



# 4 PLANNING FOR MINERALS





SCOTTISH EXECUTIVE  
Development Department

# **Scottish Planning Policy**

## **SPP 4**

# **Planning for Minerals**



## PLANNING SERIES:

- **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- **Circulars**, which also provide statements of Scottish Executive policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Scottish Executive policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development management.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Executive location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.

The National Planning Framework sets out the strategy for Scotland's long-term spatial development. It has the same status as SPPs and provides a national context for development plans and planning decisions and the ongoing programmes of the Scottish Executive, public agencies and local government.

Important note: in the interests of brevity and conciseness, Scottish Planning Policies do not repeat policy across thematic boundaries. Each SPP takes account of the general policy in SPP1 and highlights the other SPPs where links to other related policy will be found. The whole series of SPPs should be taken as an integral policy suite and read together.

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### SUMMARY

Minerals are vital to the Scottish economy, providing essential primary raw materials for industry. Construction aggregates, supplemented by recycled and secondary aggregates are the foundations of the built environment. This Scottish Planning Policy (SPP) replaces NPPG 4 and provides the policy framework that planning authorities should use when preparing their development plans and in determining planning applications.

The Executive supports a positive approach to minerals planning. The SPP recommends a systematic approach to planning for minerals that includes survey, monitoring, safeguarding, site selection, operation and site restoration. Related policies should be clearly set out in development plans. To aid the planning process, the Executive has resumed minerals production surveys in association with the industry.

Mineral working may have an impact on local communities and the environment. The planning system must ensure that all minerals proposals are fully assessed so that extraction only takes place where those impacts can be made acceptable. This SPP, supported by a positive development plan framework, rigorous development management decisions, proactive monitoring and, where appropriate, enforcement, can help to ensure that the benefits of minerals developments are not obtained at the expense of unacceptable impacts on either communities or the environment.

Mineral working provides employment in rural areas, bringing associated economic benefits, supplying local needs and minimising long distance haulage. The city regions consume the greatest volumes of minerals and planning authorities for all market areas should maintain a minimum 10 year supply of construction aggregates to ensure continuity of supply, subject to other planning considerations. It is now left to planning authorities to make any provision considered appropriate for coastal exporting quarries, taking into account environmental and community considerations. Industrial and seldom-worked minerals also require to be safeguarded in development plans to provide continuity of supply, conservation of the resource and certainty to the communities affected by operations.



## INTRODUCTION

1. Minerals are an important primary resource. There is a continuing need for an adequate and steady supply of minerals for a variety of purposes. Equally, working must be fully reconciled with policies to protect local communities and the wider environment. To achieve that aim, this Scottish Planning Policy (SPP) which replaces NPPG 4 *Land for Mineral Working* sets out the planning policy framework for the extraction of minerals. It excludes opencast coal and associated minerals. Separate guidance on those minerals is given in SPP 16.

## POLICY CONTEXT

### MINERALS AND THE ECONOMY

2. The availability of minerals is essential to support economic development and prosperity. The minerals industry provides raw materials for construction, manufacturing, agriculture and other specialist sectors. The Executive recognises the strategic importance of the construction industry to the economy and the need for minerals to serve it. The construction of new buildings and supporting infrastructure all depend to varying degrees on a continuing and steady supply of construction aggregates. The industry is a significant employer in Scotland, providing important direct employment opportunities for 3000 people, many in rural areas.
3. Scotland has rich and varied resources including material suitable for construction aggregates (sand and gravel and crushed rock), silica sand and brick clay. Other mineral resources, such as limestone, dimension stone, slate, peat, industrial and more specialised minerals are also important but less plentiful.
4. Continuity of supply for demand by the minerals industry depends on the availability of land with workable deposits having planning permission for extraction. Planning authorities should determine the acceptability of individual development proposals in accordance with development plans and other material considerations, including the policies in this SPP. A landbank<sup>1</sup> policy is applied to the provision of aggregates because of their importance to the construction industry. Forecast demand for aggregates in Scotland between 2006 and 2016 is expected to be 33 million tonnes per annum<sup>2</sup>. Current annual monitoring at GB level suggests those levels may be maintained to 2026. At least 18% of demand is expected to be from recycled and secondary sources.

### MINERAL EXTRACTION AND THE ENVIRONMENT

5. The process of extraction can be disruptive and if not managed and regulated satisfactorily can lead to adverse environmental and community impacts. The location of mineral workings will reflect underlying geology as mineral resources

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1 A construction aggregates landbank is a stock of reserves with planning permission.

2 National and Regional Guidelines for Aggregates Provision in England 2001–2016, DCLG

can only be worked where they are found. Operations should be carried out in accordance with the terms of planning permission. With due care and adequate restoration provisions, the potential for dereliction after operations have ceased can be avoided.

6. Mineral extraction should accord with the principles of sustainable development and environmental justice. These principles are reflected in the Executive's support for the use of recycled and secondary aggregates and salvaged material which can reduce waste and ease the pressure on primary resources. While the position varies across Scotland, the overall contribution from recycled and secondary aggregates has reached 18% with the potential for this to increase over time. Scottish Ministers support an increase in the amount of construction and demolition wastes that are recycled through the Waste and Resources Action Programme (WRAP) and in association with SEPA to meet the emerging objectives of the National Waste Plan.

### **ENVIRONMENTAL JUSTICE**

7. A key element of environmental justice is to ensure that accessible information and opportunities to participate in decision making are provided in order to shape the environments in which communities are situated. Communities should be afforded protection from the adverse effects of developments within close proximity, that may have a significant impact on them or their environment. The planning policy implications are set out in paragraphs 15-20.

### **OBJECTIVES FOR MINERAL WORKING**

8. A sustainable approach to mineral extraction should reconcile the need for minerals with concern for the natural and built environment and communities in a manner that:
  - safeguards minerals as far as possible for future use;
  - ensures a steady and adequate supply is maintained to meet the needs of society and the economy;
  - encourages sensitive working practices during mineral extraction that minimise the environmental and transport impacts and once extraction has ceased, ensure sites are reclaimed to a high standard or enhance the value of the wider environment;
  - promotes the use and recycling of secondary materials in development plan policies in addition to those for the release of sites for extraction of primary materials;
  - protects international, national and locally designated areas of acknowledged natural or built heritage importance from adverse impacts; and
  - minimises the potential adverse impact of minerals extraction on communities.

## PLANNING POLICY FOR MINERALS EXTRACTION

### DEVELOPMENT PLANS

9. Development plans identify the demographic, economic, environmental and social needs of the area and set out a long-term strategy to address them. For minerals, the key strategic aim is to provide policies and land allocations that do not prevent mineral working yet accommodate community and environmental interests. Strategic Environmental Assessment (SEA) of development plans will ensure that the environmental consequences of the development strategy are rigorously examined.
10. Under the present two-tier system, structure plans set out the requirement for minerals, consider the need for safeguarding, define areas where international and nationally important designations are unlikely to be reconciled with mineral working and set priorities for development management. Local plans define those matters more precisely. In future, local development plans will establish both the strategy and the detail, except in the four largest city regions, where strategic development plans will continue to consider strategic matters.
11. When developing minerals policy, planning authorities should have regard to resource availability, the quality of the deposits and their suitability for working. This should lead to the identification in development plans of areas of search, with a reasoned justification for the safeguarding of such areas or particular sites and the criteria to be satisfied by minerals proposals. Safeguarding also applies to land allocated for development in development plans which is underlain by minerals and where prior extraction of the mineral would be beneficial. In identifying search areas, planning authorities should liaise closely with operators, neighbouring planning authorities and use other verifiable sources of information such as geological mapping or the results of exploratory drilling to identify aggregates, non-aggregate construction and other minerals.
12. When preparing and reviewing plans, planning authorities, in consultation with stakeholders, should consider the operation and effectiveness of previously identified areas of search. Proposals for the review of plans every 5 years and the constraints of other spatial policies may obviate the need for search areas particularly if landbanks for construction aggregates are significantly in excess of 10 years. Where the review process indicates that there is no developer interest planning authorities should consider modifying or deleting the search area from the plan.
13. Where there is a concentration of minerals resources, a minerals subject local plan may be the appropriate means of setting out local authority policies, proposals and opportunities. Supplementary planning guidance (SPG) that has been subject to public consultation may also have a role although SPG should not substitute for adequate development plan coverage of minerals planning issues.
14. Through SEA, development plan policies should aim to minimize any significant negative impacts from mineral extraction on the interests and amenity of local

communities, the built and natural heritage or other economic sectors important to the local economy<sup>3</sup>. Policies should require a high standard of restoration and aftercare and provide for beneficial after-uses when mineral working has ceased. They should also facilitate the recycling and re-use of material in waste tips and construction and demolition wastes at appropriate general industrial locations or minerals sites. Planning authorities should set out their policy on planning agreements in their development plans and provide a reasoned justification to provide clarity to communities and to the minerals industry.

### WORKING WITH COMMUNITIES

15. Where mineral extraction takes place close to communities or they are affected by the transporting of minerals, extraction can be regarded as an unwelcome environmental intrusion and nuisance. Certain types of mineral working may be defined as “major developments” under Planning Bill proposals to promote efficiency and inclusion within the system. Access to relevant information is essential to ensure effective engagement with communities as stakeholders in development planning and in the process of determining applications. When preparing development plans, the Executive expects planning authorities to identify community sensitivity and look to overcome difficulties in principle by working closely with communities. Proposals in the Planning Bill include a requirement for pre-application consultation for certain categories of development. Pre-application consultation by operators is intended to provide community councils, other representative bodies or individuals with a worthwhile opportunity to comment on development proposals. The Planning Bill includes powers that would allow a planning authority to decline to register an application where a developer has not engaged adequately.
16. Community participation requires close public involvement at pre-application stage since affected communities will also have local knowledge of the issues to be addressed. This should also ensure a better public understanding of the likely environmental effects of proposals and how these will be mitigated. Operators should allow sufficient time for the preparation and submission of an application and any environmental statement, particularly if more complex or seasonal issues are likely to be raised.
17. Where, following pre-application consultations, planning permission has been granted, the operator’s performance is important in securing the confidence of communities in the vicinity of minerals sites. Minerals operators’ environmental audits, community liaison or advisory panels established to promote mutual understanding can ensure that concerns are addressed properly and quickly. Liaison committees or good neighbour agreements may have a role in offering communities greater involvement in the operation of developments which affect them.
18. Where mineral working is to take place close to communities, proposals must address fully the implications for such communities in order to minimise local

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<sup>3</sup> In the context of PAN 50 and its annexes, Controlling the Environmental Effects of Surface Mineral Workings

difficulties. Planning authorities and operators, in consultation with local communities, should seek to agree a buffer distance that is reasonable, taking into account the specific circumstances of each individual proposal. This will include its size, duration, location, method of working, local topography and the characteristics of the various environmental effects likely to arise and the mitigation that can be achieved. *PAN 50: Controlling the Environmental Effects of Surface Mineral Workings* provides advice on a range of sensitivities to specific effects. Where provided for in planning permissions, buffer zones should be measured from the site boundary rather than the closest working face.

### **CUMULATIVE IMPACTS**

19. Planning authorities should ensure that proposals for new development will not lead to a disproportionate burden of negative environmental impacts on settlements. This will be particularly important if there are already two or more operational, or consented, sites that could raise similar impacts within 5 km of any nearby community. Such sites will include other minerals sites, opencast coal sites and landfill sites. The range of cumulative impacts is best addressed where EIA is required, or in information supporting planning applications. Cumulative impact is not only settlement-related but can affect landscape, natural heritage, the rural economy's diversification and regeneration, or occur as a result of successive operations over long periods of time. The issue of cumulative impact can also be addressed in development plans through SEA.
20. Planning authorities should seek an assessment from the applicant of the likely cumulative impacts of additional workings on all settlements within a radius of 5 km of the proposed site boundary. This should include site design, likely further increases in road traffic, period and intensity of disturbance to communities and the length of time and level of landscape impact. The developer should demonstrate what measures will be taken to mitigate likely cumulative impacts. If adverse cumulative impacts cannot be mitigated adequately, permission should be refused.

## **LOCATIONAL CONSIDERATIONS**

### **CONSERVATION OF THE NATURAL AND BUILT HERITAGE**

21. Within the wider framework of sustainable development, the Executive is committed to safeguarding and, where possible, enhancing Scotland's natural and built heritage, including areas designated for their international and national heritage value. Planning authorities may also, with appropriate justification, identify and protect other areas designated for their local natural heritage value. While these areas may be important locally, the level of protection is not as high as that afforded to internationally or nationally designated sites. This may impose constraints on development but, with careful planning, the potential for conflict can be reduced. *NPPG 14: Natural Heritage* sets out the policy on how to assess development proposals whilst protecting, conserving and enhancing natural heritage interests. *PAN 60: Planning for Natural Heritage* addresses SNH's Landscape Character Assessment (LCA) programme. LCAs may be of



value in informing the outcome of individual minerals proposals. *NPPG 5: Archaeology and Planning*; *PAN 42: Archaeology* and *NPPG 18: Planning and the Historic Environment* provide detailed guidance and advice on assessing the effects of proposals on archaeological sites, scheduled monuments and the historic environment. Planning permission should only be granted where there will not be a significant adverse effect on the natural or built heritage features and qualities of the area under consideration.

### **COUNTRYSIDE AND GREEN BELTS**

22. *SPP 15: Planning for Rural Development* notes that new development must be carefully planned if the character and quality of the countryside is not to be undermined. This objective can be reconciled with minerals extraction. Whilst mineral working is temporary, extraction is tied to the presence of the resource and can be a continuous development of several phases over a long period. These factors should be taken into account in assessing how to achieve the protection of the qualities for which the countryside is valued.
23. *SPP 21: Green Belts* aims to strengthen the role of green belts to support long-term settlement planning. To remain compatible with green belt objectives, clear reasoning will be necessary to justify mineral workings within green belts. Minerals developments that would result in the removal of dereliction, land instability, or poor land drainage may be appropriate provided the site can be reclaimed to a use that is compatible with the key objectives of green belt policy, commands community support or meets environmental standards agreed by the planning authority.

### **AGRICULTURAL LAND**

24. The Executive's policy on the protection of agricultural land is set out in SDD Circular 18/87 (as amended by SOEnD Circular 25/1994). Prime quality land is a national resource and should normally be protected against permanent irreversible development. Mineral deposits may lie beneath both prime quality and lower category agricultural land. On shallow mineral workings, reclaiming land to a high standard is now feasible, through careful restoration and aftercare. Management of soil resources is dealt with in *PAN 64: Reclamation of Surface Mineral Workings*. Demand for industrial raw materials and the contribution which minerals development might make to the diversification of the rural economy, together with the current pressure to reduce agricultural output may, in appropriate circumstances, offer opportunities to remove valuable minerals and to restore sites to a quality which would allow them to contribute to any upturn in the demand for agricultural production.

### **RURAL ECONOMY**

25. Mineral working has an important role to play in supporting the economy of rural communities by providing employment. However, in many areas tourism and recreation support local economies which depend on the quality of the environment. Where this is the case, the likely long-term or cumulative impact of mineral extraction on other local economic activity will be a relevant material

consideration. Settlements reliant on environmental assets to sustain rural life and attractive as locations for promoting investment may be more economically important in the long-term than new minerals operations. In this context, SPP 15 provides policy on new and economic development and on the value of enhancement in former mining areas. Stakeholder engagement in the preparation of development plans is important where minerals can contribute to the rural economy. Recreation and tourist facilities can nevertheless be an acceptable after-use for existing minerals sites once working has ceased. They may benefit from other after-uses such as nature conservation or from environmental improvement schemes.

## ADDRESSING OPERATIONAL ISSUES

26. Communities in the vicinity of minerals sites expect to see compliance with the terms of planning permissions. These terms may include requirements for the preparation, monitoring and reporting of minerals operators' environmental audits. Planning authorities should not control or over-ride, through planning measures, matters that are the concern of other regulators. *PAN 51: Planning, Environmental Protection and Regulation* provides advice on the relationship between the two systems.

### ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

27. A key part of a minerals planning application is the assessment of the environmental effects of proposed workings. The requirement for EIA (either for new sites or for extensions to existing sites), will be determined by the nature of the proposed development and the sensitivity of the location. Screening and scoping for EIA are important considerations<sup>4</sup>. Where EIA is required, operators and planning authorities should work closely to ensure that all relevant environmental issues are carefully identified so that unnecessary delays are avoided following the registration of the planning application. Advice on controlling the environmental effects of surface mineral workings is given in PAN 50. These and other environmental considerations should form part of the EIA with the submission recording the level of pre-application consultation undertaken.

### TRANSPORT

28. Where feasible, new sites should be guided to locations close to markets thereby contributing to reducing energy consumption and pollution. A Transport Assessment, submitted in support of an application, should assist the planning authority in coming to a view on the development's transport impact. Construction aggregates are generally transported no more than 50 km by road before they become uneconomic, although higher value minerals may serve more distant markets. This effectively defines a single central belt market area covering the Dundee, Glasgow and Edinburgh city regions, where, to reduce impact on communities, the motorways and trunk roads where available will generally be part of the preferred transportation routes from production sites.

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<sup>4</sup> Circular 15/1999 and PAN 58



29. Where there are significant transport impacts on local communities full consideration should be given to the provision of routes which avoid settlements. Where rail, coastal or inland shipping are not viable alternatives to road haulage, the key issues are usually related to site access, vehicle control and monitoring under the conditions of the extraction site's planning permission. Further guidance on transport considerations is given in *SPP 17: Planning and Transport*, and the control of traffic at surface mineral workings is addressed by *PAN 50: Annex C*.

### **NOISE**

30. Consideration should be given to the adverse effects from noise on site including that arising from blasting, drilling, crushing, the operation of machines and fixed plant and the transporting of materials. Planning authorities should satisfy themselves that adequate measures are in place to mitigate impacts satisfactorily. Depending on the sensitivity of receptors it is preferable to have a ridge, baffle mound or other solid feature taking account of landscape impact, between a mineral operation and nearby settlements. Advice is provided in *PAN 50: Annex A*. Advice on noise arising from blasting is contained in *PAN 50: Annex D* and more generally by *PAN 56: Planning and Noise*.

### **DUST AND AIR QUALITY**

31. Likely exposure to dust arising from mineral extraction is a material planning consideration. Health concerns can also arise as a result of anxiety among residents close to a proposed site if they believe emissions to be damaging to health. Dust is a key community concern and *PAN 50: Annex B* emphasises the importance of pre-application discussions, making it all the more important for information and the proposed means of mitigation to be provided by operators to help allay anxieties.
32. Concerns over the likely effects of dust emissions should be assessed against the existing body of scientific, medical and epidemiological evidence. These effects have been explored in detail in the University of Newcastle-upon-Tyne study, *Do Particulates from Opencast Coal Mining Impair Children's Respiratory Health?* (1999)<sup>5</sup>. The Newcastle study highlights the need to ensure proposals are assessed against the objectives in the Air Quality Strategy for England, Scotland, Wales and Northern Ireland. These objectives are set for pollutants of particular concern for human health, together with dates by which they should be achieved.
33. The Newcastle Study contains a framework to guide the assessment of the implications of proposals on the objective for PM10 particulates. The research suggests that this assessment framework will also be relevant to mineral working generally and should be adopted when drawing up and considering proposals for new sites, or extensions or modifications to existing sites, if there is a residential property or other sensitive establishment within 1 km of any site activity with the potential to generate dust e.g. haul roads, crushers and stockpiles. In doing so, use should be made of information collected by local

<sup>5</sup> Available at [www.advisorybodies.doh.gov.uk/comeap/statementsreports/opencast.pdf](http://www.advisorybodies.doh.gov.uk/comeap/statementsreports/opencast.pdf).

authorities in undertaking their responsibilities for Local Air Quality Management (LAQM). Account should also be taken of developing good practice and Scottish Executive Air Quality and Planning Guidance<sup>6</sup> and the National Society for Clean Air's planning guidance on LAQM<sup>7</sup>.

34. Operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with proposals for appropriate control, mitigation and monitoring. When considering proposals, planning authorities should have regard to the environmental acceptability of likely dust emissions, including the cumulative impact at residential properties and on other receptors such as natural habitat. Where effects cannot be adequately controlled or mitigated, planning permission should be refused.

### **GROUNDWATER AND SURFACE WATER**

35. Suspended solids and acidic drainage, even in small amounts or concentrations, can be harmful to fluvial habitats. To protect groundwater, the Groundwater Regulations 1998 forbid the introduction of certain substances (denoted as "List I substances") into groundwater, and also place limitations on the extent to which other substances ("List II substances") may be permitted to enter groundwater. Mineral working, which constitutes an 'activity' under the Groundwater Regulations, poses little risk of introducing List I substances into groundwater but it has substantial potential to lead to the migration of several 'List II' substances. The Code of Practice for the Owners and Operators of Quarries and other Mineral Extraction Sites published by the Scottish Environment Protection Agency provides advice on the control of pollution from non-mineral pollution sources during mineral operations. It also identifies the need for the assessment of the risk of release of List I and List II substances from storage of excavated materials in stockpiles or backfilling, prior to the activity being undertaken. SEPA's groundwater protection policy<sup>8</sup> is an important reference.
36. Surface waters in rivers, lochs and on the coast which may be disturbed by mineral working also need to be managed. The Water Environment (Controlled Activities)(Scotland) Regulations 2005<sup>9</sup> regulate activities that have the potential to impact on Scotland's water environment. Operators now require a licence under those Regulations in order to carry out work which may have an impact on ground water bodies. SEPA can advise on the appropriate level of authorisation and guidance is available on their website.

### **MINERAL WASTE**

37. The Executive's policy is to minimise the quantity of waste produced. Material from mineral working deposits including extraction and processing materials such as overburden, waste rock and fines, may be used where suitable for a variety of purposes, e.g. substitutes for primary aggregates, although reprocessed primary by-products are also key to site restoration.

6 [www.scotland.gov.uk/library5/planning/aqpg-00.asp](http://www.scotland.gov.uk/library5/planning/aqpg-00.asp).

7 [http://nscaorguk.site.securepod.com/pages/topics\\_and\\_issues/air\\_quality\\_guidance.cfm](http://nscaorguk.site.securepod.com/pages/topics_and_issues/air_quality_guidance.cfm).

8 SEPA Policy 19 : Groundwater Protection Policy for Scotland [www.sepa.org.uk/groundwater/lpg.htm](http://www.sepa.org.uk/groundwater/lpg.htm)

9 [www.opsi.gov.uk/legislation/scotland/ssi2005/20050348.htm](http://www.opsi.gov.uk/legislation/scotland/ssi2005/20050348.htm)



38. The Executive will implement the EC Directive on the management of waste from the extractive industries over the next two years. The Directive provides for measures, procedures and guidance to prevent or reduce as far as possible any adverse effects on the environment, in particular water, fauna, flora, soil, air and landscape and any resultant risks to human health, brought about as a result of the management of waste. Further guidance will be issued in due course.

### **RESTORATION, AFTERCARE AND AFTER-USE**

39. Proposals for phased working, progressive restoration where applicable and provisions for aftercare and after-use should be incorporated in planning applications. Proposals should also address visual impact during the life of the site, the locational impact of operations, design, layout and phasing. During operations, detailed working and phasing programmes and final proposals may alter. The level of detail necessary at the outset should be sufficient to establish proposed outcomes that meet the terms of development plan policy and mitigate community and environmental impact. Opportunities for enhancing conservation and biodiversity value should be explored in line with Local Biodiversity Action Plans and the Scottish Biodiversity Strategy. The need to mitigate the potential danger to aircraft from birdstrike or structures should also be recognised. Where a proposed development is located within the vicinity of an airport, consultation with the aerodrome operator will be required in order to mitigate against any birdstrike hazard generated by the development, its operation or restoration<sup>10</sup>.
40. Once mineral working has ceased, the land should be reinstated at the earliest opportunity to a standard suitable for other agreed uses, facilitated by restoration during the life of the operation and subsequent aftercare. Submitted phasing and restoration schemes should provide for the use in progressive on-site restoration of minerals unsuitable for the market to avoid the need for stockpiling.
41. Financial guarantees are an appropriate means of reassuring communities of operators' commitment and ability to meet their operational, restoration and aftercare obligations. In order to address the risk of land falling derelict, planning authorities should ensure that consents are associated with an appropriate financial bond unless the operator can demonstrate to the satisfaction of the planning authority that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient. This could include reliance on an established and properly funded industry guarantee scheme<sup>11</sup>. Financial guarantees need to reflect the scale and type of mineral extraction proposed and avoid imposing costs on operators beyond that necessary. Calculation of the financial guarantee should ensure that it covers the full cost of restoration and aftercare, including professional fees. The financial guarantee should be reviewed at regular intervals to ensure that it is in line with the overall costs of restoration and aftercare. Further advice is given in *PAN 64: Reclamation of Surface Mineral Workings*.

<sup>10</sup> Circular 2/2003 – Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas.”

<sup>11</sup> For example the Quarry Products Association operates a Restoration Guarantee Fund which includes all members' quarries.

## **ADDITIONAL POLICIES FOR INDIVIDUAL MINERALS**

### **CONSTRUCTION AGGREGATES**

42. Local authority boundaries do not always provide an adequate basis for market definition and provision of supply. The Executive's view is that the city regions for the four largest cities should form the principal market areas for the provision of construction aggregates. To achieve an adequate supply, structure plan authorities and in due course authorities working together on strategic development plans should provide a landbank of permitted reserves taking into account lead-times and any evidence provided on the contribution from imports, recycled and secondary materials. The landbank should be equivalent to a minimum 10 years extraction at all times for the appropriate part of the city region market area. This requirement will also extend to some adjoining local authorities, particularly in the central belt, where their output contributes to the main market area in the city regions. Elsewhere it will be the responsibility of individual planning authorities to decide on an appropriate 10 year landbank. It is important that stakeholders, including the aggregates industry engage in consideration of landbank issues. New consents should not be permitted if they are in locations which, in planning terms, are unsuitable or which lead to landbanks significantly in excess of market requirements. The need to identify areas of search may be obviated by accurate data on landbanks but should be reviewed in line with development plan schemes. The scale of the landbank should be set out in the local plan – in due course, local development plans.
43. Small workings, sometimes called borrow pits, commonly associated with roads construction, forestry or agriculture, allow for the extraction of minerals near to or on the site of the associated development. Other than within the scope of permitted development rights, those workings will require planning permission in the normal way. The availability of construction aggregates generally, may overcome the need for such workings so applicants will need to demonstrate the particular operational, community or environmental benefits of such proposals. They should be time-limited consents, tied to the particular project and accompanied by full restoration proposals.

### **RECYCLED AND SECONDARY AGGREGATES**

44. As part of its commitment to sustainable development, the Executive wishes to maximise the contribution from the recycled and substitute sectors. Development plans should identify suitable sites which may include existing mineral workings or industrial sites or locational criteria where the processing of secondary materials, including construction and demolition wastes can take place. Development plans should provide for the recycling of construction and demolition wastes in regeneration and new development, secondary material extracted as a consequence of winning primary minerals and the reworking of waste from other industrial processes. This may require new sites for storage and processing and, on construction sites, site waste management plans. *PAN 63: Waste Management Planning* also provides appropriate advice on site

selection. This SPP also encourages emerging practice in the construction industry on recovery of material from demolition sites.

### **COASTAL EXPORTING QUARRIES**

45. It is for planning authorities to consider the identification of search areas for coastal exporting quarries. They should decide, in consultation with local communities, whether they intend to make provision in development plans for coastal exporting quarries subject to the following considerations. Primary industry remains a significant employer in rural areas. Where impacts on local communities are acceptable and those communities have been properly consulted, new coastal exporting quarries may be acceptable at a limited number of locations. Where provision is to be made for identified coastal exporting quarries, the development plan should in addition set out the criteria to be satisfied by quarries and their associated infrastructure. The general framework of Scottish Planning Policy and specific policies in this SPP provide the context.

### **NON-AGGREGATE CONSTRUCTION MINERALS**

46. Scotland contains a number of non-aggregate construction minerals such as limestone for cement making, clays for bricks and pipes, dimension stone and slate. Where brick clay and fireclay is associated with coal-bearing strata, SPP16 applies. Planning authorities should identify and safeguard non-aggregate construction mineral resources and provide for their working, subject to the principles set out in this SPP.
47. Dimension stone and slate are particularly important in repair and maintenance of existing buildings and as a bespoke material in new buildings, contributing to the Executive's policy on the historic environment, improving housing conditions, sustainable development and 'Designing Places'. The demand for and scarcity of consented reserves of building stone requires additional reserves to be identified and safeguarded in development plans. Reopening dormant and securing active sites, supplemented by information held on workable reserves is important in providing for future supply. Reserves are often worked on small sites, in limited quantities and intermittently over a long period. Planning authorities should ensure that conditions do not impose undue restrictions on such operations. Operators should seek to conserve the resource and it may be necessary to enter into a planning agreement to ensure that materials are not used for lower grade purposes or that sites are not lost to other permanent uses. That policy does not apply to construction aggregates quarries where limited supplies of building stone may also be worked. Limestone resources at Beith which have the potential to supply the cement industry should continue to be safeguarded by the Ayrshire Joint Structure Plan.

### **MONITORING SUPPLY AND DEMAND**

48. Given the importance of minerals to the economy, the Executive is working with the minerals industry to survey minerals production, distribution and reserves in Scotland. Surveys supply the data to assist a planned approach to minerals

provision including reserves, market areas and market demand for individual minerals and construction aggregates. Recycled and secondary aggregates markets are also surveyed; most recently by WRAP<sup>12</sup>. Surveys of production, supply and demand will allow the effectiveness of policies on safeguarding, search areas and landbanks to be monitored.

## PEAT

49. Domestic peat cutting under permitted development rights is traditional in many areas of Scotland. Commercial peat cutting is different in nature and scale and raises particular environmental concerns. The use of peat is primarily related to horticulture, as either a growing medium or a soil improver. As a matter of policy, Scottish Ministers wish to encourage the use of peat substitutes, although there are a limited number of specialist uses (e.g. distilling) for which alternatives do not exist. The working of peat will only be acceptable in areas of degraded peatland which has been significantly damaged by human activity and where the conservation value is low. Areas of peatland that retain a high level of natural heritage conservation interest or are important for their archaeological interest and value as CO<sub>2</sub> sinks should be protected and conserved for the benefit of future generations.

## INDUSTRIAL MINERALS

50. Scotland contains a wide range of industrial minerals but few are currently worked. Economically the most important are industrial (silica) sands and barytes with large unworked deposits occurring in a limited number of localities. Small quantities of talc and honestone are also produced. Dependent on the quality of the deposit, there is a UK and wider market for glass-making silica sand. Taking into account other planning considerations, sites appropriate for the working of unconsented resources of silica sand should be identified by planning authorities and safeguarded in development plans from other forms of permanent use. Likewise, other industrial mineral resources should be identified and safeguarded by planning authorities in their development plans and should provide for their working, subject to the principles set out in this SPP.

## DEVELOPMENT MANAGEMENT

51. Mineral operators should have regard to the development plan when preparing their detailed planning applications. Applications should demonstrate the measures proposed to mitigate the adverse effects of working, both on the natural and built heritage and on nearby communities. Planning Bill proposals for pre-application consultations and pre-determination hearings may be relevant to some minerals proposals and those classed as major developments may benefit from processing agreements. Planning authorities should satisfy themselves that the impacts identified in either environmental statements or other information supporting planning applications can be mitigated satisfactorily. They should ensure that communities have had adequate opportunity to comment on proposals.

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<sup>12</sup> See [www.wrap.org.uk/downloads/SurveyCDEWSScotlandSymondsReport.966a45af.pdf](http://www.wrap.org.uk/downloads/SurveyCDEWSScotlandSymondsReport.966a45af.pdf)



52. In addition to the processes of Environmental Impact Assessment and Transport Assessment, where required, some proposals will benefit from the supplementary information that can be provided by an Appropriate Assessment where the planning authority has concluded that a minerals development proposal is likely to have a significant effect on a Natura 2000 site. Pre-application discussions should establish the level of information to be provided including that to describe proposals for the restoration, afteruse and aftercare of workings; benchmarked from the outset to set restoration objectives and to accommodate the potential for future variations over the life of the operations.
53. To offset impact on local communities, benefits in the form of new community facilities or community trust funds may be proposed by the developer or suggested by the planning authority. However, such benefits should only be treated as material considerations if they meet the tests set out in Circular 12/1996 on planning agreements. Attempts to secure unreasonable provision not directly related to the proposed development or securing general benefits for the wider community, should not form part of the assessment. Scottish Ministers currently allocate aggregates levy sums to the Community Environmental Renewal Scheme with over half the funding allocated to community environmental renewal grants. Where required, agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997 provide a context for delivering community funds and financial bonds.

#### **PLANNING CONDITIONS, MONITORING AND ENFORCEMENT**

54. Scottish Ministers attach great importance to the effective monitoring and, where necessary, enforcement of planning permissions which are normally subject to detailed conditions<sup>13</sup>. As indicated in paragraph 26, conditions should not be used to control matters that fall within the scope of related environmental protection regimes. Conditions should take account of the circumstances of specific proposals and the need to provide for liaison with local communities, including where extensions to existing sites are proposed. Where appropriate, conditions may be supplemented by a Section 75 agreement where its use is consistent with Circular 12/1996. Monitoring the impact of development on the environment is well-established within the planning system. Conditions requiring environmental audits by operators may provide a basis for monitoring, with the content and frequency specified by the planning authority. Audit results allow for agreement to be reached on the need for any remediation to safeguard the environment.
55. Enforcement powers are discretionary and action should be based on the extent to which an alleged breach would unacceptably affect amenity or the environment. Effective monitoring and enforcement provide assurances to communities that sites will be managed and operated in accordance with conditions. Planning Bill proposals for start notices will enable authorities to monitor development more closely. Proposals for temporary stop notices should ensure that breaches are stopped immediately and that conditions are implemented. Proposals for enforcement charters are intended to increase

<sup>13</sup> See Circular 4/1998 – The Use of Planning Conditions in Planning Permissions and its addendum on Model Planning Conditions.

awareness generally about related powers and responsibilities. Enforcement powers available to planning authorities are summarised in *SPP 1: The Planning System*, paragraphs 62-64 and are explained in *PAN 54: Planning Enforcement* and *Circular 4/1999*. To improve planning authority enforcement resources the Executive intends to proceed with plans to introduce a new statutory charging regime to recover the costs of monitoring and enforcing minerals permissions from operators.

### **REVIEW OF OLD MINERAL PERMISSIONS**

56. Planning authorities are required to review the conditions attached to mineral permissions every 15 years. Guidance on the procedures to be applied is given in *SODD Circular 34/1996* and *SEDD Circular 1/2003*. Those procedures provide an important opportunity to ensure that up-to-date operating and environmental standards are put in place. When preparing and considering proposals for new working conditions, operators and planning authorities should take account of the operational considerations set out in this SPP.

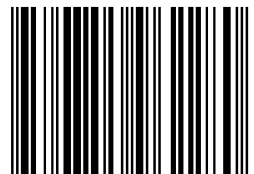
### **IMPLEMENTATION**

57. Planning authorities should take this SPP into account when preparing or updating development plans and for development management purposes. The Executive looks to planning authorities to steer proposals to environmentally acceptable sites and to refuse planning permission where they judge such developments would be contrary to the policy set out in this SPP. This SPP also sets out the factors that the Scottish Ministers will take into account when considering development plans, appeals or planning applications coming before them.

### **CONTACT**

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