



Planning
Officers
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Minerals and Waste Forum

Our ref: RR
Date: 02 November 2011

Mark Plummer
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Dear Mr Plummer

National Planning Policy Framework – Retention of minerals and waste guidance

I refer to the recent meeting between some members the Planning Officers Society – Minerals and Waste Forum and yourself and colleagues.

I am following up your request at that meeting that the Forum identify elements of existing minerals and waste and other planning policy that should be retained as good practice guidance.

I therefore attach a schedule, which outlines the Forum's considered view about retained guidance.

I acknowledge that the schedule does cover a long list of matters that would amount to a number of pages of documentation. However, minerals and waste is a particularly complex (and controversial) area of planning. It would be a major retrograde step if all this material that has been developed over twenty years or more is lost. It would hardly be good use of resources if every planning authority started re-inventing its own guidance!

Further to this latter point the Forum believes that the guidance should have some DCLG endorsement to give it appropriate weight. Otherwise it will lack authority and will have no more status than anything published by other parties.

If you require any further clarification or help over the comments please contact me.

Yours sincerely,

Richard Read
Convenor: Minerals and Waste Forum

POS Minerals & Waste Forum (November 2011)

National Guidance that should be retained

(Refined and more specific version of list at Annex 2 of POS (MWF) response to Draft National Planning Policy Framework)

Introduction

In determining what guidance should be provided to accompany the NPPF the Forum has had regard to the need for other stakeholders (industry, the general public and consultees) to receive information and advice to help them interpret the requirements of the new Framework particularly in the area of minerals and waste.

Some of the guidance we have identified relates to actions to be taken by local planning authorities in two tier areas. These actions include reinforcing the role and responsibilities of the mineral and waste planning authorities in dealing with issues such as sterilisation and prior extraction of minerals.

It also includes the need for liaison in two tier areas to ensure that such things as mineral and waste policies are not undermined by local plan policies. Since these are about technical matters they may better fit the local situation if they were incorporated into guidance rather than be left to the duty to cooperate which may not deliver consistency of approach.

The Forum has also taken a longer term view of the guidance required to ensure that valuable information and advice which has been compiled is not lost if and when changes take place and mining activity increases or reopens in the days ahead. For example conventional deep mine coal working or metal mining and also if surface mining is replaced by more underground mining for environmental reasons.

The Forum believe that it will be possible to streamline the guidance by taking a structured approach based on recurring themes such differences between types of mineral extraction and planning considerations, efficiency in the use of minerals and calculating future demand and supply and making future provision.

The Forum would suggest that the guidance is prepared by CLG and published on the DCLG website to ensure that it is authoritative and will command general acceptance amongst all stakeholders. The Forum would be happy to help in commenting on the guidance in draft form before it is finally published.

MPS 1 Planning and Minerals (2006):

- Annex 1 Aggregates – particularly paragraphs 3.1 – 3.11 (provision for land-won aggregates) and 4.1 – 4.5 (landbanks);
- Annex 2 Brick Clay;
- Annex 3: Natural building and roofing stone;
- Annex 4: On-shore oil and gas and underground storage of natural gas.

These 4 annexes contain much that is guidance on practice rather than policy; this guidance is of continued relevance and value for practitioners and should be retained.

MPS 1 Planning and Minerals Practice Guide (2006)

This practice guide contains guidance that is of continued relevance and value, in particular on: plan making; determining applications; safeguarding; aggregates supply (MASS, AWP, apportionments and landbanks); and certain non-aggregate minerals. Subject to deletion of sections that are now (or will be) redundant (e.g. regional spatial strategies), it should be retained in its entirety.

National and regional guidelines for aggregates provision in England 2005-2020 (2009)

This guidance is an essential part of the aggregates planning system and should be retained in an amended to reflect any changes resulting from the NPPF and the review of MASS. It should then be regularly revised.

MPS2 Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (2005)

- Paragraphs 14 – 16 (pre-application discussions);
- Paragraphs 17 – 18 (Consideration of applications);
- Paragraphs 19 – 23 (planning conditions);
- Paragraphs 24 – 31 (proximity of mineral workings to communities);
- Appendix A: Community Consultation and Involvement,

These parts of MPS2 contain much that is guidance on practice rather than policy; this guidance is of continued relevance and value and should be retained.

MPS2 Annex 1 Dust (2005).

This annex contains guidance rather than policy. It is largely of continued relevance and value. It should be retained in its entirety, but sections of particular value are:

- Paragraph 1.5 (purpose and scope of the annex);
- Paragraph 1.6 (general considerations);
- Appendix 1A: Information on the Nature of Dust;
- Appendix 1B: Methods for Reducing and Controlling Dust;
- Appendix C: Dust Assessment.

MPS2 Annex 2: Noise (2005)

This annex contains guidance rather than policy. It is largely of continued relevance and value. It should be retained in its entirety, but sections of particular value are:

- Paragraph 2.2 (introduction);
- Paragraph 2.7 (general considerations);
- Paragraphs 2.18 – 2.21 (planning conditions);
- Paragraphs 2.22 – 2.25 (monitoring of compliance);
- Appendix 2A: Technical Terminology;
- Appendix 2B: Examples of Good Practice in Noise Reduction.

MPG2 Applications, permissions and conditions (1998)

MPG2 usefully brings together a lot of procedural guidance which is largely of continued relevance and value. Subject to deletion or updating of sections that no longer apply or have been superseded, it should be retained.

MPG3 Coal Mining and Colliery Spoil Disposal (1999)

There a number of specific paragraphs which would be helpful to retain to reflect the particular characteristics of coal mining and they are:-

- Paragraph 4
- Paragraph 7
- Paragraph 13
- Paragraph 16
- Paragraphs 23-26
- Paragraph 39
- Paragraph 45
- Paragraphs 63-66
- Annex A

MPG5 Stability in surface mineral workings and tips (2000)

There are many fewer tips remaining these days but there continues to be the potential for accidents involving slopes and stockpiles in quarries. MPG5 represents a valuable body of information and guidance, based on publicly-funded research that is of continued relevance and should be retained.

MPG7 Reclamation of Mineral Workings (1996)

Although MPG7 is now 15 years old it much of it continues to be of relevance and it represents a valuable body of information and guidance on restoration. Ideally it should be retained in its entirety and updated, but the following sections in particular should be retained:

- Paragraphs 22 – 74 (imposing reclamation conditions);
- Paragraphs 76 – 77 (planning obligations);
- Paragraphs 86 – 96 (financial provision for reclamation);
- Paragraphs 97 – 102 (monitoring and enforcement);
- Annex A: Planning and implementing reclamation schemes;
- Annex B: Reclamation for different after-uses.

MPG14 Environment Act 1995 – Review of Mineral Planning Permissions (1995)

This is essential procedural guidance and should be retained in full and, if possible, updated.

MPG 15 Provision of silica sand in England (1996)

The following paragraphs provide useful advice and guidance on silica sand extraction:-

- Paragraphs 18-26
- Paragraph 40
- Paragraphs 47-48

PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (2010)

The following sections should be retained:

- Paragraphs 10 – 20 (heritage assets and significance);
- Paragraphs 53 – 66 (assessing the significance of a heritage asset);
- Paragraphs 76 – 79 (determination of applications) – needs to be revised to take account of NPPG (paragraph 185 of draft NPPF);
- Paragraphs 85 – 109 (applications relating to designated heritage assets);
- Paragraphs 113 – 124 (applications affecting the setting of heritage assets);
- Paragraphs 126 – 141 (recording of information relating to heritage assets);
- Paragraphs 142 – 196 (further guidance on making changes to heritage assets).

PPS9 Planning for Biodiversity and Geological Conservation: A Guide to Good Practice (2006)

Ideally this needs to be updated, e.g. to reflect changes at regional level.

PPS 10 Planning for Sustainable Waste Management (2005)

PPS10 is to be retained pending its revision in conjunction with preparation of the National Waste Management Plan. A more immediate update of Annex D (role and composition of a regional technical advisory body) would be helpful, but otherwise the revision of PPS10 should include continued endorsement of a successor network of sub-national groups to the RTABs and an appropriately revised Annex D.

Planning for Sustainable Waste Management: Companion Guide to PPS10 (2006)

This guidance document should be retained and revised/updated (including consultation) alongside PPS10. .

**PPG14 Development on Unstable Land (1990); and
Annex 1: Landslides and Planning (1996);
Annex 2: Subsidence and Planning (2002).**

As with MPG5, PPG14 represents a valuable body of information and guidance, based on publicly-funded research that is of continued relevance and should be retained, in particular:

- Appendix A: Causes of Instability;
- Appendix B: Sources of Information;
- Annex 1: Landslides and Planning;
- Annex 2: Subsidence and Planning.

PPG18 Enforcing Planning Control (1991)

Despite being 20 years old, this continues to be largely relevant, but ideally it needs to be revised/updated.

Planning for Renewable Energy: A Companion Guide to PPS22 (2004)

The Technical Annex continues to be a largely relevant and valuable source of information and guidance and should be retained. Ideally it should be updated.

PPG23 Planning and Pollution Control (2004)

PPG23 is important in providing guidance on the interface of planning with pollution control. It is therefore of continued relevance and value and should be retained, in particular:

- Annex 1: Pollution Control, Air and Water Quality – ideally this should be updated.

PPG24 Planning and Noise (1994)

PPG24 is of continued relevance and value; the following sections should in particular be retained:

- Annex 1: Noise Exposure Categories for Dwellings;
- Annex 2: Noise Exposure Categories: Explanation of Noise Levels;
- Annex 3: Detailed Guidance on the Assessment of Noise from Different Sources;
- Annex 5: Specifying Noise Limits.

PPS25 Development and Flood Risk (2010)

PPS25 provides recent, essential policy and guidance that is not adequately reflected in the Draft NPPF. The following sections at least should therefore be retained:

- Paragraphs 9 – 20 (risk-based approach);
- Annex B: Climate Change;
- Annex C: Forms of Flooding;
- Annex D: The Sequential Test and Exception Test;
- Annex E: The Assessment of Flood Risk.

PPS25 Development and Flood Risk Practice Guide (2009).

This recent practice guide should be retained in full.

Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System (2005)

Procedural guidance in this circular is of continued relevance and value and should be retained; and ideally should be updated.

Circular 10/97: Enforcing planning control – legislative provisions and procedural requirements (1997)

In essence this circular continues to be relevant but and should be retained; but it needs to be revised/updated.

Circular 02/02 (ODPM): Enforcement appeals procedure (2002)

In essence this circular continues to be relevant but and should be retained.

Fees for monitoring of mining and landfill sites in England: A guide to implementation and good practice April 2006

This guidance continues to be relevant and of value and should be retained.

A Practical Guide to the Strategic Environmental Assessment Directive (2006).

This guidance continues to be relevant and of value and should be retained; ideally it should be revised to simplify the process; the costs of revision would be justified by savings to LPAs.

Guidance on Transport Assessment - Department for Transport (2007)

This guidance continues to be relevant and of value and should be retained.