

4. Environmental Protection

4.1 Planning Applications

<i>Aims</i>	<p>To limit the adverse effects of mineral extraction on the environment and local amenity</p> <p>To encourage, through the reclamation of mineral workings, the longer term enhancement of the environment and local amenity</p> <p>To encourage the utilisation of the most environmentally acceptable standards of mineral operation and processing</p> <p>To sustain the contribution of mineral related employment to the rural economy</p>
<i>Objectives</i>	<p>To ensure that the Mineral Planning Authority has sufficient information to take balanced decisions</p> <p>To establish a Code of Practice for mining operations</p> <p>To establish a Code of Practice on the use of obligations under the Town and Country Planning Act and other legislation</p>

4.1.1 It is in the interests of both the mineral planning authority and the applicant that the information submitted with planning applications is complete at the outset. This enables prompt and informed decisions to be made. The County Council has adopted a Code of Practice to assist applicants by detailing those matters which they should address when submitting a planning application and, as appropriate, include in a supporting statement.

4.1.2 This chapter is concerned with protecting the environment from the adverse impact of mineral workings. The policies will assist in the retention of both local environmental quality and natural resources. More specifically, the policies in Section 4.3 will seek to bring about a beneficial impact on natural resources, for example, through landscape improvements, introducing new wildlife habitats and protecting agricultural land quality. There is an inherent conflict between mineral working and global sustainability, although the Plan seeks to minimise this conflict by encouraging non-road haulage, where appropriate.

Environmental Statement

4.1.3 Environmental assessment is a technique for ensuring that the likely effects of a proposal on the environment are fully understood and taken into account before development is allowed to go ahead. Prospective developers should submit a formal Environmental Statement, under the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, where a proposal is likely to have a significant environmental impact. Pre-application discussions can

establish if an Environmental Statement is required. The County Council has powers to require that such a Statement is submitted before it will register and process a planning application and will be guided by the advice in Circular 15/88 and 7/94.

Employment

- 4.1.4 The minerals industry is a source of employment in the rural areas of North Yorkshire both directly and indirectly. While in overall terms the granting of planning permission for working additional reserves will not in itself be of significant benefit to employment levels, it may lead to local gains or the retention of existing employment.

Determination of Planning Applications

- 4.1.5 Policy 4/1 sets out the range of matters which the County Council will consider in determining planning applications and is additional to the environmental protection policies set out in Section 4.2 and the restoration requirements of the policies in Section 4.3. Where planning permission can be granted high standards of working, restoration and aftercare are essential to minimise disturbance during operations and to achieve high quality restoration. Best and most versatile agricultural land tends to be concentrated in the lower river valleys where sand and gravel resources lie. Substantial mineral resources also lie beneath land of high landscape quality and land of particular amenity, conservation or historic interest. Quality of operation and restoration is thus particularly important.
- 4.1.6 The term "mining operations" used in Policy 4/1 and elsewhere in the Plan includes the winning and working of minerals both on the surface of land and underground. The full definition is contained in the Glossary.

*Policy 4/1
Determination of
Planning
Applications*

In considering an application for mining operations, the Mineral Planning Authority will need to be satisfied that, where appropriate:-

- a) the mineral deposit on the application site has been fully investigated;
- b) the siting and scale of the proposal is acceptable;
- c) the proposed method and programme of working would minimise the impact of the proposal;
- d) landscaping and screening has been designed to effectively mitigate the impact of the proposal;
- e) other environmental and amenity safeguards would effectively mitigate the impact of the proposal;
- f) the proposals and programme for restoration are acceptable and would allow a high standard of restoration to be achieved;
- g) a high standard of aftercare and management of the land could be achieved;
- h) the proposed transport links to move the mineral to market are acceptable; and
- i) any cumulative impact on the local area resulting from the proposal is acceptable.

*Planning Conditions
And Obligations*

- 4.1.5 Some sectors of the minerals industry have introduced voluntary codes for their members seeking to promote good practice and the maintenance of environmental standards (eg BACMI, SAGA, CBI, UKOOG and SAMSA). While these self-regulation codes are welcomed by the County Council, there are a number of operators who are not bound by any code. The codes do not provide a ready guide to all matters which the Mineral Planning Authority considers to be necessary for development control purposes. Monitoring information required by some of the codes, particularly annual environmental site audits, are not currently provided to mineral planning authorities.
- 4.1.6 The County Council has adopted a Code of Practice for site operations, restoration and aftercare. This Code will form the basis for drafting conditions on new permissions.
- 4.1.7 Although as far as possible planning permissions will be controlled by the imposition of conditions, planning obligations (often referred to as agreements), can be sought by the County Council to control matters which lie beyond the legal scope of planning conditions. The County Council has drawn up guidelines on the use of planning obligations, in the form of a Code of Practice, which it will seek to follow.

4.2 Environmental Considerations

<i>Aims</i>	<p>To limit the adverse effects of mineral extraction on the environment and local amenity</p> <p>To encourage the utilisation of the most environmentally acceptable standards of mineral operation and processing</p>
<i>Objectives</i>	<p>To minimise the irreversible loss of best and most versatile agricultural land</p> <p>To protect areas of high quality landscape</p> <p>To protect nature conservation interests</p> <p>To protect heritage interests</p> <p>To protect water resources</p> <p>To limit the impact of heavy goods traffic</p> <p>To minimise the effects of visual intrusion, blasting, dust and noise on residential and rural amenity</p> <p>To limit the impact of ancillary plant and operations</p>

- 4.2.1 It is recognised that, whilst temporary in nature, mining operations can have a considerable impact on the environment and local communities. Although this impact can never be totally eliminated, careful planning can ensure that adverse effects are minimised.

Best and Most Versatile Agricultural Land

- 4.2.2 Government policy on agricultural land is set out in PPG7. The best and most versatile land (Grades 1, 2 & 3a in the MAFF Agricultural Land Classification System) is regarded as a national resource to be protected from irreversible loss. Where the working of some such land is unavoidable, it will only be permitted where provision is made for high standards of soil stripping, storage, management, restoration, drainage and aftercare to enable reinstatement to a condition suitable for high quality agriculture to be attained.

<i>Policy 4/2 Best and Most Versatile Agricultural Land</i>	<p>Mining operations on the best and most versatile agricultural land will only be permitted where provision is made for a high standard of restoration, such that either an agricultural after-use can be achieved or the future potential for agricultural use is safeguarded.</p>
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Areas of Outstanding Natural Beauty

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- 4.2.3 Within the Plan area there are three Areas of Outstanding Natural Beauty (AONBs) - Howardian Hills, Nidderdale and a small area of the Forest of Bowland. There are active mineral workings within both the Howardian Hills and Nidderdale AONBs. The geology of these areas is such that they contain extensive areas of Jurassic and Carboniferous limestone respectively.
- 4.2.4 Since the primary objective of designated AONBs is to conserve the natural beauty of the landscape, policies and development control decisions should give priority to the conservation of this natural beauty. Government policy therefore requires all mineral applications in AONBs to be subject to the most rigorous examination and to demonstrate that the development would be in the public interest. The possibility of landscape enhancement will be taken into account when considering proposals for quarry extensions.

*Policy 4/3
Areas of
Outstanding
Natural Beauty*

Within the Howardian Hills, Nidderdale and Forest of Bowland AONBs proposals for mining operations and associated depositing of mineral waste will be subject to the most rigorous examination and will only be permitted where:-

- a) the proposals will not cause unacceptable harm to the natural environment or to the landscape;
- b) the proposal can be demonstrated to be in the public interest;
- c) there is a need for the development in terms of national considerations of minerals supply;
- d) the development would not have an unacceptable impact on the local economy;
- e) there are no practicable alternative sources of supply or other ways to meet the demand;
- e) the need cannot be met in some other way;
- f) the proposed maximum levels of output have regard to those required to meet the purposes which satisfy the development

Heritage Coasts

- 4.2.5 Heritage Coasts represent some of the best remaining areas of unspoilt coastline in England and Wales. There are two lengths of Heritage Coast in North Yorkshire, but only small sections of the Cleveland and North Yorkshire Heritage Coast lie outside the North York Moors National Park at Whitby and Scalby. A small length of the Flamborough Headland Heritage Coast extends into North Yorkshire. Although Heritage Coast designation does not have any statutory status, it is nationally recognised and has been given priority for protection in the County Structure Plan. The objectives of Heritage Coast areas are concerned with balancing the requirements of conservation with access to the coastal zone. Government guidance, therefore, discourages development which does not require a coastal location. In particular, the sensitivity of coastal areas requires that mineral exploration and exploitation needs to be undertaken with considerable care.

*Policy 4/4
Heritage Coasts*

Within Heritage Coast areas proposals for mining operations, and the associated depositing of mineral waste, will only be permitted where there would not be an unacceptable effect on the natural environment and landscape.

*Other Areas of Landscape
Quality*

- 4.2.6 In addition to AONB and Heritage Coast designations, there are other parts of the Plan area where landscape quality is high and worthy of recognition. The County Council has identified the broad extent of informal Special Landscape Areas in its Conservation Strategy. Special Landscape Areas or their equivalent and other zonings of landscape character are set out in District-wide local plans.

*Policy 4/5
Other Areas of
Landscape
Quality*

Within local areas of high landscape quality the Mineral Planning Authority will seek to protect the character and quality of the landscape when determining applications for mining operations and the associated depositing of mineral waste.

*Nature Conservation
and Habitat Protection*

- 4.2.7 The term "nature conservation" refers to the natural heritage in a wide-ranging sense, including sites of geological and ecological importance. There is a national framework of conservation and planning legislation to safeguard the natural heritage. Since species do not recognise national boundaries, international obligations underlie much of this legislation - wetlands of international importance are designated as Ramsar Sites under the Ramsar Convention. The EC Habitats and Wildlife Directives have established declared and potential Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) to protect and reinstate the habitats of threatened species of wildlife. Proposals which are likely to significantly affect such areas are required to be subject to the most rigorous examination and are likely to be called in for government determination. The 1994 Conservation (Natural Habitats, etc) Regulations also require extant planning permissions to be reviewed where there would be a significant effect on existing and proposed SPAs and SACs (see 9.4.1). Within the Plan area the Lower Derwent Valley is one example of an internationally important site.
- 4.2.8 Certain sites of national importance have been designated as National Nature Reserves, where their primary use is for nature conservation. Sites of Special Scientific Interest (SSSIs) are designated by English Nature in accordance with published guidelines and contain nationally important flora, fauna or landform features. Ramsar Sites, SPAs, SACs and NNRs are also SSSIs under national legislation. There are around 100 SSSIs within the Plan area.

4.2.9 Local Nature Reserves, designated by local authorities, are usually habitats of more local importance which make a contribution to nature conservation and education. These Reserves are afforded statutory protection. Within the County there are also a large number of other sites which, although they have no statutory protection possess local conservation interest. The most important of these sites are designated in development plans as sites of nature conservation interest and should be protected wherever possible. In addition to SSSIs notified for their geological interest, Regionally Important Geological/Geomorphological Sites (RIGS) are being designated for their educational, research, historical or aesthetic importance. The County Council will also have regard to other wildlife habitats in making decisions on planning applications for mineral working.

4.2.10 It is recognised that opportunities exist through restoration to create new areas of wildlife interest. These may often be of higher habitat quality than areas lost through mineral extraction.

*Policy 4/6
Nature Conservation and
Habitat Protection -
National/International*

Proposals for mining operations and the associated depositing of mineral waste which affect declared or potential Ramsar Sites, Special Protection Areas, Special Areas of Conservation, National Nature Reserves, and Sites of Special Scientific Interest will be subject to the most rigorous examination, and planning permission will only be granted where there would not be an unacceptable effect on the nature conservation interest.

*Policy 4/6A
Nature Conservation and
Habitat Protection - Local*

In making decisions on planning applications, the Mineral Planning Authority will protect the nature conservation or geological interest of Local Nature Reserves and of other sites having a nature conservation interest or importance, and will have regard to other wildlife habitats.

Heritage

4.2.11 Government guidance on archaeology and the historic environment is set out in PPG15 "Planning and the Historic Environment" 1994 and PPG16 "Archaeology and Planning" 1990. It stresses the finite and non-renewable nature of the resource, in many cases being highly fragile and vulnerable to destruction. Mineral extraction can present a particular threat to archaeological sites and historic landscapes, including the industrial archaeology associated with old quarry sites. Each case will be judged on its merits, weighing the intrinsic importance of the known remains and the outcome of any site evaluation against the need for the development.

4.2.12 Where the County Council decides that preservation in situ of archaeological remains is not justified in the circumstances of the case and that development resulting in the destruction of the archaeological remains should proceed, it will satisfy itself, before granting planning permission, that the developer has made appropriate provision for the excavation and recording of the remains. Such excavation and recording should be carried

out before development commences and work to a specific project brief. Commitment to such an arrangement may need to be incorporated in a Planning Obligation.

- 4.2.13 Prior to the submission of an application the developer should consult the County Sites and Monuments Record to ascertain the archaeological potential of a site. This Record is the key database of known archaeological information on sites of national, regional and local importance, whether scheduled or not. Increasingly such sites are identified in District-wide local plans.

*Policy 4/7
Archaeological
Assessment*

The Mineral Planning Authority will require applications for mining operations and the associated depositing of mineral waste affecting sites of known or potential archaeological importance to be accompanied by an archaeological field evaluation including a proposed mitigation strategy.

*Policy 4/8
Archaeological Sites*

Proposals for mining operations and the associated depositing of mineral waste which would have an unacceptable effect on nationally important archaeological remains, whether scheduled or not, and their settings, will not be permitted. The Mineral Planning Authority will seek to preserve, in-situ or by record, other sites of regional, county or local importance, as appropriate to their archaeological interest, in making decisions on planning applications

- 4.2.14 The historic environment also includes listed buildings, conservation areas, parks and gardens, battlefields and the wider historic landscape. Government guidance requires effective protection for all aspects of the historic environment which, by its nature, is irreplaceable. However, it is recognised that it cannot be preserved unchanged in all circumstances. Those features which are considered to be nationally or regionally important are identified and classified as such, for example, through scheduling ancient monuments, the listing of historic buildings and the designation of conservation areas. English Heritage has compiled a register of Parks and Gardens of special historic interest and a register of Historic Battlefields in order to assist decision making.

*Policy 4/9
Other Heritage
Features*

Proposals for mining operations and the associated depositing of mineral waste will be permitted only where there would not be an unacceptable effect on listed buildings, registered parks, gardens and historic battlefields or conservation areas, including their settings.

Water Resources

- 4.2.15 Dewatering or discharge of water from mineral working has the potential to derogate or pollute both surface and groundwaters, for example, by affecting groundwater levels so that flows to surrounding watercourses are reduced, existing water abstractions affected and natural habitats damaged. Consequently, the effects of mineral extraction may be felt over

a much wider area than the extraction site.

- 4.2.16 Furthermore, mineral workings in floodplains, or their subsequent restoration, must not affect the ground level of a site or introduce other measures such that the capacity of the floodplain is reduced and the risk of flooding elsewhere thereby increased.
- 4.2.17 The Environment Agency has prepared national policy guidance for the protection of groundwater resources. As part of this policy Source Protection Zones have been defined around public water supply boreholes. The Environment Agency will seek to control various activities within these Zones. The Environment Agency is also producing Groundwater Vulnerability Maps which define areas of high or low vulnerability based on aquifer and soil types.

*Policy 4/10
Water Protection*

Proposals for mining operations and the associated depositing of mineral waste will only be permitted where they would not have an unacceptable impact on surface or groundwater resources.

- 4.2.18 Although there has been no recent interest in the extraction of aggregates from rivers, the County Council will continue to resist such development because of its likely adverse impact on the natural elements of a river. Of particular concern is the effect of gravel extraction on the wildlife habitats of rivers and fish spawning grounds. It is recognised however that, from time to time, for flood control or other river management purposes, the Environment Agency may need to undertake such operations on a temporary basis using permitted development rights.

*Policy 4/11
River Extraction*

Proposals for the extraction of aggregates from rivers will not be permitted.

Transport

- 4.2.19 Both the movement of extracted minerals and the import of waste to infill mineral workings can generate large volumes of traffic. Within North Yorkshire few opportunities arise for mineral products to be transported other than by road. Only one active quarry in the County (Swinden Quarry in the Yorkshire Dales) is rail linked. There is also a rail aggregate reception facility at Selby. All but a limited amount of the coal from the Selby Coalfield is transported by rail. Most coal is delivered by rail to the power stations although some coal is also transported by water to Ferrybridge Power Station. All the limestone for the Flue Gas Desulphurisation process is brought to Drax Power Station by rail and most by-product gypsum leaves by rail. Pipelines are used to transport waste materials, such as PFA, to reclamation sites. Conveyors are also often used for movement internally within a site and to nearby processing plant.
- 4.2.20 Road traffic associated with mineral operations can have a significant adverse impact on the environment and local

amenity, as well as causing structural damage to highways. The main problems caused by heavy goods vehicles are noise, vibration, dust, fumes, structural damage, visual intrusion and a reduction in road safety. These problems are not confined to locations close to the point of access to the site but can be experienced some distance away especially where heavy vehicles use minor roads, and/or pass through villages and residential areas.

- 4.2.21 Government guidance in MPG6 advises that, where possible, consideration should be given to the movement of mineral material by rail due to the environmental advantages of this mode of transport over road. PPG13 also stresses that the movement of material by rail or water should be maximised.
- 4.2.22 There is physical scope to install rail links to certain quarry sites only. Water transport opportunities are mainly limited to the River Ouse and to the Aire and Calder Navigation in the south of the County. Therefore, while the County Council is keen to limit the reliance on road transport, it is recognised that the opportunities for using alternative modes are likely to remain restricted. Section 139 and Section 140 grants under the Railways Act 1993 are available to assist towards the capital costs of constructing rail freight facilities and wharf facilities respectively. Track Access Grants are also available to assist in meeting the cost of accessing the railway network. It is recognised that the installation of plant for rail or waterway transport may involve substantial new investment and that this may be a constraint on operators

*Policy 4/12
Transport*

Proposals involving the use of rail and waterways to transport minerals or associated mineral waste and for constructing railheads, wharves, pipelines and conveyors will be permitted provided that they are environmentally acceptable

- 4.2.23 In accordance with County Structure Plan Policy T11, where it is not practicable to transport material other than by road, operators will be expected where possible to avoid using routes which do not form part of the primary highway network. The routing of heavy lorry traffic can be particularly important. The County Council will seek voluntary legal agreements with operators in circumstances where the absence of such agreement may cause refusal of planning permission due to the unacceptable impact of heavy commercial vehicles on rural roads and/or communities. Such arrangements would be selective and separate from the imposition of traffic regulation orders by the Highways Authority which would apply to all traffic. In appropriate circumstances, an operator will be expected to contribute towards the cost of off-site roadworks where necessary and to indemnify the County Council as Highway Authority in respect of remedying damage.

*Policy 4/13
Traffic Impact*

Where rail, waterway or other environmentally preferable modes of transport are not feasible, mining operations other than for coal, oil and gas will only be permitted where the level of vehicle movements likely to be generated can be satisfactorily accommodated by the local highway network

and would not cause undue disturbance to local communities

Local Amenity

- 4.2.24 By its very nature mining and quarrying can have a significant effect on rural and residential amenity. The ability of the landscape to accommodate mineral workings varies according to the character of the site and of the surrounding land. During the operational life of workings the location and operation of heavy fixed and mobile plant within the landscape of rural areas can have a significant element of disturbance. It is, therefore, essential to incorporate and fully integrate ameliorative measures, which may be both on and off-site, within the design and layout of proposals to minimise visual impact and disturbance and fully integrate proposals into the surrounding landscape.
- 4.2.25 There is a trend towards larger scale quarry operations. Existing sites are being worked more intensively and proposals for new workings often envisage higher levels of output than in the past. It is essential that measures are adopted to ensure that environmental standards are not prejudiced as output increases.
- 4.2.26 Other legislation, in particular the Environmental Protection Act, imposes statutory controls in respect of some environmental factors. However, full consideration must be given to the effects of mineral working on local amenity when planning permission is sought. PPG23 indicates that planning authorities should not seek to duplicate other statutory means of pollution control. MPG11 sets out guidance in respect of controlling noise. Where it is considered that the proposals would lead to an unacceptable level of disturbance planning permission will be refused.
- 4.2.27 Noise levels generated by mineral working are a particular concern. The impact is dependent on the degree to which noise is heard above background levels and the proximity of workings to noise sensitive properties. There are measures which can be adopted to control and reduce noise levels. Noise control must be seen as an integral part of operational design. Plant and haul routes should be located to minimise noise disturbance, taking advantage of landform and established tree and hedgerow cover. Additional protection is possible by earth mounding and advance planting. The incorporation of areas of "stand off" (ie areas not be worked) although sometimes reducing the extraction area, may well be necessary in order to reduce disturbance. The incorporation of noise attenuation works within quarry plant including cladding, the use of field conveyors rather than dump trucks and the use of sensitive alarm beepers, are examples of noise control measures. Any proposal must itemise operations which will generate noise and incorporate specific measures to ameliorate such disturbance. Monitoring may be required to ensure that specified levels are not exceeded.
- 4.2.28 Quarries, particularly those working limestone, have been the subject of public complaint about the generation of dust. Sand

and gravel often retains moisture during extraction and processing and is thus less prone to dust generation. All workings, however, are likely to generate dust in dry weather as a result of the movement of vehicles on site. Mineral operators must recognise that the control of dust is essential and that effective longer term and day to day operational procedures must be adopted and maintained to secure such control. It is important to ensure that sites have the operational capacity in terms of equipment and staff to deal with anticipated problems.

- 4.2.29 Advances in technology and practice have introduced the possibility of greater control of the effects of blasting. This aspect is particularly sensitive but public perception of the nuisance from and the effects of blasting can exaggerate any likelihood of danger. However, there is the need for assurance and any proposals must be supported by accurate assessments of predicted ground vibration levels and proposals for monitoring.

*Policy 4/14
Local Environment
and Amenity*

Proposals for mining operations and the associated depositing of mineral waste will be permitted only where there would not be an unacceptable impact on the local environment or residential amenity.

- 4.2.30 The public rights of way network is an important means of accessing and enjoying the countryside. It is therefore important that this network and the public using it are protected from mineral activities. Operators will be required to protect existing users and to provide acceptable alternative arrangements with a measure of segregation from mineral activities. Any diversion or stopping-up of an existing public right of way must have received the necessary legal sanction before being implemented.

*Policy 4/15
Public Rights of Way*

Proposals for mining operations and the associated depositing of mineral waste which would interrupt, obstruct or conflict with use of a public right of way will only be permitted where satisfactory provision has been made in the application for protecting the existing right of way or for providing alternative arrangements both during and after working.

*Ancillary and Secondary
Operations*

- 4.2.31 Most mineral operations require ancillary activities on site to process the mineral prior to sale, for example, by washing, crushing, screening and storing. In some cases there is an element of manufacture of derived products.
- 4.2.32 In certain circumstances these ancillary operations, together with their associated plant and buildings, may constitute permitted development under the Town and Country Planning (General Permitted Development) Order 1995. These operations can detract from the amenities of the surrounding area through visual intrusion, traffic, noise or dust. It is important, therefore, that they are located so as to minimise the

impact on local amenity and the environment. Consequently operators are encouraged to include full details of ancillary operations in planning applications.

- 4.2.33 Secondary operations involve using minerals to produce a manufactured product, such as concrete. In certain circumstances these operations and their associated plant and structures may constitute permitted development under the General Permitted Development Order. Where an express grant of planning permission is required, in general the County Council will continue to permit such development to be accommodated at quarries where the raw material is primarily produced from the same site.
- 4.2.34 In all cases, ancillary and secondary operations will be expected to cease and the plant be removed when quarrying on the site ceases.

*Policy 4/16
Ancillary and Secondary
Operations*

The Mineral Planning Authority will expect proposals for operations ancillary or secondary to mineral extraction to be sited, designed and maintained so as to minimise the impact on the environment and local amenity. The use of plant, machinery and buildings will be restricted to processes primarily using minerals produced from the site. Permission will normally be limited to the permitted life of the site for mineral extraction.

4.3 Restoration and Aftercare

Aims

To limit the adverse effects of mineral extraction on the environment and local amenity.

To encourage, through the reclamation of mineral workings, the longer term enhancement of the environment and local amenity

To encourage the utilisation of the most environmentally acceptable standards of mineral operation and processing.

Objectives

To ensure the best possible quality of restoration of land.

To ensure that the best possible aftercare measures are taken.

- 4.3.1 Although many quarries may have a long life, mineral extraction can be viewed as a temporary activity. It is very important, therefore, that land worked for minerals is reclaimed as soon as possible thereafter to a standard suitable for the intended afteruse. Indeed, this is one of the main aims of minerals planning control as referred to in MPG7 (para 1). Government guidance also states that " *where there is serious doubt whether satisfactory reclamation can be achieved at a particular site, then there must also be doubt whether permission for mineral working*

should be given." MPG7 (para3) Working schemes should facilitate the maximum degree of progressive restoration.

- 4.3.2 The restoration of mineral workings includes both the immediate restoration of the land and any period of aftercare that may be necessary to bring the land back into beneficial afteruse. the process of restoring sites may in itself have significant impacts, for example, through the replacement of overburden or the importation of fill material. Any such impacts will be taken into account in the overall assessment of the effects of any proposals. Importation of waste materials can, in some cases, allow restoration of mineral workings to a more appropriate final landform than could be achieved through restoration at a lower level, as well as providing potentially valuable void space for the disposal of locally generated waste. The choice of restoration of mineral workings by infilling with imported material should be determined by a demonstrable need to import waste to achieve a satisfactory restoration of the mineral extraction void , and should also form part of an integrated scheme of extraction. Any proposals for tipping of waste will also need to satisfy the relevant policies in the Structure Plan.

*Policy 4/17
Importation of Waste*

Proposals for mining operations involving restoration through infilling with imported wastes will only be permitted where

- (a) waste disposal can assist in achieving the most appropriate restored landform; and
- (b) the transport and disposal of the waste would not have an unacceptable impact on the environment or local amenity

- 4.3.3 The mineral extraction process provides significant opportunities to achieve landscape, nature conservation and amenity benefits within a variety of timescales.
- 4.3.4 Until recent years, agriculture was considered to be the most appropriate after-use for most mineral sites. Although, where best and most versatile agricultural land has to be worked, agriculture will generally remain the most appropriate primary after-use, there is now much more consideration of non-agricultural after-uses, such as amenity, nature conservation or forestry. Government guidance favours uses, such as woodland, which can provide multi-purpose benefits, the creation of new habitats and landscape improvements. Restoration to agriculture, however, may still be appropriate on land of lower agricultural quality, in which case, the objective will normally be to restore the land to its previous quality or better if reasonably practicable.
- 4.3.5 Where agricultural after-use is proposed, schemes should always include significant landscape/conservation/amenity proposals provided that they do not result in permanent downgrading of best and most versatile land. Where non-agricultural after-uses are proposed, schemes should indicate that high standards of implementation will be achieved, and demonstrate a commitment to ensure that the land uses can be achieved and managed appropriately. For forestry and amenity

(including nature conservation) afteruses regard should be had to the impact on local amenity and landscape character and to the opportunities for enhancement of the landscape, creation and protection of habitats or geological features of nature conservation value and creation of public open space, new rights of way and appropriate recreation facilities.

- 4.3.6 The County Council has set down in its Code of Practice on Operational and Working Practice the content of and general approach to restoration standards which should minimise the impact of a mineral working on the environment. These include: integrating restoration schemes with the surrounding landscape; phasing restoration; 5 year aftercare schemes; and site maintenance and management. Progressive restoration will normally be required, unless it can be demonstrated that an alternative approach would result in a higher standard of restoration. Conditions will be imposed on planning permissions specifying the aftercare necessary to enable the appropriate standard of restoration to be achieved. The standard maximum 5 year period for aftercare may not be adequate satisfactorily to establish areas restored to certain non-agricultural uses such as nature conservation or woodland. In these situations longer term management will be sought through planning obligations to ensure that an acceptable standard of restoration can be achieved.

*Policy 4/18
Restoration to
Agriculture*

Where agriculture is the intended primary afteruse, the proposed restoration scheme should provide for the best practicable standard of restoration. Such restoration schemes should, where possible, include landscape, conservation or amenity proposals provided that these do not result in the irreversible loss of best and most versatile land.

*Policy 4/19
Progressive
Restoration*

Planning applications for mineral workings should demonstrate that, wherever possible and practicable, progressive restoration will be undertaken to a high standard to achieve a prescribed after-use or combination of after-uses.

*Policy 4/20
Aftercare*

Planning permissions which are subject to conditions requiring restoration to agriculture, forestry or amenity (including nature conservation) will additionally be subject to an aftercare requirement seeking to bring the restored land up to an approved standard for the specified after-use. Normally this requirement will run for a period of five years following restoration. Additionally, where forestry and amenity (including nature conservation) afteruses are proposed, the Mineral Planning Authority may seek to secure longer term management agreements.