

ASSESSING APPLICATIONS FOR MINERALS

Supplementary Planning Guidance Note Ref. SPG.11 - NLLP Policy EDI 3B

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Tam's Loup Quarry, next to the M8, illustrates the kind of current mineral working within North Lanarkshire

INTRODUCTION

Minerals are recognised as an important feature of the national economy. North Lanarkshire, through its geological characteristics, is an area that possesses a large quantity and wide range of minerals.

The Council, like other planning authorities, must be open to the possibility of minerals operations and be mindful of both the contribution that North Lanarkshire can make to the economy, and of the environmental, social and economic benefits that may come from particular developments.

At the same time, it is acknowledged that minerals developments can cause their own problems with, for example, damage and disturbance to communities and the environment. These always have to be balanced against the environmental, social and economic benefits. This guidance will show how these considerations will be applied.

CONTENTS

A	Policy Context	p.2
B	Key Assessment Factors	p.4
C	Circumstances in which the Council would not support Minerals Extraction	p.6
D	Community Engagement Requirements	p.6
E	Submission Requirements	p.7
F	Checklist	p.8
G	Contact Details	p.8

PURPOSE OF THIS GUIDANCE

1. What is in this Guidance?

This Guidance aims to assist in explaining the requirements of a planning application for minerals development and to indicate how the Council is likely to deal with such applications. It confirms the factors that require to be taken into account in the Council's consideration of any planning application for minerals extraction. Where possible, it also provides clarity on what is not acceptable and therefore contrary to this Guidance. It advises also on what every planning application is required to address, and to submit for consideration.

2. Who is this Guidance for?

The Guidance is intended as a helpful guide to anyone with an interest in proposals and planning applications for minerals development within North Lanarkshire. Accordingly, as well as guiding potential developers direct on what is expected of them, it intends to help members of the public and others to understand the relevant issues and to engage effectively with the planning system at the two key stages, namely, when policy is being prepared and when planning applications are being made.

The latest Supplementary Planning Guidance can be found online at: www.northlanarkshire.gov.uk/spg

The council will seek to ensure these principles are achieved through the development management process

A. POLICY CONTEXT

The following Minerals Policy (EDI 3B) is incorporated in the Finalised Draft North Lanarkshire Local Plan approved by the Council on the 27th of November 2008.

1. This document represents the Supplementary Planning Guidance referred to in policy EDI 3B

North Lanarkshire Local Plan Policy EDI 3B Assessing Economic Development and Infrastructure Proposals

“applications for mineral extraction will be assessed against Supplementary Planning Guidance EDI 3B criteria addressing supply, environmental, social, and economic impacts and other criteria (including restoration, monitoring and compliance). Proposals that are not justified in relation to the criteria will be refused.”

Policy EDI 2 C Promoting Economic Development and Infrastructure

The Council will seek to satisfy market demands for minerals by:

- directing proposals for extraction of all kinds of construction minerals (such as crushed rock aggregate and sand and gravel) to extension areas within or adjacent to existing operations identified on the proposals map and in schedule EDI 2C in the Area Action Plans, and
- directing any new proposals for opencast coal extraction to the search area identified on the proposals maps.

2. This Guidance is also:

- prepared in the context of national policy as expressed in the new Scottish Planning Policy (complemented by Planning Advice Note (PAN)50 “Controlling the Environmental effects of surface mineral workings”).
- complementary to the national policy position.
- intended to apply to coal and all construction minerals such as hard rock, sand and gravel.

Coal

3. This Guidance also complements the **opencast coal extraction search area** established through the Local Plan (see indicative map on p.3). This is the area of land defined within the Council’s boundaries, which potential producers of coal through opencast extraction are steered towards, in preference to others areas, given the assumed presence of coal and the assumption that extraction within the search area is less likely to be harmful to the environment and communities than extraction in areas outside the search area. **Local Plan Technical Report No.06** explains the methodology used in establishing the location and boundaries of the search area as well as how the search area is to be applied. In relation to coal, this Guidance should be read in conjunction with this Technical Report.

4. In assessing the context of any development site (SPG.15) it is also important to ensure that ground conditions are assessed for contamination or land stability issues.





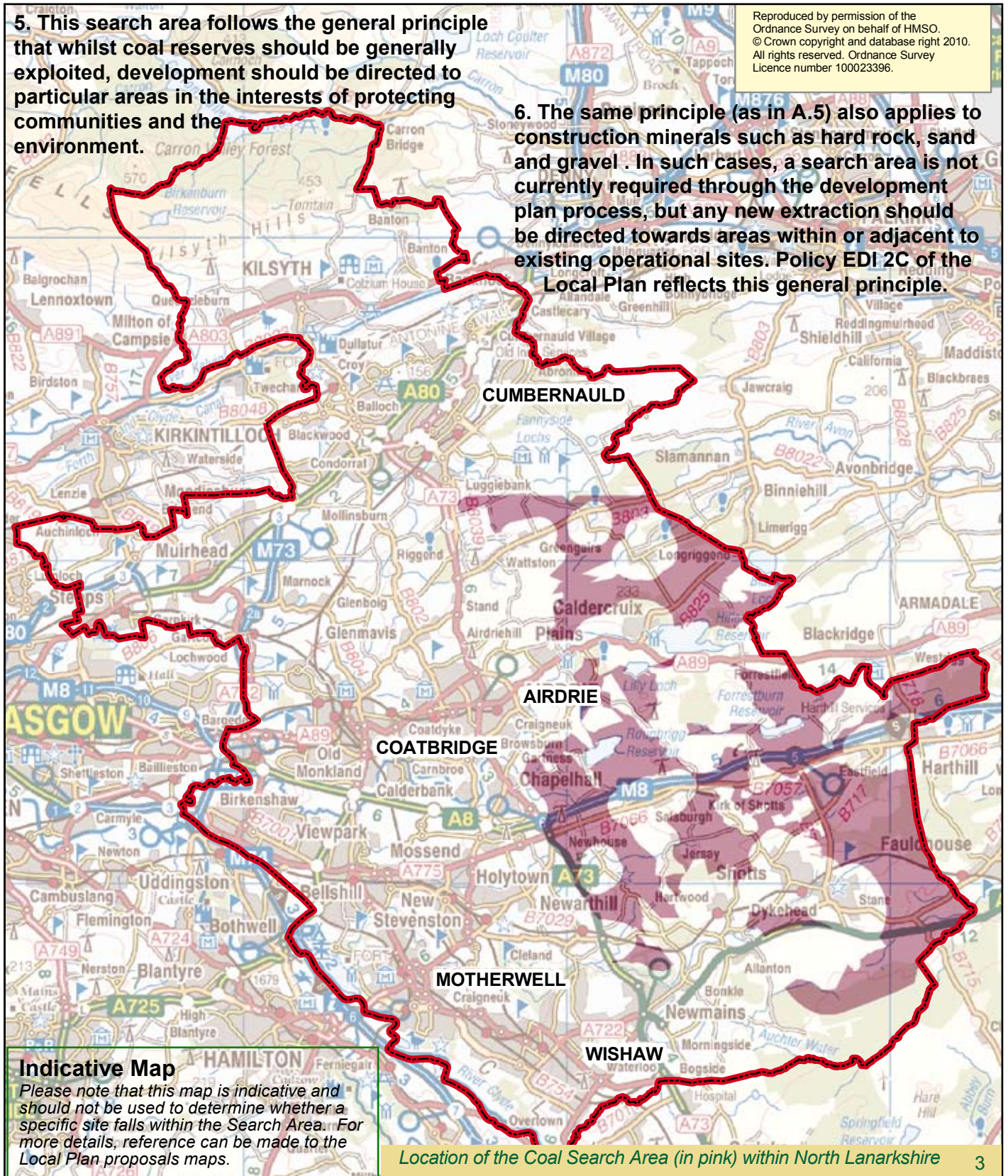
Quarrying works need to manage the visual clutter typical of quarrying operations.

Coal Search Area

5. This search area follows the general principle that whilst coal reserves should be generally exploited, development should be directed to particular areas in the interests of protecting communities and the environment.

6. The same principle (as in A.5) also applies to construction minerals such as hard rock, sand and gravel. In such cases, a search area is not currently required through the development plan process, but any new extraction should be directed towards areas within or adjacent to existing operational sites. Policy EDI 2C of the Local Plan reflects this general principle.

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B. KEY ASSESSMENT FACTORS

1. In assessing any planning application for minerals extraction, the Council will take into account the development plan and other material considerations. As well as the policy and strategic framework provided by the Structure Plan and Local Plan Policy document, the Council always must look at the effects that the development would have on the environment, and communities.

2. In this respect, the environmental, economic and social factors will be considered in every case. It is these factors on which this Guidance particularly concentrates. These factors will add to and/or complement other factors relevant to the consideration of any planning application in principle from a policy or other viewpoint.

3. Planning permission is likely to be refused in cases which are clearly contrary to this Guidance - see Section C of this Guidance.

4. There are many factors that the Council will take into account when presented with a proposal for mineral extraction.

5. Under this Guidance the final decision on any planning application will always reflect a judgement by the Council, seeking to balance all the factors in terms of their importance and extent. The following are the main factors that the Council expects to be relevant in most cases. They are not exhaustive, and others that are considered material in any particular case will also form part of the balanced judgement by the Council.

6. All applications are required to be considered against these criteria, irrespective of whether they are located within or outside the search area (in the case of coal), or within, adjacent to or outside the operational sites (in the case of other minerals).

7. A key part of the consideration of any application will be the early and ongoing communication with communities potentially affected by proposals (see Section D - community engagement).

8. These criteria are equally applicable to the assessment of the review of minerals permissions ROMPs).



Aerial images of Duntilland (above) and Croy (below) showing the impact on the landscape during workings



9. Key Assessment Factors

Key Factor	Key Issues
1. Amenity Effects	What is the impact on local amenity? - in terms of: (i) the impact detrimentally on local residential properties and communities in relation to noise, dust, light and blasting (see PAN 50 to assist this consideration) (ii) the visual impact of the proposals on residential properties and communities (iii) the effectiveness of mitigation of the above impacts - together with the effectiveness of local community engagement.
2. Transport	Do the proposals represent sustainable transport in relation to travel and the movement of material?
3. Economic Impact	What is the economic impact in terms of the creation / loss of jobs?
4. Landscape	How do the proposals affect the landscape character? Do the proposals take account of the Glasgow and Clyde Valley Landscape Assessment to maintain and enhance the existing landscape character? Are there restoration proposals which seek to restore local landscape features which would be lost as a result of minerals development?
5. Agricultural Land	Do the proposals lead to the loss of prime quality agricultural land?
6. Environmental Assets	Do the proposals impact detrimentally on nature conservation, the built heritage and archaeology? What is the extent and effectiveness of the mitigation of any such impacts? It should be noted that there are many and varied aspects to nature conservation, including protected species and designated sites. Further information and guidance should be obtained from Scottish Natural Heritage whose contact details are including within the Guidance.
7. Footpaths	Do the proposals safeguard the integrity of existing footpath networks including Core Paths and Rights of Way?
8. Water Management	Do the proposals take care of water management to prevent pollution and flooding?
9. Air Quality	Do the proposals impact detrimentally on the quality of air adjacent to the site and within local communities?
10. Cumulative Impacts	Do the proposals result in cumulative impacts? What is the extent of those cumulative impacts?
11. Social Impacts	Do the proposals bring social benefits (eg. the maximum recreational benefits), environmental benefits (e.g. the maximum conservation and landscape benefits and social / economic benefits (e.g. education, employment)?
12. Restoration	Do the proposals: (i) secure the effective restoration of derelict land, including the potential for surface mining of remnant coal to address potential issues of land instability caused by past underground mining activity at shallow depth? (ii) ensure the proposed restoration and after care of the site provides a net environmental gain to the environment and communities (including benefits to local wildlife, biodiversity and the green network)? (iii) ensure there is a commitment to, and guarantee for, effective restoration and aftercare of the site?
13. Environmental Assessment	Do the proposals include a satisfactory environmental or habitat assessment?
14. Development Monitoring	Do the proposals include details of the commitment to and guarantee for effective environmental monitoring and audits?
15. Other Minerals	Do the proposals address the extent to which the minerals development would sterilise other mineral resources, and in this regard the extent of relative importance of any minerals not to be extracted and the extent of the likelihood of these minerals being extracted? Note: This criteria would apply equally in the situation where other development (such as housing or industry) would effectively sterilise potential mineral resources. In this connection any alternative of extracting all or part of the mineral resources as part of the other development proposal would require to be subject to the relevant requirements and criteria of this Guidance, like any other application for mineral extraction.

C. CIRCUMSTANCES IN WHICH THE COUNCIL WOULD NOT GENERALLY SUPPORT MINERALS EXTRACTION

1. Whilst the assessment of planning applications will involve assessing the impact (see B10) and balancing all material factors as mentioned in this Guidance, there are certain circumstances in which the Council is unlikely to support minerals development. Should these circumstances apply, the proposals will be regarded by the Council as contrary to the Local Plan, without prejudice to the consideration of other issues.

2. The Council is unlikely to support proposals in any of the following circumstances:

- A. Proposals which fail to provide the information specified by the Council's "submission requirements" within this Guidance (see Section.E)
- B. Proposals that give rise to adverse transport impact that cannot be satisfactorily mitigated by route improvements or appropriate management measures
- C. Proposals that fail to maximise rail haulage opportunities when there are reasonable opportunities to do so.
- D. Proposals that lie within Sites of Special Scientific Interest (SSSI) and Special Areas of Conservation (SAC), Special Protection Areas (SPAs), or proposals that lie outside but adversely affect these areas.
- E. Proposals that adversely affect the character of listed buildings and proposals that adversely affect the integrity of Scheduled Ancient Monuments or the Antonine Wall World Heritage Site.



Avoid unacceptable transportation impact



Opencast coal operations at Drumshangie

D. COMMUNITY ENGAGEMENT REQUIREMENTS

1. In accordance with the planning legislation for pre-application consultation, the Council requires proposals to include a Community Engagement Statement setting out how local people have been informed and involved in the preparation of the scheme - and how their views have been taken into account in the submitted scheme.



Legislation now requires more emphasis on the pre-application consultation process.

2. This should comply with the Council's separate Community Engagement Guidance (SPG 16) - ensuring that the process has been open, transparent and sought to inform people and seek their views. It should summarise accurately the views expressed and, where appropriate, indicate how these views have been taken into account or the scheme amended in the light of comments made.

3. Notwithstanding the potential controversial nature of Minerals applications, the Council will expect to see a genuine dialogue take place. The separate Community Engagement Guidance sets out a range of methods by which this could take place.

E. SUBMISSION REQUIREMENTS



Assess the impact on all means of transport



Restoration benefits can include leisure and recreational uses

Applications for minerals extraction shall include as a minimum requirement all the following information (unless otherwise agreed in writing by the Council that certain items of information are not required in the case of particular proposals).

1. Environmental Statement submitted in accordance with The Environmental Impact Assessment (Scotland) Regulations 1999, and any associated changes. (This statement will be an essential requirement of a planning application for minerals development, unless the screening process in accordance with Regulation 5 concludes otherwise). This should assess the impact on protected species and habitats (see SPG.20 on Biodiversity and SPG.22 on Environmental Impact Assessment).

2. Supporting Statement that describes the proposals and explains the relationship of the proposals to national, regional and local planning policy, and explains how each factor covered in the checklist (Section F) of this Guidance has been addressed. Cross referencing, as appropriate, to the Environmental Statement or other submissions may be acceptable.

3. Transport Assessment in accordance with the requirements of Scottish Planning Policy (SPP-2010) and PAN 75.

4. Restoration Proposals including details of all proposed after use(s) of the restored application site; details of how the application site will be restored to integrate with and relate to the surrounding landscape; the method of restoration working; the timing of restoration and details of all after care following restoration.

5. Financial Bond & Legal Agreement A confirmed commitment by the applicant to the provision by the applicant of financial bond(s) and legal agreement(s) that cover the provision of site monitoring during development works, and that cover site restoration and aftercare in the event that either or both of these are not completed, as intended, through the implementation of the application proposals. Separate reference should also be made to the Council's bonds policy.

6. Information on all mineral reserves within the application site and information on mineral reserves on sites adjacent to the application site and on any interest that the applicant has in these reserves and any interest or intention of extracting them in the future.

7. Community Engagement Statement setting out how the local community has been involved, what their views are, and how these views have been taken on board or mitigated.



West Fannyside Moss SSSI and SAC - such areas have full protection

Successful remedial work can add value to an area as here at the former dolerite quarry at Auchinstarry

F. Checklist *your scheme should ensure...*

The Council will expect all planning applications for minerals developments to set out how they have complied with this Guidance and provide the following relevant information

That the submission requirements of Section E are met, namely:

- ☐ Community engagement statement
- ☐ Environmental statement
- ☐ Supporting statement
- ☐ Transport Assessment
- ☐ Restoration proposals
- ☐ Commitment to financial bond and legal agreement(s)
- ☐ Information on interest in adjacent mineral reserves

That the submission addresses all the key factors in Section B relating to:

- | | |
|---|---|
| <input type="checkbox"/> Amenity, Effects | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Transport | <input type="checkbox"/> Cumulative Impacts |
| <input type="checkbox"/> Economic Impact | <input type="checkbox"/> Social Impacts |
| <input type="checkbox"/> Landscape | <input type="checkbox"/> Restoration |
| <input type="checkbox"/> Agricultural Land | <input type="checkbox"/> Environmental Assessment |
| <input type="checkbox"/> Environmental Assets | <input type="checkbox"/> Development Monitoring |
| <input type="checkbox"/> Footpaths | <input type="checkbox"/> Other Minerals |
| <input type="checkbox"/> Water Management | |

The latest Supplementary Planning Guidance and index can be found online at:- www.northlanarkshire.gov.uk/spg

G. CONTACT DETAILS

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Development Management
Northern Area Office
Fleming House, 2 Tryst Road,
Cumbernauld G67 1JW
01236 632500
esenquiries@northlan.gov.uk

See also publications/ advice at:
Scottish Government www.scotland.gov.uk/topics/planning
- and Latest SPG at:-
www.northlanarkshire.gov.uk/spg

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Southern Area Office
Fleming House, 2 Tryst Road,
Cumbernauld G67 1JW
01236 632500
esenquiries@northlan.gov.uk

The Coal Authority
200 Lichfield Lane, Mansfield
Nottinghamshire NG18 4RG
T: 01623 637 000
www.coal.gov.uk
E: planningconsultation@coal.gov.uk

Glasgow & Clyde Valley
Structure Plan Joint Committee,
125 West Regent St, Glasgow,
G2 2SA
T: 0141 229 7730
www.gcvcore.gov.uk

British Geological Survey
Kingsley Dunham Centre
Keyworth, Nottingham
NG12 5GG www.bgs.ac.uk
T: +44 (0)115 936 3100
E: enquiries@bgs.ac.uk

Scottish Natural Heritage
Great Glen House, Leachkin
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E: enquiries@snh.gov.uk
www.snh.org.uk/

SEPA
East Kilbride, 5 Redwood
Crescent, Peel Park,
G74 5PP
Planning.ek@sepa.org.uk

This is one of a series of Supplementary Planning Guidance Leaflets aimed at encouraging good practice in the design and layout of new development. The advice supplements the policies in the emerging North Lanarkshire Local Plan. The Council will have regard to this Guidance when assessing the merits of planning applications. Following public consultation in Jan/ Feb 2010 and consideration of all comments made, It was formally approved as Supplementary Planning Guidance on 28 July 2010. It is available on-line can be translated or provided in other languages or formats on request.

Ref: SPG 11 Minerals Development
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