EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 5 SEPTEMBER 2000

SCOTTISH EXECUTIVE

CONSULTATION PAPER ON SURFACE MINERAL WORKINGS AND DUST

Report by Director of Development Services

1. PURPOSE OF REPORT

1.1 To seek the Committee's views on the Scottish Executive Development Department's consultation paper on surface mineral workings and dust.

2. BACKGROUND INFORMATION

2.1 In December 1999, the findings of research carried out by the Department of Epidermiology and Public Health of the University of Newcastle upon Tyne were published by the Stationary Office, the research being entitled 'Do particulates from opencast coal mining impair children's respiratory health?'. The consultation paper sets out the background to this research, together with the key conclusions and recommendations as they relate to the planning system, and seeks views on the most appropriate ways to incorporate the recommendations into planning guidance. Views and comments on the consultation paper are sought by 08 September 2000.

3. THE CONSULTATION PAPER

3.1 The consultation paper summarises existing planning advice and guidance relating to opencast coal operations and dust provided by NPPG16: Opencast Coal and Related Minerals and PAN 50 Annex B; The Control of Dust at Surface Mineral Workings. It then summarises the key findings of the Newcastle University Research, explains how these findings relate to the recently revised Air Quality Standards, considers the planning implications of the research, makes recommendations for an assessment framework for dust emissions and suggests amendments to planning policy guidance to address the findings of the research.

4. KEY FINDINGS OF THE RESEARCH

4.1 The research was based on a comparison of the effects of particulate matter of less than 10 microns diameter (PM10) on 10 communities in the north of England, 5 communities near opencast coal sites being matched with 5 communities where there was no opencast activity, over set periods of time. The main findings of the research were:-

(i) opencast coal mining was associated with a small increase in the mean concentration of airborne particles measured as PM10 in areas close to opencast sites; and

(ii) the respiratory health of children living in communities close to opencast sites was very similar to that of children living in communities distant from such sites.

4.2 The Newcastle research was endorsed by the Committee on the Medical Effects of Air Pollutants (COMEAP), the panel of independent experts that advises the UK Health Departments on such matters, with COMEAP recommending that, as a precautionary measure, the modifications to the planning process suggested by the authors of the research be considered by the relevant Planning Authorities and be incorporated in minerals planning guidance.

4.3 The modifications to the planning system proposed by the researchers relate assessment and control measures to the recently revised Air Quality Standards (AQS) which stipulate that, under current directives, PM10 must not exceed certain stated levels by a date of 31 December 2004. Where these levels cannot be achieved for any particular area by the December deadline, the Authority will require to designate that area as an Air Quality Management Area. An action plan must then be prepared, setting out how the Authority intends to exercise its powers in relation to the designated area so as to achieve the objectives.

4.4 The Newcastle Research found that the small increase in PM10 concentrations close to opencast sites was not due to the release of coal particles but was more likely due to dust associated with earth moving and excavation. Such dust arisings are common to all mineral sites and the Scottish Executive therefore suggest that the research recommendations should be extended to cover all types of mineral working and not just opencast coal. Whilst not covered in this research it should be noted that there are other sources of emissions which affect Air Quality Standards, eg car exhausts, and these are already areas with which the Council is concerned.

5. ASSESSMENT FRAMEWORK RECOMMENDATIONS

5.1 The Newcastle research suggests an assessment framework for guiding operators and Planning Authorities in the consideration of PM10 generation potential and impact of activities at proposed opencast and other mineral sites, viz:-

- the potential impacts should be highlighted at the scoping stage of a planning application
- the likely number and frequency of predicted AQS excedences, together with the proximity of operations to sensitive areas, should constitute a major part of the Environmental Impact Assessment of the application and be given due weight in balancing the benefits of the site against potential impacts.

5.2 Where a site falls within 1000 metres of any residential property or sensitive premises/users, further assessment work should be undertaken to look at the likely impacts and the weight they should be given in the decision making process. If the baseline data collected indicates that a proposed operation would bring PM10 concentrations above the accepted AQS levels within this area, the Planning Authorities will need to consider whether this would justify refusal of the application or whether monitoring and control measures can be put in place to reduce PM10 concentrations to acceptable levels.

6. CONCLUSIONS OF THE RESEARCH

6.1 The Newcastle research found:-

- only small effects on children's respiratory health
- that effects of opencast coal site on the long term health of local communities is most unlikely.

However, the Scottish Executive propose that, as a precautionary measure, the suggested Assessment Framework described in Section 5 of this report should be incorporated into National Planning Policy Guidance. Consequently, it is proposed to issue an addendum to both NPPG's 4 and 16 as detailed in Appendix 1 to this report.

7. PLANNING OFFICERS OBSERVATIONS

7.1 The Consultation Paper has implications for the Council both as Environmental Health and Planning Authority. Any additional site monitoring required to measure PM10 emissions from minerals sites in close proximity to communities will have some manpower and resource implications for the Department of Community Services which will require to analyse recorded data on a regular basis to ensure compliance

with National Air Quality Standards. Monitoring of emissions will, however, remain the responsibility of individual mineral operators. Additional work may also be placed on that Department with regard to the designation of any Air Quality Management Areas and the preparation of associated action plans as indicated in paragraph 4.3 of this report.

7.2 From the planning point of view, the suggested assessment framework as suggested by the Newcastle Research is considered acceptable and the proposals to give due weight to particle PM10 emission within 1000 metres of communities as part of an Environmental Impact Assessment is welcomed. No objections are raised to the wording of the proposed addition to NPPG's 4 and 16 as detailed in Appendix 1 to the report.

7.3 It is pointed out that no mention is made in the Consultation Paper of the possible cumulative effects of dust arising from a number of opencast sites concentrated in a particular area and it is considered that this aspect may be worthy of further consideration in the preparation of further planning guidance on the subject. It is suggested that any further research into this particular aspect could possibly be carried out within East Ayrshire.

8. FINANCIAL IMPLICATIONS

8.1 There may be additional financial implications for the Council's Department of Community Services in assessing and auditing the results of monitoring information received from operators.

9. LEGAL/AUTHORITY IMPLICATIONS

9.1 Whilst not included in any formal revision of policy, this report clearly gives a view on emerging planning policy which therefore should be taken into account in determining planning applications and in scoping exercises for Environmental Impact Analysis.

10. PERSONNEL IMPLICATIONS

10.1 There may be manpower implications for the Council's Department of Community Services in assessing and auditing the results of monitoring information received from operators.

11. RECOMMENDATIONS

11.1 It is recommended that the Committee agrees:

(i) to note the contents of this report.

(ii) to authorise the Head of Planning and Building Control to forward a copy of this report to the Scottish Office Development Department as representing the comments of the Council on the document.

(iii) that the findings of the Newcastle Research be incorporated into any environmental impact analysis currently being considered.

Stephen Chorley
Director of Development Services

21 August 2000
(JL/MMM)

FV/AN

LIST OF BACKGROUND PAPERS

1. Consultation letter and enclosures, dated 07 July 2000, from the Scottish Executive Development department, Planning Division entitled ‘Surface Mineral Workings and Dust’.

Anyone wishing to inspect the above papers please contact John Lilley on 01563 576754.

Implementation Officer: Alan Neish

APPENDIX 1

SUGGESTED AMENDMENTS TO NPPG GUIDANCE

1. NPPG16 (to replace existing paragraph 33)

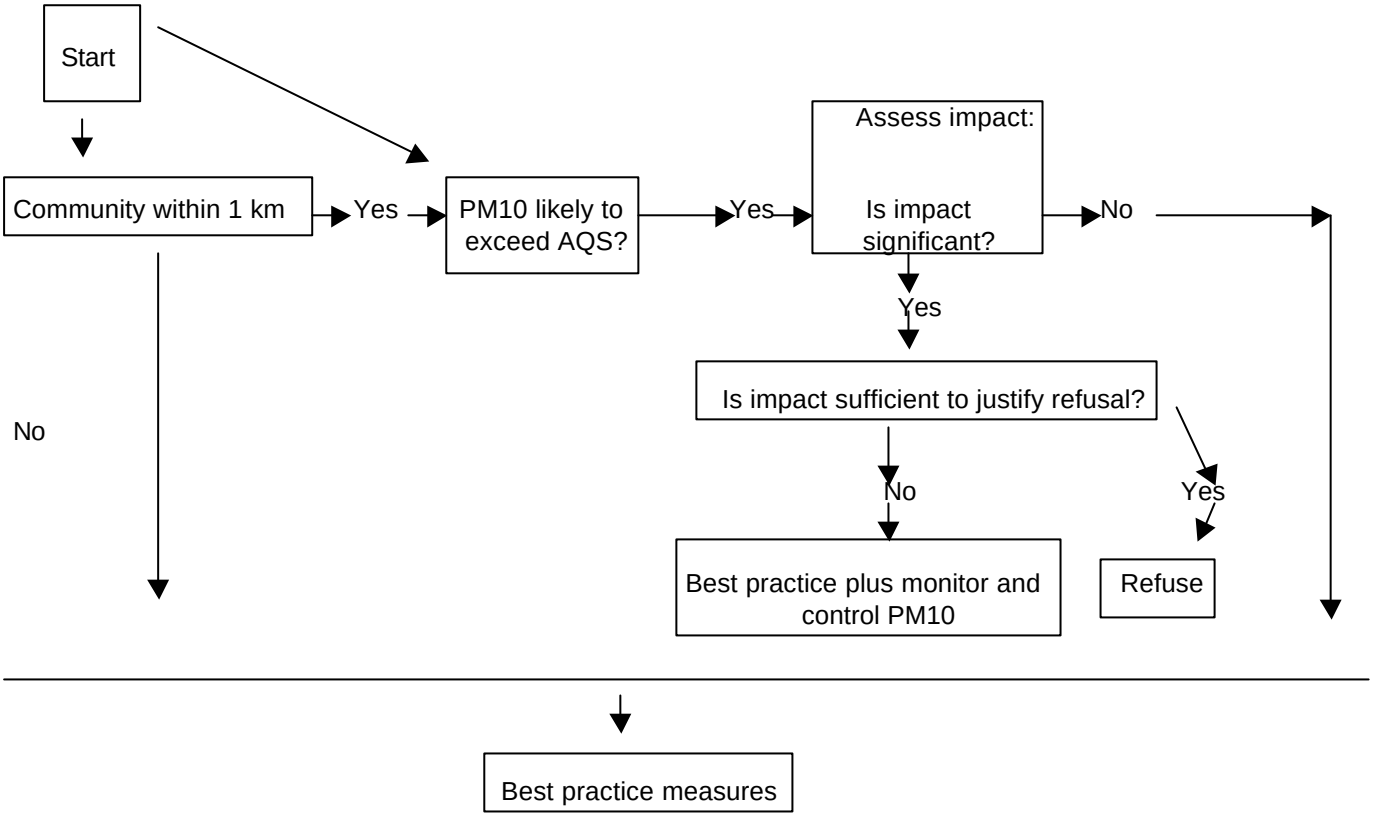
   Government sponsored research, Do Particulates from Opencast Coal Mining Impair Children's Respiratory Health?, was published in December 1999. This recommends the framework below to guide the assessment of the implications of opencast coal proposals on National Air Quality Standards. The research findings have been endorsed by the Committee on the Medical Effects of Air Pollutants, the panel of independent experts which advises the UK Health Departments on these matters. Planning Authorities and the industry should adopt the researchers' assessment framework in drawing up and considering proposals for new sites, or extensions or modifications to existing sites.

2. NPPG4 (new paragraph 37A)

   Government sponsored research, Do Particulates from Opencast Coal Mining Impair Children's Respiratory Health?, was published in December 1999. This recommends the framework below to guide the assessment of the implications of opencast coal proposals on National Air Quality Standards. The research findings have been endorsed by the Committee on the Medical Effects of Air Pollutants, the panel of independent experts which advises the UK Health Departments on these matters. The research concluded that increases in particle concentrations close to opencast coal sites was not due to the release of coal particles but was more likely caused by earth moving and excavation activities common to all mineral workings. In the circumstances, Planning Authorities and the industry should adopt the researchers' assessment framework in drawing up and considering proposals for new surface mineral workings, or extensions or modifications to existing sites.

   (The following proposed assessment framework suggested by the researchers would be incorporated into NPPG 16 and NPPG 4):-

   (see over.....


Start
Community within 1 km
Yes
PM10 likely to exceed AQS?
Yes
Assess impact:
Is impact significant?
No
Yes
Is impact sufficient to justify refusal?
No
Yes
No
Best practice plus monitor and control PM10
Refuse
Best practice measures

AGENDA