
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: SUPPLEMENTARY GUIDANCE FOR THE CAIRNGORMS NATIONAL PARK:

INTERIM PLANNING POLICY No.4: MINERAL WORKINGS (Preliminary Draft).

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Purpose

This aim of this report is to introduce the preliminary draft of Planning Policy No.4: Mineral Workings. In its present form it is intended as a discussion document which will be modified, probably through several drafts, in response to the Committee's comments and responses from external consultees.

Recommendations

1. The Committee supports the intention to proceed to the 'Interim Planning Policy No.4: Mineral Workings' (Consultation Draft) which will be issued to the four constituent Local Authorities, Perth & Kinross Council, other statutory bodies/interest groups and the constituent Community Councils for consultation and comment.
2. A report will be submitted to a future meeting of the Committee on the responses to the draft document from consultees.

Executive Summary

This Policy Paper has been developed in direct response to issues that have been contentious/problematic to the CNPA development control process. Mineral Workings, due to the nature of the development and operations, can have significant direct and indirect impacts on the natural environment as well as amenity and social and economic conditions of the National Park.

Given the national importance of CNP itself, and tiers of designations within the Park, policies will presume against mineral working except in exceptional circumstances, and will require any proposals to demonstrate that adverse impacts on the environmental, social and economic well-being of the National Park can be satisfactorily avoided or mitigated against.

INTERIM PLANNING POLICY No.4: MINERAL WORKINGS (Preliminary Draft).

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1. INTRODUCTION.

- 1.1 Since the Cairngorms National Park was set-up on the 1st September 2003, and started to implement the development control call-in procedure, a number of issues have emerged as problematic/contentious to the planning process. The issue of mineral workings is one such issue, particularly with regard to landscape impact.
- 1.2 Minerals are an important national resource, and are required for most types of development. However, the environmental and visual impacts which result from quarrying and processing minerals make this an undesirable form of development within the Cairngorms National Park. Most forms of mineral working involve the excavation of material through either quarrying or mining, and subsequent processing of minerals through crushing, grading, sorting and recycling. There is often a need also for on-site stockpiling of material. This inevitably creates visual impacts where the vegetation and landform are modified or removed. In addition to the visual impacts of extraction, there are many operational impacts associated with dust, noise, blasting, traffic, and potential pollution risks.

The AIMS of the CAIRNGORMS NATIONAL PARK:

- 1.3 While the CNP must have regard to national planning policy, existing development plan policies and specialist advice (e.g. from SNH) for guidance towards the formulation of its own policies, central to all Park policy must be its four aims; these are:
- a) to conserve and enhance the natural and cultural heritage of the area;
 - b) to promote sustainable use of the natural resources of the area;
 - c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
 - d) to promote sustainable economic and social development of the area's communities.
- 1.4 Where there is conflict between these four aims, greater weight must be given to the first, if no reconciliation can be found after careful and balanced

consideration. While the development of mineral workings can be relevant to the fourth aim, and could be seen (on a small scale) to have potential to support the second aim, the very nature of such developments can also have a significantly adverse impact on the first and third aims.

2 NATIONAL POLICY GUIDANCE

2.1 There are three principal pieces of planning guidance issued by the Scottish Executive:

NPPG 4: Land for Mineral Working (amended May 2001), which covers the general issues.

PAN 50: Controlling the Environmental Effects of Surface Mineral Workings; October 1996. This Paper (and the separate Appendices A-D) cover the mitigation measures required for mineral workings.

PAN 64: Reclamation of Surface Mineral Workings, December 2002.

2.2 **NPPG 4: Land for Mineral Working** (amended may 2001). This national policy guidance note sets out the government's general approach to minerals planning in Scotland. It highlights principles of minerals planning and then outlines general locational and operational considerations as well as additional policy guidelines for individual mineral operations. The NPPG contains an implicit 'presumption in favour' of mineral extraction but notes that "*The working of mineral resources should be reconciled with the protection of important environmental assets and other interests.*"

2.3 Under its locational guidance, the NPPG notes that within national designations, mineral extraction should only be permitted where the underlying objectives and overall integrity of the designated area would not be adversely affected, and where any adverse effects of the mineral extraction would be significantly outweighed by the national benefits that could accrue from the mineral extraction. The NPPG also states that local authorities should provide for the aggregate needs of construction industries, with a 10-year suitable landbank, and that planning authorities should provide for the reworking of mineral waste deposits and recycling of demolition and construction waste.

2.4 **PAN 50: Controlling the Environmental Effects of Surface Mineral Workings**. This Planning Advice Note (PAN) sets out guidance for planning authorities on how to control and minimise the impacts of surface mineral workings, including advice on defining the scope of Environmental Assessments. The PAN also sets out many of the specific potential effects associated with surface mineral workings such as visual intrusion, groundwater, surface water and wastes, along with potential mitigation measures and planning responses. Annexes A, B, C, D provide more detail on the control of noise, dust, traffic, and blasting respectively.

2.5 **PAN 64: Reclamation of Surface Mineral Workings**. This document provides guidance on how new or existing mineral workings can be reclaimed to a high standard, creating or enhancing a range of habitats and landscape features. The PAN considers the range of potential afteruses of mineral workings and how an appropriate choice may be made. It provides advice on both

restoration, the soil-moving operations carried out after the extraction process is complete in order to restore the site, and *aftercare*, the additional works required to bring the restored site to a quality suitable for its intended afteruse. It also provides good practice advice for operations prior to and during mineral extraction such as the correct stripping, storage and reinstatement of site-won soils.

3 EXISTING DEVELOPMENT PLAN POLICY BACKGROUND

- 3.1 The four constituent Local Authorities within the CNP have policies which address mineral workings. Each local authority states that it will safeguard known mineral deposits of value or potential value for the future. Moray and Aberdeenshire adopt a 4 tier hierarchy of sites and conditions (partly based on designations), from areas where mineral extraction would only be permitted in exceptional circumstances, through to preferred areas for mineral extraction. The Highland Structure Plan notes that an EIA will normally be required for any new mineral extraction operation or extension. A selection of policies are summarised in Appendix 1.

4 ENGLISH & WELSH NATIONAL PARK POLICIES.

- 4.1 The English and Welsh National Parks have policies for mineral working. The policies are of a similar general nature to those in the CNP's constituent development plans. They safeguard minerals deposits but state that only in exceptional circumstances will major mineral extraction operations be permitted. They do not allocate land banks of aggregates or search areas for other minerals. In addition, the Parks make exceptions for small-scale quarrying for traditional building materials whereby a developer may be permitted to extract material for a limited time, providing that no other suitable materials are available from an existing source. A selection of policies are summarised in Appendix 2.

5 MINERALS IN THE CNP.

Mineral Resources within the CNP

- 5.1 The term 'Minerals' is taken to refer to substances or materials, commercially extracted or recycled, normally through mining or quarrying operations. This definition includes 'borrow pits' associated with other forms of development. The CNP area has abundant sources of hard rock that operators may be interested in quarrying, and also many areas with fluviglacial deposits of sand and gravel that could be attractive to operators for extraction.
- 5.2 Aggregates (crushed rock, sand & gravel) are required for the construction industries and are the main types of mineral extraction required within the CNP. In some cases local stone may be required for building purposes. There has been limited mining with parts of the CNP in the past for metaliferous minerals.

Constraints on Minerals Resources within the CNP

- 5.3 National planning policy guidance clearly states that there will be areas where the importance of the natural, cultural and built heritage is incompatible with

mineral working. Much of the CNP is designated under international designations such as SPA, SAC and Ramsar. These designations, and a number of species and habitats associated with them, create conditions where it could certainly be argued that only in cases of overriding national interest could mineral extraction be considered. Furthermore, the fragility and sensitivity of the ecosystems, species, landscapes and communities of the CNP would mean that proposals for such development would need to demonstrate that they would avoid, minimise and mitigate potential impacts.

- 5.4 The remainder of the CNP area is, by virtue of its National Park status, a designation of national importance, and contains many other designated areas such as NSAs, NNRs, SSSIs, also of national importance. The cultural heritage, in terms of archaeological remains and historic landscapes, also contains sites and areas that are nationally and regionally important. National planning policy guidance again states that only in exceptional circumstances are the criteria for allowing minerals development within or affecting such areas likely to be met. In such areas, mineral extraction would only be permitted where it could be demonstrated that the underlying objectives and overall integrity of the designated area(s) would remain largely unaffected. Within the CNP, an Environmental Impact Assessment would normally be required to accompany any proposals for minerals extraction.

6 SUGGESTED POLICY

- 6.1 A wide range of policy options would be permissible as a basis for Interim Policy Guidance, depending on the 'degree of restriction' the CNPA wishes to exercise over mineral working proposals. This, in turn, will be influenced by its view (informed by consultation with the four constituent Local Authorities, Perth & Kinross Council, statutory bodies, interest groups and the local communities) about the balance between man-made and natural features which is appropriate to this National Park. The following policies are therefore offered as a starting point for discussion. They are based on the following propositions:
- a) In relation to considerations of landscape, environment and cultural heritage, the Cairngorms National Park is of the highest importance in national terms.
 - b) Outwith established settlements and other clearly defined development centres, there should be a strong presumption against further incursions of man-made developments within the Park, except for those necessary to serve the needs of local communities or to promote the understanding and enjoyment of the special qualities of the area by the public.
 - c) The support of constituent and adjacent Local Authorities should be sought to protect the Park from intrusive and unsightly mineral working proposals outwith its boundary, which adversely affect its setting or detract from important views.

7 POLICY FOR MINERAL WORKING DEVELOPMENTS.

- 7.1 The need for mineral workings must be balanced with care for the environment, particularly in relation to natural & cultural heritage, and the effects on local communities. In most applications for minerals working, an Environmental Impact Assessment (EIA) would be required to accompany the application in

order to assess the likely impacts of the development proposals.

7.2 While National Planning Policy Guidance directs planning authorities to allocate a landbank with a 10-year supply of aggregate for construction industries, the Cairngorm National Park Authority cannot easily do so while collectively addressing the aims of the Park. The construction needs and associated mineral needs of the National Park are relatively small-scale, and should therefore be met from existing workings or from outside the Park.

Policy MW1: New or Extended Mineral Workings.

There will be a presumption against new mineral workings and extensions to existing mineral workings within the Park unless:

- a) The required minerals cannot be sourced at any sites outwith the Park - justification will be required; or
- b) There is a case of overriding national need for the extraction of the mineral; or
- c) The mineral working proposal is of a scale that is clearly related to the mineral needs of the National Park; or
- d) The mineral working is a borrow pit which conforms with policy MW2.

Where proposals meet criteria a), b), c) or d), the presumption against development will remain unless the following conditions are met:

- e) There are no adverse environmental impacts on flora, fauna, habitats, other natural systems (especially drainage and watercourses), and landscapes which cannot be satisfactorily mitigated;
- f) There are no adverse impacts on aspects of the cultural heritage such as archaeological remains, designed landscapes, listed buildings and sensitive historic landscape elements which cannot be satisfactorily mitigated;
- g) The proposal does not affect other designated sites;
- h) There are no adverse impacts on the social and economic well-being of local communities which cannot be satisfactorily mitigated;
- i) Satisfactory arrangements can be made for dealing with associated traffic, blasting, overpressure and flyrock, noise and dust;
- j) A satisfactory method statement is submitted dealing with the methods of extraction, working of the site and storage, removal and disposal of wastes;

- k) An appropriate reclamation plan is submitted for the reinstatement of the site to an approved natural condition at the end of the period of consent. This plan must include details of proposed afteruses, restoration, landscaping, aftercare and management of the site, and be guaranteed by a bond.

Borrow Pits

7.3 Borrow pits are temporary sources of material used in construction of specific developments. They are generally small-scale excavations and will be assessed against policies MW1 and MW2.

Policy MW2: Borrow Pits

Applications for temporary borrow pits within the Park will only be permitted where:

- a) Conditions e-k of Policy MW1 are conformed with;
- b) There are clear environmental or other planning benefits compared to obtaining materials from alternative sources;
- c) Alternative materials of the required specification are unavailable nearby or in sufficient quantities;
- d) They are required for a specific construction project and are time limited to the construction of that project;
- e) Material extracted from the borrow pit is only used in connection with the specific construction project it is associated with;
- f) The borrow pit is located within the immediate vicinity of the construction project.
- g) The site is restored to an agreed natural state at the end of the period of consent; this may require to be guaranteed by a bond.

Secondary and Recycled Minerals

7.4 The principle of using mineral and construction wastes as aggregates or other building materials is sound environmental practice. It provides an alternative to extracting primary sources of minerals and hence can provide a more sustainable option. It is unlikely that the CNP has large reserves of mining waste, so there may be few sites from where secondary aggregates could be sourced. Recycled aggregates are most often sourced from the demolition and construction industries, with road asphalt plantings providing a further potential

source.

- 7.5 However, the facilities and processes which allow for the working of mineral waste or recycling of demolition or construction wastes for aggregate can have many of the environmental and amenity impacts of primary mineral workings. The impacts of secondary or recycled mineral working proposals must therefore be assessed as rigorously as proposals for primary mineral workings

Policy MW3: Secondary and Recycled Minerals.

- a) Proposals for secondary or recycled mineral working facilities within the Cairngorms National Park will be assessed against conditions e-k of policy MW1.

8 ENVIRONMENTAL IMPACT ASSESSMENT*.

8.1 Mineral extraction proposals are determined under the Town and Country Planning (Scotland) Act 1997. Virtually all proposals for mineral workings will require an Environmental Impact Assessment (EIA) to identify the likely consequences for the biological, physical and geo-morphological environment, as well as the impact on local communities and cultural heritage. This detailed environmental statement will allow the proposal's benefits to be weighed against any environmental impacts.

8.2 The provisions of the Environmental Impact Assessment (Scotland) Regulations 1999 should be followed. Guidance can be sought from NPPG 4 and PAN 50. Guidance can also be sought from SNH, and from the HMSO publication 'Preparation of Environmental Statements for Planning Projects that require Environmental Impact Assessment: a Good Practice Guide.

8.1 As a minimum, the outline scoping checklist should include the:

- Sustainable Development: materials, location, energy consumption, local jobs created/sustained, transport of materials.
- Landscape: designations, impact assessment, visual impact analysis, ZVI (zone of visual influence), viewpoint analysis, photo-montages.
- Natural Environment: designations, NVC survey of vegetation, habitat & species survey & impacts,
- Built Environment: impact on local properties, other built heritage including archaeological monuments and landscapes and their setting.
- Hydrology and run-off; hydro-geology
- Infrastructure: road access & tracks, construction traffic, road safety
- Pollution and disturbance from noise & dust, blasting
- Tourism/Recreation: effect on footpaths/cycleways, visual assessments from tourist routes/viewpoints.
- Proximity to settlements.
- Cumulative impacts.
- Community Consultation.
- Baseline monitoring, which should continue after commissioning.
- Site Reclamation

* EIA's will be the subject of a future CNPA Supplementary Planning Guidance Paper, which will assess their required content in more detail.

APPENDIX 1: CONSTITUENT LOCAL AUTHORITY'S EXISTING DEVELOPMENT PLAN POLICIES AND GUIDANCE.

Local Authority/Plan	Policy	Contents (summarised)
Highland Council		
Structure Plan 2001	M1 Mineral resources	The Council will welcome the examination in an integrated manner of the commercial, environmental and socio-economic potential of mineral resources in Highland for possible future winning and working.
	M2 Mineral extraction	Applications for mineral extraction will be supported provided that they conform to the General Strategic Policies and that there are no significant adverse environmental or socio-economic impacts. An EIA will normally be required for all new workings and major extensions. Approvals for mineral extraction will be for a temporary period only, with conditions tied to a method statement and plan covering working procedure, phasing, environmental protection, restoration, afteruse and after-care. Where necessary a financial guarantee in respect of restoration and aftercare will be sought.
	M3 Protection of mineral deposits	The Council will safeguard mineral deposits of known value and potential for future mineral working from other development. These deposits will be identified in Local Plans.
	M4 Protection of mineral deposits	A cordon sanitaire will be imposed around existing mineral workings, with detailed boundaries established in Local Plans, to protect the workings from incompatible neighbouring developments.
Badenoch & Strathspey Local Plan 1997		Refers to general development control policy No. 5 (Extraction of minerals and peat) of the old structure plan, now covered by above policies.
Moray Council		
Moray Development Plan	S/ED5 safeguarding indigenous resources	There will be a presumption against development which is likely to sterilise significant workable reserves of: <ul style="list-style-type: none"> i) mineral resources ii) prime quality farm land and iii) preferred areas for forestry planting
	L/ED11	A four-tier constraint policy will be applied to the consideration of planning applications for mineral extraction: <ul style="list-style-type: none"> Tier 1: International Designations Tier 2: National Designations Tier 3: Local Designations Tier 4: Preferred Areas
Aberdeenshire Council		
NEST Structure Plan 2001-2016	Policy 24 Minerals	Proposals for minerals extraction shall be sited so as to safeguard habitats, species and landscapes of value. Mineral extraction proposals should be based on a sequential exploration of tiered planning designations. <p>Local plans will: set standards for the working, restoration and aftercare of minerals working, especially considering species and habitats identified as priorities in the Local</p>

		Biodiversity Action Plans; and avoid sterilising workable mineral reserves
	Policy 26 Four Tier Policy Areas for Minerals, Landfill, Land Raise and Wind Farm Proposals	Proposals for mineral extraction, landfill, land raise and wind farms must conform to a sequential exploration of tiered planning designations. (based on the relative importance of natural heritage features/designations): Tier 1 – International Designations. Tier 2 – National Designations. Tier 3 – Local Designations. Tier 4 – Other Preferred Areas.
Finalised Local Plan August 2002	Env\12 Mineral Resources	Development likely to sterilise workable mineral reserves will be refused unless there is no alternative site for the development and where it is realistic, the opportunity has been given for the extraction of mineral resources before the development commences.
	Env\13 Mineral Extraction	Mirrors the tiered approach set out by the structure plan's policy 26.
Angus Council		
Dundee & Angus Structure Plan 2001- 2016	Env. Resources policy 9: Safeguarding and extraction of mineral resources	Proposals for the extraction of hardrock and sand and gravel deposits will only be considered where it can be demonstrated that development is required to maintain a 10 year landbank for aggregates in the Structure plan area or that market requirements cannot be met from existing mineral workings or the use of recycled or secondary material. EIA's and traffic assessments may be required.
Angus Local Plan 2000	EMP13 Mineral deposit protection	Angus Council will seek to conserve mineral reserves within Angus taking account of market demand and availability of any suitable sources of supply.
	EMP14 Mineral deposit protection	Council will safeguard mineral deposits of economic importance against other types of permanent development which would either sterilise them or be a serious hindrance to their subsequent extraction.
	EMP15 Minerals Development	Proposals for extraction meeting EMP12 must not have adverse effects on wildlife, archaeology or landscape, residential amenity, agricultural land, recreational facilities, tourist facilities or opportunities for countryside access.
	EMP16 Strategic Minerals Proposals	On development proposals of strategic significance (more than 2.5ha of hard rock & 5.0ha sand & gravel), the council will take account of additional factors such as market requirements, employment implications etc

APPENDIX 2: SELECTION OF LOCAL PLAN MINERALS POLICIES IN THE ENGLISH & WELSH NATIONAL PARKS.

National Park/ Plan	Policy	Contents
Brecon Beacons		
BBNP Unitary Development Plan, Consultation Draft March 2002	Part 1 Policy: Aggregates	The NPA does not propose to identify in this UDP any preferred areas or areas of search for further aggregate mineral extraction within the National Park.
	Part 1 Policy: Minerals development	Applications for new or extended mineral workings including the depositing of mineral waste will be subject to the most rigorous examination and will only be permitted in exceptional circumstances where it is demonstrated to be in the public interest, that is where all the following criteria are met: i) there is a proven national or specific local need; ii) there is a net benefit to the economy of the Park; iii) there are no alternative supplies outside the Park available at reasonable cost and the need cannot be met in any other way; iv) there are no significant detrimental effects on the Park's special qualities, its natural beauty, wildlife and cultural heritage or communities, taking into account in the case of an extension to an existing quarry the extent to which the proposal could enhance the landscape.
	Policy S2 : New or Extended Mineral Workings	Applications for new or extended mineral working, including plant, buildings and machinery and the depositing of mineral waste, which have satisfied the criteria in Part 1 Policy "Minerals Development" will only be permitted where: (detailed environmental, social, economic and sustainable development criteria can be met)
	Policy S3 : Extensions	The NPA will seek to negotiate beneficial changes to existing consents in relation to working practices, landscaping and restoration conditions.
	Policy S4 : Small Scale Quarrying for Local Needs	Proposals for small-scale quarrying to provide building and walling stone which is required for the achievement of National Park objectives will be permitted provided that the method and scale of operations and any adverse impact can be appropriately controlled, either by planning conditions or legal agreement.
	Policy S5 : Borrow Pits	Temporary permission for the extraction of material to serve the requirements of specific approved developments will be permitted where: i) the principles of sustainable development will be served by reducing transport; ii) the material will be used solely in connection with the operation concerned.
	Policy S7 : Mineral Processing	Mineral processing plants will be permitted within a mineral working site for purposes relating to minerals that have been won at that site where: i) the level of traffic generated is acceptable; ii) the permission is linked to the production of the mineral on the site, ceasing when this ceases.
Snowdonia		
Eryri UDP 2001-16, Deposit Version October 2003	PolicyC4 Aggregates	The NPA will not allocate any new land for the extraction or quarrying of aggregates during the Plan period.
	PolicyC5 Mineral Exploration	The NPA will permit proposals for mineral exploration, in the form of trial pits or boreholes, provided all the following criteria are satisfied:- i) no other forms of mining operations are undertaken, ii) the exploration does not result in any significant damage or harm to the integrity of built or natural environment or specific areas or species of wildlife importance, iii) the site is capable of being restored to the conditions prevailing before the development commenced, iv) the exploration does not detrimentally harm to the integrity of any natural resources, the amenity of residents or that of the visiting public. All permissions will, through conditions attached to the consent or by legal agreement with the applicant:

	Policy C6 New and Extended Mineral Sites	Proposals for new or extended mineral workings will be considered the light of national policy and NPA's statutory duty to protect and enhance the environment of the National Park. Proposals will be subject to rigorous examination and will only be permitted if the NPA considers them to be in the national interest. The NPA will only approve applications where the applicant has demonstrated to the satisfaction of the NPA that:- i) there is a need for the development in terms of UK considerations of mineral supply, ii) the benefits to the local economy of permitting the development significantly outweigh the impacts of that development on the landscape character, wildlife or integrity of the special qualities of the Park, iii) that no alternative supplies can be made available at a reasonable cost, and that the scope for meeting the need cannot be met in some other way, iv) the effects of the proposal does not detrimentally affect the integrity of the environment and landscape, its wildlife or the amenity of the residents of the area, v) any unavoidable impacts can be moderated to the satisfaction of the NPA. In the case of extensions to existing quarries and other mineral extraction sites, vi) the extent the proposal enhances the local landscape and its nature conservation and biodiversity value.
	Policy C7 Provision of Traditional Building Materials	As an exception to Policy C6 and where no other suitable sources of natural stone exist, proposals to develop small scale stone workings will be permitted to satisfy the specific demand for materials for local house building, construction projects requiring local stone or walling, provided all the following criteria are satisfied :- i) the lack of any other local supply is demonstrated by the developer; ii) the developer will, through a condition or legal obligation attached to any consent, restore any site granted consent, should the working cease to operate for a period of three consecutive years; iii) the proposal accords with Policy C8. When granting consent the NPA will attach conditions specifying the end use of the product and will restrict consent for the working to a maximum period of five years, after which the requirement for its continued use will be subject to a further consent.
	Policy C8 New and Existing Mineral Extraction Sites	Subject to Policies C6 and C7, the NPA will permit proposals to extract minerals, deposit mineral waste or locate ancillary plant, buildings or equipment necessary for mineral working on new or existing sites, provided all the following criteria are satisfied :- (detailed sustainable development, environmental, social, criteria, restoration and aftercare)
	Policy C9 Removal of Mineral Waste	The NPA will permit applications for the removal of mineral waste provided all the following criteria are satisfied:- (detailed sustainable development, environmental, social, criteria)