

Evaluation of Mineral Policy Statements

As you will be aware, the Government is publicly committed – in the Government's Planning White Paper 2007 and reinforced in the Killian Pretty Review in 2008 - to reviewing all planning policy. The intention is to significantly streamline the planning policy framework to achieve a more strategic, clear and focused framework, to provide an improved context for plan making and decision taking at the local level. This includes minerals policy, even though some of it is only three years old.

The Department for Communities and Local Government (CLG) has asked the British Geological Survey (BGS) to carry out an analysis of the implementation of a number of the Minerals Policy Statements and Minerals Policy Guidance notes, and an evaluation of the impacts of the policy's implementation.

The key objectives of the work are to evaluate the suite of Minerals Guidance notes, but in particular MPS1, MPS2 and MPG3, specifically by:

1. determining their up-take in regional spatial strategies and local development plan documents, and their application through development control;
2. identifying any barriers to effective implementation of their policies;
3. identifying any policies which are out of date or which require clarification or amendment in the light of legislation, local practice or interpretation; and
4. presentationally, what format for future guidance (to CLG) is required by stakeholders to most effectively deliver the Government's objectives for minerals planning, having regard to the Government's commitments to streamlining planning policy.

We would stress that the purpose of this exercise is to concentrate on determining the extent to which existing policy is working rather than determining what the policy should be. We would welcome comments on any of the above items directly from planning practitioners, individual companies, trade associations, NGOs etc as part of this evaluation.

This document contains an important questionnaire which will provide you with an opportunity to provide information on, and examples of, the implementation of minerals policy within your area of experience. In recognising the large size to the document **please feel free to only complete those sections and questions most relevant to you or where you would like to report any specific issues.** The first part of the document covers MPS1 whilst the second part enables you to provide information regarding national minerals policies contained within any of the other MPS and MPG documents (and annexes).

As the project timetable is very tight, BGS have to deliver a draft final report to CLG by the end of March, we would request that you **return your response to the questionnaire by Monday 1st March.** Responses should be returned (preferably by email) to **Naomi Idoine (nkay@bgs.ac.uk)**, British Geological Survey, Keyworth, Nottingham, NG12 5GG.

Mineral Planning Policy Statement 1: Planning and Minerals – Policy

Part A

- 1) Consider the policies under each paragraph heading in MPS1 (not including annexes to the document) and answer the following questions where relevant:
 - i. Is Government policy being effectively implemented in your area? What is your evidence for this / can you provide examples?
 - ii. Are there any barriers that prevent / hinder the implementation of this policy and if so, what are they? This may include (but is not limited to) barriers such as interpretation of the policy etc.
 - iii. What are the direct and indirect benefits of how this policy has been implemented? Please support your answer with one or two key examples.
 - iv. What are the negative direct and indirect impacts and consequences of how this policy has been implemented? Please support your answer with one or two key examples.
 - v. Are there any policies in this section which you feel are given more weight in regional or local planning documents or in the application of policy when submitting or determining applications at the local level?
- 2) Are there any policies in MPS1 which do not contribute to meeting the overarching Government Objectives for minerals? Please explain your answer. Space is provided in the blank table at the end of Part A for your answer.
- 3) Are there any policies in the annexes to MPS1 which give rise to concern in their implementation (for example, the proposed level of landbanks required for sand and gravel)? Space is provided in the blank table at the end of Part A for your answer.
- 4) Please extend the table provided at the end of Part A to provide any general comments that you would like to make on other MPS1 policies and their implementation.

Part B

- 1) Please consider questions 1i to 1iv above with regard to paragraph 8 of MPG3. Space is provided in the second part of this questionnaire for your analysis.
- 2) Please undertake the same exercise for any other national minerals policies contained within the MPS and MPG documents (and annexes) **that are particularly relevant to you**. Please add extra sheets if required.

If you have any questions about the questionnaire please contact Dr Joseph Mankelov (e-mail: jmank@bgs.ac.uk, Tel: 0115 936 3582).

Please return the questionnaire (preferably by e-mail to nkay@bgs.ac.uk) on or before Monday 1st March 2010.

Please send postal returns to: Naomi Idoine, British Geological Survey, Keyworth, Nottingham, NG12 5GG.

Many thanks for your time and support.

NAME: Jon Humble, Senior National Minerals Adviser **AFFILIATION:** English Heritage **E-MAIL:** jon.humble@english-heritage.org.uk

Please note that our response addresses the questions which have relevance to our responsibilities for the historic environment - some of the questions are beyond our locus.

PART A

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
5	The policies in this statement should be taken into account by regional planning bodies (RPBs) in the preparation of Regional Spatial Strategies (RSS), by the Mayor of London in relation to the Spatial Development Strategy for London, and by MPAs and local planning authorities (LPAs) in the preparation of local development documents (LDDs) and any development plans which are being taken forward to adoption under transitional arrangements. The policies in this statement will also be important to the minerals industry and all other interested parties. They are material to decisions on individual planning applications and if reflected in a LDD and RSS, will form part of the statutory Development Plan. Where these policies are not reflected adequately in forward planning, or taken sufficiently into account in relevant development control decisions, the Secretary of State may use her powers of direction to seek changes to the documents or may intervene in the consideration of planning applications.	
10	To achieve the objectives and measures set out above, RPBs, MPAs and LPAs should carry out their functions in relation to the preparation of plans and in relation to development control, in accordance with the national policies for minerals planning set out below:...	
12	Survey:	
	<ul style="list-style-type: none"> • use the best available information on mineral resources within their areas and consider the social, environmental and economic benefits and constraints of working them; • undertake regular assessments of the reserves for which planning permission has been granted for all mineral workings in their areas, taking into account the need for, distribution, production and uses of, each type of mineral, while maintaining mineral operators' reasonable needs for commercial confidentiality; • assess the range, volumes and availability of waste material which may exist within reasonable proximity and which could provide suitable alternatives to primary minerals. 	<p><i>Q li Survey - is Government policy being implemented?</i></p> <p>A: Generally, yes, although there is considerable variation in the quality of survey information and the frequency / depth of assessment practice.</p> <hr/> <p><i>Q lii Survey - are there any barriers which prevent or hinder implementation?</i></p> <p>A: Lack of resources to implement policy can be a hindrance - particularly enhancement of the evidence base. Improved guidance on implementation would be welcome.</p>

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
		<p><i>Q liii Survey - what are the direct and indirect benefits of how this policy has been implemented?</i></p> <p>A: Improved consideration of historic environment interests, risk reduction for all stakeholders - including local planning authorities, applicants and local community interests.</p> <p>English Heritage ALSF projects have made a major contribution to enhancing the evidence base for the historic environment - although much remains to be done.</p> <hr/> <p><i>Q liv Survey - what are the negative direct and indirect impacts and consequences of how this policy has been implemented?</i></p> <p>A: None that we are aware of. Information is key importance to all stakeholder and needs to be communicated effectively.</p> <hr/> <p><i>Q Iv Survey - are there any policies in this section which you feel are given more weight in RSS / LDD or with applications at the local level?</i></p> <p>A:No.</p>
13	<p>Safeguarding:</p> <ul style="list-style-type: none"> • define Mineral Safeguarding Areas (MSAs) in LDDs, in order that proven resources are not needlessly sterilised by non-mineral development, although there is no presumption that resources defined in MSAs will be worked; • encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in MSAs; • in unitary planning areas, define MSAs in LDDs to alert prospective applicants for non-minerals development to the existence of valuable 	<p><i>Q li Safeguarding - is Government policy being implemented?</i></p> <p>A: Yes and no. There is very considerable variation in policy implementation and with the quality of the evidence base, for example between neighbouring authorities such as the Peak District National Authority (which is c.70% within Derbyshire), Derbyshire County Council and Sheffield City Council.</p> <p>The current revision to safeguarding practice guidance is welcome.</p>

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
	<p>mineral resources;</p> <ul style="list-style-type: none"> • in two-tier planning areas, include policies and proposals to safeguard mineral resources within MSAs in county LDDs and show MSAs in district LDDs. Counties should define Mineral Consultation Areas (MCAs) based on their MSAs. MCAs should also be reflected in district LDDs. Where a planning application is made for non-mineral development within a MCA, the district should consult the county on the application; • district councils responsible for spatial planning of land defined in MSAs should not normally include policies and proposals in their LDDs for non-minerals development in those areas, or sensitive development around safeguarded mineral areas, where such policies would affect the potential for future extraction of minerals; • safeguard existing, planned and potential rail heads, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, particularly coal and aggregates, including recycled, secondary and marine-dredged materials; • identify future sites to accommodate the above facilities and reflect any such allocations in the LDDs of district councils in two-tier planning areas. District councils in these areas should not normally permit other development proposals near such safeguarded sites where they might constrain future use for these purposes; • safeguard existing, planned and potential sites including rail and water-served, for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material. Where appropriate, identify future sites for these uses and reflect any such allocations in the LDDs of district councils in two-tier planning areas. 	<p>ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)</p> <p><i>Ql ii Safeguarding - are there any barriers which prevent or hinder implementation?</i></p> <p>A: Conflation of the importance of mineral deposits with their 'workability'. In our view definition should focus on importance. Secondly, there is a need to recognise 'heritage' or 'conservation' importance alongside 'economic' or 'strategic' importance. Thirdly, the over-zealous application of conservation controls can exclude important minerals from MSAs (a form of conflation of importance and workability). MCAs have yet to implemented on a consistent basis, and communication between different tier LPAs on MCAs can be inconsistent</p> <p><i>Q liii Safeguarding - what are the direct and indirect benefits of how this policy has been implemented?</i></p> <p>A: Wider recognition of the importance of building and roofing stone.</p> <p><i>Q liv Safeguarding - what are the negative direct and indirect impacts and consequences of how this policy has been implemented?</i></p> <p>A: In some cases, restrictive policies e.g. that safeguarded minerals must be used locally when there could be cogent conservation reasons for non-local use.</p> <p><i>Q Iv Safeguarding - are there any policies in this section which you feel are given more weight in RSS / LDD or with applications at the local level?</i></p> <p>A: Not that English Heritage is aware of.</p>
14	Protection of heritage and countryside:	

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
	<ul style="list-style-type: none"> • where minerals development is proposed within, adjacent to, or where it is likely to significantly affect a European site (potential and classified Special Protection Areas, candidate and classified Special Areas of Conservation and listed Ramsar Convention Sites), take account of the advice contained in PPS9 and the accompanying joint ODPM/Defra Circular; • do not permit major mineral developments in National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites except in exceptional circumstances. <p>Because of the serious impact that major mineral developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for these developments should be subject to the most rigorous examination. Major mineral development proposals should be demonstrated to be in the public interest before being allowed to proceed.</p> <p>Consideration of such applications should therefore include an assessment of:</p> <p>i the need for the development, including in terms of national considerations of mineral supply and the impact of permitting it, or refusing it, upon the local economy;</p> <p>ii the cost of, and scope for making available an alternative supply from outside the designated area, or meeting the need for it in some other way;</p> <p>iii any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.</p> <p>Planning authorities should ensure that for any planning permission granted for major mineral development in these designated areas, the development and all restoration should be carried out to high environmental standards, through the application of appropriate conditions, where necessary, and be in character with the local landscape and its natural features.</p> <p>Proposals in these areas which are not considered to be major mineral</p>	<p><i>Q li Protection of heritage and countryside - is Government policy being implemented?</i></p> <p>A: Generally, yes.</p> <hr/> <p><i>Q lii Protection of heritage and countryside - are there any barriers which prevent or hinder implementation?</i></p> <p>A: With building and roofing stone, the over-zealous pursuit of 'alternatives' which may not be technically compatible or within workable deposits. There may be substantial discrepancies between theoretical and practical alternatives.</p> <p>Secondly, policies may not be applied in terms which are proportionate to the scale of the impacts that would result from the planning application - for example, major programmes of aggregate extraction can be regarded in the same policy terms as minor, intermittent delves for building stone.</p>

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
	<p>developments should be carefully assessed, with great weight being given in decisions to the conservation of the natural beauty of the landscape and countryside, the conservation of wildlife and the cultural heritage and the need to avoid adverse impacts on recreational opportunities.</p> <ul style="list-style-type: none"> • do not normally grant planning permission for a proposed mineral development on land within or outside a Site of Special Scientific Interest (SSSI), if it is likely to have an adverse effect on a SSSI (either individually or in combination with other developments); • ensure that the statutory protection given to many individual wildlife species under a range of legislative provision, and the special protection afforded to European protected species, is fully taken into account when considering mineral proposals which might affect them; • consider carefully mineral proposals within or likely to affect regional and local sites of biodiversity, geodiversity, landscape, historical and cultural heritage; • note that 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. However, in permitting mineral developments in Green Belts, authorities should ensure that high environmental standards are maintained during operation, and that sites are well restored to after-uses consistent with Green Belt objectives. All mineral-related developments in the Green Belt should be assessed against the policies in PPG2; • adopt a presumption in favour of the preservation of listed buildings, nationally important archaeological remains (including scheduled ancient monuments) in situ, and their settings, if mineral proposals would cause damage or have a significant impact on them, unless there are overriding reasons of national importance for the development to proceed; • do not permit mineral proposals that would result in the loss or deterioration of ancient woodland, not otherwise statutorily protected, unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat; 	<p><i>Q liii Protection of heritage and countryside - what are the direct and indirect benefits of how this policy has been implemented?</i></p> <p>A: The protection of the historic environment, and reinforcement of the policies in PPG15 and 16 on the historic environment.</p> <hr/> <p><i>Q liv Protection of heritage and countryside - what are the negative direct and indirect impacts and consequences of how this policy has been implemented?</i></p> <p>A. With the exception of the issues noted above (Q lii, this section), none.</p>

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
	<ul style="list-style-type: none"> • take account of the value that existing woodland offers in terms of amenity and habitat, when considering mineral proposals; • where significant development of agricultural land is unavoidable, seek to use areas of poorer quality land in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations. In order to achieve the intended after-use, a high standard of restoration would be required; • take account of the value of the wider countryside and landscape, including opportunities for recreation, including quiet recreation, and as far as practicable maintain access to land. Minimise the impact of minerals operations on its quality and character and consider the cumulative effects of local developments; • have regard to the positive or negative effects that minerals operations may have on rural communities and the extent to which adverse impacts of such operations could be moderated, but recognise that such developments can often also offer opportunities for these communities especially at the restoration stage 	<p><i>Q 1v Protection of heritage and countryside - are there any policies in this section which you feel are given more weight in RSS / LDD or with applications at the local level?</i></p> <p>A: With the exception of the issues noted above (Q lii, this section), no.</p>
15	<p>Supply:</p> <ul style="list-style-type: none"> • identify at the regional level, those minerals which are of national and regional significance and include policies for them in RSS; • aim to source mineral supplies indigenously, to avoid exporting potential environmental damage, whilst recognising the primary role that market conditions play; • before considering the extraction of primary materials, take account of the contribution that substitute or recycled materials, mineral products and marine dredged aggregates would make to the supply of materials; • ensure the best integration of social, environmental and economic costs and benefits is achieved, through applying the principles of sustainable development, by carefully considering how best to maintain an adequate and steady supply of minerals for the economy and society, commensurate with protecting the environment and securing the prudent use of natural resources, and set out policies to achieve this in RSSs and LDDs; • identify sites, preferred areas and/or areas of search, having taken 	<p><i>Q li Supply - is Government policy being implemented?</i></p> <p>A Yes - with aggregates, industrial and energy minerals - but not to the same extent with building and roofing stone.</p> <p><i>Q lii Supply - are there any barriers which prevent or hinder implementation?</i></p> <p>A For building and roofing stone, there are insufficient planning applications - this is an aspect of mineral supply which needs to be incentivised.</p> <p>Policies may not be applied in terms which are proportionate to the scale of the impacts that would result from the planning application - for example, major programmes of aggregate extraction can be regarded in the same policy terms as minor, intermittent delves for building stone</p>

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
	<p>account of environmental considerations, to provide greater certainty of where future sustainable mineral working will take place;</p> <ul style="list-style-type: none"> • consider the benefits, in terms of reduced environmental disturbance and more efficient use of mineral resources including full recovery of minerals, of extensions to existing mineral workings rather than new sites; • take account of the benefit, including the reduction in carbon emissions, which local supplies of minerals would make in reducing the impact of transporting them over long distances by road; • recognise the important role that small quarries can play in providing historically authentic building materials in the conservation and repair of historic and cultural buildings and structures; • where extraction of more than one mineral from a site is proposed, consideration should be given to any relevant planning guidance specific to each mineral; • provide for the maintenance of landbanks, i.e. appropriate levels of permitted reserves, for non-energy minerals as far as is practicable from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites; • enable the minerals industry, so far as is practicable, to secure productivity growth and high and stable levels of employment, which are central to long-term economic performance and rising living standards. 	<p><i>Q liii Supply - what are the direct and indirect benefits of how this policy has been implemented?</i></p> <p>A: No comment</p> <hr/> <p><i>Q liv Supply - what are the negative direct and indirect impacts and consequences of how this policy has been implemented?</i></p> <p>A Over-dominance of aggregates in policy-making. We suggest that the role of the RAWPs could be extended to supply issues for all minerals and this key section of MPS1. Secondly, there can be uncertainty about the relative importance of different minerals, and therefore the weight they should be afforded in plan and decision-making.</p> <hr/> <p><i>Q Iv Supply - are there any policies in this section which you feel are given more weight in RSS / LDD or with applications at the local level?</i></p> <p>A No comment.</p>
16	<p>Bulk transportation:</p> <ul style="list-style-type: none"> • seek to promote and enable the bulk movement of minerals by rail, sea or inland waterways to reduce the environmental impact of their transportation; • promote facilities at ports and rail links that have good communications inland, so that bulk minerals can be landed by sea and distributed from ports, as far as is practicable, by rail or water; • safeguard and promote rail links to quarries where there is potential to move minerals by rail. 	<p><i>Q li Bulk transportation - is Government policy being implemented?</i></p> <p>A: in our view, yes.</p> <p>Wherever possible, the transport of minerals should be managed to minimise the impact of vehicle movements upon the historic environment.</p>

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
		<p data-bbox="1142 204 2116 231"><i>Q lii Bulk transportation - are there any barriers which prevent or hinder implementation?</i></p> <p data-bbox="1142 271 1321 295">A: No comment.</p> <hr/> <p data-bbox="1142 507 2116 566"><i>Q liii Bulk transportation - what are the direct and indirect benefits of how this policy has been implemented?</i></p> <p data-bbox="1142 606 1321 630">A: no comment.</p> <hr/> <p data-bbox="1142 810 2016 869"><i>Q liv Bulk transportation - what are the negative direct and indirect impacts and consequences of how this policy has been implemented?</i></p> <p data-bbox="1142 909 1321 933">A: No comment.</p> <hr/> <p data-bbox="1142 1114 2139 1173"><i>Q Iv Bulk transportation - are there any policies in this section which you feel are given more weight in RSS / LDD or with applications at the local level?</i></p> <p data-bbox="1142 1212 1321 1236">A: No comment.</p>
17	Environmental protection:	

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
	<ul style="list-style-type: none"> • seek to protect and enhance the character of surrounding rural and urban areas by careful planning and design of any proposals for minerals development; • encourage mineral operators to adopt sound working practices to prevent, where feasible, or if not to minimise, environmental impacts to acceptable levels during the preparation, working and restoration stages, including the provision of improved transportation within and from sites; • encourage mineral operators to incorporate and maintain good environmental management practices into their company procedures and apply them during the operation of their sites; • require mineral operators to seek and maintain effective consultation and liaison with the local community before submitting planning applications and during operation, restoration and aftercare of sites; • state the criteria to be used in assessing mineral proposals and in formulating planning conditions, to ensure that permitted operations do not have unacceptable adverse impacts on the environment or human health. MPAs should avoid unnecessary conditions or obligations that duplicate the effects of other more specific controls, in line with general guidance in PPS1; • ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations caused by mineral extraction are in conformity with national guidance and are controlled, mitigated or removed at source, so as to reduce to an acceptable level any potential adverse impacts on neighbouring land and property; • encourage the establishment of mineral site transport plans in consultation with the local community, dealing with matters including routing, off-site parking, considerate driving and complaints procedures; • consider in association with the Environment Agency, the potential for mineral developments, individually or cumulatively, to affect the flow, quality and quantity of surface and groundwater supplies and the water table, taking account of best available options in preventing leachate 	<p><i>Q li Environmental protection - is Government policy being implemented?</i></p> <p>A Yes. This policy is complementary with the MPS1 policy (para 14) on the protection of heritage and countryside.</p> <hr/> <p><i>Q lii Environmental protection - are there any barriers which prevent or hinder implementation?</i></p> <p>A: Practice guidance on these matters can be highly technical (e.g. on dust and noise) - it is important that policy and guidance caters for a non-technical audience</p> <hr/> <p><i>Q liii Environmental protection - what are the direct and indirect benefits of how this policy has been implemented?</i></p> <p>A: Enhanced and appropriate environmental protection.</p>

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
	<p>generation and water pollution;</p> <ul style="list-style-type: none"> • ensure, in association with the Environment Agency, that in areas at risk of flooding, mineral extraction proposals do not have a significant adverse impact on flood flows or flood storage capacity. Operators should demonstrate that mineral working should not materially increase the risk of flooding at other properties or locations and, where practicable, should increase flood storage capacity; • ensure that proposals for mineral extraction and the storage and tipping of mineral wastes are designed, and appropriate monitoring procedures set up, to ensure that the operation and restoration of the site does not create land instability and help prevent pollution of soil, air, surface water and groundwater; • ensure that proposals for mineral extraction from coastal cliffs, beaches and dune systems do not adversely affect the stability of the coastal environment, increase the rate of coastal erosion or vulnerability to flooding, or affect sensitive habitats, landscapes or Heritage Coasts. 	<p><i>Q 1iv Environmental protection - what are the negative direct and indirect impacts and consequences of how this policy has been implemented?</i></p> <p>A: None that English Heritage is aware of.</p> <hr/> <p><i>Q 1v Environmental protection - are there any policies in this section which you feel are given more weight in RSS / LDD or with applications at the local level?</i></p> <p>A: None that English Heritage is aware of.</p>
18	Efficient use:	
	<ul style="list-style-type: none"> • encourage the efficient use of all minerals and alternatives to them; • encourage high quality materials to be used for appropriate purposes, but taking account of the need to avoid undue delays to site reclamation; • minimise the amount of minerals waste produced in extraction, handling, processing and stockpiling; • maximise the potential for minerals waste to be used for recycling or in-site restoration, but if not required for these purposes and where practicable, identify a market for its potential use; 	<p><i>A 1i Efficient use - is Government policy being implemented?</i></p> <p>Q: As far as we are aware, generally yes. There are examples, however, of high quality dimensional stone that could be used for sustainable building purposes being crushed for aggregates e.g. Mountsorrel granodiorite.</p>

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
	<ul style="list-style-type: none"> ensure, so far as practicable, the use of acceptable substitute or recycled materials in place of primary minerals. 	<p><i>Q lii Efficient use - are there any barriers which prevent or hinder implementation?</i></p> <p>A Metrics on the use and availability of secondary sources and alternatives are less rigorously collected than for primary minerals. Secondly, there can be a reluctance to apply and enforce end use controls on the consumption of minerals.</p> <hr/> <p><i>Q liii Efficient use - what are the direct and indirect benefits of how this policy has been implemented?</i></p> <p>A: Emphasis on efficient use within ALSF grants eligibility criteria.</p> <hr/> <p><i>Q liv Efficient use - what are the negative direct and indirect impacts and consequences of how this policy has been implemented?</i></p> <p>A: No comment.</p> <hr/> <p><i>Q li Efficient use - are there any policies in this section which you feel are given more weight in RSS / LDD or with applications at the local level?</i></p> <p>A: No comment.</p>
19	Restoration:	

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
	<ul style="list-style-type: none"> • take account of the opportunities for enhancing the overall quality of the environment and the wider benefits that sites may offer, including nature and geological conservation and increased public accessibility, which may be achieved by sensitive design and appropriate and timely restoration; • consider the opportunities that sites may offer for the development of new woodland areas and for providing networks of habitats; • in order to avoid the possibility of mineral working resulting in dereliction, ensure land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place through the provision of guidance on suitable or preferred after-uses and reclamation standards, and the use of conditions and legal agreements, as appropriate; • ensure proposals for restoration and aftercare of sites include details of appropriate phasing of progressive restoration, final landform and landscape and monitoring procedures; • develop a strategy for inactive sites with planning permission for future working, which are considered unlikely to be reactivated in the foreseeable future; • maintain or improve the Public Right of Way network around restored mineral sites as far as practicable; • do not seek or require bonds or other financial guarantees to underpin planning conditions, except as set out in MPG7; • where restoration of mineral workings is through landfill or to a wetland habitat, consult the owner or operator of civil and military aerodromes within 13km, in order to assess the likelihood of increasing the bird strike hazard; • examine the merits of recycling mineral wastes for productive uses or using them for site restoration, in order to minimise the adverse impact that they could otherwise have on the landscape. 	<p><i>Q I i Restoration - is Government policy being implemented?</i></p> <p>A: Yes - although we suggest that Government's current policy guidance (MPG7) needs to be modernised.</p> <hr/> <p><i>Q I ii Restoration - are there any barriers which prevent or hinder implementation?</i></p> <p>A: The lack of an appropriate policy reference to historic environment interests. Unjoined-up policy implementation on landfill has restricted the opportunities for appropriate and innovative restoration - in some cases (e.g. with some hard rock quarries), turning off the pumps is the only available option.</p> <hr/> <p><i>Q I iii Restoration - what are the direct and indirect benefits of how this policy has been implemented?</i></p> <p>A: Greater attention on the fundamental importance of good restoration.</p> <hr/> <p><i>Q I iv Restoration - what are the negative direct and indirect impacts and consequences of how this policy has been implemented?</i></p> <p>A: Less variation / diversity with restoration design and enduse than the optimum.</p>

PARA	POLICY WORDING	ANSWERS TO QUESTIONS 1i – 1v POSED ON PAGE 1 (where relevant)
		<p data-bbox="1142 209 2159 268"><i>Q 1v Restoration - are there any policies in this section which you feel are given more weight in RSS / LDD or with applications at the local level?</i></p> <p data-bbox="1142 304 2159 400">A:No, but in our view it is the policies which need to be modernised, together with the development of new practice guidance which seeks to reconcile all competing environmental and amenity interests, including the historic environment.</p>

PLEASE USE THE SPACES BELOW TO ANSWER QUESTIONS 2, 3 AND 4 OF PAGE 1.

PARA	COMMENTS
	<p><i>Q: Any policies in MPS1 which do not contribute to meeting Government overarching objectives for minerals?</i></p> <p>A: No</p>
	<p><i>Q: Any policies in annexes to MPS1 which give rise to concern in their implementation?</i></p> <p>A: Significant variation in practice with the implementation of MSAs for building and roofing stone - we are aware of a reluctance in at least one National park to implement the policy requirements of Annex 3.</p>
	<p><i>Q: Extend this area to provide any general comments on other MPS1 policies and their implementation</i></p> <p>The requirements for Strategic Environmental Assessments (SEA) and Sustainability Appraisals (SA) of development frameworks should assist with the delivery of the key policy objectives set out in PPG 15, 'to have regard to environmental considerations in preparing plan policies and proposals. The protection of the historic environment ... is a key aspect of these wider environmental responsibilities, and will need to be taken fully into account both in the formulation of authorities planning policies and in development control' (DoE/DNH 1994, para 2.1). English Heritage, however, is concerned that better information on the implications for the historic environment needs to be fed into minerals strategic planning, SEAs and SAs, Unless this is done, the landbank approach to forward planning (ie creating a stock of planning permissions, also known as 'permitted reserves', for the extraction of minerals), could increase pressures on the historic environment as the environmentally acceptable sources of minerals reduce over time. Wherever it is practicable, strategic archaeological resource assessments of areas that are or may be proposed for extraction should be encouraged and used to enhance local historic environment records</p>

PART B

PLEASE USE THE TABLE BELOW TO COMMENT ON THE QUESTION IN PART B OF PAGE 1.

PARA	ANSWERS TO QUESTIONS 1i – 1iv POSED ON PAGE 1 (Please indicate the paragraph number and policy considered)
	<p><i>Q: MPG3, para 8 - is Government policy being implemented (with examples)?</i></p> <p>A: MPG3 para 8 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'.</p> <p>We recognise that this presumption does not apply to other forms of mineral extraction</p> <p>We believe that Government policy is being implemented - see below for an example of the positive benefits to the historic environment</p>
	<p><i>Q: MPG3, para 8 - are there any barriers which prevent or hinder implementation?</i></p> <p>A: English Heritage recognises that there are extra tests which must be satisfied for:</p> <ul style="list-style-type: none">• National Parks and AONBs• SSSIs and NNRs• Green Belt land <p>We would welcome parity for the historic environment alongside nature conservation and landscape, thereby strengthening reference to the historic environment in MPG3, para 33. The current arrangement, however, is not a barrier or hindrance to implementation - but we do believe that parity would enhance the effectiveness of MPG3 implementation</p>

PARA	ANSWERS TO QUESTIONS 1i – 1iv POSED ON PAGE 1 (Please indicate the paragraph number and policy considered)
	<p><i>Q: MPG3, para 8 - what are the direct and indirect benefits of how this policy has been implemented?</i></p> <p>A: There are examples where proposals have been made environmentally acceptable (MPG3, para 8, test (i)) , yielding valuable community benefits (MPG3, para 8, test (ii)) through enhancements to the historic environment secured by Section 106 obligations tied to planning permission for the extraction of coal. For example, planning permission was recently granted to UK Coal for opencast extraction at Codnor, Derbyshire with a S106 for c.£1.5M worth of repairs to three important heritage assets, including Codnor Castle scheduled monument (photographs to illustrate this and other case studies are available from Jon Humble)</p> <p>We believe this project to be one of the most significant private sector investments in a scheduled monument at risk that has been secured through the planning process. There are occasions where alternative sources of funding for 'good works' may be very difficult to secure - we therefore regard MPG3, para 8 as an important piece of the mosaic of potential funding sources.</p> <p>Such examples provide the minerals industry with excellent opportunities to engage in community outreach.</p>
	<p><i>Q: MPG3, para 8 - what are the negative direct and indirect impacts and consequences of how this policy has been implemented?</i></p> <p>A: Assuming that PPG15 and 16 are applied correctly, English Heritage is not aware of any negative or indirect impacts on our interests for coal extraction that are greater or more significant than for other forms of mineral extraction</p>
	<p><i>Q: MPG3, para 8 - are there any policies in this section which you feel are given more weight in RSS / LDD or with applications at the local level?</i></p> <p>A: as noted above, we would welcome parity for the historic environment with nature conservation and landscape interests within the MPG3, para 8 policy tests</p>

PARA	ANSWERS TO QUESTIONS 1i – 1iv POSED ON PAGE 1 (Please indicate the paragraph number and policy considered)
	<p data-bbox="210 225 929 248"><i>Q: Other MPGs / MPSs - is Government policy being implemented?</i></p> <p data-bbox="210 288 1939 379">A: English Heritage believes that the answer to this question is generally 'yes', but (in addition to MPS1 related issues) there are ongoing difficulties with mineral planning policy as applied in particular to old mineral permissions and quarry restoration and enduse. There are also structural and procedural issues which are considered below within the 'barriers' question.</p> <p data-bbox="210 419 1901 480">Furthermore, we believe that MPG7 <i>Reclamation of Mineral Workings</i> should be a priority for updating to bring its requirements into line with modern good practice - it was written at a time when the post-extraction restoration of agricultural land was the key driver.</p> <p data-bbox="210 520 1733 544">The following statements on these important issues are drawn from <i>Mineral Extraction and the Historic Environment</i> (English Heritage 2008):</p> <p data-bbox="210 584 1944 1034"><i>'Mineral permissions that pre-date PPGs 15 and 16 and that do not benefit consistently from appropriate planning conditions are a significant issue for English Heritage and the historic environment sector. The Planning and Compensation Act 1991 and the Environment Act 1995 require all mineral planning authorities to review and update mineral permissions granted since 1943 and to continue to review them at 15-year intervals. The objectives of the Review of Old Mineral Permissions (commonly referred to as ROMPS) are to update conditions to modern standards of environmental protection and planning control. They also aim to impose modern restoration and aftercare conditions. Although English Heritage welcomes these aims in principle, in practice the implementation of the Act has been called into question. First, many of the old permissions, even with the most stringent of conditions, would be likely to be refused outright today on the grounds that they cannot satisfy current planning criteria. Secondly, if mineral planning authorities impose conditions that prejudice to an unreasonable degree the economic viability of the operations or asset value of the site, the quarry operator may be entitled to pursue a claim for compensation. Updated requirements for the essential mitigation of the impacts on the historic environment, either by preservation or recording through excavation, may have cost implications that could lead to claims for substantial compensation. The issue is particularly acute where old permissions pre-date the designation of nationally important assets including scheduled monuments. Mineral planning authorities do have powers to make orders which modify or revoke existing permissions, but because a permission is regarded as a property right, compensation is payable. Where a quarry has been inactive for two years or more, and it seems to the mineral planning authority that operators are unlikely to resume work, the authority may make a prohibition order to extinguish the permission. If the Secretary of State confirms the order, compensation is minimal.'</i></p> <p data-bbox="210 1074 1951 1490"><i>'Mitigation of the impacts of mineral extraction on the historic environment has usually tended to focus on the extraction programme itself. In addition to these impacts, inappropriate restoration, aftercare and after-use can have major adverse impacts on the setting of historic assets and may significantly reduce the 'legibility' of the landscape and its historic character. By their nature, these highly visible, yet in some circumstances potentially reversible, alterations to the character, significance and value of places can often be more readily apparent and tangible than the irreversible removal of buried archaeological deposits. Minerals Planning Guidance Note 7: The Reclamation of Mineral Workings states that 'Restoration and aftercare should provide the means to maintain or, in some circumstances, even enhance the long-term quality of land and landscapes taken for mineral extraction' (DoE 1996, Para 7). Returning the 2003) and recreational use are typical objectives, but it is important that the setting of historic assets, the historic character of landscape and the archaeology of the former extraction site itself are also given due consideration. In some circumstances, conservation objectives may require that mineral resources within previously quarried areas are safeguarded from other forms of development (DCLG 2006, Annex 3). In order to assist decision-making by mineral planning authorities and the minerals industry in formulating its proposals, English Heritage believes that good-practice guidance needs to be developed by the heritage sector with other stakeholders for the restoration and after-use of former mineral extraction sites that takes account of the historic environment. Guidance should adopt an integrated approach to the consideration of other economic, recreational and conservation opportunities, in conjunction with the safeguards for 'nationally important monuments, and their settings' required by the planning process (DoE 1990, para 8). In this context, landscape characterisation techniques (Historic</i></p>

PARA	ANSWERS TO QUESTIONS 1i – 1iv POSED ON PAGE 1 (Please indicate the paragraph number and policy considered)
	<p><i>Landscape Characterisation and Landscape Character Assessment) can inform decision-making and enable appropriate restoration that reflects or harmonises with the character of the surrounding landscape. English Heritage also believes that the results of archaeological investigation, in advance of and during extraction programmes, can provide evidence of past land use that can help to inform decisions on appropriate future land use.'</i></p>
	<p><i>Q: Other MPGs / MPSs - are there any barriers which prevent or hinder implementation?</i></p> <p>A: There are a number of structural and procedural issues with the current arrangements for implementing mineral planning policy. These are generic to the system:</p> <ul style="list-style-type: none"> • skills shortages in mineral planning and seemingly a decline in the numbers of specialist mineral planners • constant change with policy requirements, in part fuelled by EU directives • because of constant change, integration of mineral planning with the rest of planning system can be complex • the cumulative impacts of legislation and policy can deter small-scale operations • on occasions, a lack of clarity with the 'hierarchy of significance' - with regard to different types of minerals and proportionality with potentially competing interests such as nature conservation and the historic environment. This would be particularly helpful in National Parks and AONBs. • we note considerable variation in the quality of documentation for both strategic forward planning and individual planning applications. Guidance on the preparation of SEAs, SAs and ESs would be welcome. • the use of overly restrictive policies by some MPAs for building and roofing stone • a reluctance to apply enduse controls
	<p><i>Q: Other MPGs / MPSs - what are the direct and indirect benefits of how this policy has been implemented?</i></p> <p>A: In general terms, other MPGs / MPSs do acknowledge the importance of the historic environment. Mineral planning policy guidance, when correctly applied, can link well with the requirements of PPG15 and PPG16.</p>

PARA	ANSWERS TO QUESTIONS 1i – 1iv POSED ON PAGE 1 (Please indicate the paragraph number and policy considered)
	<p><i>Q: Other MPGs / MPSs - what are the negative direct and indirect impacts and consequences of how this policy has been implemented?</i></p> <p>A: We have already noted our concerns with policy for old mineral permissions and restoration.</p> <p>If mineral planning authorities believe that updating old mineral permissions in line with modern conditions may result in claims for compensation, they may elect not to seek modern conditions.</p> <p>There is much good restoration practice, but the options can be unduly restricted by legislation and policy requirements, and not all restoration practice is appropriately historic environment-minded.</p>
	<p><i>Q. Other MPGs / MPSs - are there any policies in this section which you feel are given more weight in RSS / LDD or with applications at the local level?</i></p> <p>A: As we have observed above, English Heritage would welcome parity for the protection and, where appropriate, enhancement of the historic environment alongside nature conservation and landscape interests within all Government mineral planning policy.</p> <p>English Heritage will be pleased to advise Government in order to achieve this fundamental objective.</p>

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