

THE ROYAL TOWN PLANNING INSTITUTE

Scottish Planning Policy 4: Mineral Working

A response to the Scottish Executive's Consultative Draft SPP

November 2005

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Introduction

1. The review of *NPPG4: Mineral Working* was announced as part of the Scottish Executive's programme for the Reform of the Planning System in the publication '*Review of Strategic Planning - next steps*' published in June 2002.
2. The key messages of the draft Scottish Planning Policy (SPP) are concerned with maintaining a positive and plan led approach to mineral planning in Scotland. The SPP encourages provision for the extraction of minerals in accordance with the principles of sustainable development and environmental justice. It recognises the need for this policy to be supported by positive development plan frameworks, rigorous development management decisions and proactive enforcement.

General Comments

3. The Royal Town Planning Institute (RTPI) is the UK body chartered to represent the planning profession and offers these comments on the SPP from the point of view of a diverse and policy neutral professional body committed to support devolved government in Scotland. The Institute has 1800 members in Scotland working across all sectors of central government, local government, government agencies, the voluntary sector, private consultancy, the development industry and academia. Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee, with the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with its charter obligation to work for the public interest.
4. The Institute supports the positive and plan led approach to mineral planning set out in the draft SPP and its basis on the principles of sustainable development and environmental justice. We particularly welcome the Scottish Executive's intention to resume minerals production surveys in association with the industry in 2005 and the identification of an agreed landbank between the industry and planning authorities to ensure adequate future demand. We have some concerns about the loss of detailed guidance from NPPG4 and with regard to the resourcing of the detailed proposals. Our detailed comments on the draft are set out below under the headings used in the SPP.

Policy Context

5. In general, the Institute agrees with the objectives for mineral working as set out in paragraph 8. In applying sustainable development and environmental

justice principles, we anticipate the need to take a balanced approach to all objectives in the consideration of proposals and their implementation. On a detailed point, we consider that more specific mention might be made in the objectives of the need to promote the management of waste.

Planning Policy for Minerals Extraction

6. The Institute supports the strong development plan led approach set out in the SPP. We understand the overall intention to streamline the content of SPPs, however, we consider that the current draft has lost some of the clarity regarding the respective roles of the development plan, which was evident in the previous NPPG4. This has been a feature other SPPs, and we consider that overall the clarity of policy intentions within SPPs could be clearer and appropriate detail reinstated. There is also a need for thorough cross-referencing of available guidance and related policies, particularly in a complex subject area such as mineral working.
7. Effective development plan policies will require to be based on accurate information on resource availability and projected demand. We particularly welcome the landbank approach and the Scottish Executive's intention to resume minerals production surveys in association with the industry in 2005. We would encourage the Scottish Executive to play a lead role in providing a national overview of trends in production and demand for minerals in Scotland and to produce regional targets for the use of recycled and secondary aggregates. The mineral survey will be essential in guiding policy and in establishing a baseline for future monitoring and review. The survey should cover existing consented reserves as well as current production rates and should address projected alternative use and sourcing of recycled and secondary aggregates. In the past there has been some concern about the confidentiality of such information but we consider that the information should be shared and published, regularly updated in a similar manner to the coal authority reports and published at a local authority level. Any re-establishment of an aggregates working party should include local authority representatives and should ensure openness, transparency and availability of information.
8. The Institute considers that the SPP should refer to the need for strategic environmental assessment of development plans and where necessary, supplementary planning guidance. Future SPPs will themselves require to be subject to SEA and it would be useful if the SPP could provide the framework for consideration of issues relating to the SEA of mineral working in lower tier policies and plans. SEA should provide a mechanism for the early and effective involvement of communities and will provide a vehicle for the monitoring and review of minerals policies. The Scottish Executive's proposed mineral production surveys will provide valuable information from which to develop the necessary information and guidance on baseline conditions, indicators and cumulative impacts.
9. With reference to the question regarding the introduction of a standard buffer zone, the Institute considers that buffer zones are important in safeguarding amenity and that extraction activities within 500 metres are likely to pose a threat to quality of life of adjacent communities, however, such considerations are best dealt with on a case by case basis taking into account the specific circumstances of each proposal e.g. the nature of materials, blasting etc.

Locational Considerations

10. The Institute supports the policy principles set out under locational considerations relating to the conservation of natural and built heritage, green belts, agricultural land and the rural economy. In addition, we consider that specific mention might be made of issues relating to National Parks; riverine, coastal and loch shore; and that impacts on sites of geological interest should be considered under the heading of 'conservation of the natural and built heritage'. The SPP should cover National Parks. The Institute supports the approach taken in the Loch Lomond and Trossachs National Park where new mineral extraction will only be permitted in the most exceptional circumstances, where the required mineral cannot be sourced outwith the Park and there is an overriding national interest in allowing extraction to take place or where development involves the re-opening of small-scale disused quarries for local needs. Any development that is considered to have adverse impacts on the special qualities of a Park either as a direct result of the workings or the impact associated with the transport of extracted minerals should not normally be supported.

Addressing Operational Issues

11. The Institute agrees with the coverage given under this heading to matters of EIA; transport; noise; dust; groundwater and surface water; environmental protection; mineral waste; and restoration, aftercare and after-use. Given the fundamental emphasis in the SPP of environmental justice and community involvement, more might have been included in the section on EIA on information provision and community involvement. Further guidance including non-technical summaries of available guidance might be considered in relation to contact with communities on mineral extraction casework. The existing suite of Planning Advice Notes written in support of NPPG4 should be reviewed, clearly signposted within the SPP and extended where necessary. We note the intention to issue further guidance on the implications of the EC Directive on the management of waste from extractive industries and would support the need for waste management plans to be produced and to encourage the life cycle analysis of mineral operation.

Additional policy Guidelines for Individual Minerals

12. The Institute supports the maintenance of a 10 year landbank equivalent to at least 10 years extraction at all times across the Central Belt, however, we consider that the role of local authorities and development plans in achieving this consistent policy will need to be clarified. We consider that a strategic approach to coastal exporting super quarries particularly in relation to the extent that external markets will be served from within Scotland should be addressed in a national context through the National Planning Framework. This will be particularly relevant in future work on marine and coastal spatial planning and in the light of the current work addressing the need for marine national parks.

Development Management

13. The Institute supports the strong emphasis given to pre-application discussions, community consultation, restoration, after use and aftercare, effective monitoring and enforcement. We note the Scottish Executive's

intention to proceed with plans to introduce a new statutory charging regime to recover the costs of monitoring and enforcing minerals permissions from operators. We consider that the introduction of the statutory charging regime would have considerable implications for local authority planning staff time and resources. We recommend that the Scottish Executive should consider a possible alternative to this regime by simply adding an element to the planning fee for minerals. We consider that a statutory charging regime based on a rate per visit approach does not bear any relation to the amount of work generated. We would recommend a thorough assessment of the future resourcing and training needs essential to implement any of these proposals.

Conclusions

14. In general, the Institute supports the policy direction established in the revised draft SPP4 and considers that it reflects the *'evolutionary'* rather than *'revolutionary'* approach advocated in the report on the review of NPPG4 published in 2002. The SPP reflects technological advances since 1994, strengthens the sustainable development and environmental justice basis for the policy and supports a plan led approach to implementation. However, we consider that in the interests of streamlining production of the SPP some useful information and guidance has been lost. We would suggest that the SPP and a revised PAN 50 should be published as a comprehensive and linked resource. The Institute also considers that further attention should be given to the resource implications of proposals particularly relating to the involvement of communities, enforcement measures and the introduction of the new statutory charging regime. The SPP should include reference to wider planning policy considerations such as the need for strategic environmental assessment. We urge the Scottish Executive to take a proactive role in monitoring and reporting on levels of mineral production, in setting targets and estimating demand and in providing a strategic overview of Scottish mineral workings through the National Planning Framework.