
Planning Policy Statement 12: <i>Local Spatial Planning</i>	2008	
Circular 02/2008 Standard Application Form And Validation	March 2008	
The Environmental Permitting (England and Wales) Regulations 2007	April 2008	
Regulatory Enforcement and Sanctions Act 2008	July 2008	
Planning and Energy Act 2008	November 2008	Demand for fossil fuels: MPS1, MPG3
Energy Act	November 2008	Demand for fossil fuels: MPS1, MPG3
Climate Change Act	November 2008	Demand for fossil fuels: MPS1, MPG3
Planning Act	November 2008	Gas storage: MPS1
Planning Policy Statement 4: <i>Planning for Sustainable Economic Growth</i>	2009	Minerals development contributes to the economy so policies apply
Planning Policy Statement 11: <i>Regional Planning Strategies (2004), technical amendments</i>	2009	Superseded by <i>Policy Statement on Regional Strategies</i> (February 2010) which was subsequently cancelled in July 2010.
Circular 02/2009 and The Town And Country Planning (Consultation) (England) Direction 2009	March 2009	

Table 7 Affecting primary legislation / policies / strategies continued...

Government Response to the Killian Pretty Review	March 2009	Streamlining policy
World Class Places	May 2009	Demand for fossil fuels: MPS1, MPG3, Low carbon concrete: MPG10 Restoration and green infrastructure: MPG7
The Environmental Permitting (England and Wales) (Amendment) Regulations 2009	July 2009	Storage of materials
Planning Policy Statement: <i>Ecotowns</i>	July 2009	Demand for fossil fuels: MPS1, MPG3, Low carbon concrete: MPG10
The UK Low Carbon Transition Plan	July 2009	Demand for fossil fuels: MPS1, MPG3 Security of supply
The Renewable Energy Strategy	July 2009	Demand for fossil fuels: MPS1, MPG3
The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009	August 2009	
Safeguarding our Soils A Strategy for England	September 2009	Extraction of peat: MPG13
Local Democracy, Economic Development and Construction Act 2009 (c.20)	November 2009	
The Green Energy (Definition and Promotion) Act 2009	November 2009	Demand for fossil fuels: MPS1, MPG3
Food 2030 ['The Food Strategy'].	January 2010	Demand for fossil fuels and fertiliser minerals: MPS1, MPG3 Restoration: MPG7
<i>Policy statement on Regional Strategies</i>	February 2010	(Cancelled in July 2010)
Planning Policy Statement 25 supplement: <i>Development and Coastal Change</i>	March 2010	
European Commission Raw Materials Initiative Communication	2008	Importance of indigenous supplies and recycling
The Waste Strategy 2007	May 2007	Waste hierarchy – move away from landfill Restoration: MPG7
The EU Waste Framework Directive (2008/98/EC)	November 2008	Restoration: MPG7
The Strategy for Sustainable Construction	June 2008	Reduce construction and demolition waste going to landfill Restoration: MPG7

9 Conclusions

An adequate, steady and secure supply of minerals is crucial to maintaining production and employment in a wide range of industries and underpinning the sustainable growth of a balanced economy. Indigenous mineral resources are valuable national assets and it makes good sense to make best use of them where economically viable and environmentally acceptable to do so. With increasing pressures on land, mineral development will continue to be controversial. It is for these reasons that national minerals planning policy and guidance exist.

National minerals ‘policy’ and ‘guidance’

There are currently 13 national mineral policy documents (Minerals Policy Statements (MPSs)/ Minerals Planning Guidance Notes (MPGs)) amounting to about 680 pages of policy and guidance. Analysis of the ‘policy’ versus ‘guidance’ content of ten of these documents has shown that only MPS1: *Planning and Minerals* contains a greater proportion of ‘policy’ (54 per cent) than ‘guidance’ (46 per cent).

Although MPG3: *Coal Mining and Colliery Spoil Disposal*; MPG10: *Provision of Raw Material for the Cement Industry*; MPG13: *Guidelines for Peat Provision in England*; and MPG15: *Provision of Silica Sand in England* – all contain policies specific to each mineral, they also contain general policies that are now presented in the more recent MPS1 published in November 2006. In contrast, the policy documents on specific areas of minerals planning (MPS2: *Controlling and Mitigating the Environmental Effects of Minerals Extraction in England*; MPG5: *Stability in Surface Mineral Workings and Tips* and MPG7: *Reclamation of Mineral Workings*) contain at least 90 per cent of ‘policy’ which is considered unique.

National policy implementation in Regional Strategies

A review of the level of integration of national minerals planning policy at the regional level (in Regional Strategies) showed that most contained some form of minerals policy as part of a suite of wider policies for each region. However, there did not appear to be a clear or consistent approach to the inclusion of mineral policies in RSs and the wording often did not appear to fully reflect national policy and / or employed confusing terminology.

Following the Government’s intention to abolish Regional Strategies, any review of national planning policy and the preparation of Local Development Frameworks (LDFs), will now need to consider whether policies previously included at the regional level (for example, the aggregate apportionments) should be re-incorporated at either national or local level.

National policy implementation in local plans

An analysis of a number of local planning documents (14 Local Development Documents and 5 Minerals Local Plans) presents a relatively mixed picture of MPS and MPG policy integration within the adopted LDDs reviewed. In contrast, there has been a generally greater level of integration within existing Minerals Local Plans. However, the majority of the adopted LDDs are Core Strategy documents and, therefore, more detailed policy requirements are likely to be addressed by subsequent LDDs such as Site Allocations and Development Control policy documents. The introduction of the LDF system has, therefore, introduced the additional need to separate national minerals policies into those that are appropriate to a Core Strategy and those more relevant to Development Management or Site Allocations documents.

National policy in development management decisions

A qualitative review of development management (control) decisions involving minerals since the adoption of MPS1 in November 2006 has shown that there is a significant reliance on

national minerals planning policy. This includes areas where there is a technical basis to the policy at national level (including guidance and standards) and areas where national policy gives guidance on the weight to be accorded to particular policies or helps to explain their context. Statements of national policy are, therefore, likely to continue to have a function in both framing the policies of the development plan and in individual development decisions.

Partner views on implementation of policy

The research was informed by a consultation of partners on the implementation of national minerals policy. The majority of the issues raised during this exercise related to procedures rather than the policies themselves. Indeed the policies in MPS1, notwithstanding the need for clarification in places, were generally thought to be sound. It was agreed by many that it was not the policy that was at fault but a lack of its delivery through the overly complex and costly new plan-making process introduced by the Planning and Compulsory Purchase Act 2004. The lack of resources available to both Mineral Planning Authorities and central government were also considered barriers to policy implementation, along with the need for better communication at all levels of planning. However, such issues are unlikely to be resolved by changes to national minerals planning policy.

Views on the policies within the MPS and MPG documents were varied. However, partners considered that a better distinction between policy and guidance in national minerals planning documents would be beneficial. It was felt that there is also a need to clarify the weight given to policy versus that given to guidance in the planning process. It was recognised that the older MPGs contain policy that is now presented in MPS1 and that these documents would benefit from a review and update. Although the removal of duplication in policy would be beneficial (help to streamline), concern was expressed that streamlining the remaining policy may result in loss of detail or clarity. Any loss of detail or clarity could potentially lead to ambiguity, misinterpretation and, perhaps, to increasing legal challenge; 'less policy' does not necessarily mean 'more effective policy'.

With respect to the valuable guidance contained within national minerals planning documents it was felt that whilst some guidance does need revision and updating it was nevertheless critical to informing future minerals planning. In any future review of policy, consideration needs to be given as to how this important guidance be retained and presented.

Presentation of national minerals planning policy

Partners also provided views on the format that any future revised national minerals policy might take. Integrating national policy on minerals into the Planning Policy Statement (PPS) series with a PPS specifically on minerals was favoured. Such a move would provide better recognition of minerals policy within the mainstream planning agenda and allow cross-reference to other national policy statements and objectives. Mineral-specific policies contained within the older MPGs (such as for coal, cement raw materials, peat and silica sand) could be incorporated into any revised MPS1 (or PPS) providing additional short annexes to the existing important annexes (on aggregates, brick clay, natural building and roofing stone, and on-shore oil and gas and underground storage of natural gas) already existing within MPS1. Any new PPS on minerals should be accompanied by a new Practice Guide covering all minerals and incorporating the environmental management guidance contained in MPS2: *Controlling and Mitigating the Environmental Effects of Minerals Extraction in England* (and its existing and proposed annexes) and MPG7: *Reclamation of Mineral Workings*. In addition a new, single, Mineral Planning Procedure Guide might be used to replace MPG2: *Applications, Permissions and Conditions*, MPG4: *Revocation, Modification, Discontinuance, Prohibition and Suspension Orders* and possibly MPG8: *Planning and Compensation Act 1991: Interim Development Orders Permissions (IDOs) - Statutory Provisions and Procedures (1991)*, MPG9: *Planning and*

*Compensation Act 1991: Interim Development Orders Permissions (IDOs) - Conditions and MPG14: Reviews of Old Mineral Permissions under the Environmental Act 1995*⁸.

Potentially affecting legislation, policies or strategies

The policy framework in England is subject to continual change. Since the introduction of MPS1 a large number of legislative and non-legislative documents have been published at the European and UK levels. Some of these may influence the way that minerals planning is structured in terms of plan-making and / or the way that mineral developments are managed. A review of over 50 such documents has shown that 36 may affect either minerals planning directly, or minerals planning through the general planning framework. Cognisance needs to be taken of such documents during any future review of minerals planning policy.

Since the submission of the final draft of this report to the Department for Communities and Local Government, the Government has announced significant changes to the planning regime. The Localism Bill, published in December 2010, and the development of a National Planning Policy Framework will both have a considerable impact on minerals planning.

A clear and unambiguous national minerals policy, linked to other national policy objectives and supported by guidance, will continue to be essential and the key to maintaining continuity of minerals supply.

⁸ Note: MPG2, MPG4, MPG8, MPG9 and MPG14 were outside the terms of reference for this research.

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