



## BMC Guidance Note – Minerals and Quarrying

### 1. Summary

The BMC accepts that the operation of mines and quarries in England and Wales is important for growth, prosperity and jobs. It also recognises that these operations are often in upland areas, the beauty and tranquillity of which attracts their members in large numbers. While it may oppose environmentally damaging extension of quarries in the most sensitive landscapes such as in National Parks, the BMC will not oppose quarries in other areas where creative restoration schemes result in beneficial after use. The BMC believes that disused hard rock quarries are a potentially valuable recreational resource. It seeks to encourage planners and quarry companies to improve hard rock quarry restoration schemes by providing more opportunities for recreation as well as nature conservation in line with government guidance.

This Guidance Note is designed to assist members to formulate views on quarry developments in England and Wales. It sets out the context and highlights the BMC's approach and position as well as guidelines on how you can have your say.

### 2. Planning policy context - England

The Department for Communities and Local Government is responsible for setting planning policy in England. The key national policy documents are the 2012 National Planning Policy Framework<sup>1</sup> (NPPF) and the Planning Policy Practice Guidance which set out the government's planning policies for England. This provides guidance for local planning authorities on drawing up plans and determining planning applications. The introduction of the NPPF reduced the number of government planning policy documents. The planning practice guidance to accompany the NPPF is a web-based resource and it contains a section on minerals<sup>2</sup> that provides guidance on the planning for mineral extraction in plan making and the application process.

#### Mineral Planning Authorities

National government confirms the amount of quarrying and mining products to be generated from Mineral Planning Authority (MPA) areas. In June 2009, the government published National and Regional Guidelines for Aggregate Provision in England for the period 2005 to 2020. The NPPF requires an annual Local Aggregate Assessment (LAA) to be produced by MPAs in order to plan for a steady and adequate supply of aggregates.<sup>3</sup> The MPAs are responsible for meeting these targets through their own planning policy and procedures. The Authorities need to facilitate a prosperous and productive quarrying industry while at the same time minimizing the environmental damage that the

<sup>1</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>2</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/minerals/>

<sup>3</sup> NPPF para 145

industry creates. Achieving the right balance is challenging, particularly in areas of high landscape value such as National Parks. Increasingly the inclusion of beneficial restoration schemes has been seen as an important requirement in the planning approval process.

### Local Plans

The NPPF states that Local Minerals Plans should be drawn up by MPAs. They should address the spatial implications of economic, social and environmental change and set out the opportunities for development and clear policies on what will or will not be permitted and where. Depending on the nature of existing local planning policy, many MPAs are currently reviewing their minerals policies to produce these new Local Plans. In doing so, the Authorities are conducting consultations on their scope and content.

### **3. Planning policy context - Wales**

The Welsh Government is responsible for setting planning policy in Wales. The general policies for all mineral development are set out in Minerals Planning Policy Wales<sup>4</sup>, which is supplemented by 2 Minerals Technical Advice Notes (TANs): Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (March 2004)<sup>5</sup> and Minerals Technical Advice Note (MTAN) Wales 2: Coal (January 2009)<sup>6</sup>. These set out the detailed advice on the mechanisms for delivering the policy for aggregates and coal extraction by mineral planning authorities and the aggregates industry.

Minerals Planning Policy Wales states that:

The overriding objective is to provide a sustainable pattern of mineral extraction by adhering to 5 key principles (paragraphs 11 to 55) that authorities must take into account in development control and when formulating unitary development plan policies. These key principles are to:

- provide mineral resources to meet society's needs and to safeguard resources from sterilisation
- protect areas of importance to natural or built heritage
- limit the environmental impact of mineral extraction
- achieve high standard restoration and beneficial after-use
- encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials.<sup>7</sup>

MTAN Wales 1 states that:

The overarching objective in planning for aggregates provision therefore is to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance. This acceptable minimum may not be possible in all instances, and where that is the case, extraction should not take place, or where extraction is currently taking place, local planning authorities and the aggregates industry should consider alternative working practices or locations for future working to secure a standard considered appropriate to mineral working in the 21st Century. This task must be carried out by mineral planning authorities within the framework of the Assembly's planning policy and technical advice<sup>8</sup>.

### **4. The BMC's approach to quarrying**

#### Minerals permissions

The upland areas of England and Wales and other wild places have a quality and importance from which many people derive physical, psychological and spiritual benefits. Such areas are highly sensitive to inappropriate development and great care should be taken to safeguard their landscape character and environmental habitats when considering minerals extraction.

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<sup>4</sup> <http://wales.gov.uk/docs/desh/policy/120522planningmineralpolicyen.pdf>

<sup>5</sup> <http://wales.gov.uk/docs/desh/policy/040331aggregatesmtanen.pdf>

<sup>6</sup> <http://wales.gov.uk/docs/desh/policy/090120coalmtanen.pdf>

<sup>7</sup> MPPW Paragraph 10

<sup>8</sup> MTAN1 Paragraph 7

The BMC recognises that past mineral development and quarrying has contributed significantly to both landscape character and livelihoods within the urban fringe and rural areas. The well-being of landscapes, amenity and communities should be balanced so as to contribute to the sustainable development of the region.

In the light of these considerations, where possible the BMC will help:

- minimise and, wherever possible, prevent the damaging impact of minerals extraction on sensitive rural environments
- reduce mineral demand by the greater use of recycled and substitute/secondary materials
- endorse, where appropriate, sensitively sited new minerals development either in cases of winning stone for conserving or enhancing the local and regional built environment or for proven national need
- promote the development and delivery of effective restoration plans for worked out quarry sites as explained below.

In line with government policy, the BMC is likely to oppose major new minerals development on areas with landscape/countryside (National Park, AONB, green belt) or nature conservation (SPA, SAC, NNR, SSSI) designations or allied areas/sites such as Scheduled Ancient Monuments and other environmentally important areas.

### Restoration

An important consideration in minerals planning is the nature of the legacy left for local communities and visitors after the quarry companies have departed. There is a growing aspiration to maximise the benefits derived from effective restoration plans for worked out quarries. The NPPF states that local planning authorities should 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<sup>9</sup>.

Restoration can present opportunities to enhance local amenity and the environment. For example, the causes and impacts of flooding can be reduced by creating flood storage areas; net gains in biodiversity can be achieved by creating habitats that link into to local ecological networks; and new public rights of way or new recreational facilities can be provided<sup>10</sup>.

It has now become standard practice for planners and the quarry companies to deliver restoration schemes that provide habitat creation, gains in biodiversity and new rights of way. Achievements have been excellent and the Mineral Products Association has an annual biodiversity award for restoration. Extending these benefits by taking other complimentary recreational opportunities is only in its infancy. The BMC believes that appropriate disused hard rock quarries can become a valuable recreational resource without the need for extensive preparation. It seeks to encourage planners and quarry companies to improve hard rock quarry restoration plans by providing more opportunities for recreation alongside nature conservation in line with the government guidance.

Successful case studies show that the provision of climbing and other quiet, informal recreational activity in worked out quarries has the potential to provide a range of benefits which includes:

- helping to transform what can be a dangerous and unattractive liability into a positive and valued asset for the local community local and visitors
- providing a economic boost by attracting visitors who are likely to use local services
- providing a resource that can often be in areas of economic and social disadvantage
- creating potential new climbing venues in areas where there is limited choice outdoors and nearer to large centres of population such as the south east
- providing opportunity for exercise and sporting activity which helps to improve the health and wellbeing

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<sup>9</sup> NPPG Paragraph 143

<sup>10</sup> NPPG Paragraphs 73 and 75

- supporting the care and management of sites for nature conservation and quiet informal recreation
- providing training venues for outdoor education providers, rescue teams and helping young people to make the transition from indoor to outdoor climbing.

Achieving wider benefits in this way has yet to become common thinking and practice and as a result a range of initial concerns are raised including liability, access by lay people, rock unsuitability and rock fall, competition with nature conservation and costs. In each case, however there are solutions to these perceived barriers<sup>13</sup>. A brief summary is given in Appendix 1.

## **5. When and where will the BMC get involved**

### Mineral applications

As outlined above the BMC is likely to oppose major new minerals development in sensitive landscape areas. The BMC will take decisions on whether to get involved in casework or policy processes on mineral issues on a case-by-case basis, taking a number of factors into account:

- The potential impacts on the landscape and on public enjoyment of it, including whether there would be impacts of national or regional significance.
- The scale of the development proposal, the statutory and local designation or recreational significance or sensitivity of the host landscape.
- The wider implications of the policy-making process and outcomes.
- The consideration of relevant actions by and commentary from local decision makers, residents and activists.
- The amount of support from members when we are considering taking action.
- The extent to which a BMC intervention could add value to the work of others.
- The availability of resources, expertise and capacity of BMC staff and area volunteers.

### Restoration planning

The BMC is actively engaged in lobbying for greater benefits from the quarry industry's legacy. A range of resources has been developed to draw on when calling for more creative restoration plans. These include:

- The case for recreation
- Opportunities and benefits
- Perceived barriers and their solutions
- Case studies
- Planning guidance

The full range of resources can be downloaded on the BMC website. Members are encouraged to use these documents when in discussion about local opportunities.

The review of Minerals planning policy by MPAs in the light of the Localism Bill of 2011 and the emergence of the NPPF and associated planning guidance is providing an ongoing opportunity to call for more consideration and provision for recreation in restoration plans. Submissions have been made in response to consultations run by a variety of MPAs. As an example, a summary of the submission to Leicestershire County Council in January 2014 is given in Appendix 2.

## **6. Locally accountable decision making**

The BMC does not always have the appropriate expertise, authority, local knowledge or resources to comment on every minerals proposal. If a local BMC area wishes to support or oppose a local development then this should be done as early as possible in the planning process or during formal consultations on applications by local planning authorities and the Planning Inspectorate.

Each proposal should be assessed on a case-by-case basis and on its individual merits. Responses should be informed by a consideration of the factors in sections 4, 5 and 8 of this guidance note.

If there is a collective decision to support or oppose a proposal then representations should be made on behalf of the local BMC group. This must be approved by the area chair who should contact the main BMC office to inform it of the decision before any action is taken.

## **7. A guide to having your say**

There are a number of ways in which members and local areas can find out about and express views on minerals developments:

- Monitor and gather information from your local planning authority – find out who they are at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). You can find out more about planning applications by visiting your council's website and searching on its planning pages.
- Check on the progress being made by your planning authority on the development of the Minerals Local Plan and respond to any ongoing consultation process.
- Check your local newspaper and message boards for consultations.
- Engage early with the development of local plan policies and Supplementary Planning Documents on minerals.
- Get involved in neighbourhood planning which allows communities to establish planning policies for development in their neighbourhood
- Make your views known during local authority consultations or at public inquiries or hearings into proposals.
- Join with other organisations that share your views, enabling resources to be shared and actions co-ordinated, giving a stronger, collective voice.
- Contact your local councillor or MP to raise the issue and your concerns – to find out who they are visit [www.theyworkforyou.com](http://www.theyworkforyou.com)
- Publicise your views in press releases (agreed by the BMC) issued to the local media or through use of social media such as Twitter or Facebook.
- Engage with the BMC local area committee and discuss the proposals – find out more about local areas at <http://community.thebmc.co.uk>

## **8. Checklist for assessing applications**

Assessment of schemes by members or areas will require consideration of a number of detailed matters, depending on the type of mineral development involved and the proposed location. This checklist is intended to be a helpful guide rather than an exhaustive list, assisting members in deciding whether a development is acceptable.

- What is the impact of proposals on visual amenity and on people's ability to appreciate and enjoy the landscape?
- Are there any cumulative impacts that require particular attention, are there existing mineral workings in the vicinity?
- Is the proposal in or close to a National Park or Area of Outstanding Natural Beauty, and if so would it have an adverse impact on the protected area?
- What are the likely impacts of environmental issues such as noise, dust and lorry movements?
- What is the impact of associated infrastructure such as access roads and tracks, grid connections, pylons, transformer stations and hard standings?
- What is the impact of any proposed security measures such as CCTV, lights and fencing? Consider both temporary and permanent impacts.
- Has enough been done to prevent, minimise and mitigate any potential landscape and visual impacts, for example through tree planting and screening?
- What is the nature of the restoration plan and does it achieve the maximum potential environmental and recreational benefits the site could offer?

For more information, please contact;

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## **APPENDIX 1**

*A brief summary of the initial concerns about developing climbing in worked out quarries and their solutions.*

### **Liability.**

Climbers climb entirely at their own risk. The BMC participation statement underlines this fact:

The BMC recognises that climbing, hill walking and mountaineering are activities with a danger of personal injury and death. Participants in these activities should be aware of and accept these risks and be responsible for their own actions.

Rock climbers are not in a position to claim against an owner or occupier in the case of an accident – the 'Volenti non fit endura' principle applies.

### **Access by non-climbers**

Appropriate access barriers and signage have proven successful in limiting access by non-climbing members of the public.

### **Instability and rock fall**

After liaison with the relevant geotechnical specialist and as part of the preparation process, climbs are cleaned of any loose flakes and blocks before protection bolts are placed. A benefit of preparing a cliff face to provide good quality bolt protected sport climbs is that loose rock is removed at the outset by climbers experienced in preparing and protecting new climbs making the whole area safer in the long-term.

Some faces prove too loose even for the most ardent and adventurous climber – unsuitable and unstable faces offer no attraction for climbers for obvious reasons.

### **Nature conservation**

The physical impact of climbers is minimal and the use of quarries for nature conservation and climbing can be complimentary. An example is the BMC owned Horseshoe Quarry in the Peak District where habitat creation, improvement and management has been pursued alongside the development of an excellent selection of rock climbs. The site is now popular with local residents, walkers and climbers.

The BMC has well developed partnership arrangements with conservation bodies such as Natural England and RSPB and helps to enforce agreed restrictions on climbing during the nesting season where required.

### **Cost**

The additional cost for owners/operators is minimal or non-existent as climbers and the BMC can provide signage and any climbing equipment such as bolts and lower -offs.

## APPENDIX 2

*A summary of the BMC submission to the Leicestershire County Council consultation on the revision of its Minerals Local Plan January 2014*

Through effective restoration planning, worked out quarries can provide functional and diverse components of the County's wider green infrastructure network. Each site should be responsive to its location and no two sites will be the same but the majority of sites will be capable of hosting a range of environmental, recreational, social and economic benefits and restoration plans should set out to maximise these benefits through the provision of complimentary activities.

The BMC believes that there is a significant opportunity in Leicestershire to turn worked out quarry sites into valued resources for recreation and nature conservation. Due to the large scale nature of hard rock quarrying in Leicestershire and the county's relative position in relation to population centres and availability of exposed rock faces across the country, there exists a unique opportunity for the county to benefit from new recreational attractions for local residents and visitors alike.

There are good examples elsewhere in the country where sports such as rock climbing and mountain biking have provided a positive after use for worked out quarries in conjunction with habitat creation and nature conservation. The BMC is currently completing work that sets out the methods of delivery from planning and feasibility to solutions to perceived barriers such as optimal blasting for final rock faces and legal liabilities.

It is accepted that the development of rock climbing will only be possible on certain suitable sites, but the BMC is looking to the County Council to take the opportunity to put in place the requisite planning requirements and guidelines that will enable positive restoration schemes to materialise.

Answers to specific consultation questions:

### **Question 2: Key Issues**

The British Mountaineering Council (BMC) agrees that a particular issue for review should be the strategy for the restoration of mineral and landfill sites. The ministerial foreword to the NPPF includes the following:

Our natural environment is essential to our wellbeing, and it can be better looked after than it has been. Habitats that have been degraded can be restored. Species that have been isolated can be reconnected. Green Belt land that has been depleted of diversity can be refilled by nature – and opened to people to experience it, to the benefit of body and soul.

The BMC recognises that the extensive worked out hard rock quarries in Leicestershire can play a significant role in enabling people to achieve these benefits and that creative and effective restoration planning and delivery is required to achieve it.

### **Question 3: Spatial Vision and Strategic Objectives**

Within the Minerals and Waste Core Strategies, strategic objective for minerals development No.7 is:

To promote the delivery of measures for environmental, recreational, economic and community gain in mitigation or compensation for the effects of mineral development where possible.

It is suggested that objective No.8 should reflect this by confirming the provision for recreation as a component of appropriate after use. This is supported by objective No.9 which seeks to compliment and support the wider strategies for the Minerals Development Framework area within which recreation is a strategic priority.

### **Question 53: Public Rights of Way**

Access to the natural environment should be encouraged for informal recreation as an important element within the green infrastructure network. The BMC trusts that the stated aim in the existing policy to ensure - that opportunities are taken to secure improved access to the countryside – will be actively pursued. The new routes provided on restored land by Lafarge Tarmac in Mountsorrel are good examples.

**Question 55: Reclamation and Aftercare**

The NPPF states that local planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions. Also, Paragraph 5.61 of the Minerals Core Strategy indicates that mineral workings should be subject to progressive extraction and restoration, where practicable, in order to facilitate restoration of land at the earliest opportunity. While it is noted that progressive restoration is particularly applicable to sand and gravel, brick clay and opencast coal operations, the policy should be strengthened to promote progressive restoration in hard rock quarries. Where possible, operations should be improved to avoid large worked out areas being left unrestored until the wider operation closes down.

**Question 56: Afteruse**

Policy MCS 17 in seeking to provide a wider range of after uses compared to the traditional approach of restoring mineral workings to an agricultural use should include land based recreational activities such as rock climbing and mountain biking in the list of options.

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**Question 57: Biodiversity**

Biodiversity should be a priority in restoration plans. As noted above, each site will need careful appraisal but proposals should relate to a County wide strategic plan for increasing biodiversity. In this context the approaches set out in paragraph 7.17 need not be mutually exclusive

**Question 58: Woodland**

Woodland should be a priority in restoration plans, particularly within the National Forest.

**Question 60: Leisure and Recreation**

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There are good examples elsewhere in the country where sports such as rock climbing and mountain biking have provided a positive after use for worked out quarries in conjunction with habitat creation and nature conservation. The BMC is currently completing work that sets out the methods of delivery from planning and feasibility to solutions to perceived barriers such as optimal blasting for final rock faces and legal liabilities.

It is accepted that the development of rock climbing will only be possible on certain suitable sites, but the BMC is looking to the County Council to take the opportunity to put in place the requisite planning requirements and guidelines that will enable positive restoration schemes to materialise.

**Question 61: Reclamation of rock quarries**

A long term strategy for the reclamation of rock quarries within Charnwood Forest is required. The vision statement of the Regional Park states that minerals sites should be restored to biodiversity, geodiversity, sustainable leisure and tourism, and woodland uses. To achieve this, where sites become valued assets within the Park combining recreation with biodiversity and geodiversity, it will require progressive partnership working within an agreed strategy.

Regarding the question of specific proposals, it will be possible to establish aspirations and goals within the strategy. Delivery will depend on all stakeholders working together including the quarry companies, so planning requirements set out as part of the new minerals local plan and the more specific Charnwood Forest strategy will be crucial.

The BMC would like to be involved in the formation of the strategy.