

Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?

Current NPPF Text	Draft NPPF	MPA Comment Including recommended new text in <i>red</i>	Justification (MPA)
<p>13. Facilitating the sustainable use of minerals</p>	<p>17. Facilitating the sustainable use of minerals</p>		
<p>142. <i>Minerals are essential to support sustainable economic growth and our quality of life.</i> It is <i>therefore</i> important that there is a sufficient supply of <i>material</i> to provide the infrastructure, buildings, energy and goods that the country needs. <i>However</i>, since minerals are a finite natural resource, and can only be worked where they are found, <i>it is important to make</i> best use of them to secure their long-term conservation.</p>	<p>199. It is important that there is a sufficient supply of <i>minerals</i> to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use <i>needs to be made</i> of them to secure their long-term conservation.</p>	<p><u>Re-instate original text</u> (NPPF 2012) that <i>'Minerals are essential...'</i>.</p>	<p>The first sentence of para 142 in NPPF2012 needs to be reinstated that stresses that 'minerals are essential'.</p> <p><i>'Essential'</i> is needed to stress that minerals underpin the economy and are required for delivery of housing, infrastructure, and in manufacturing (one of the <i>'long-term requirements arising from major improvements to infrastructure'</i> cited in para 22).</p> <p><i>'Essential'</i> provides the necessary positive context for minerals planning - for minerals planning authorities in applying planning judgement and balance in decisions, and for the industry in promoting minerals sites in plans and in planning applications. It also sets the context for effective safeguarding of resources. Deletion of the term 'essential' sends the wrong message to decision makers and may have unintended consequences through being interpreted as meaning that government policy has changed and minerals are no longer considered to be 'essential'.</p>
<p>143. <i>In preparing Local Plans, local planning authorities should:</i></p>	<p>200. <i>Planning policies should:</i></p>		

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<p><i>identify and include policies for</i> extraction of mineral resource of local and national importance in their area, but should not identify new sites or extensions to existing sites for peat extraction;</p>	<p>a) <i>provide for the</i> extraction of mineral resource of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;</p>	<p><u>Re-instate the definition of minerals of local and national importance into the Glossary</u> in order to provide necessary clarity: <i>Minerals of local and national importance: Minerals which are necessary to meet society’s needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas (including hydrocarbons), tungsten, kaolin, ball clay, potash and local minerals of importance to heritage assets and local distinctiveness.</i></p>	<p>It is not clear why the definition has been removed. This is needed to provide clarity and meaning to this paragraph.</p>
<p><i>define Minerals Safeguarding Areas and adopt appropriate policies in order that</i> known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; <i>and define Minerals Consultation Areas based on these Minerals Safeguarding Areas;</i></p>	<p>c) <i>safeguard mineral resources by defining Minerals Safeguarding Areas; and adopt appropriate policies so</i> that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);</p>	<p><u>Re-instate original text</u> that requires Minerals Consultation Areas (MCAs) to be based on Mineral Safeguarding Areas (MSAs).</p>	<p>MCAs provide the mechanisms for alerting local planning authorities and developers to safeguarded minerals, and initiate the process of safeguarding (consultation with mineral planning authority). Some authorities have mis-interpreted MCAs and drawn these narrowly and only around active sites.</p> <p>MSAs and MSAs should cover minerals resources and minerals infrastructure.</p>
<p><i>safeguard:</i> <i>existing, planned and potential rail heads, rail links to quarries, wharfage and</i></p>		<p><u>Reinstate original text</u> and the full descriptions of the types of infrastructure to be safeguarded</p>	<p>The full descriptions provide valuable advice to local planning authorities and developers that may not be aware of their</p>

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<p><i>associated storage</i>, handling and processing facilities for the bulk transport <i>by rail, sea or inland waterways of minerals</i>, including recycled, secondary <i>and marine-dredged materials</i>; and</p>		<p><u>The definition of ‘Mineral Safeguarding Area’ in the Glossary needs to include minerals infrastructure</u> (as described in the original NPPF para 143) as safeguarded assets within MSAs.</p>	<p>importance to the steady and adequate supply of materials. Such sites are under increasing pressure from other types of development, particularly housing, that can lead to direct loss of sites and operational capacity, or constraints on operation due to proximity and sensitivity especially to noise.</p>
<p>existing, planned and potential sites for concrete <i>batching, the manufacture of coated materials</i>, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.</p>	<p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; <i>the manufacture of</i> concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;</p>		
<p>set out <i>environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as</i> to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, <i>including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and</i></p>	<p>f) set out criteria <i>or requirements</i> to ensure that permitted <i>and proposed</i> operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p>	<p><u>Support</u> with new text that avoids repetition of the potential impacts that need to be address in considering proposed development.</p>	

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<p>quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p>			
<p>put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.</p>	<p>h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.</p>	<p><u>Support</u>. No need to be prescriptive given that restoration can be to a range of uses.</p>	
<p>144. When determining planning applications, local planning authorities should:</p>	<p>201 When determining planning applications, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:</p>	<p><u>Delete new text</u> and refer to ‘planning authorities’ and not only minerals planning authorities.</p>	<p>This is particularly important regarding safeguarding (clause f) as Local Planning Authorities (rather than Minerals Planning Authorities) permit non-minerals development and need to be aware of and take into account the safeguarding of minerals resources and infrastructure.</p>
<p>give great weight to the benefits of the mineral</p>			

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extraction, including to the economy;			
as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;	a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, scheduled monuments and conservation areas;		
ensure, in granting planning permission for mineral development , that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;	b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality		
provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary . Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;	e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;	<u>Support</u> - no need for 'where necessary'	

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not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;	f) not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes	Clause f applies to local planning authorities rather than mineral planning authorities. The new wording now applies this clause incorrectly, to minerals planning authorities. <u>Delete new text at start of paragraph 201.</u>	Local planning authorities permit non-minerals development and need to take account of safeguarding.
consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and	g) consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and	<u>Delete ‘small scale’ and ‘at, or close to, relic quarries needed for the repair of heritage assets’.</u> Suggested text below: <i>(g) consider how to meet demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair conservation of heritage assets and historic buildings, and for new buildings, recognising the positive contribution of building and roofing stone to maintaining the distinctive character and historic environment of cities, towns and local landscapes.</i>	The reference to ‘ <i>small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets</i> ’ is potentially very limiting and does not reflect the reality that there may be demand for extraction of building/dimension stone for new-build as well as restoration, and that the market may be relatively large and some distance from the quarry eg stone from the South West or Midlands used in London. ‘Small scale’ isn’t defined. Protecting designated sites is covered by other policies in the NPPF.
recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.	h) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites		Retained reference to the ‘small scale nature and impact’ helps to support the changes recommended to the previous clause - it is the impact that is small-scale, not necessarily the demand.
145. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:	202) Minerals planning authorities should plan for a steady and adequate supply of aggregates by		

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<p>preparing an annual Local Aggregate Assessment, either individually or jointly by agreement <i>with another or other mineral planning authorities</i>, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);</p>	<p>a) preparing an annual Local Aggregate Assessment, either individually or jointly, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);</p>	<p>Insertion of ‘including an evaluation of future demand’.</p> <p><u>Recommended new text:</u> <i>a) preparing an annual Local Aggregate Assessment including an evaluation of future demand, either individually or jointly, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);</i></p> <p><u>Recommended new text:</u> <i>A buffer of 10% should be added to the LAA figure where this is based solely on the 10-year average of past sales alone, to provide for flexibility and market fluctuations. A buffer of 10% should also be added to the LAA figure where there is under-delivery indicated by landbanks below the minimum level.</i></p>	<p>The majority of LAAs do not undertake a robust assessment of need (despite this being described in PPG para 062). Many include consideration of factors, such as housing provision, population growth, planned infrastructure, but few apply this in quantifying future demand, use it qualitatively to recommend that provision should be greater than the 10 year average of past sales. Most LAAs are therefore inherently backwards-looking and are effectively monitoring reports rather than assessments of potential demand fit for purpose to be used to inform plans. The 10 year average in most areas is still falling and is below recent sales including the 3 year average), potentially building up a problem of under-provision and over-estimation of landbanks</p> <p>Drawing parallels with the buffers imposed on housing provision, it would be prudent and helpful for the NPPF require application of similar ‘buffers’ on aggregate provision in Minerals Local Plans (based on Local Aggregates Assessments) in order to account for the risk of under-supply and provide necessary flexibility to account for market fluctuations.</p>
<p>taking account of published National and Sub National Guidelines on future provision which should be used as a guideline when planning for</p>	<p>d) taking account of <i>any</i> published National and Sub National Guidelines on future provision which should be used as a guideline when planning for</p>	<p><u>Support</u> the word ‘any’ which implies those produced by government (MHCLG, BEIS, GOS) or others including industry.</p>	<p>We respond to Q39 of the consultation separately.</p> <p>The <i>Guidelines</i> are now somewhat dated, based on out of date (pre-recession) information and assumptions, are not</p>

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the future demand for and supply of aggregates;	the future demand for and supply of aggregates;		<p>transparent and only extend to 2020. AWP's and mineral planning authorities are operating in a vacuum and assessments of future demand are inadequate, local and parochial, and there is no national benchmark to compare provision against. This will potentially lead to under-provision in the medium term. The MPA is producing its own projections to inform the industry, and is sharing these with AWP's, but inevitably these are an industry view and would not necessarily have government endorsement.</p> <p>Government is best placed to update the Guidelines and should address this as a matter of priority, to ensure that there is proper assessment of need in the medium term to provide the strategic context necessary to inform minerals local plans and decisions, and the advice of the AWP's.</p>
making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of	f) making provision for landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised	<p><u>Re-instate the original text:</u></p> <p>'the maintenance' of landbanks.</p> <p>'Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;'</p> <p><u>Recommended new text:</u></p>	<p>The requirement for the '<u>maintenance</u>' of landbanks is important and must be re-inserted. The purpose of the landbank being maintained at the minimum levels required is essential to ensure security of supply at all times through the Plan period.</p> <p>The maintenance of landbanks should also be 'throughout the Plan period'. The majority of minerals plans include provision of for an amount of material that is the annual requirement (from the</p>

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<p>permitted reserves relative to markets, and productive capacity of permitted sites;</p>		<p><i>'The presence of a landbank above the minimum level is not a reason for refusing an application for new reserves.'</i></p>	<p>LAA) multiplied by the years of the Plan period. This does not equate to 'maintenance' of a minimum landbank throughout the Plan period, including at its end - which requires reserves equivalent to at least 7 years' sand and gravel supply or 10 years' rock supply at the end of the Plan period. This then potentially results in under-provision by that amount, including through allocation of sites.</p> <p>A large landbank does not equate to large production capacity, or necessarily means that the production capacity is adequate or in the right location.</p> <p>The requirement for '<u>Longer periods may be appropriate...</u>' is important and must be re-instated. This reinforces the point that the landbank periods referred to are minima (hence 'at least') and there is no upper level or ceiling. Indeed, Planning Practice Guidance specifically states that: '<i>There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need.</i>'</p> <p>Therefore, the presence of a landbank above the minimum should not be a reason for refusing an application, although it often is.</p>

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			The reference to ‘longer periods’ is particularly important for major rock sites/reserves at which there is significant investment in production and distribution, and which provide security of supply at regional and national scales.
calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market	h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market	<u>Support</u> retention of original text	The reference to ‘maintaining’ landbanks has been retained and this is welcome. This suggests that the deletion of ‘maintain’ in paragraph 202 (f) is an editing/drafting error.
146. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:	203) Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:		
co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals to ensure adequate provision is made to support their likely use in industrial and manufacturing processes;	a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;	<u>Re-instate original text</u> and the requirement to ‘coordinate the planning of industrial minerals’ which is essential in enabling ‘adequate provision’.	Without this requirement, minerals planning authorities may assume supply from elsewhere without evidence.
encouraging safeguarding or stockpiling so that important minerals remain available for use;	b) encouraging an appropriate level of safeguarding or stockpiling so that important minerals remain available for use;	<u>Retain original text</u> , delete ‘appropriate level’.	It is not clear what this change is intended to achieve, or what an ‘appropriate level’ might be. The safeguarding process is not absolute and enables consideration of the importance of the mineral, and whether sterilisation is justified.
providing a stock of permitted reserves to support the level of actual and proposed	c) maintaining a stock of permitted reserves to support the level of actual and proposed	<u>Support</u> requirement for ‘maintaining’ a stock of reserves.	‘Maintaining’ the stock of reserves is essential for security of supply.

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investment required for new or existing plant and the maintenance and improvement of existing plant and equipment, as follows	investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment; and		
at least 10 years for individual silica sand sites		<u>Re-instate original text</u> specifying the levels of reserves to be provided for	The specification of the levels of stocks of reserves of industrial minerals to be maintained must be reinstated in order to ensure that:
at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and			<ul style="list-style-type: none"> - there is security of supply of raw materials for industry; - to reflect the timescales and level of investment involved in developing reserves; - to provide certainty for continued investment in sites, plant and machinery.
at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.			Removing the stock of permitted reserves would undermine significant asset value associated with the extraction of primary raw material, notably cement and lime production. In the case of cement production, the plant associated with raw material extraction is a £250-300m investment. Both cement and lime are vulnerable to off-shoring., and as such, the European Commission has recognised their vulnerability to imported supply in its assessment of ‘carbon leakage’ under the EU Emissions Trading System.
taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.	d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.		Removing the permitted reserves level from the NPPF would add further to the off-shoring/‘carbon leakage’ risk being exerted by the cumulative effect of the domestic and international energy and

MINERAL PRODUCTS ASSOCIATION detailed comments on Q37

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			carbon regimes as well as other UK and EU measures.