



Campaign to Protect
Rural England

National Planning Policy Framework: minerals planning
A supplement to the response by CPRE to the Communities and Local Government
Ministerial invitation for suggestions
March, 2011

Introduction

1. The Campaign to Protect Rural England (CPRE) submitted initial comments on the National Planning Policy Framework (NPPF) within the deadline set by the Department for Communities and Local Government (CLG). We were also parties to responses by both Wildlife & Countryside Link and the Rural Coalition chaired by Lord Taylor of Goss Moor.

2. The purpose of this supplementary submission is to provide additional detail on how the NPPF should treat the issue of minerals planning. This follows on from contact with CLG officials, who we understand would welcome further input on the subject. CPRE has extensive experience in the field of minerals planning. We have published a wide range of research on the issue, including a manifesto for minerals planning, *Minerals Planning Guidance: Aggregate Minerals* in 2000; and *Rocks and Hard Places*, a report by Dr (now Professor) Susan Owens and Dr Richard Cowell in 1996. In addition, we have commissioned external research leading to informed critiques of demand forecasting (*Rocky Logic: the role of aggregates in the UK economy*, Mackay Consultants/CPRE, 1999) and landbanks (*Out of control: tackling the problem of aggregate mineral landbanks*, Green Balance/CPRE, 2001). Copies of all these reports are available on request.

3. CPRE is aware of the Government's intention, through the NPPF, to slim down radically the content of national planning policy and roll Minerals Policy Guidance notes and Statements (MPGs and MPSs) together with other national planning policies and guidance into the NPPF. We have long been of the opinion that it should be possible to both retain all existing important policy priorities and details, and, at the same time, achieve an overall reduction in the amount of national planning policy guidance. We are also aware that the examples of national planning policy documents in the devolved administrations of Scotland and Wales have been discussed as possible models for the NPPF. We note that each administration deals with minerals planning in varying levels of detail, with the Welsh policy being a separate document going into more detail than the minerals sections of the Scottish consolidated planning policy.

4. In our initial NPPF response, we listed aspects of existing minerals policy as meriting retention. We also stated that this list was not exhaustive and that we may identify further policies subsequently. Following further consideration, an updated list of minerals policies that we believe should be retained is set out below.

Structure of this response

5. This response covers the following themes:

- Areas of existing policy that should be retained;
- Overarching objectives of minerals policy;
- Sustainable development;
- Demand forecasting; and
- Other aspects of minerals policy.

Areas of existing policy that should be retained

6. We recommend that the following policies should be retained as part of the NPPF:

- High level protection for National Parks, Areas of Outstanding Natural Beauty and other landscapes (MPS1, paragraphs 14 and 17). The reference to Green Belts in paragraph 14 should however be changed to recognise that forms of minerals development such as open cast coal mining are inappropriate development in the Green Belt
- Sustainable development (MPS1, paragraph 19)
- Policies on oil and gas resources (MPS1, Annex 4)
- The presumption against coal (MPG3, paragraph 8)
- Restrictions on the development of undamaged lowland peat bogs (MPG13 paragraphs 43 and 44)

7. This is not an exhaustive list and CPRE may identify further policies that we believe merit retention or improvement at later stages of policy development.

Overarching objectives

8. In 2004, Wildlife & Countryside Link (in response to a consultation on the revision of MPG1) set the following objectives for the minerals planning system in England:

- place conservation and enhancement of the terrestrial natural and historic environment and protection of the marine environment at the heart of minerals planning;
- reduce the need for extraction by managing the demand for minerals and improving the efficiency of their use, recognising that economic prosperity does not require increasing levels of minerals consumption;
- maximise the use of recycled and secondary aggregates; and
- promote public participation and improve the transparency of the process.

9. In CPRE's view these headline principles remain valid and should be included in the NPPF.

Sustainable development and minerals planning

10. Paragraph 9 of MPS1 provides a useful definition of sustainable development in relation to minerals planning. Crucially for CPRE, it includes objectives to minimise the requirement for primary extraction and to secure a steady and adequate supply within the limits set by the environment, assessed through sustainability appraisal.

11. The UK Foresight Land Use Futures report recognised that over the next 50 years and beyond, land use in England is likely to come under increasing pressure from a wide variety of factors including expected growth in population and incomes, the impact of climate change, new technologies, and changing public attitudes and values. According to Foresight, *'a major issue for policy will be whether all the economic, social and environmental benefits of the land can continue to be delivered against a backdrop of greater expectations from the market and individuals, and the need to live within environmental limits'*¹. The Foresight analysis did not include a detailed consideration of pressures resulting from minerals extraction, though if it had, this would have reinforced its conclusions in this respect. As our 2000 manifesto argued, the economic benefits of aggregates supply entail some cost to the

¹ UK Foresight (2010), *Land Use Futures: Making the Most of Land in the 21st Century – Executive Summary*, p.12.

physical environment elsewhere, of which foregone opportunities for agriculture, forestry or leisure are one dimension.

12. CPRE recommends that the existing policy presumption against new coal development, contained in paragraph 8 of MPG3, is retained and strengthened. We would be deeply concerned if the policy was removed as open cast coal, in particular, has a significant impact on amenity, both in terms of loss of valued countryside and effects on neighbouring communities. Given the Government's commitment to a 'presumption in favour of sustainable development', the loss of MPG3 paragraph 8 could lead in effect to a presumption in favour of coal, which would represent a clear contradiction with Government policies to reduce greenhouse gas emissions. For this reason, the presumption against coal should be strengthened and a stronger test (in place of 'compensatory community benefit') be set.

13. Managing, in order to reduce overall, the demand for minerals will need close monitoring as well as being a planning policy aspiration. Such monitoring has taken place as part of the UK Sustainable Development Strategy since 1990. Levels of mineral extraction for construction having been monitored alongside 'domestic material consumption' (DMC) within the wider sustainable development indicator of 'sustainable production and consumption'. According to information provided by the Office of National Statistics (ONS) and presently available on the Defra website²:

- mineral extraction, primarily used for construction, accounted for 38 per cent of DMC in 2008. The level of mineral extraction for construction decreased by 30 per cent between 1990 and 2008.
- The amount of material extracted and the value of output (Gross Value Added) from the construction industry were closely linked until the late 1980s. However, since 1994 the two have diverged markedly, with output value increasing steadily whilst being less dependent on minerals extraction.

14. To put these figures into further context, about 75% of all land-won mineral extraction by tonnage in the UK in 2005 was for aggregates. In turn in England, only 4% of all aggregates supply came from outside England, with the vast majority of this coming from other parts of the UK. These figures show that, in relation to land-won minerals extraction at least, there has been success in decoupling trends in resource usage from economic growth. Much of this has been due to successful policies of increasing the contribution to supply of alternatives to primary extraction such as recycled aggregates. This has been achieved to a much greater degree than was anticipated when the current system of national minerals planning forecasting was set up in the 1970s³. It can thus be seen that prudent management of minerals resources is a critical part of sustainable development.

15. CPRE recommends that both the NPPF and the Government's intended revision of the UK Sustainable Development Strategy indicators for England include mutually reinforcing policies on reducing the overall demand for minerals extraction.

16. The overall system of minerals planning is a good illustration of the 'plan-led system' of development management, with only a small number of major cases having gone to inquiry or appeal since the 1960s. Without a robust and properly resourced development plan process to guide decision making, there would be an increased need for major planning inquiries to ensure all the necessary consideration of the wide-ranging environmental impacts that most minerals development has. This would go hand in hand with the significant increases in cost to the public purse, and to industry in terms of added delay in considering applications.

² Taken from www.defra.gov.uk/sustainable/government/progress/national/13.htm on 9 March 2011.

³ Hicks L (2008), *Aggregates supply in England: issues for planning*, British Geological Survey Open Report, OR/08/059, pages 4 and 11.

17. Trends in aggregate extraction are heavily influenced by both national and local planning policy. Good planning for minerals does not, in CPRE's view, involve looking at minerals in isolation. Rather, decisions on supply should be made in conjunction with other policies on the type and location of all forms of development that involve the supply of aggregates, in particular housing and transport. If overall demand for primary aggregates is to continue on a sustainable trajectory of overall reduction as noted above, then it is crucial to ensure that overall demand is not increased by an undoing of planning policies that have served to manage demand effectively. Recent national policies to ensure that the vast majority of new housing and other development is built on previously developed land and buildings and at (as a minimum) medium average densities; and to move away from new road building to demand management on the nation's road network, are likely to have had a significant beneficial influence. In CPRE's view they are therefore critical to a coherent package of planning policies to achieve sustainable development.

18. To illustrate what this means in practice, a study by Entec for Defra in 2004 analysed the rates of resource consumption involved in building 201,540 dwellings per year (a typical rate of building when the economy is buoyant overall) at low (30 dwellings per hectare (dph)), medium (60 dph) and high (100 dph) densities. This found that 755,175 tonnes of CO₂, and over 1 million tonnes (mt) of aggregates, could be saved every year by building at medium rather than low densities, and both figures are approximately doubled if building at high compared with low densities⁴.

Demand forecasting

19. CPRE is aware of debates around future structures for minerals planning in connection with the NPPF, in particular the Managed Aggregates Supply System (MASS). We note that the Conservative Green Paper *Open Source Planning* included an analysis of minerals planning and recommended reforms intended to inject more localism into it. We would suggest that future structures that are used to guide or co-ordinate the work of minerals planning authorities (MPAs) are best agreed between the Government, industry and local authorities, but should feature greater participation from public interest bodies than has been the case in recent years. For example, third party participation should be encouraged in Aggregate Working Parties or any national co-ordinating group. Furthermore, some form of arbitration procedure will be necessary (in the national interest) should the Government's proposed 'duty to co-operate' not work effectively.

20. We note that potential options for MASS being considered by CLG suggest a tension between strategic, national planning and the Government's stated intention that the NPPF should be 'localist' and give power back to local communities. CPRE has previously supported the approach of apportioning supply guidelines at the regional level through Regional Aggregates Working Parties (RAWPs). We have long been concerned, however, with the directive nature of top-down apportionment targets and their often inflexible application by many MPAs. In particular, the econometric model at the heart of the MASS system which generates the forecasts of 'need' has been shown to be an unreliable predictor of actual use trends⁵, often leading to much more land being allocated for development than needed. An illustration of this is the South West region, where actual crushed rock production over the past 10 years has been in the order of 20-25mt each year. This level has consistently been below the annualized Regional Guidelines figure of 28.31mt. The same region had (in

⁴ Defra 2004, *ibid*.

⁵ Bate, D. (2008) 'Fixing the forecasting folly', *Mineral Planning* 118, pp.10-12.

2008) an overall crushed rock landbank of 44 years, well in excess of the 10 year minimum set in MPS1⁶.

21. CPRE therefore strongly advocates a ‘plan, monitor, manage’ approach to planning for minerals. We recommend that central forecasts (based on a ‘black box’ econometric model) are abolished. Instead, more emphasis should be placed on the rolling assessments based on previous production which minerals planning authorities already carry out. Similarly, more scope for local decision-making should be allowed on apportionment. MPAs should have more freedom to set objectives and make decisions based on evidence about local environmental capacity, rather than follow a blanket requirement to provide landbanks of minerals extraction sites with planning permission. We have long argued (see *Out of Control*, 2001), that landbanks should be replaced with assessments of ‘productive capacity’ which adds a more nuanced, time-dynamic assessment of approaching need. We therefore recommend that there should be no national requirement for landbanks to provide a further 10 years at the end of plan periods.

Other aspects of minerals policy

22. We note that the main national objectives and policies for mineral planning were revised relatively recently (2006) into a very concise format (paras 9-19 of MPS1). It is difficult to see how this material could be usefully reduced further but we would argue that, at the very least, certain key policies be retained, as detailed below.

23. In particular, CPRE strongly supports the existing policy on restoration of minerals sites in paragraph 19 of MPS1. We also urge the retention of most of paragraph 14 (subject to exceptions stated below), which emphasises the need for the highest levels of protection in internationally and nationally designated nature conservation sites, protected landscapes and world heritage sites. Furthermore the policy in paragraph 15 to avoid landbanks (as far as practicable) in nationally designated areas of landscape should be strengthened to be absolute. Also, new text should be introduced requiring the gradual decline in mineral production from national parks (and allied areas), with mechanisms for shortfalls or alternatives to be found in neighbouring, non-designated areas, subject to the usual environmental tests.

24. We also wish to see the importance of good restoration in Green Belt areas retained, consistent with the land use objectives set in paragraph 1.6 of PPG2. There should, however, be a stronger indicator that particularly damaging forms of minerals development, such as open cast coal mining, should be viewed as inappropriate in the Green Belt. This issue was recognised by the Secretary of State in a recent (November 2010) decision on a proposed open cast mine in the Green Belt at Newton Lane, Leeds. This fits in with our wider concerns about coal mentioned in paragraph 12 of this response.

25. CPRE recommends that the NPPF continues to emphasise the need for an approach to restoration that seeks to achieve multifunctional land use, enabling increased biodiversity value alongside public access and sustainable agriculture wherever possible. The summary of our 2010 joint report with Natural England, *Green Belts: a greener future*, provides a future vision for what the Green Belt should look like, based on multifunctional principles. Given that both a significant proportion of active minerals sites are found in areas of designated Green Belt, and that the principles of multifunctional land use can be applied in any area of countryside, we recommend that the NPPF cross-references *Green Belts: a greener future* in any policies on restoration.

⁶ South West Regional Aggregates Working Party: *Annual Report 2008*, executive summary. Downloaded from www.communities.gov.uk on 9 March 2011.

26. In terms of the MPS1 Annexes we wish our comments in relation to national demand forecasting (above) to be taken into account when considering the ancillary policies and provision mechanisms. However, we would wish that paragraph 4.4, which addresses disused and dormant sites, to be retained and strengthened such that mineral planning authorities are required to identify inactive planning permissions considered unlikely to be reactivated in their development plan and bring forward strategies and policies to deal with them, thus mirroring current policy in force in Wales.⁷

27. In relation to Annex 3 (Natural building and roofing stone), we would wish to see some headline policies carried over, certainly the ancillary objectives in paragraph 2.1 and possibly still relevant elements within paragraphs 3.1-3.9. The adoption of safeguarding actions for heritage stone is still poor by many mineral planning authorities and loss of these policies could give a counterproductive signal.

28. The context for minerals policy for oil and gas resources has changed substantially since it was last revised in 2006. Government policy is now explicitly to exploit domestic conventional oil and gas more intensively, and there has been a rapid increase in interest in shale gas, driven by dramatic if short-term changes to the gas market in the United States that the exploitation of this resource has created. It is clear that an NPPF which seeks to deliver sustainable development will need to retain significant aspects of Annex 4 while putting in place safeguards to prevent the sort of environmental damage which irresponsible exploitation of shale gas has led to in the United States.

29. CPRE therefore proposes that the main points in paragraphs 3.9 (minimising above ground impacts), 3.12 (protection of aquifers), 3.22 (exploratory wells don't create presumption in favour of further wells), 3.23 (water use), 3.24 (requirements to set out longer term development proposals) of Annex 4 be substantially retained within the NPPF. In addition, we believe that shale gas should be covered by similar protections, including those set out in 3.28 in view of the early stage of the industry in the UK.

30. Finally, in relation to remaining MPGs, we recommend that key elements of MPS2 (and other comparable material) are moved into some kind of technical reference guide or practice guide, perhaps to be maintained online. MPGs 2, 4, 8, 9 and 14 contain useful guidance (usually supplementing statute) that will also need to be retained in some format (perhaps again through a practice and procedure guide) for ongoing use by mineral planning officers and others. This will be especially useful to the ongoing process of reviewing old minerals permissions.

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⁷ See Tickle, A. (2009) 'Dormant quarries require action' *Mineral Planning* 123, pp.18-19 and Denton, N. *et al.* (2004) *Old mineral permissions and National Parks*, CNP/FPD, see especially pp.51-80.