

**East Riding of Yorkshire  
Council and Kingston upon  
Hull City Council:  
Joint Minerals Development  
Plan Document  
Reg 25**

**Issues and Options Report**



This report has been produced for the East Riding of Yorkshire Council  
and Kingston upon Hull City Council by Atkins Ltd.

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The Joint Authorities are keen to obtain the views of everyone with an interest in minerals  
planning on the issues raised in this Issues and Options Report. A response form is provided  
and further copies can be downloaded from our respective websites.

[www.eastriding.gov.uk](http://www.eastriding.gov.uk) and [www.hullcc.gov.uk](http://www.hullcc.gov.uk)

Alternatively, responses can be made online through the websites.

The consultation period ends on **16 June 2008**, and completed forms should be sent to

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### List of abbreviations

BGS	British Geological Survey
ERYC	East Riding of Yorkshire Council
ERY and H	East Riding of Yorkshire and Kingston upon Hull
JMDPD	Joint Minerals Development Plan Document
JMLP	Joint Minerals Local Plan (Adopted 2004)
KHCC	Kingston upon Hull City Council
LDF	Local Development Frameworks
LPA	Local Planning Authority
MCA	Mineral Consultation Area
MSA	Mineral Safeguarding Area
MPA	Mineral Planning Authority
MPS	Minerals Policy Statement
PPS	Planning Policy Statement
RSS	Regional Spatial Strategy for Yorkshire and the Humber

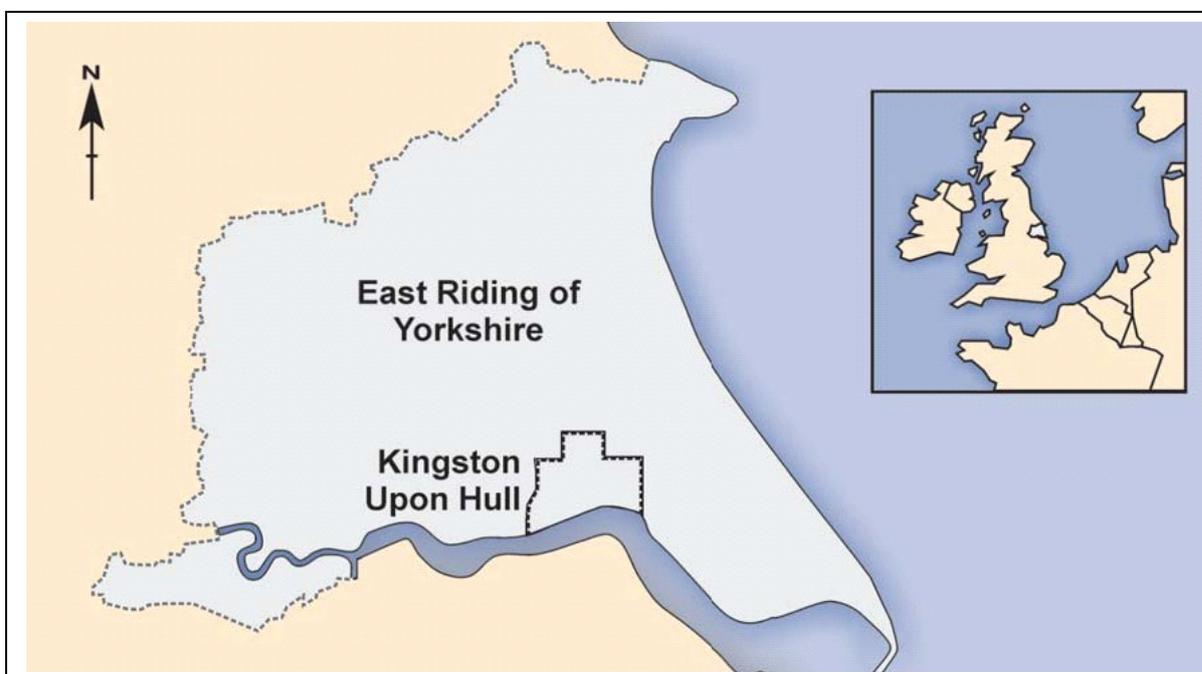
## 1. INTRODUCTION

- 1.1 East Riding of Yorkshire Council (ERYC) and Kingston upon Hull City Council (KHCC) are each required by the Planning and Compulsory Purchase Act 2004 to replace their respective Local Plans with Local Development Frameworks (LDF) for the two unitary areas.
- 1.2 The LDFs, together with the Regional Spatial Strategy (RSS) for Yorkshire and the Humber, will provide the spatial planning strategy for the East Riding of Yorkshire and Kingston upon Hull (ERY and H).
- 1.3 The two Authorities produced a Joint Minerals Local Plan (JMLP), which was adopted in 2004. While Kingston upon Hull does not itself have any viable mineral reserves, there are a number of interlinkages between the two Authorities in terms of imports, transport, preparation and use of minerals. For this reason it was important to prepare a joint plan which encompasses the interests of both Authorities. The joint approach adopted for the JMLP will be continued in preparation of the Joint Minerals Development Plan Document (JMDPD).
- 1.4 The aim of the JMDPD is to update the JMLP, setting out the objectives and spatial strategy for mineral development within the two Authorities' areas and providing the key policy framework for minerals development control.
- 1.5 The **purpose** of the JMDPD is to provide a framework for minerals development by:
  - proposing measures to conserve mineral resources to ensure their future availability;
  - seeking to maximise the contribution of minerals development to the communities, economy and environment of ERY and H by ensuring an adequate and steady supply to meet current needs
  - addressing the potential adverse impacts of minerals development, including recycling operations, on people and the environment.

## Purpose & Format of the Consultation Paper

- 1.6 This is the first step in the preparation of a Joint Minerals Development Plan Document (JMDPD) on behalf of the East Riding of Yorkshire Council and the city of Kingston Upon Hull. The JMDPD will cover the combined area of these 2 Unitary Authorities. The area covered will be referred to as the 'Joint Area', and the 2 Authorities will be referred to as the 'Joint Authorities'. The extent of the Joint area is shown in Figure 1.

**Figure 1: JMDPD Area**



- 1.7 This Issues and Options Consultation Paper provides a structured opportunity for all organisations and individuals with an interest in minerals planning in the Joint Area to contribute to the development of the JMDPD at an early stage. The Consultation Paper identifies the key issues for the JMDPD and invites comments on alternative options for addressing those issues.
- 1.8 Chapter 2 explains the local context within which the JMDPD will be prepared, including the factors that will generate demand for minerals and potentially constrain their supply, together with the characteristics and scope of mineral working in the Joint Area.
- 1.9 Chapter 3 identifies the key issues for the JMDPD, followed in Chapter 4 by the range of options for addressing the key issues.

## Next Steps for the Joint Minerals DPD

- 1.10 Following this consultation on the Issues and Options, the Joint Authorities will develop their Preferred Options, having regard to the outcomes of this consultation, continuing stakeholder involvement and the detailed sustainability appraisal process. The key steps to adoption of the JMDPD are set out below.

Issues and Options Consultation  
Spring 2008

Interim Sites consultation  
Summer 2008

Preferred Options Consultation  
Spring 2009

Submission to Secretary of State  
September 2009

Consultation on Alternative Sites  
Nov/Dec 2009

Examination in Public  
Spring 2010

Adoption  
End of 2010

## Why Minerals Matter

*“Minerals are essential for development and through that for our quality of life and creation of sustainable communities. Minerals planning ensures that the need for minerals by society and the economy and the impacts of extraction and processing on people and the environment are managed in an integrated way.”<sup>1</sup>*  
*1 From the Government’s Minerals Policy Statement 1*

- 1.11 Mineral resources are an important element in the nation's economy and in regional and local economies. They form part of the raw materials for the construction, manufacturing and agricultural industries, and mineral exploitation provides employment. The working of minerals can also have significant effects on the natural environment through damage to and destruction of habitats and landscapes, and disruption of the human environment through noise, dust, traffic and loss of agricultural land.
- 1.12 An important aspect of mineral planning, which is different to other types of land use planning, is the fact that the resources may only be worked where they lie. This can lead to conflict with other land uses. The presence of particular mineral resources often coincides with attractive or environmentally important landscapes. Examples of this in the East Riding of Yorkshire may be seen in the chalk uplands of the Yorkshire Wolds, and the peat deposits of Goole Moors.
- 1.13 This presents special challenges in reconciling the objectives of protecting the environment while meeting the need for minerals. At the same time, minerals must be worked in a planned fashion over time, in order to make optimum use of what is a finite resource.
- 1.14 This JMDPD aims to reconcile these objectives by planning positively for the supply of minerals while seeking not only to protect local communities and the environment but also to ensure that minerals development contributes to wider sustainability aims.
- 1.15 In line with the emerging Regional Spatial Strategy for Yorkshire and Humberside, the JMDPD will look forward to 2026.

## How to Contribute to the Joint Minerals DPD

- 1.16 The value and effectiveness of the JMDPD will be enhanced through the effective participation of stakeholders in its preparation. The Joint Authorities are therefore keen to obtain the views of everyone with an interest in minerals planning on the issues raised in this Consultation Paper so that the subsequent stages identified above are informed by your views.
- 1.17 A response form with which to comment on the issues and options is provided with the Consultation Paper, and further copies can be downloaded from our respective websites. Alternatively, responses can be made online through the websites. The consultation period ends on **16 June 2008**, and completed forms should be sent to the ERY and H consultants at the following address:

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- 1.18 Anyone requiring further information before responding should contact either Andy Wainwright at the East Riding of Yorkshire Council offices (tel 01482 393730) or Anthea Hoey of Atkins on 01392 352900.
- 1.19 All responses to the Consultation Paper will be taken into account in the development of the Preferred Options, and a summary of the responses will be published after the end of the consultation period.

## 2. LOCAL CONTEXT

- 2.1 It is important that the JMDPD takes account of the distinctive characteristics, needs and opportunities of the plan area and the aspirations of other relevant plans and strategies. This will ensure that any policies and proposals are both relevant to the local context and able to contribute to the wider sustainability agenda.
- 2.2 The purpose of this part of the Consultation Paper is to outline the key characteristics of the Joint Area that influence the need for minerals or may be affected by minerals development, including future trends; to briefly describe the nature of minerals development in the plan area; and to identify from this analysis the key issues that will need to be addressed in the JMDPD.

### Spatial Picture

- 2.3 The Joint Area is large in extent, covering approximately 2,500 km<sup>2</sup>, with a varied topography. Much of the western area lies within the Vale of York and has a flat and gently undulating nature. The south-west corner, around Goole, forms the northern parts of the Ouse and Trent Levels, where the topography is regarded as extraordinarily flat. Moving eastwards, the Yorkshire Wolds rise as a locally prominent escarpment, forming a central spine to the area. East of the Wolds, the land falls within the catchment of the River Hull and across to the coast. This broad shallow basin of Holderness is low-lying and undulating. The Humber Estuary forms the southern boundary to the area.
- 2.4 Physical features, such as rivers and the coast have had, and continue to have, an important influence on how land in the Joint Area is used. Significant parts of the Joint Area are low lying and vulnerable to tidal flooding from the Humber and/or from rivers and other watercourses. Parts of the Joint Area's coastline are the fastest eroding in Northern Europe.
- 2.5 Over half a million people live in the Joint Area and over 200,000 people work within it. The population of the Joint Area is distributed across a wide range of settlements of various sizes. Over half of the population lives in Hull and the adjoining East Riding settlements of Anlaby/Willerby/ Kirkella, Cottingham and Hessle. This represents the single largest urban area in the Joint Area.
- 2.6 Almost a quarter of the population lives in the other larger towns in the East Riding, namely Beverley, Bridlington, Goole and Driffield. The remaining quarter are dispersed across a wide variety of smaller towns, villages and hamlets.

- 2.7 Settlements across the Joint Area vary considerably in character. Hull is one of the region's major cities with significant and varied residential, industrial and commercial areas. The historic core of Hull reveals its strong maritime heritage. Places like Bridlington, Withernsea and Hornsea, have a clear coastal influence whilst towns such as Pocklington and Driffield have a strong rural association. The Joint Area has a wealth of historic features, within and outside settlements. Parks, gardens, estates, battlefields, listed buildings, conservation areas, scheduled ancient monuments and other sites of archaeological interest all contribute to a diverse heritage.
- 2.8 The area's transport infrastructure provides important local, regional, national and international links for the movement of people and goods. Road, rail and water links connect the Plan area into the national motorway, rail and inland water networks. The Humber Estuary and the Ports of Hull and Goole add an international dimension to these links. The Humber Bridge, a unique feature in the local landscape, provides an important road link connecting the north and south banks of the Humber.
- 2.9 Levels of transport provision and accessibility vary considerably across the Joint Area. Public transport services are better on core routes within and between the main centres. In more remote and peripheral areas, reliance on private transport and community services increases. Traffic congestion in the City and in some of the larger towns at peak times is increasingly apparent. The effective movement of people to and from work, education, leisure, shopping and health facilities is important for people's quality of life and for an efficient economy. This is mirrored by the need to provide effective transport of goods for business and economic development.
- 2.10 Environmental diversity is evident through the area's range of natural features, wildlife and landscape. The natural environment represents a major ecological, economic and social asset and resource for the area. The significance of species and habitats in the area is reflected through the presence of many nationally and internationally designated nature conservation areas. The Humber Estuary, the coast and the Lower Derwent Valley are particularly prominent in this respect. Nature conservation interests extend across the whole area, in the countryside and within our built-up areas. Wildlife sites and corridors are increasingly recognised as being valuable features in urban areas.

- 2.11 The visual character of the countryside varies considerably across the Joint Area. The character of the landscape reflects its broad physical characteristics and features, whilst designated Heritage Coasts reflect the contribution of the coast to the natural beauty of the area. The area's environment also provides important resources. A relatively high level of good quality agricultural land is important for food production. Groundwater supplies are an invaluable source of water for public supply, industry and agriculture as well as sustaining the base flow of rivers.

## Planned & Emerging Development Needs

- 2.12 The spatial strategy for the Joint Area is contained in the emerging Yorkshire and Humber Plan. The latest published version, containing the Secretary of State's proposed changes recognises Hull as a key Regional City in the settlement hierarchy, where most of the future development will be focussed. Other growth areas are the Principal Towns in the East Riding; Bridlington, Beverley, Driffield and Goole. Together these settlements are envisaged to provide around 2000 net additional dwellings every year between 2008 and 2026.
- 2.13 Further commercial and employment development is planned to provide jobs and improved trading conditions for the Joint Area's economy.
- 2.14 Major transport infrastructure works that are proposed include improvement of the A63 Castle Street in Hull to improve freight movement to the docks and capacity improvements on the Hull docks branch line and the North Humber mainline from Hessle to Selby.

## Geology of the Plan Area

- 2.15 The Joint Area has significant deposits of a wide range of minerals, of which the most important are sand and gravel, chalk, clay and peat. There are also potential reserves of oil, gas and coal. This section briefly describes the type, distribution and working of minerals within the area.
- 2.16 Comprehensive information on the precise nature and distribution of all the minerals within the area is not available. The majority of the known information relating to the geology has arisen from the British Geological Survey and from reports provided by mineral operators within the Joint Area.

## **Solid Geology**

- 2.17 Exposure of the solid geology underlying the area occurs in the upland areas of the Yorkshire Wolds; elsewhere extensive drift deposits predominate. Figure 1 illustrates in simplified form the surface geology of the area.
- 2.18 Chalk of the Upper Cretaceous period underlies a significant part of the Joint Area. The chalk forms the northern extent of deposits that can be found in an arc running from southern England through East Anglia, and through the East Riding of Yorkshire, terminating in Flamborough Head. Within the Joint Area workable chalk deposits are found in the Yorkshire Wolds.
- 2.19 West of the Wolds lie two major areas underlain by much older rocks formed during the Triassic period. A band of Mercia Mudstone (formerly known as Keuper Marl) runs north to south between Stamford Bridge and Youlthorpe in the north, extending south beyond the Humber into North Lincolnshire.
- 2.20 The other Triassic formation comprises Sherwood Sandstone (formerly known as Bunter Sandstone). This is found in the remainder of the Plan area west of the Mercia Mudstone, and forms part of a larger deposit running parallel to, and east of, the Pennines.
- 2.21 Between the Triassic and Cretaceous formations lie a number of much narrower deposits formed during the Jurassic period. Together, these deposits form a significant band running northwards from south of the Humber. As they extend north the bands narrow, with the majority terminating in the vicinity of Market Weighton leaving only Lower Lias to continue in a north westerly direction following the western boundary of the Yorkshire Wolds. The other formations located within this band are, west to east, Middle Lias, Upper Lias, a significant band of Inferior Oolite limestone lying east of Scunthorpe, Great Oolite limestone and thin wedges of clay formations from the Middle and Upper Jurassic periods. The Trent Valley, the northern extreme of which lies within the Joint Area, mainly comprises a layer of Quaternary deposits underlain by the Mercia Mudstone described previously.
- 2.22 The solid geology of the Joint Area also includes hydro-carbon deposits, comprising coal, oil and gas.

### **Drift Geology**

- 2.23 Much of the solid geology of the Joint Area is overlain by drift deposits which in some cases reach a depth of 30 metres. The main areas of drift are the alluvial and glacial deposits of the Vale of York, and the Holderness Plain which comprise extensive boulder clay and sand and gravel deposits. Alluvium is also found in the Trent Valley.
- 2.24 Parts of the Joint Area are covered by sand and/or gravel deposits. The most significant of these are glacial sands and gravels such as those found near Brandesburton and Keyingham. Not all of the deposits within the Joint Area are economically workable.
- 2.25 Peat is found in large deposits in the western area of the Trent Valley and in the low lying areas in the vicinity of the River Ouse, on Goole Moors. In both cases these extensive deposits cross the ERY boundary into Doncaster Metropolitan Borough and the North Lincolnshire Council area.

## **Current Picture of the Minerals Industry**

- 2.26 The diversity of the Joint Area's geology has not only influenced the landscape and its patterns of settlement and land use, but has also resulted in the development of a wide range of quarries and mines that have exploited the underlying resources.
- 2.27 Current mineral working activity within the Joint area, including the minerals handling facilities in Hull is described below.

### **Sand and Gravel**

- 2.28 In December 2006 there were six sites extracting sand and gravel. The most important areas for working are near Gransmoor and Brandesburton with smaller scale operations near Keyingham. Other workable deposits are found at North Cave and Newton on Derwent.
- 2.29 The workable sand and gravel deposits within the Joint Area are becoming exhausted and lack of detailed geological knowledge has resulted in few new sites being identified.

## **Chalk**

- 2.30 Also in December 2006 there were six operational sites extracting chalk for aggregate within the Joint area. These sites are located in the Yorkshire Wolds, and are distributed from Riplington and Swinescaif, just west of Hull, as far north as Greenwick and Huggate, in the west part of the Wolds, and Lowthorpe north-east of Driffield. The other locations are Riplingham, Partridge Hall and Huggate. There is also an active quarry at Middleton near Lund. As an aggregate, the use of much of the chalk won is limited due to its softness and susceptibility to frost. However, it is used as a bulk fill for new road schemes and in other developments where fill material is required.
- 2.31 In addition, there are high quality chalk deposits worked at Lund, Melton, Huggate and Beverley where the mineral is quarried for a range of specialist uses. These include as a filler or extender in the paper and other industries.

## **Clay**

- 2.32 Broomfleet is the main site where clay is extracted in the Joint Area. Here the alluvial clays for tile manufacture at the clayworks factory. Elsewhere some clay is also extracted as a secondary mineral at sand and gravel quarries. This clay, where suitable is used for engineering purposes, including for flood defence works along the Humber, and as a low permeability liner material for waste disposal sites. The increasing demand for clay for engineering purposes is a trend that seems likely to continue.

## **Peat**

- 2.33 There are two sites with planning permission for peat extraction in the Joint Area, Goole Moors, and land at Woodmansey, south of Beverley. Goole Moor has been the subject of a range of conservation designations reflecting its high ecological value. Following an agreement reached in April 2002 between The Scotts Company (UK) Limited (owner of the site and major peat extractor on the Moors) and Natural England, large areas of the Moors were sold (both leasehold and freehold) to Natural England. This has enabled restrictions to peat working on the Moors to be put in place resulting in the protection and enhancement of these highly valued sites. The site at Woodmansey is no longer active and has been developed for leisure purposes.

### **Marine Dredged Aggregates**

- 2.34 The United Kingdom is second only to Japan in the production of marine aggregates. There are six main dredging areas off the coasts of England of which the area off the Humber is one of the most important. The North Sea is shallow in this area, generally with a depth of less than 20m. The sea bed comprises a mixture of gravels, sandy gravels and gravelly sands. Elsewhere there are sand banks. A number of licences for dredging have been granted, and the BGS report that there is potential for more.
- 2.35 Local authority planning control does not extend to the areas worked for marine aggregates; as control extends only to the low water mark. Instead, licences for dredging are considered by DEFRA during which the environmental impact of the dredging is assessed. Further changes to the control of marine extraction as set out in the Marine Bill White Paper are under consideration. Local authority planning controls in relation to marine extraction are limited to the siting and some development aspects of the wharves where the minerals are unloaded. Within the Joint Area these facilities are all at Hull.

### **Oil and Gas**

- 2.36 Little public information exists on the occurrence of oil and gas reserves within the joint area. However, there have been a number of exploratory wells sunk over the last 40 years, and in the 1980s production commenced at Caythorpe west of Bridlington. The reserves here are now being worked out and proposals to store the gas for electricity production have been put forward, because the pressure is no longer sufficient to feed into the national pipeline grid.
- 2.37 From knowledge of the solid geology it is reasonable to expect that further commercially viable deposits do exist, and much of the area including the Humber Estuary is, or has been in the past, covered by Department of Trade and Industry licences allowing companies to search for oil and gas. Further onshore exploration licences have recently been awarded by the Government. In addition to on-shore and estuarine prospecting areas there are extensive off-shore areas licensed for both exploration and production.
- 2.38 Imported gas is landed at a number of locations along the coast of the East Riding including a major pipeline at Langeled, Easington which carries gas imported from Norway. These pipelines are linked direct into the national pipeline grid, which is currently being extended further inland. Some pipelines have associated gas storage facilities.

## **Coal**

- 2.39 There is currently no coal working in the Joint Area, but permission for deep mining associated with the Selby Coalfield in North Yorkshire extends right up to the ERY boundary along the River Derwent, and workable seams are known to continue under the river. The permission for deep mining also extends over the area extending from Goole Moors in the south east to Goole in the north and Rawcliffe and Cowick in the west.

### **3. ISSUES FOR THE JOINT MINERALS DPD**

- 3.1 In identifying the issues that should be addressed in the JMDPD, the Joint Authorities have had regard to national and regional policy, together with other relevant local strategies, the Sustainability Appraisal Scoping Report and adopted local plans.
- 3.2 The concern of many stakeholders will be to ensure that the adverse impacts of minerals development are minimised or prevented, including harm to local residents, wildlife and natural habitats, the landscape, historic assets, air and water quality, and traffic generation.
- 3.3 While these concerns are clearly of great importance and will be strong influences in decisions on where and how minerals should be worked, they are already subject to strong guidance in higher level policy that will be relevant to such decisions. Examples of higher level policy statements are the Government's Minerals Policy Statements and Planning Policy Statements.
- 3.4 To a large extent, these concerns are general ones that are relevant to mineral working over the whole country and, where the higher-level policy guidance provides a robust and adequate basis, then it is not necessary for an individual Minerals DPD to repeat that guidance. Safeguarding the interests identified in the previous paragraph will be achieved through the parallel process of Sustainability Appraisal, which can be regarded as an audit of how the emerging Minerals DPD affects a wide range of environmental, social and economic topics and requires the Joint Authorities to identify any conflicts and necessary mitigation measures.
- 3.5 Rather than containing a lengthy list of policies stating where mineral development will not be appropriate or how it should not be undertaken, the JMDPD should instead concentrate on positively identifying where minerals development should occur and how to ensure that it not only minimises harm but also contributes to the wider sustainability agenda.
- 3.6 Having taken account of these considerations, the following key issues have been identified:-
- the safeguarding of an appropriate range of mineral resources to ensure their availability for future generations;

- the delivery of a sustainable supply of aggregates to meet the social and economic needs of the plan area to 2026, having regard to the spatial distribution of that development;
  - via recycled and secondary aggregates
  - sand and gravel
  - crushed rock
  - Imported aggregates from the sea
  - Imported aggregates from elsewhere
- the supply and utilisation of other minerals found in the Joint Area; and
- the scope for mineral development to contribute to the enhancement of the communities, economy and environment of the Joint Area through the management and restoration of mineral sites.

## Developing the Aim & Objectives for the JMDDP

- 3.7 Minerals are a vital part of the economy but there can be conflicts between the extraction of resources and wider environmental aims. Whilst accepting society's unavoidable need for minerals, there is considerable scope for minimising the negative effects of mineral working, and conserving resources through proper planning.
- 3.8 In preparing its Minerals DPD, the Joint Authorities have a statutory strategic aim from the Planning and Compulsory Purchase Act to 'contribute to the achievement of sustainable development'. It is important therefore to consider what is meant by 'sustainable development' in the context of minerals planning.
- 3.9 The most widely used definition of sustainable development is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (Brundtland Report 1987). Taking this as a starting point, it is suggested that the following principles set out an approach by which sustainability can be achieved for minerals development in the Joint Area.
- proposing measures to conserve mineral resources to ensure their future availability;
  - seeking to maximise the contribution of minerals development to the communities, economy and environment of ERY and H by ensuring an adequate and steady supply to meet current needs
  - addressing the potential adverse impacts of minerals development, including recycling operations, on people and the environment.

3.10 The policies and proposals of the JMDDP have therefore been prepared with sustainable mineral planning as the central theme. The principal objectives of the JMDDP are therefore:-

- **To prevent the sterilisation of important mineral resources and handling facilities by other forms of development;**
- **To maintain an adequate and steady supply of minerals by providing for a stock of aggregate minerals with planning consent sufficient to provide a landbank during and at the end of the plan period in accordance with Government advice;**
- **To encourage the most appropriate use of mineral resources, and to encourage the reuse of appropriate recycled materials in order to minimise the demand for new aggregates;**
- **To protect the environment and local communities from the impact of mineral working and associated activities;**
- **To provide clear guidance to mineral operators on making planning applications and best practice in the implementation of permitted schemes;**
- **To ensure that minerals sites are restored to the highest standards of beneficial afteruse and where the presumption that such sites are suitable for land filling of waste is no longer acceptable.**
- **to promote the introduction by DEFRA of a robust monitoring system to monitor the effects of off shore minerals dredging on coastal erosion on the Holderness Coast'**

## Consultation Question A.

**QA** *Do you agree that the suggested objectives are appropriate for the Joint Minerals Development Plan Document? If not, how do you suggest that they are amended?*

## Developing the Minerals Core Policy

3.11 The JMDDP does not include a Core Strategy, because both the East Riding of Yorkshire Council and Hull City Council are each developing individual Core Strategies in their role as unitary authorities. As a consequence, a single policy on minerals will be included in their respective Core Strategies.

3.12 Due to neither authority having an adopted Core Strategy, it is considered necessary for the JMDDP to include a Minerals Core Policy which will be embedded within each authority's Core Strategy in due course. Once this happens, this section of the JMDDP will be deleted.

3.13 This minerals core policy would seek to embody the approach to sustainable minerals development in the plan area that will be applied through the Minerals DPD. It contains elements that apply more in one authority than the other, and therefore in due course each authority's core strategy will adopt the elements that most apply to their respective areas. Nevertheless each authority will embrace the totality of the approach outlined in the Minerals Core Policy.

**'Sustainable minerals development in the East Riding of Yorkshire and Hull will be achieved by**

- **proposing measures to conserve mineral resources and their handling facilities to ensure their future availability;**
- **seeking to maximise the contribution of minerals development to the communities, economy and environment of ERY and H by ensuring an adequate and steady supply to meet current needs**
- **addressing the potential adverse impacts of minerals development, including recycling operations, on people and the environment.'**

## Consultation Question B.

**QB** *Do you agree with the suggested Minerals Core Policy? If not, how do you think it should be amended?*

## 4. OPTIONS FOR THE MINERALS DPD

### Format of Issues & Options

- 4.1 Taking the issues set out above in para 3.6 as a starting point, this part of the report identifies options for addressing those issues as well as posing additional questions seeking further suggestions or comments.
- 4.2 The range of options chosen has taken account of good practice guidance by omitting potential options that may be unrealistic or wholly contrary to national or regional policy. For example, “making no further provision for aggregates production in the Framework Area” is not an appropriate option as it would fail to meet higher-level policy that requires the Joint Authorities to make provision for aggregates; instead, alternative options are presented concerning the appropriate level of provision and how to meet that level. For each issue, a standard format is used with the following headings:

**What are the main considerations?** – a brief introduction to the issue to provide a context to the options

**Which higher-level policy is relevant?** – a summary of the relevant policy background [see below for explanation of abbreviations]

**Where do I find out more?** – sources of information that provide a greater level of information, including the Sustainability Appraisal Scoping Report and informative websites

**Consultation Questions** – the options for addressing the individual issues together with additional questions seeking further suggestions

### Abbreviations Used in Issues

**BGS** British Geological Survey

**MPG** Minerals Planning Guidance

**MPS** Minerals Policy Statement

**MPS1 PG** Minerals Policy Statement 1 Practice Guide

**PPS** Planning Policy Statement

**RSS** Draft Regional Spatial Strategy for Yorkshire and Humberside

**SA** Sustainability Appraisal

## Sources of Further Guidance

- 4.3 The Sustainability Appraisal Scoping Report gives information on a wide range of environmental, economic and social topics including their relationship with mineral development. Documents are available at:  
<http://www.eastriding.gov.uk/environment-and-planning/>
- 4.4 Government policy on minerals and planning in general is available from the Communities & Local Government website at:  
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/>
- 4.5 Two useful websites that provide detailed information on mineral development and its impacts are goodquarry ([www.goodquarry.com](http://www.goodquarry.com)) and Planning4Minerals ([www.bgs.ac.uk/planning4minerals](http://www.bgs.ac.uk/planning4minerals)).
- 4.6 Both sites are primarily concerned with aggregate minerals due to their funding through the Aggregates Levy Sustainability Fund, but much of their content is applicable to all mineral working.

## Issue 1 – Safeguarding

### What are the main considerations?

- 4.7 The safeguarding of mineral resources is one of the cornerstones of mineral policy.
- 4.8 In the pursuit of sustainable development, it is crucial that non-renewable resources, such as minerals are safeguarded from non-mineral development to ensure sufficient supplies for use by future generations.
- 4.9 The process of safeguarding mineral resources introduces a presumption against other development on or close to land where the resource occurs which could sterilise the mineral resource and therefore prevent its' future working.
- 4.10 It is important to note that the safeguarding of mineral resources is not an indication that the resource will necessarily be worked at some time in the future. Neither does safeguarding necessarily preclude other, non-mineral forms of development, in close proximity to mineral resources, from taking place where it is deemed necessary.

- 4.11 Safeguarding does however provide a mechanism for ensuring that in such instances, the importance of the minerals can be balanced against the importance of the proposed development. Where the mineral is deemed of sufficient importance, either an alternative location needs to be found for the surface development, or, if practical, the mineral is extracted first. It should also be noted that the safeguarding process is very much distinct from the identification of new locations for working.
- 4.12 Safeguarding necessitates a long time view, long beyond the Mineral Development Plan Document horizon of 2026. This is to ensure that not only will sufficient mineral resources be available for use by future generations, but also that the planning system retains the flexibility to identify sites for mineral workings would have the least impact on the environment.
- 4.13 Safeguarding is therefore the term which encompasses the process necessary to ensure the above outcomes.

#### ***Historic Safeguarding Within the East Riding of Yorkshire and Hull***

- 4.14 The current minerals Development Plan, the Hull and East Riding of Yorkshire Joint Minerals Local Plan 2004, does not contain specific planning policies relating to the safeguarding of the plan area's mineral resources. The safeguarding of mineral resources was therefore previously largely based upon existing operational quarries with any resources known immediately nearby. There was therefore no statutory framework within which to safeguard mineral resources away from current extraction areas.
- 4.15 Recent government guidance in the form of Minerals Policy Statement 1 'Planning and Minerals' (MPS1), which was produced in November 2006, advocates the need for a wider approach to be taken to the safeguarding of minerals. The guidance advises that a much wider approach should be taken to the safeguarding of minerals which are of current or potential future economic importance.
- 4.16 As well as mineral resources, MPS 1 also recognises that that it is necessary to consider the safeguarding of facilities for the transportation of minerals by rail and water in order to ensure their availability. Furthermore, the guidance advocates the need to safeguard sites which are used for the processing of minerals (including recycled materials such as construction and demolition materials) and sites used for the manufacture of products from minerals (including facilities for concrete batching and coated road-stone). Historically, no specific provision has been made in the current Minerals Development Plan for the safeguarding of minerals transportation, processing and manufacturing facilities.

### ***Minerals of Economic Importance within Hull & the East Riding of Yorkshire***

- 4.17 To aid Mineral Planning Authorities in identifying mineral resources for safeguarding, the British Geological Survey (BGS) has published Mineral Resource Maps for each county on the UK which identify the extent of resources within that county which may be of economic importance. The BGS Minerals Resource Map for Humberside (ref: CR/04/227N) covers the area which this Joint Minerals DPD will address and can be viewed by arrangement using the contact details given in Chapter 1 of this Issues and Options report or alternatively view it on-line at [www.bgs.ac.uk/mineralsuk/digital\\_maps/home](http://www.bgs.ac.uk/mineralsuk/digital_maps/home)
- 4.18 Resources of sand and gravel are widespread across the Minerals DPD area, although locations where those resources where exploitation is economically viable are limited. Much of the viable resources have already been worked out. Most extracted sand and gravel is consumed locally, with some exports to North Yorkshire. There are also a variety of crushed rock resources across the Minerals DPD Area although again, these resources generally serve the local area and additional exports are imported from other regions.
- 4.19 Marine aggregate resources are a commercially viable resource and widespread along the east coast. The extraction of marine aggregates can moderate the potential environmental impacts from land won aggregates. It is important, however to ensure that any marine extraction does not have repercussions on coastal processes along the vulnerable eastern coastline. DEFRA have a key role in managing marine extraction through the issue of licences. Emerging legislation in the Marine Bill proposes greater levels of control.
- 4.20 Clay and peat resources are more limited within the Minerals DPD Area with the working of these resources having declined since the turn of the 20th century. Clay resources in the Minerals DPD Area do however continue to serve both the national and international market. A shift in the peat market with alternative materials replacing peat alongside the environmental implications of working peat (supplemented by Government Guidance) has led to a decline in the need for peat.
- 4.21 A number of wharves and railheads/sidings have historically been used in the Minerals DPD Area and their future safeguarding, where appropriate and possible, is important. A significant proportion of the marine aggregate development within the Minerals DPD Area is focused around Hull. Where wharves are located in operational British port areas, Associated British Ports may exercise their Permitted Development rights to stop the landing of aggregates if they wish.. An increased role for marine won aggregates, or loss of use of an existing site could lead to the intensification or expansion of other existing sites or a demand for new facilities.

- 4.22 There are a number of minerals processing and production plants within the Minerals DPD Area, the majority of which are located at existing mineral extraction sites. There is a need to preserve such facilities, where appropriate, to enable their continued and future use in close proximity to mineral resources or mineral recycling facilities.

**Which higher-level policy is relevant?**

- MPS1 para 9
- MPS1 PG paras 32-33

Extracts of these policy documents are attached in Appendix B

**Where can I find out more?**

[www.bgs.ac.uk/mineralsuk/digital\\_maps/home](http://www.bgs.ac.uk/mineralsuk/digital_maps/home)

## Consultation Questions 1

**Q 1.1** *Are there any specific mineral resources which you consider warrant safeguarding and why?*

**Q 1.2** *What Approach should be taken to the safeguarding of Mineral Resources?*

**Option A** – Safeguard existing permitted quarries and known resources associated with them? (In this approach the extent of safeguarding would approximately reflect the coverage of Mineral Consultation Areas in the adopted Local Plans).

**Option B** – Safeguard those resources set out in Option A along with the known extent of sand and gravel, and chalk resources?

**Option C** – Safeguard those resources set out in Option A along with clay and industrial quality chalk resources?

**Option D** – Safeguard all mineral resources that have the potential to be of economic value in the future?

**Option E** – some other approach - if so what?

**Q 1.3** *Should resources be safeguarded where they fall within areas which are covered by national and international landscape and nature conservation designations (such as Sites of Special Scientific Interest and Special Areas of Conservation) and where there is therefore a general presumption against mineral working?*

**Q 1.4** *In addition to a mineral resource being safeguarded, should an additional 'buffer zone' be identified to prevent development which may constrain the working of a resource? If so, how far should such buffer zones extend?*

**Q 1.5** *What approach should be taken to the safeguarding of facilities for the transportation of minerals by rail and water (railheads and wharves)?*

**Option A** – No safeguarding of transportation facilities?

**Option B** – Safeguard those transport facilities which are currently in use for minerals or have been in the recent past?

**Option C** – As Option B but also safeguard those facilities which have the potential to be used for the transportation of minerals?

**Option D** – some other approach - if so what?

**Q 1.6** *What approach should be taken to the safeguarding of facilities for the processing of minerals (e.g. recycling) and manufacture of mineral based products?*

**Option A** – Only safeguard those facilities which are located at existing quarries.

**Option B** – In addition to facilities located at existing quarries, safeguard other facilities for the processing of secondary or recycled materials and for concrete and road-stone manufacture.

**Option C** – some other approach - if so what?

## Issue 2 – Efficient Use of Mineral Resources

### What are the main considerations?

- 4.23 The sustainable management of minerals supply requires that the generation of waste from the extraction and processing operations is minimised, and that a beneficial use is found for as much of that waste as possible. It should also be ensured that use of the higher quality materials is limited to activities that warrant the utilisation of that standard of material.

### Alternative Materials

- 4.24 It is Government policy to encourage the use of secondary aggregates and recycled materials in order to reduce the need for primary mineral extraction, and to reduce the need for landfill.
- 4.25 Secondary aggregates are those materials suitable for aggregates use which are a by product of another mineral extraction process, or processes such as power generation, steel making etc. They include materials such as colliery shale, pulverised fuel ash, furnace bottom ash and blast furnace slag. Recycled materials are, as the name suggests, waste materials which can be reused as aggregate, and these come from two main sources: construction and demolition wastes, and road planings.

## Feasibility Considerations

- 4.26 There can be problems with the viability of secondary and recycled materials and their ability to make a significant contribution towards aggregates sales and use. The cost of transporting the material from the point of arising to the point of use is a key concern, which is more significant than for ordinary aggregates due to the low cost and low quality of the material creating little price elasticity.
- 4.27 In the Joint Area the situation is better than in some parts of the UK, due to the availability of arisings from the coal and power generation industries such as PFA from Drax power station which is near to the Joint Area, and where significant investment has been made in plant to provide ash of a quality which complies with British and European standards for use as a partial cement replacement in concrete. To a lesser extent blast furnace slag from British Steel at Scunthorpe also has the potential to contribute to demand in the Joint Area, although its viability is somewhat reduced as a result of the need to import it across the Humber Bridge, with consequent toll costs.
- 4.28 The ability of these materials to meet specific technical end-uses, such as in road construction, is a frequent concern, since technical Department of Transport specifications often preclude their use. It is often the case that secondary and recycled aggregates have difficulty in competing with cheap primary aggregates, and this is a particular concern in the Joint Area where most of the primary aggregate crushed rock supplies are low quality, and hence comparatively cheap.
- 4.29 As regards mineral waste, sand and gravel extraction tends to generate only small volumes of waste, mainly in the form of silt and clay, while crushed rock production generates varying amounts of waste materials, but none in any significant quantity.
- 4.30 The introduction of the Landfill Tax and the Aggregates Levy, to address the environmental impacts of aggregate production and promote the use of secondary and recycled materials, has had a significant effect on the aggregates market. However, the viability of lower grade primary aggregates has suffered and some operators are finding it difficult to find a market for such materials.
- 4.31 As well as the Aggregate Levy, production of recycled aggregates is encouraged through the Landfill Tax which favours the beneficial use of waste materials rather than their disposal through landfilling.

### **Processing Facilities**

- 4.32 One problem which has restricted the use of these materials in some parts of the UK is opportunities for processing and sorting the materials involved. Processing and sorting requires a site with good transport links, which can accommodate stock piles, sorting and despatch areas, and the plant which may be required such as crushers and screens. Such sites should be located away from residential areas and other sensitive environments, and should be visually well screened.
- 4.33 Aggregate recycling facilities may often be well suited to existing mineral working sites, provided that those sites are well related to the markets which they serve. In considering such proposals, however, it is important to consider the issue of the prolonging of activities at a site when mineral working may be complete, and the relationship of the proposal to the restoration plans for the site. It is also of great importance that any such uses are confined to genuine aggregates recycling activities, and that no other materials reclamation or waste storage takes place.

### **Appropriate use of materials**

- 4.34 In the Joint Area, there are two types of chalk deposits. Chalk of the Upper Cretaceous in the Yorkshire Wolds is quarried for as aggregate. Due to its softness and susceptibility to frost, it is most extensively used for bulk fill in construction projects such as new roads. Elsewhere, at Lund, Melton, Huggate and Beverley, higher grade chalk is quarried for a range of specialist uses. These include as a filler in paper and other industries, and whiting purposes.
- 4.35 The differentiation of the quality of the respective grades of chalk quarried in the Joint Area is reflected in the price, and this ensures that each is utilised for its most appropriate purpose.

### **Which higher-level policy is relevant?**

- MPS1 para 18

Extracts of this policy documents are attached in Appendix B

### **Where do I find out more?**

- [www.goodquarry.com](http://www.goodquarry.com) – Quarry Fines and Waste

## Consultation Questions 2

**Q 2.1** *How should the efficient use of mineral resources be promoted in the JMDPD?*

**Option A** – avoid the inclusion of policies and rely on the market and national policy mechanisms such as the Aggregates Levy, the Landfill Tax and the management of the supply of minerals to influence how efficiently resources are used?

**Option B** – encourage efficiency through measures such as limiting the use of high quality materials only for appropriate purposes, minimisation of mineral waste and utilisation of that waste for beneficial purposes, tailoring policies to the characteristics of the Joint Area's minerals?

**Option C** – some other approach - if so what?

**Q 2.2** *Can you suggest other measures for increasing the efficiency of mineral working?*

## Issue 3 – Supply of Aggregates

**What are the main considerations?**

4.36 Aggregate minerals are defined primarily as those used in the building and construction industries. Aggregates are derived from a variety of different sources. Primary aggregates are naturally occurring materials extracted from the ground. In the Joint Area these comprise sand and gravel, crushed chalk, and limestone. Aggregates can also be derived from by-product wastes and synthetic materials, and these aggregates are referred to as Secondary Aggregates. Recycled aggregates are derived from the crushing and other processing of waste materials arising from construction and demolition work. A further source of aggregate that contributes to sales in the Joint Area is the marine-dredged sand from the North Sea that is landed at Hull.

4.37 Aggregates are needed for new development and to maintain existing buildings and infrastructure. It used for a variety of purposes including asphalt and other roadstone, concrete, and other uses including building sand, gravels, rail ballast and fill materials.

4.38 Government guidance is that Mineral Planning Authorities should make provision in their Mineral Development Frameworks for an adequate and steady supply of aggregates for the construction industry to meet the needs of society. Government aggregates policy is expressed partly through its guidelines for aggregates provision, the current issue of which, MP6, sets out the amounts for the period 2001-2016 for each of the English Regions. Table 1 shows the guideline amounts for each type of aggregate for the Yorkshire and Humber Region.

**Table 1**

<b>Guidelines for aggregate provision in Yorkshire and Humber Region 2001-2016</b>	
Land won sand and gravel	73mt
Land won crushed rock	220mt
Marine sand and gravel	3mt
Alternative materials, including secondary and recycled aggregates	128mt
Net imports to England	0mt

### **Primary Aggregates**

4.39 For land won sand and gravel, and crushed rock, the guideline figures are apportioned between the constituent mineral planning authorities in each Region, and divided by the number of years to produce an annual apportionment, or assumed rate of supply. This is called the sub-regional apportionment rate, and the figures are included in the Regional Spatial Strategies.

4.40 The provision of an adequate and steady supply of aggregates is achieved through a requirement for mineral planning authorities to make provision in their Mineral Development Frameworks for a landbank, or stock of mineral planning permissions which together allow sufficient aggregate minerals to be extracted at the apportionment rate for a defined period.

4.41 The length of the landbank should be used as an indicator of when new planning permissions for aggregate minerals extraction are likely to be needed. The indicator landbank period for sand and gravel is least 7 years' supply, and for crushed rock it is at least 10 years.

4.42 Mineral Development Frameworks should aim to maintain the landbank throughout the plan period, including provision for the respective landbanks to be in place at the plan's end date.

- 4.43 The Yorkshire and Humber Regional Spatial Strategy is nearing completion. The recommended sub regional apportionments for the Joint Area for sand and gravel, and for crushed rock are set out in Table 2.

**Table 2**

<b>Joint Area sub-regional apportionment for aggregate provision, 2001 to 2016</b>		
	<b>RSS sub regional apportionment</b>	<b>Annual apportionment rate</b>
Sand and gravel	8.3 million tonnes	0.52 mt per annum
Crushed rock	5.3 million tonnes	0.33 mt per annum

- 4.44 The state of the landbank is monitored each year by the RAWP. Figures for the East Riding are combined with those for North Lincolnshire due to the need for commercial confidentiality.

- 4.45 At the end of 2006, the position with regard to permitted reserves and the landbank for of sand and gravel and crushed rock were as set out in Table 3.

**Table 3**

	<b>Reserves (M tonnes)</b>	<b>Landbank (Years)</b>	<b>Apportionment (2001-2016, mt pa)</b>
<b>Sand and Gravel</b>			
East Riding	5.64	7.2	0.52
North Lincolnshire			0.26
<b>Crushed rock</b>			
East Riding	2.1	4.2	0.33
North Lincolnshire			0.16

- 4.46 This shows that the landbank for sand and gravel is approaching the indicator level of ‘at least 7 years’ at which further permissions are required in order to maintain supplies, and the landbank for hard rock is already below the indicator level of at least 10 years. Furthermore the demand for minerals is increasing; year annual sales of sand and gravel have grown from 0.8 million tonnes in 2000 to 1.2 million tonnes in 2006 and higher demand can be anticipated to continue in order to provide supplies for the planned and emerging development needs outlined above. It is clear therefore that the JMDPD will need to identify further resources of both sand and gravel and crushed rock to meet the demand for aggregates in the plan period. The JMDPD will need to determine the best way to address this.

- 4.47 Mineral Planning Authorities are required to take account of local conditions in drawing up their policies for aggregate provision, including aspects of demand and supply, the availability of sufficient resources, and environmental considerations.
- 4.48 The Yorkshire and Humber RA has commissioned an appraisal of the sub regional apportionment for sand and gravel assuming that the overall regional apportionment remains the same until 2021. The study is not yet complete, but will be finalised in time for its conclusions to be adopted into the JMDPD during its preparation.

### Consultation Questions 3

**Q3.1** *What level of aggregate sand and gravel supply should the Minerals DPD aim to achieve for the plan period?*

**Option A** – the level proposed by the sub-regional apportionments?

**Option B** – a lower level than provided for in Option A? If so, what level and for what reason?

**Option C** – a higher level than provided for in Option A? If so, what level and for what reason?

### Issue 4 – Identifying Locations for Mineral Extraction

#### What are the main considerations?

- 4.49 MPS1 advises that provision for the landbank should be made by identifying the most sustainable locations where mineral extraction is most likely to take place. This can be done by identifying Preferred Areas for future working where mineral resources are known to exist, together with Areas of Search, where information about mineral deposits is less certain.
- 4.50 As the labels imply, Preferred Areas are defined more precisely than Areas of Search, however for both designations their extent should not be taken as necessarily representative of the boundaries for any planning applications which may be received, or consents which might be issued.
- 4.51 The adopted JMLP identified both Preferred Areas and Areas of Search for aggregate sand and gravel extraction. Insufficient information was available at the time to identify Preferred Areas for aggregate crushed rock, but an Area of Search was identified adjacent to the existing quarry at Swinescaif.
- 4.52 The procedure for identifying Preferred Areas and Areas of Search in the JMLP is reproduced in Appendix A of this Issues and Options Report.

### Which higher-level policy is relevant?

- MPS1 para 15; Annex 1 paras 3.6-3.10;
- MPS1 PG paras 37-42

Extracts of these policy documents are attached in Appendix B

### • Where do I find out more?

- Yorkshire and Humber RAWP
- ERY&H Joint Minerals Local Plan Appendix 1
- BGS Mineral Planning Factsheet – Construction Aggregates
- [www.bgs.ac.uk/planning4minerals](http://www.bgs.ac.uk/planning4minerals) - Resources and Economics

## Consultation Questions 4

**Q 4.1** *Do you agree with the approach to identifying Preferred Areas that was used in the JMLP?*

**Q 4.2** *Are there any other considerations that you think should be taken into account?*

**Q 4.3** *Do you agree with the approach to identifying Areas of Search that was used in the JMLP?*

**Q 4.4** *Are there any other considerations that you think should be taken into account?*

**Q 4.5** *In identifying Preferred Areas and Areas of Search, do you think it is appropriate to:*

**Option A** Give priority to extensions of existing quarries, **or**

**Option B** Give priority to new sites, **or**

**Option C** Not give priority to either, and treat each site on its merits?

**Q 4.6** *What approach should the Minerals DPD follow in relation to environmental and cultural assets when identifying locations for new resources or providing policy guidance for new and existing sites?*

**Option A** – seek to avoid harm to designated sites and areas, with greatest weight given to national and international designations and lesser weight given to sites and areas of local significance?

**Option B** – as Option A but give the same weight to all levels of designation?

**Option C** – require that the environmental and cultural qualities of all potential locations for mineral development are considered, regardless of whether they are formally designated?

**Option D** – as Option C but require that any new minerals development should achieve a net gain in environmental quality for the site?

## Issue 5 - Imported Aggregates

### What are the main considerations?

- 4.53 Aggregates are imported into the joint area from two major sources; marine aggregates brought in by sea; and secondary and other aggregates principally transported by rail.
- 4.54 **Marine aggregates** are dredged in a number of places off the East Yorkshire coast, and elsewhere off the north east coast of England. Since 2001 between 0.2 and 0.3 million tonnes per annum were landed for supply to the Joint Area and beyond (Source: AM06). This annual level is in line with government guidance. The regional apportionment does not provide a figure for predicted landings on a county specific basis, but the great majority of landings will be at Hull.
- 4.55 Existing facilities are located in Hull's eastern docks and in the lower river Hull corridor. The latter area between Clough Road and the City Centre is a Regeneration Phase 2 area in Hull's Spatial Strategy, and as such it is important that any new development associated with minerals handling does not prejudice the broader objectives of KHCC for regeneration of this area. It is likely that Hull will remain the focus for new marine aggregate development.
- 4.56 The JMLP does not identify or safeguard present or future sites for the handling of marine aggregates, although the plan confirms that MPAs broadly support the increase in marine won aggregates envisaged.
- 4.57 The options in the JMDPD would be to continue with the present policy to respond to proposals for further landing facilities on their merits, or to strengthen the policy for new sites, with the scale depending on local circumstances, and identify and safeguard sites where there might be a presumption in favour of establishing new sites.

### Which higher-level policy is relevant?

- MPS1 para 15; Annex 1 para 6;
- MPS1 PG paras 34 and 35

Extracts of these policy documents are attached in Appendix B

### Where do I find out more?

- Yorkshire and Humber ARWP

## Consultation Questions 5

- Q5.1** *Do you think that the present policy for marine aggregate landing and handling development should be reviewed in order to provide more capacity for importing marine aggregates?*
- Q5.2** *Should potential sites for marine aggregate landing and handling development be identified and safeguarded?*
- Q5.3** *Should there be a presumption in favour of safeguarded sites being granted planning permission, subject to meeting defined planning and environmental criteria?*

4.58 **Other imported aggregates** are secondary aggregates, principally the arisings from the coal and power generation industries such as Pulverised Fuel Ash from Drax and blast furnace slag from British Steel at Scunthorpe. In addition supplies of harder crushed rock minerals are imported from quarries outside the Joint Area. A significant portion of these materials from further afield travel either by rail or sea. Those arriving by rail do so via the Tilcon Aggregates rail depot. Those arriving by sea come from Norway and Scotland.

4.59 Although it recognises the importance of the rail depot, the JMLP does not make specific provision for safeguarding it or associated processing and transport facilities. However it does state that the MPAs will give favourable consideration to the expansion of facilities, or the construction of new facilities where needed.

## Consultation Questions 5 (cont)

- Q5.4** *Do you think that the present policy for rail depots suitable for importing aggregates should be reviewed in order to provide positively for more capacity?*
- Q5.5** *Should potential sites for rail depots be identified and safeguarded?*
- Q5.6** *Should there be a presumption in favour of safeguarded rail depot sites being granted planning permission, subject to meeting defined planning and environmental criteria?*

## Issue 6 - Non Aggregate Minerals

### What are the main considerations?

4.60 Non-aggregate minerals are those minerals which occur in sufficient quantities to be worked commercially within the Joint area, and which are not used in the construction industry. Those non-aggregate minerals which are, or may be worked are:

- chalk
- clay
- peat

4.61 The energy minerals of coal, oil and gas are dealt with separately below.

4.62 Each mineral has its own current and anticipated position.

### Clay

4.63 Clayworks represent considerable levels of investment in processing facilities to produce tiles and brick and therefore require extensive reserves in order to provide long term security for the investment required. Government guidance advises that a positive approach should be made to safeguarding deposits of brick clay of suitable quality, and MPAs should make provision for sufficient permitted reserves to support the actual and proposed investment in plant and equipment, both new and existing. The level of provision advised is the equivalent of 25 years' of production.

4.64 Whilst it is generally desirable for brick clay to be extracted close to the clayworks, it is recognised that not all materials can necessarily be supplied from the immediate vicinity. In some cases supplies may need to be brought in from elsewhere, including from neighbouring authority areas.

4.65 The claywork operators at Broomfleet have sufficient permitted reserves to last for the equivalent of 25 years at current levels of production. This follows a recent rationalisation of their permitted reserves to ensure the availability of quality clays closer to the works. Further rationalisation may be required over the plan period, particularly if levels of production increase or further investment is required in the works. Also further reserves may need to be permitted to ensure the continuity of the 25 years' supply over the plan period.

- 4.66 The JMLP confirms the importance of ensuring that the reserves of clay are not sterilised by other forms of development and that a secure and uninterrupted supply of clay is maintained for the works. However there is no specific policy. Instead the JMLP states that any applications for further working of clay will be considered against the general development control policies.
- 4.67 A similar approach is taken to proposals for the extraction of clay where it occurs in sand and gravel deposits. This clay is often of good quality and suitable for engineering of landfill sites, and for flood defence works.

## Consultation Questions 6

**Q 6.1** *What approach should be taken to the supply of clay for the uses identified above?*

**Option A** – continue to rely on the general development control policies, which seek to minimise impacts, but do not recognise any period of supply

**Option B** – introduce new policies to address safeguarding and ensuring a 25 year period of supply

**Option C** – some other approach - if so what?

### Chalk

- 4.68 As with clay, industrial chalk requires considerable investment in processing facilities in order to render the chalk suitable for the specialist uses to which it is put, and therefore also requires extensive reserves to provide long term security for the investment made.
- 4.69 There is no specific guidance about ensuring an ongoing supply of reserves for industrial chalk works. The JMLP does however contain a policy which recognises the importance of capital investment and securing supplies to meet long term demand.
- 4.70 Both the main sites where industrial chalk is extracted have extensive reserves to supply their works i.e. Melton and Bracken. Some industrial grade chalk is also extracted from the chalk quarries at Greenwick and Huggate, and transported to Bracken for processing.
- 4.71 It is possible however that further supplies may be required to provide for continuing supply through the plan period. This may require increased or continuing transportation from satellite sites.

- 4.72 The existing JMLP acknowledges that there are adequate permitted reserves to enable operations to continue, but also recognises that there may be circumstances where additional supply may be needed. The plan considers there may be circumstances where it would be appropriate to grant consent for new chalk extraction to meet industrial needs.

## Consultation Questions 6 (cont)

**Q 6.2** *What approach should be taken to the supply of industrial chalk?*

**Option A** – continue with the policy approach in the JMLP.

**Option B** –some other approach - if so what?

### Peat

- 4.73 Government guidance seeks to limit or prohibit further working in areas where peat reserves occur in environmentally sensitive locations. The peat deposits at Goole Moor have been recognised as being of European importance under the Habitats Regulations, and Natural England has secured an agreement whereby further extraction has ceased over much of the permitted area. The remaining permitted areas could only be worked on a small scale, but Natural England advises that this would be contrary to the interest of the designated area.
- 4.74 The JMLP included a policy that no further peat working would be allowed outside the area already with planning permission unless the land was of little or no nature conservation, archaeological or paleo-ecological interest. The supporting text confirmed that the Joint Authorities would seek the voluntary revocation of outstanding planning permissions for peat working where this would affect the integrity of a European site.

## Consultation Questions 6 (cont)

**Q 6.3** *What approach should be taken to the future control of peak workings?*

**Option A** – continue with the policy approach in the JMLP.

**Option B** –some other approach - if so what?

## Issue 7 - Energy Minerals

- 4.75 The Government's current energy policy was set out in the Energy White Paper of May 2007, building on previous work including the 2003 Energy White Paper and the Energy Review Report in 2006.
- 4.76 The 2007 White Paper sets out the Government's international and domestic energy strategy to respond to the changing circumstances in global energy markets and to address the long term energy challenges of security of supply, recognising at the same time the damaging implications for climate change.
- 4.77 Many of the measures in this regard are the subject of national and international initiatives. Nevertheless there are implications for the Joint Area in respects of both coal, and oil and gas.

### Coal

- 4.78 The eastern part of the JMDPD area is underlain by deep coal deposits which are or have been worked from mines located in adjacent areas. These are the Selby Coalfield to the west in Selby District, North Yorkshire, and Thorne Colliery to the south west within Doncaster Metropolitan Borough Council. Both collieries have a chequered history of working, and at present only Thorne colliery is in production. There is no indication at present of any working below the East Riding of Yorkshire within the plan period, although the recoverable reserves remaining are significant.
- 4.79 Within the framework of the Energy White Paper, it is the Government's policy to maximise the economic recovery of all fossil fuels, including coal.
- 4.80 The White Paper envisages that future development of coal is based on collaboration between stakeholders in the coal and power industries and government to secure the long term future of coal fired power generation, to optimise the use of national coal reserves where recovery is economic, and to stimulate investment in clean coal technologies. Considerable investment has already been made in enabling existing coal-fired power stations to comply with new EU emissions legislation.
- 4.81 Deep mining can cause different problems, notably subsidence, and ground water pollution. New surface development, with associated infrastructure and spoil can have more wide ranging impacts.

- 4.82 Whilst the JMLP did not envisage any plans for further applications for coal working of the reserves below the Joint Area, it nevertheless included a policy to ensure that any such operations did not have a detrimental impact on the plan area, particularly in the vicinity of the Lower Derwent Valley SPA/Ramsar /proposed SAC.

## Consultation Questions 7

- Q7.1** *What approach should be taken to the possibility of proposals for coal working coming forward during the plan period?*

**Option A** – continue with the policy approach in the JMLP.

**Option B** –some other approach - if so what?

- Q 7.2** *If option B is favoured, what do you consider the key features of any new policy approach should be?*

### Oil and gas

- 4.83 Onshore oil and gas has been produced in substantial quantities from onshore sources in the UK since the 1940s. Oil and gas development broadly consists of three phases – exploration, appraisal and production. Each phase requires a separate planning permission, and there is no presumption in favour of consent for subsequent stages if an earlier stage is permitted, nor do possible effects of a later stage not yet applied for constitute grounds for refusal of an earlier stage.
- 4.84 There is also a system of licensing that operates along side the planning regime. Licensing is operated by the Secretary of State for the Department for Business, Enterprise and Regulatory Reform. Once a licence is granted, planning permission must be obtained before the SSTI will allow the drilling of a well, or development of an oil or gas field.
- 4.85 A significant proportion of the Joint Area, including the Humber Estuary, is covered by licences. There have been a number of boreholes sunk in the East Riding for exploratory purposes since the 1970s, and one site, at Caythorpe west of Bridlington, is in commercial production, although it has recently converted to on-site generation of electricity instead of gas export to the national network, as a result of declining gas pressure.
- 4.86 With the increasing value of gas further exploration and possibly development of reserves during the plan period can be anticipated.

- 4.87 Exploration can be undertaken using a variety of techniques, but nearly always from the surface. In the majority of cases some form of seismic survey is undertaken, either vibroseis, using a team of vehicles which send controlled vibrations into the ground, or a sequence of small explosive charges are detonated. In both cases the objective is to examine the reflected seismic pattern in order to detect the presence of geological structures with hydro-carbon potential. Such exploration may be followed by a test borehole. Both forms of seismic survey have the potential to cause disturbance through noise and vibration near residential areas, or when undertaken during the night.
- 4.88 Drilling a borehole normally takes between 6 and 8 weeks, and associated activities will cover an area of up to 1 hectare. During this period, activity is intense with site preparation works to provide access, services, drainage, pollution control etc. Drilling must be undertaken 24 hours a day, and therefore for the duration of activity there is significant potential for impacts on local amenities. Once completed the drilling rig is usually removed, and if nothing is found, the borehole will be capped and the site restored. If oil and gas are found then the borehole is sealed and fitted with draw-off and safety valves prior to testing of the find.
- 4.89 Where exploratory boreholes show that further appraisal is appropriate, more boreholes may be needed to test the extent of the geological structure involved, and additional infrastructure may be required to support the appraisal. This additional development has further potential to create environmental impacts, and to extend the working over a wider area.
- 4.90 Oil and gas production wells and associated infrastructure may originate as a result of the development and upgrading of an earlier exploration or appraisal borehole site, or they may be developed on a new site following the conclusions of the appraisal stage. Pipeline up to 10 miles in extent are subject to planning permission. Longer pipelines require authorisation from the SSTI, although the considerations applied are the same.
- 4.91 Government advice is that MPAs should include policies in their DPDs that clearly distinguish between the three phases of oil and gas development, highlighting any environmental or other constraints on production or processing sites.
- 4.92 The JMLP includes policies in respect of appraisal and exploration boreholes for oil and gas production. Under these policies, the JMLP required that Exploration Boreholes be located in the environmentally least sensitive part of the geological prospect. In terms of site selection, account is taken of the potential to retain the borehole for long term appraisal and development..

- 4.93 The JMLP only seeks to permit Appraisal Boreholes if the extent of the structure being appraised is demonstrated and can be proven to be required to determine the quality, extent and characteristics of the deposit. Short and long term mitigation measures are also required and sites should be restored in accordance with a scheme agreed with the MPA. Permanent oil and gas production development is required to have adequate measures to mitigate its environmental impacts reflecting its long term or permanent nature.

## Consultation Questions 7 (cont)

- Q 7.3** *What approach should be taken to the possibility of proposals for onshore oil and gas development coming forward during the plan period?*

**Option A** – continue with the policy approach in the JMLP.

**Option B** – some other approach - if so what?

- Q 7.4** *If option B is favoured, what do you consider the key features of any new policy approach should be?*

- 4.94 The UK is becoming increasingly reliant on sources of imported gas to meet demand, so facilities are needed for the storage and transportation of imported gas.
- 4.95 A number of pipelines for imported gas make their landfall along the coast of the East Riding, including the Langeled gas pipeline importing gas from Norway at Easington, a short distance north of the mouth of the Humber estuary. The pipelines themselves are not strictly classed as mineral development, but the associated creation of storage caverns in underlying deposits of salt can be regarded as mineral development, particularly as they are so dependant on the quality of the salt deposit.
- 4.96 Gas storage caverns can only be created in suitably thick homogeneous salt strata, which are free of major faulting systems. The deep salt deposits under the East Riding of Yorkshire are amongst the few locations in the UK where such salt deposits occur. Following exploration and appraisal of the salt deposits the caverns are created through a process known as solution mining. Water is pumped down a pipe inside a well into the salt. The water dissolves the salt, creating brine which flows back up the well. This process continues until the caverns reach the planned size and disposition. Following this the brine is slowly pushed out by injecting gas from the pipeline system.

- 4.97 Salt cavern gas storage facilities are based at Atwick and Aldbrough. An extension to double the capacity of the Aldbrough site was granted planning permission at in 2007.
- 4.98 The caverns themselves are very deep underground, typically some 1.5 to 2km below the surface. Surface development comprises processing plant and monitoring equipment. The impact of the development is greatest during construction. However facilities close to the coast can be prone to threats from coastal erosion, which can lead to a requirement for coastal defences to be provided to safeguard the facility. There is therefore the potential for relatively small installations to lead to further development along previously undeveloped stretches of coastline. Coastal defences themselves can have consequences elsewhere along the coast because they alter the pattern of the sea's behaviour.
- 4.99 The Holderness Local Plan contains a policy (U4) that gas storage development will only be permitted where essential for the national interest, there are no significant adverse effects on roads and the environment, and no long term implications for coastal defence. Policy U5 applies similar requirements for all development for the reception, storage and distribution of imported gas.

## Consultation Questions 7 (cont)

**Q 7.5** *What approach should be taken to the possibility of proposals for underground gas storage development coming forward during the plan period?*

**Option A** – continue with the policy approach in the Holderness Local Plan.

**Option B** – prepare a new policy to address this topic specifically.

**Q 7.6** *If option B is favoured, what do you consider the key features of any new policy approach should be?*

## Issue 8 – Development Control and the Protection of Local Communities and Natural Resources

**What are the main considerations?**

### **Local Communities**

- 4.100 The relationship between mineral workings and their nearby communities is clearly an important issue due to the potential for disturbance to local residents from quarrying or processing (e.g. noise and dust from brick and concrete crushers at recycling plants) activity and associated traffic.

- 4.101 Mineral working at an individual site may take place over a number of years, or even decades, and while this timescale may seem a burden on local communities, it does offer the opportunity to develop strong working relationships between community and mineral operator (as well as providing a source of local employment). There are Local Liaison Groups at a number of quarries in the Joint Area, which provide a forum for discussion between the site operator, Local Councils and other parties such as the Environment Agency.
- 4.102 If not properly controlled, mineral working has the potential to cause significant disturbance to local residents through noise, dust, lorry traffic and visual intrusion. Where planning permission is granted, these issues will be addressed through careful consideration of extent and phasing of the development and through the use of conditions requiring, for example, the control of noise and dust emissions and limiting the hours of working.
- 4.103 Mineral Planning Authorities are required to follow a programme of monitoring of mineral sites to ensure that planning conditions are complied with and, where necessary, use their enforcement powers to secure compliance.
- 4.104 While local residents will naturally be concerned with the possible negative impacts of mineral development, the potential for positive measures should not be overlooked. The management and restoration of quarries can offer the opportunity for enhanced public access, particularly where amenity or leisure after-uses are delivered.
- 4.105 Funds are available from the Aggregate Levy Sustainability Fund for projects in communities that are affected by aggregates extraction. Eligible schemes cover a wide variety of projects including village hall refurbishment, play equipment, paths and interpretation work.

## **Natural Resources**

- 4.106 In addition to the mineral resources being worked (as secondary and recycled aggregates are also important and need to be covered by this approach), mineral development also consumes other natural resources, including water, energy sources, soil and land. The use of some of these resources is temporary in that water can be stored and re-used or returned to watercourses, while soil can also be stored and re-used in the restoration of a site following cessation of quarrying.

- 4.107 Mineral development can also affect the quality of surrounding resources, such as air and water, through its potential adverse effects. For example, the dewatering of a quarry void can affect groundwater flows in the surrounding area, while air quality can be adversely affected by the generation of dust and emissions by plant and vehicles. Equally it is possible in some cases for quarrying to be carried out in such a way that it contributes to lessening of other problems, for example in providing a holding capacity in areas liable to flooding, or enhanced nature conservation interest or quality of agricultural land in restoration.
- 4.108 The consideration of impacts on natural resources are carefully considered in the determination of planning applications, with consultation taking place with bodies such as the Environment Agency and larger applications undergoing Environmental Impact Assessment. Planning permissions for mineral development will normally include conditions requiring the control and monitoring of impacts on air quality and the water environment, together with controls over the removal and storage of soil.
- 4.109 A number of mineral operators have also established their own monitoring procedures and environmental management systems, including accreditation under ISO14001.

### **Current Approach**

- 4.110 The JMLP contains more than 20 individual policies addressing the possible impacts on a wide range of interests and features, including
- Ground water and surface water
  - Floodplains
  - Hazardous installations
  - Heritage coasts
  - Trees, hedgerows and woodlands
  - Special Protection areas, Special Areas of Conservation and Ramsar sites
  - Sites of Special Scientific Importance
  - Local Nature Reserves and Local Sites of Nature Conservation.
  - Archaeological sites
  - Scheduled Ancient Monuments
  - Agricultural land
  - Highways and traffic movements
  - Rights of way
- 4.111 Detailed guidance on good practice is available in the Government policy mentioned below, together with extensive guidance from the sources listed under ‘Where do I find out more?’

4.112 The aim in the new Development Framework regime is to limit the number of development control policies and avoid repeating national policy statements. Government advice encourages a series of topic related policies relating to such matters as protecting residential amenity; protecting landscape and natural resources; nature conservation; addressing accessibility; highway and transport issues; and addressing visual impact etc focusing on those aspects which are specific to the local area and seeking to achieve the outcomes required to meet the Authority's spatial strategy.

4.113 This implies some rationalisation of the current suite of Development Control Policies in the JMLP.

#### **Which higher-level policy is relevant?**

- PPS1 paras 21 and 22
- PPS12 paras 2.28 to 2.30
- MPS1 paras 14, 17 and 19
- MPS1 PG paras 45 and 46
- MPS2 paras 10-13, 24-29 and Annexes 1 and 2
- MPG7

Extracts of these policy documents are attached in Appendix B

#### **Where do I find out more?**

Mineral Resources, Soil and Land, Waste, Water

- [www.goodquarry.com](http://www.goodquarry.com) – Air Pollution, Water
- [www.bgs.ac.uk/planning4minerals](http://www.bgs.ac.uk/planning4minerals) - Environment

## **Consultation Questions 8**

**Q 8.1** *How should the Minerals DPD approach development control policies for the protection of natural resources?*

**Option A** – aim to avoid harm by relying on existing higher level policy guidance?

**Option B** – develop a strategy for the protection and enhancement of natural resources?

**1Q 8.2** *If Option B is favoured, what considerations or initiatives should feature in the Minerals DPD?*

**Q 8.3** *What approach should the Minerals DPD take to protecting the interests of local communities?*

**Option A** – rely on the relevant national guidance in MPS1 and MPS2 to ensure that any adverse effects of minerals development are avoided or minimised?

**Option B** – as Option A, but additionally seek wherever possible to achieve positive benefits for local communities through the management and restoration of mineral sites?

**Q 8.4** *If Option B is favoured, what benefits do you suggest should be pursued?*

**Q 8.5** *How should the management and restoration of mineral sites be addressed?*

**Option A** – on a site by site basis?

**Option B** – within a framework that requires the delivery of specific environmental benefits?

**Q 8.6** *For Option B, which environmental benefits do you feel should be given priority?*

## Concluding Questions

Included on the response form are two concluding consultation questions that seek suggestions from stakeholders.

### Consultation Question C

*In addition to those identified in the Consultation Paper, are there any further issues or options that you wish to suggest for consideration the in the Minerals DPD?*

### Consultation Question D

*Are there any comments you wish to make concerning the Initial Sustainability Appraisal?*

Any comments from stakeholders in response to these questions will be welcomed as they will help to ensure that development of the Preferred Options and the associated Sustainability Appraisal are undertaken in a rigorous and comprehensive manner.

## **APPENDIX A**

### **Methodology for identification of Preferred Areas and Areas of Search used in the Joint Minerals Local Plan**

#### **Preferred Areas**

Preferred Areas have been identified in the JMLP for aggregate sand and gravel extraction. Insufficient information is currently available to identify such areas for aggregate crushed rock. For Preferred Areas the identification process has involved two main sources of information; planning and environmental constraints identified from a range of sources; and information received from operators. The latter has been derived from responses to preliminary consultations on the JMLP and in the main is based on site specific and detailed mineral appraisals.

The list of environmental constraints which were considered in this the identification process included the following statutory designations:

- Designated and proposed Special Protection Areas
- Sites of Special Scientific Interest
- Designated and proposed Ramsar Sites and National Nature Reserves.

A range of broader considerations were also considered, including:

Proximity to, and relationship with, residential development; proximity to the primary road network; the landscape and visual characteristics of the area in question; best and most versatile agricultural land (grades 1, 2 and 3a); District Local Plan policies.

Next, a range of other designations were also considered where these might be affected by allocated areas and these included Scheduled Ancient Monuments, Listed Buildings, Registered Parks and Gardens and Archaeological sites.

Finally, consideration of site specific constraints such as public footpaths has been made. The boundaries of the Preferred Areas have been drawn more precisely than for Areas of Search (discussed below), but in the same way, should not be taken as necessarily representative of the boundaries for any planning applications which may be received, or consents which might be issued.

#### **Areas of Search**

Within the JMLP, Areas of Search have been proposed as those areas where there is a reasonable expectation of minerals being present in viable quantities, and where the MPAs expect any new proposals for sand and gravel and crushed rock to be made in the medium to longer term. Beyond the First Review, some Areas of Search may be amended to be Preferred Areas, depending on the demand scenario and permitted reserves at that time. As is the case for Preferred Areas, Areas of Search only apply to aggregate minerals.

The identification of Areas of Search has involved the same sieve analysis as applied to Preferred Areas, using a wide range of information on environmental constraints and the occurrence of minerals.

The Areas of Search have drawn from the information supplied by operators, since there is relatively little publicly available data on the occurrence of minerals in the JMLP area. Where appropriate, however, the Areas have been drawn so as to encompass a range of sites put forward by operators. As such it should be recognised that the boundaries of Areas of Search do not necessarily coincide with possible planning application areas which may be submitted. Potential conflicts with designated sites and areas have been avoided where possible through their exclusion from Areas of Search, and the definition of boundaries has had regard to the broad constraints identified.

## **APPENDIX B**

### **Minerals Policy Statement 1: Planning and Minerals November 2006**

#### **National Objectives for Minerals Planning**

**Para. 9** *The Government's objectives for minerals planning reflect the requirement to contribute to the achievement of sustainable development, as required by Section 39 of the Planning and Compulsory Purchase Act 2004. These are:*

- *to ensure, so far as practicable, the prudent, efficient and sustainable use of minerals and recycling of suitable materials, thereby minimising the requirement for new primary extraction;*
- *to conserve mineral resources through appropriate domestic provision and timing of supply;*
- *to safeguard mineral resources as far as possible;*
- *to prevent or minimise production of mineral waste;*
- *to secure working practices which prevent or reduce as far as possible, impacts on the environment and human health arising from the extraction, processing, management or transportation of minerals;*
- *to protect internationally and nationally designated areas of landscape value and nature conservation importance from minerals development, other than in the exceptional circumstances detailed in paragraph 14 of this statement;*
- *to secure adequate and steady supplies of minerals needed by society and the economy within the limits set by the environment, assessed through sustainability appraisal, without irreversible damage;*
- *to maximise the benefits and minimise the impacts of minerals operations over their full life cycle;*
- *to promote the sustainable transport of minerals by rail, sea or inland waterways;*
- *to protect and seek to enhance the overall quality of the environment once extraction has ceased, through high standards of restoration, and to safeguard the long-term potential of land for a wide range of after-uses;*
- *to secure closer integration of minerals planning policy with national policy on sustainable construction and waste management and other applicable environmental protection legislation; and*
- *to encourage the use of high quality materials for the purposes for which they are most suitable.*

#### **Para. 14 Protection of Heritage and Countryside:**

- *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 PPS93 and the accompanying joint ODPM/DEFRA Circular4;*

- *do not permit major mineral developments in National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites except in exceptional circumstances. 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. Consideration of such applications should therefore include an assessment of:*
  - 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;*
  - 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;*
  - III. any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.*

*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.*

*Proposals in these areas which are not considered to be major mineral 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.*

- *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<sup>5</sup>, and the special protection afforded to European protected species, is fully taken into account<sup>6</sup> 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<sup>7</sup>;*
- *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 PPG28;*

- *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;*
- *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.*

**Para. 15 Supply:**

- *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 account of environmental considerations, to provide greater certainty of where future sustainable mineral working will take place;*
- *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.*

**Para. 17 Environmental Protection:**

- *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 generation and water pollution;*

- *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.*

**Para. 18 Efficient Use:**

- *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;*
- *ensure, so far as practicable, the use of acceptable substitute or recycled materials in place of primary minerals.*

**Para. 19 Restoration:**

- *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.*

## **Annex 1:**

**Para. 3.6** *In preparing their LDDs, MPAs should make provision for the sub-regional apportionment of the current National and Regional Guidelines for land-won aggregate in the approved RSS or, if there is not an approved RSS, as agreed by the RPB and endorsed by the Secretary of State.*

**Para. 3.7** *Provision should take the form of specific sites, preferred areas and/or areas of search identified in LDDs. An approach to this work is set out in the MPS1 Practice Guide. Specific provision may need to be made for aggregates that meet particular or demanding specifications, such as those for high polished stone value, building or asphaltting sand.*

**Para. 3.8** *Sub-regional apportionments should not be regarded as inflexible. The preparation by MPAs of their LDDs provides an important opportunity to test the practicality and environmental acceptability of policy proposals at the local level. The provision to be made in each area will need to be justified in relation to other relevant considerations affecting planning for the area.*

**Para 3.9** *It is important that, once identified, the main options considered for making the agreed provision are subject to sustainability appraisal before leading to a preferred option in LDDs.*

**Para 3.10** *If it is not possible for a MPA to identify sufficient resources in its area to meet the apportioned supply over the plan period at acceptable environmental cost, this should be reported to the RPB as soon as possible.*

**Para 6.1 (Marine Sand & Gravel)** *It is Government policy to encourage the supply of marine-dredged sand and gravel to the extent that environmentally acceptable sources can be identified and exploited, within the principles of sustainable development. 'Environmentally acceptable' in this context is in terms of both the natural and historic environments. Subject to this overriding consideration, it is assumed that marine dredging of sand and gravel is likely to continue to contribute to meeting part of the national and regional demand for aggregates at a proportion no lower than that of the recent past, currently about 8% of total demand for primary aggregates. The contribution made by marine-dredged sand*

and gravel will be monitored by the Department as part of the review of the aggregates guidelines.

## **Minerals Policy Statement 1: Planning and Minerals Practice Guidance November 2006**

### **Safeguarding of Mineral Resources**

**Para. 32** *The planning system has an important role to play in safeguarding proven deposits of minerals which are, or may become, of economic importance within the foreseeable future, from unnecessary sterilisation by surface development. It is therefore important that mineral safeguarding areas (MSAs) are identified and that appropriate safeguarding policies are incorporated in DPDs. MSAs can be defined objectively using the best available geological and minerals resource information, including that published or held by the British Geological Survey or made available by the industry. However initially defined, areas will generally need to be refined in discussion with the industry and other stakeholders. It should be kept in mind that, in addition to proposed development within a MSA, incompatible development that is allowed close to a MSA may also lead to sterilisation of part of the reserves. It may be appropriate to develop policies for prior extraction of minerals, where practicable, within safeguarded areas.*

**Para. 33** *In two-tier planning areas, safeguarding of mineral resources can be achieved only through county and district councils co-operating in the exercise of their respective planning powers over land with potential for mineral extraction. This can be facilitated by defining all, parts of, or marginally more than a MSA as a minerals consultation area (MCA). These provide the mechanism for district councils to consult county councils before granting planning permission, on any planning applications they receive for non-mineral developments which fall within the boundary of a MCA, and which would be likely to affect the winning and working of minerals. This arrangement should also be used by county councils to consult district councils before granting planning permission for mineral working which could affect other existing or proposed land uses. MPAs should seek advice from the minerals industries operating in their areas when they are considering the delineation of MCAs. However there is no presumption that resources safeguarded through MSAs or MCAs will actually be worked for minerals.*

### **Areas for Future Mineral Working**

**Para. 37** *The policies and areas indicated in a LDD should show how a MPA proposes to provide for the supply of minerals which can be worked economically. It should also provide a clear guide to mineral operators and others the places where mineral extraction is most likely to take place. These may take the form of 'specific sites', 'preferred areas' or 'areas of search'.*

**Para. 38** *Specific sites will generally be where viable mineral resources are known to exist, where landowners are supportive of mineral development taking place and where MPAs consider that any planning applications which are made are likely to be acceptable in*

*planning terms. The allocation of specific sites in DPDs is important, and mineral operators should aim to offer such sites for consideration at an early stage in their preparation.*

**Para. 39** *Preferred areas are areas of known resources where planning permission might reasonably be anticipated, (subject to the usual tests of environmental acceptability, if necessary through the use of appropriate conditions to mitigate adverse impacts). They may also include essential operations associated with extraction such as tipping of mineral waste and processing, including that of secondary materials. In practice there may sometimes be little to distinguish between specific sites and preferred areas, and it will be for MPAs to decide whether they wish to make or maintain this distinction. In identifying preferred areas, MPAs may choose to follow a search sequence, with the aim of identifying initially those areas where extraction would be most sustainable, which would generally involve the mineral being transported the least distance, taking account of the objectives and policies for minerals planning set out in MPS1 and the appropriate RSS and LDF.*

**Para. 40** *It may sometimes be preferable, as a means of minimising environmental disturbance, to adopt a policy of preference for allowing extensions to existing mineral workings rather than allowing mineral working at greenfield sites. This can secure the utilisation of minerals that might otherwise be sterilised. However that will not always be the case because some existing mineral workings may be unsuitably located, and others may have already reached their acceptable boundaries. In some cases therefore, it may be more appropriate to open a new mineral working, especially if this would be likely to lead to less overall environmental impact. Any general preference for extensions to existing workings is not to be construed as a policy for protecting existing suppliers and a constraint on competition because each case must be considered on its merits. It is for the MPA to consider all the relevant factors before making its decision.*

**Para. 41** *Areas of search will be broader areas, where knowledge of mineral resources may be less certain, but within which planning permissions for particular sites could be granted to meet any shortfall in supply if suitable applications are made.*

**Para. 42** *Whichever approach to siting is adopted, either singly or in combination depending on the circumstances, each MPA is responsible for making sufficient provision in its LDDs to meet the anticipated need over the period of the plan. It is not generally appropriate to identify only areas of search in a LDD because these provide less certainty of where development might take place. MPAs that choose this approach must fully justify it in their LDDs. In most cases sufficient specific sites and/or preferred areas should be identified, so that on adoption of a LDD, there is adequate provision to cover the LDD, if sufficient acceptable sites are known at that stage. Where this is not possible Areas of Search can also be identified to cover any remaining part of the LDD period. The annual monitoring of LDDs provides an opportunity for MPAs and the industry to develop specific sites and/or identify preferred areas as required from the areas of search previously identified.*

## **Environmental Impacts**

**Para. 45** *Relevant and effective planning conditions can mitigate environmental impacts, and are usually essential if development is to be permitted. Most environmental effects can be covered by suitable planning conditions, although some, such as discharges of pollutants to air or water, are dealt with separately by the EA through environmental protection legislation.*

**Para. 46** *The principal impacts of mineral working, and the environments on which they may have an effect, are considered to be:*

- *noise*
- *dust/air quality*
- *blasting/vibration/fly rock*
- *mineral waste*
- *visual intrusion into the local setting and the wider landscape*
- *archaeological and heritage features*
- *traffic*
- *groundwater*
- *surface water*
- *land instability*
- *landscape character*
- *internationally or nationally designated, protected or sensitive species and plant and wildlife habitats*
- *nationally protected geological and geomorphological features.*

## **Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. March 2005**

### **Development Documents and Policies**

**Para 10.** *Policies and proposals in development plans have a key part to play in meeting the Government's objectives of ensuring that development and growth are sustainable. They should have regard to Planning Policy Statement 1 (PPS1)<sup>2</sup> Delivering Sustainable Development (2005) and Minerals Planning Guidance Note 1 (MPG1): General Considerations and the Development Plan System (1996) (currently under review) which provide advice on planning policy for Local Planning Authorities (LPAs), MPAs and the minerals industry. When, as expected, MPG1 is replaced by Minerals Policy Statement 1 (MPS1), similar regard should be given to this successor document.*

**Para 11.** *Development plan policies and proposals for minerals extraction and associated development should take into account:*

- *the impacts of mineral working, such as visual intrusion, dewatering, water pollution, noise, dust and fine particulates, blasting and traffic;*

- *the impacts on landscape, agricultural land, soil resources, ecology and wildlife, including severance of landscape and habitat loss, and impacts on sites of nature conservation, archaeological and cultural heritage value;*
- *the benefits such as providing an adequate supply of minerals to the economy and hence for society (including construction materials needed for the development of national infrastructure and the creation of sustainable communities), creating job opportunities, and the scope for landscape, biodiversity and amenity improvements through mineral working and subsequent restoration; and*
- *the methods of control through planning conditions or agreements to ensure that impacts are kept to an acceptable minimum.*

**Para. 12.** *Policies and proposals should take into account the level of existing activity and impacts, the duration and nature of proposals for new or further working, and the extent of impacts which a particular site, locality, community, environment or wider area of mineral working can reasonably be expected to tolerate over a particular or proposed period. With respect to an individual site, the effect of all relevant impacts (i.e. of noise, dust, traffic, on landscape etc.) should be considered objectively. Impacts that are acceptable individually should not be regarded as unacceptable in combination without a proper assessment. MPAs should also have regard where relevant to cumulative impacts of simultaneous and/or successive working of a number of sites in a wider area of commercially-viable deposits. These may affect communities and localities over an extended period, depending on the nature, age and size of the site(s)*

**Para. 13.** *Other development plan policies should ensure that development other than mineral extraction does not encroach on existing mineral operations, thus subjecting that development to a level of environmental impact that may be unacceptable and leading to complaints about the adequacy of planning conditions for the mineral operation concerned. Any consequent amendment to existing planning conditions could lead to loss of workable mineral and be subject to compensation provisions. (MPG1 refers to Mineral Consultation Areas to protect mineral reserves).*

### **Proximity of Mineral Workings to Communities**

**Para 24.** *MPAs should ensure that the adverse effects of mineral working on neighbouring communities are minimised. Increased public knowledge and awareness of the environmental, economic and social effects of mineral development means that the local community can actively participate in the decision-making process. Under the Planning and Compulsory Purchase Act 2004, MPAs are required to prepare a Statement of Community Involvement, which sets out their policy on involving their community in preparing Local Development Documents and consulting them on planning applications. The principles for involving the community in planning decisions are contained in the consultation papers published in February 2004 on PPS1 entitled Creating Sustainable Communities and Community Involvement in Planning: The Government's Objectives.*

**Para. 25.** *The prospect of a new mineral working can promise economic benefits or the opportunity of local redevelopment or regeneration to a community, but it can also raise fears such as damage or risks to the environment and human health. Involvement of the community and relevant stakeholders helps people understand what a mineral development will involve and how it will affect them. It enables the mineral developer and operator to identify concerns at an early stage, and to address them in planning and developing the project.*

**Para. 26.** *Residents living close to mineral workings may be exposed to a number of environmental effects. MPAs must take particular care in respect of any conditions they attach to a grant of permission for working in proximity to communities. Where they judge that mitigation measures are not sufficient to safeguard the quality of the local environment, as experienced by neighbouring communities, refusal or restriction of the proposal may be appropriate. Dialogue should take place between MPAs, EHAs, operators and other stakeholders, especially in the local community, to determine appropriate mitigating measures, where these are feasible and would, if applied, allow the development to proceed.*

**Para. 27.** *The duration of the work can be a significant factor in determining the appropriate levels of control and mitigation. Sand and gravel workings and some opencast coal sites may be completed and restored within a few years, whereas a clay pit or a quarry producing aggregates or building stone may be operational for many years. The programme of work and/or the location of plant within the mineral working should take account of the proximity to occupied properties, as well as legitimate operational considerations. A programme of work should be agreed which takes account, as far as is practicable, of the potential impacts on the local community over the expected duration of operations.*

**Para. 28.** *In some circumstances (especially where workings will have an extended life), new or extended permissions for mineral extraction close to residential property may not provide adequate protection to nearby residents despite requirements for landscaping works such as bunds, screening and planting. In such cases, MPAs should consider the need to require adequate separation distances. MPAs should require a distance that is effective but reasonable, taking into account:*

- *the nature of the mineral extraction activity (including its duration);*
- *the need to avoid undue sterilisation of mineral resources, location and topography;*
- *the characteristics of the various environmental effects likely to arise; and*
- *the various amelioration measures that can be applied.*

*Working in proximity to residential property may be necessary where there are clear, specific achievable objectives such as the removal of instability and preparing land for subsequent development. Such working should be for a limited and specified period, without scope for extension.*

**Para. 29.** *Some minerals are concentrated in certain areas. For example, shallow coal deposits that can be worked by opencast extraction are found within the known coalfield areas and their locations are generally well documented. Situations may therefore arise*

*where commercially-viable deposits will be concentrated in certain areas. There may be proposals for simultaneous operations over a relatively short period of time or phased operations at a succession of sites over a relatively longer period of time, with potential for cumulative impacts in the locality. Individual mineral workings can also generate multiple environmental impacts, such as noise and traffic, or traffic and dust, together with possible impacts on the landscape, water environment and habitats. In these circumstances, the MPA should consider both the need for long-term planning to avoid unnecessary sterilisation of resources, and how the combined impacts at individual sites and the cumulative impacts of further working of the mineral in a particular area can be reconciled with the need to protect localities and communities from unacceptable consequences of that working (e.g. by the number and timing of permissions, the phasing of workings and restoration, and the attachment of conditions to mitigate impacts).*

Annexes 1 and 2 are available to view at the following address:

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/mineralsandwaste/mineralpolicystatements/mineralspolicystatements/mineralspolicystatement2/>

## **Minerals Planning Guidance 7: Reclamation of Mineral Mining Works. November 1996**

The full document is available to view at the following address:

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/mineralsandwaste/mineralpolicystatements/mineralsplanningguidance/>

## **Planning Policy Statement 1: Delivering Sustainable Development. January 2005**

### **Prudent use of Natural Resources**

**Para. 21.** *The prudent use of resources means ensuring that we use them wisely and efficiently, in a way that respects the needs of future generations. This means enabling more sustainable consumption and production and using non-renewable resources in ways that do not endanger the resource or cause serious damage or pollution. The broad aim should be to ensure that outputs are maximised whilst resources used are minimised (for example, by building housing at higher densities on previously developed land, rather than at lower densities on greenfield sites).*

**Para. 22.** *Development plan policies should seek to minimise the need to consume new resources over the lifetime of the development by making more efficient use or reuse of existing resources, rather than making new demands on the environment; and should seek to promote and encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy). Regional planning authorities and local authorities should promote resource and energy efficient buildings; community heating schemes, the*

*use of combined heat and power, small scale renewable and low carbon energy schemes in developments; the sustainable use of water resources; and the use of sustainable drainage systems in the management of run-off.*

## **Planning Policy Statement 12: Local Development Frameworks. September 2004.**

### **Generic Development Control Policies**

**Para. 2.28** *The local development framework should contain a limited suite of policies which set out the criteria against which planning applications for the development and use of land and buildings will be considered. Such policies will ensure that development accords with the spatial vision and objectives set out in the core strategy. These policies may be included as part of the core strategy or in a separate development plan document.*

**Para. 2.29** *Local planning authorities should avoid producing a compendium of use-related development control policies, which can be repetitive and quickly become out-of-date. The focus, instead, should be on topic-related policies such as protecting residential amenity; protecting landscape and natural resources; nature conservation; addressing accessibility; highway and transport issues; protecting vitality and viability; and addressing visual impact etc.*

**Para. 2.30** *Generic policies should not repeat national planning policy statements but should explain how they apply to the local area. Policies should define clearly the circumstances in which planning permission will, or will not, be granted and should focus on achieving the outcomes required to meet the authority's spatial vision.*