

## **EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE: 12 OCTOBER 2005**

### **SCOTTISH PLANNING POLICY (SPP) 4: MINERAL WORKING CONSULTATION DRAFT**

#### **Report by Executive Director of Development and Property Services**

## **1 PURPOSE OF REPORT**

1.1 To advise the Committee and obtain the Committee's views on a Scottish Executive publication entitled 'Scottish Planning Policy, SPP4, Mineral Working: Consultation Draft.

## **2 BACKGROUND INFORMATION**

2.1 As part of its ongoing programme to update current national planning policy guidance, the Scottish Executive is intending to refresh existing minerals guidance and the provisions of NPPG4: Land for Mineral Working. The Executive has consequently produced consultation draft Scottish Planning Policy 4 on the subject. When approved, the policy will replace the existing NPPG4 and provide the policy framework that planning authorities should use when preparing their development plans and in determining planning applications. Responses on the consultation document are requested by 25 November 2005.

## **3 THE CONSULTATION DRAFT**

3.1 The SPP supports a positive approach to minerals planning and advocates a sustainable approach to mineral extraction which should reconcile the need for minerals with concern for the environment and communities by:

- safeguarding minerals as far as possible for future use;
- ensuring a steady and adequate supply is maintained to meet the needs of society and the economy;
- encouraging sensitive working practices to minimise environmental and transport impacts and to high quality reclamation of sites;
- promoting the use and recycling of secondary materials in development plan policies in addition to the release of sites for primary materials;
- protecting international, national and locally designated natural and built heritage sites from damage; and
- minimising the potential adverse impact of mineral extraction on communities.

3.2 The consultation document addresses a wide range of development planning and operational issues relating to minerals as well as a number of specific locational considerations. The document also provides additional policy guidance for individual minerals and addresses how minerals applications can best be progressed through

the development management process. Insofar as development planning is concerned, the SPP advocates that:

- preferred areas and areas of search for minerals be identified in development plans, with these areas being safeguarded from permanent development that might otherwise hinder their subsequent extraction;
- unimplemented areas of search identified in previous development plans be reassessed; and
- development plans should set out local authority policies, proposals and opportunities regarding mineral working, protection of the natural and built environment, restoration, aftercare and after-use of mineral sites and recycling and re-use of material in waste tips.

3.3 Importantly, the SPP recognises that mineral working can adversely affect nearby communities and expects planning authorities to work closely with local communities to identify community sensitivities and overcome anticipated problems. The establishment of liaison committees or 'good neighbour agreements', as proposed in the recent planning White Paper, are recognised as having a role to play in this regard, as are the establishment and operation of community trust funds to fund local environmental improvements or other appropriate community benefits.

3.4 The establishment of buffer zones around affected communities is also discussed in the SPP, but it is recommended that, as a general rule, standard buffer zones should not be set. Instead, it is suggested that buffer zones should be individually tailored to take into account the specific circumstances of each individual proposal.

3.5 The cumulative impact of mineral workings is addressed in the SPP and, in this regard, the SPP requires planning authorities to seek developer assessments of the likely cumulative impacts of workings where there are already two or more operational or consented development sites with significant environmental effects within 5 kilometres of any nearby settlement. Developers will also be required to demonstrate any mitigation measures that will be taken to overcome any adverse cumulative impacts identified.

3.6 The SPP also addresses locational considerations and advocates the granting of planning permission for mineral only where there will be no significant adverse effect on the natural or built heritage. Mineral development within green belts and on prime quality agricultural land would also be considered acceptable only where certain criteria can be met. In addition, it is recognised that the likely long term or cumulative impact of mineral extraction on other local rural economic activities such as tourism and recreation will be a relevant material consideration in the assessment of minerals proposals.

3.7 With regard to operational issues, the SPP highlights such issues as Environmental Impact Assessment, transportation of materials, mitigation of noise and dust nuisance and avoidance of groundwater and surface water pollution. Monitoring of minerals operations and environmental protection measures which have been put into place are also addressed as is the reduction of mineral waste and the restoration, aftercare and after-use of mineral sites. The use of financial

guarantees as a means of ensuring that operators meet their obligations in this regard is particularly advocated in the document.

3.8 The SPP provides additional policy guidance for individual minerals, of which advice on construction aggregates, recycled and secondary aggregates and peat extraction are of particular relevance to East Ayrshire. The document also provides advice on the development management process, particularly with regard to the use of planning conditions, enforcement, the review of old planning permissions and monitoring.

## **4 COUNCIL OBSERVATIONS AND COMMENT**

4.1 Much of the advice and good practice advocated in the SPP is already encapsulated in the adopted East Ayrshire Local Plan and the general thrust and direction of the document is to be welcomed and supported. There are, however, a number of points which are worthy of further consideration:

(i) Consultees are specifically asked for their views as to whether a 500 metre buffer (as specified in SPP16 for opencast coal sites) is appropriate for this SPP. In this regard, it is considered that an appropriate, specified separation distance between site boundaries and local communities should, indeed, be identified within the SPP. This would provide certainty to both mineral operators in the design of their extraction proposals and to local communities as regards the extent of the buffer zone that they can expect to be applied to the development. It is considered that interested parties may find it difficult to agree on any individually negotiated buffer distances, especially as mineral extraction is an emotive issue for many affected communities and that individual views on appropriate separation distances may have the potential to become, on occasion, somewhat subjective and entrenched. Consequently, it is felt that the SPP should be prescriptive in this regard and stipulate a standard buffer to be applied in all cases. 500 metres would appear to be a realistic separation distance, worthy of further consideration.

(ii) The SPP states that development plans should set out details for mineral working in the area concerned. However, it is rarely the case that any minerals extracted will be used exclusively in the local authority area within which they are extracted. There are invariably cross boundary issues with other adjoining authorities which need to be taken into consideration. For example, much of the construction aggregate used in within East Ayrshire originates from quarries in adjoining authority areas and some materials extracted in the area are destined for markets elsewhere. In this regard, it is recommended that some provision be made in the SPP to allow authorities outwith the four city regions to work together, at a strategic level, to provide detailed minerals planning advice in an appropriate joint development plans.

(iii) The SPP specifically states that the four largest city regions should form the market area for the provision of construction aggregates and that the city region authorities should work together to identify a 10 year supply of aggregates to meet this requirement. However, it is also recognised that this requirement will also extend to some adjoining local authorities where their output contributes to the main city region markets. Bearing in mind its proximity to Glasgow, it is considered that, in

addition to meeting its own requirements Ayrshire, and East Ayrshire in particular, could potentially come under increasing pressure to contribute to the supply of construction aggregates to the Glasgow city region. This would have a significant impact on East Ayrshire and it is recommended that early cross boundary discussions between the Ayrshire and the Glasgow and the Clyde Valley Structure Plan Teams should take place at the strategic level, regarding this issue.

## **5 FINANCIAL IMPLICATIONS**

5.1 There are no financial implications for the Council as a direct result of the consultation exercise.

## **6 LEGAL / AUTHORITY IMPLICATIONS**

6.1 There are no legal / authority implications for the Council as a direct result of the consultation exercise.

## **7 PERSONNEL IMPLICATIONS**

7.1 There are no personnel implications for the Council as a direct result of the consultation exercise.

## **8 RECOMMENDATIONS**

**8.1 It is recommended that the Committee agrees:**

- (i) to note the contents of this report; and**
- (ii) to authorise the Executive Director of Development and Property Services to submit a copy of this report to the Scottish Executive as representing the views of the Committee on the draft SPP.**

**James Lavery**  
**Executive Director of Development and Property Services**

29 September 2005 (JL/SA)  
FV-AN

### **LIST OF BACKGROUND PAPERS**

#### **1. Scottish Planning Policy SPP4: Mineral Working: Consultation Draft**

For further information on the contents of this report contact Karl Doroszenko, Policy and Projects Manager or John Lilley, Principal Planning Officer on 01563 576751 or 01563 576754 respectively.

**Implementation Officer: Alan Neish**  
SPP4MineralWorkingConsultationDraft