



Minerals are essential for development and through that for our quality of life and creation of sustainable communities. Minerals planning ensures that the need for minerals by society and the economy and the impacts of extraction and processing on people and the environment are managed in an integrated way.



# PLANNING

## Minerals Policy Statement 1:

### Planning and Minerals



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Department for Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU  
Telephone: 020 7944 4400  
Website: [www.communities.gov.uk](http://www.communities.gov.uk)

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Department for Communities and Local Government Publications  
PO Box 236  
Wetherby  
West Yorkshire  
LS23 7NB  
Tel: 08701 226 236  
Fax: 08701 226 237  
Textphone: 08701 207 405  
Email: [communities@twoten.com](mailto:communities@twoten.com)  
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# Minerals Policy Statement 1: Planning and Minerals

## Introduction

- 1 Minerals are essential to the nation's prosperity and quality of life, not least in helping to create and develop sustainable communities. It is essential that there is an adequate and steady supply of material to provide the infrastructure, buildings and goods that society, industry and the economy needs, but that this provision is made in accordance with the principles of sustainable development. In order to secure the long-term conservation of minerals it is necessary to make the best use of them. This can be achieved by adopting a hierarchical approach to minerals supply, which aims firstly to reduce as far as practicable the quantity of material used and waste generated, then to use as much recycled and secondary material as possible, before finally securing the remainder of material needed through new primary extraction. Minerals development is different from other forms of development because minerals can only be worked where they naturally occur. Potential conflict can therefore arise between the benefits to society that minerals bring and impacts arising from their extraction and supply. Minerals planning aims to provide a framework for meeting the nation's need for minerals sustainably, by adopting an integrated policy approach to considering the social, environmental and economic factors of doing so and securing avoidance or appropriate mitigation of environmental impacts where extraction takes place.
- 2 Minerals Policy Statements (MPSs) set out the Government's national planning policies for minerals planning in England. These complement, but do not replace or overrule, other national planning policies, and should be read in conjunction with other relevant statements of national planning policy. MPS1 sets out the Government's key overarching policies and principles which apply to all minerals.
- 3 The MPS has four annexes which focus on matters specific to four sectors of the minerals industry, namely, aggregates; brick clay; natural building and roofing stone; and onshore oil and gas. The annexes have equal status to, and should be read in the context of, core policy in MPS1. For matters which relate to recycling, mineral planning authorities (MPAs) should read MPS1 within the context of the national *Waste Strategy* and Planning Policy Statement (PPS) 10: *Planning for Sustainable Waste Management*. A range of minerals other than those dealt with in the annexes are worked in England. Many of these are economically important. Appropriate provision for the supply of these is important even though specific guidance is not provided.

- 4 MPS1 replaces Minerals Planning Guidance (MPG) Note 1: *General Considerations and the Development Plan System*, published in 1996, which is hereby cancelled. The annex on aggregates completes the replacement of MPG6: *Guidelines for Aggregates Provision in England*. The annex on onshore oil and gas replaces DOE Circular 2/85 *Planning Control over Oil and Gas Operations*. MPG6 and DOE Circular 2/85 are therefore also hereby cancelled. MPS2: *Controlling and Mitigating the Environmental Effects of Minerals Extraction in England* and its two annexes on dust and noise, published in March 2005, replace MPG11: *Control of Noise at Surface Mineral Workings* and part replace MPG2: *Applications, Permissions and Conditions* and MPG3: *Coal Mining and Colliery Spoil Disposal*. The table at the end of this statement, sets out the current status of individual MPGs. Until replaced, all extant MPGs, which have equivalent status to MPSs, should be read in the context of MPS1 and MPS2.
- 5 The policies in this statement should be taken into account by regional planning bodies (RPBs) in the preparation of Regional Spatial Strategies (RSS), by the Mayor of London in relation to the Spatial Development Strategy for London, and by MPAs and local planning authorities (LPAs) in the preparation of local development documents (LDDs) and any development plans which are being taken forward to adoption under transitional arrangements. The policies in this statement will also be important to the minerals industry and all other interested parties. They are material to decisions on individual planning applications and if reflected in a LDD and RSS, will form part of the statutory Development Plan. Where these policies are not reflected adequately in forward planning, or taken sufficiently into account in relevant development control decisions, the Secretary of State may use her powers of direction to seek changes to the documents or may intervene in the consideration of planning applications.
- 6 An accompanying Guide<sup>1</sup> offers advice and examples of good practice to stakeholders on the implementation of policies in MPS1.
- 7 The sequence in which objectives and policies appear in the following sections does not necessarily reflect their degree of importance.
- 8 The Government's UK strategy for sustainable development, *Securing the Future*<sup>2</sup>, published in March 2005, set out how the goal of sustainable development should be pursued by Government, businesses and individuals in an integrated way to provide:
- an economy that delivers high levels of employment;
  - a society that promotes sustainable communities;
  - the protection and enhancement of the physical and natural environment; and
  - the efficient use of resources and energy.

The policies in this statement endeavour to ensure that minerals planning contributes to the achievement of these four aims of sustainable development.

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1 DCLG 2006 – Practice Guide to Accompany Minerals Policy Statement 1: *Planning and Minerals* available at [www.communities.gov.uk/index.asp?id=1144132](http://www.communities.gov.uk/index.asp?id=1144132)

2 Available at <http://www.sustainable-development.gov.uk/publications/uk-strategy/index.htm>

## National objectives for minerals planning

- 9 The Government's objectives for minerals planning reflect the requirement to contribute to the achievement of sustainable development, as required by Section 39 of the Planning and Compulsory Purchase Act 2004. These are:
- to ensure, so far as practicable, the prudent, efficient and sustainable use of minerals and recycling of suitable materials, thereby minimising the requirement for new primary extraction;
  - to conserve mineral resources through appropriate domestic provision and timing of supply;
  - to safeguard mineral resources as far as possible;
  - to prevent or minimise production of mineral waste;
  - to secure working practices which prevent or reduce as far as possible, impacts on the environment and human health arising from the extraction, processing, management or transportation of minerals;
  - to protect internationally and nationally designated areas of landscape value and nature conservation importance from minerals development, other than in the exceptional circumstances detailed in paragraph 14 of this statement;
  - to secure adequate and steady supplies of minerals needed by society and the economy within the limits set by the environment, assessed through sustainability appraisal, without irreversible damage;
  - to maximise the benefits and minimise the impacts of minerals operations over their full life cycle;
  - to promote the sustainable transport of minerals by rail, sea or inland waterways;
  - to protect and seek to enhance the overall quality of the environment once extraction has ceased, through high standards of restoration, and to safeguard the long-term potential of land for a wide range of after-uses;
  - to secure closer integration of minerals planning policy with national policy on sustainable construction and waste management and other applicable environmental protection legislation; and
  - to encourage the use of high quality materials for the purposes for which they are most suitable.

## National policies for minerals planning

- 10 To achieve the objectives and measures set out above, RPBs, MPAs and LPAs should carry out their functions in relation to the preparation of plans and in relation to development control, in accordance with the national policies for minerals planning set out below:

11 Exploration:

- consider carefully applications for mineral exploration in order to avoid or minimise any resultant adverse impacts on the environment.

12 Survey:

- use the best available information on mineral resources within their areas and consider the social, environmental and economic benefits and constraints of working them;
- undertake regular assessments of the reserves for which planning permission has been granted for all mineral workings in their areas, taking into account the need for, distribution, production and uses of, each type of mineral, while maintaining mineral operators' reasonable needs for commercial confidentiality;
- assess the range, volumes and availability of waste material which may exist within reasonable proximity and which could provide suitable alternatives to primary minerals.

13 Safeguarding:

- define Mineral Safeguarding Areas (MSAs) in LDDs, in order that proven resources are not needlessly sterilised by non-mineral development, although there is no presumption that resources defined in MSAs will be worked;
- encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in MSAs;
- in unitary planning areas, define MSAs in LDDs to alert prospective applicants for non-minerals development to the existence of valuable mineral resources;
- in two-tier planning areas, include policies and proposals to safeguard mineral resources within MSAs in county LDDs and show MSAs in district LDDs. Counties should define Mineral Consultation Areas (MCAs) based on their MSAs. MCAs should also be reflected in district LDDs. Where a planning application is made for non-mineral development within a MCA, the district should consult the county on the application;
- district councils responsible for spatial planning of land defined in MSAs should not normally include policies and proposals in their LDDs for non-minerals development in those areas, or sensitive development around safeguarded mineral areas, where such policies would affect the potential for future extraction of minerals;
- safeguard existing, planned and potential rail heads, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, particularly coal and aggregates, including recycled, secondary and marine-dredged materials;

- identify future sites to accommodate the above facilities and reflect any such allocations in the LDDs of district councils in two-tier planning areas. District councils in these areas should not normally permit other development proposals near such safeguarded sites where they might constrain future use for these purposes;
- safeguard existing, planned and potential sites including rail and water-served, for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material. Where appropriate, identify future sites for these uses and reflect any such allocations in the LDDs of district councils in two-tier planning areas.

#### 14 Protection of heritage and countryside:

- where minerals development is proposed within, adjacent to, or where it is likely to significantly affect a *European site* (potential and classified *Special Protection Areas*, candidate and classified *Special Areas of Conservation* and listed *Ramsar Convention Sites*), take account of the advice contained in PPS9<sup>3</sup> and the accompanying joint ODPM/Defra Circular<sup>4</sup>;
- do not permit major mineral developments in *National Parks*, *the Broads*, *Areas of Outstanding Natural Beauty* and *World Heritage Sites* except in exceptional circumstances. Because of the serious impact that major mineral developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for these developments should be subject to the most rigorous examination. Major mineral development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore include an assessment of:
  - i the need for the development, including in terms of national considerations of mineral supply and the impact of permitting it, or refusing it, upon the local economy;
  - ii the cost of, and scope for making available an alternative supply from outside the designated area, or meeting the need for it in some other way;
  - iii any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.

Planning authorities should ensure that for any planning permission granted for major mineral development in these designated areas, the development and all restoration should be carried out to high environmental standards, through the application of appropriate conditions, where necessary, and be in character with the local landscape and its natural features.

Proposals in these areas which are not considered to be major mineral developments should be carefully assessed, with great weight being given in decisions to the conservation of the natural beauty of the landscape and countryside, the conservation of wildlife and the cultural heritage and the need to avoid adverse impacts on recreational opportunities.

<sup>3</sup> Planning Policy Statement 9: Biodiversity and Geological Conservation (2005) available at [www.communities.gov.uk/index.asp?id=1143803](http://www.communities.gov.uk/index.asp?id=1143803)

<sup>4</sup> Joint ODPM/Defra Circular, ODPM 06/2005, Defra 01/2005: Government Circular; Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system

- do not normally grant planning permission for a proposed mineral development on land within or outside a *Site of Special Scientific Interest* (SSSI), if it is likely to have an adverse effect on a SSSI (either individually or in combination with other developments);
- ensure that the statutory protection given to many individual wildlife species under a range of legislative provision<sup>5</sup>, and the special protection afforded to *European protected species*, is fully taken into account<sup>6</sup> when considering mineral proposals which might affect them;
- consider carefully mineral proposals within or likely to affect *regional and local sites of biodiversity, geodiversity, landscape, historical and cultural heritage*<sup>7</sup>;
- note that while there is a general presumption against inappropriate development in the *Green Belt*, which should not be approved except in very special circumstances, mineral extraction need not be inappropriate development, nor conflict with the purposes of designating Green Belts. However, in permitting mineral developments in Green Belts, authorities should ensure that high environmental standards are maintained during operation, and that sites are well restored to after-uses consistent with Green Belt objectives. All mineral-related developments in the Green Belt should be assessed against the policies in PPG2<sup>8</sup>;
- adopt a presumption in favour of the preservation of listed buildings, nationally important archaeological remains (including scheduled ancient monuments) in situ, and their settings, if mineral proposals would cause damage or have a significant impact on them, unless there are overriding reasons of national importance for the development to proceed;
- do not permit mineral proposals that would result in the loss or deterioration of ancient woodland, not otherwise statutorily protected, unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat;
- take account of the value that existing woodland offers in terms of amenity and habitat, when considering mineral proposals;
- where significant development of agricultural land is unavoidable, seek to use areas of poorer quality land in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations. In order to achieve the intended after-use, a high standard of restoration would be required;
- take account of the value of the wider countryside and landscape, including opportunities for recreation, including quiet recreation, and as far as practicable maintain access to land. Minimise the impact of minerals operations on its quality and character and consider the cumulative effects of local developments;

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5 See paragraphs 15 and 16 of PPS9: Biodiversity and Geological Conservation (2005)

6 See Part IV of joint ODPM/Defra Circular, ODPM 06/2005, Defra 01/2005 – Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system

7 See paragraph 9 of PPS9: Biodiversity and Geological Conservation (2005)

8 Planning Policy Guidance Note 2: Green Belts (1995) available at [www.communities.gov.uk/index.asp?id=1143926](http://www.communities.gov.uk/index.asp?id=1143926)

- have regard to the positive or negative effects that minerals operations may have on rural communities and the extent to which adverse impacts of such operations could be moderated, but recognise that such developments can often also offer opportunities for these communities especially at the restoration stage.

## 15 Supply:

- identify at the regional level, those minerals which are of national and regional significance and include policies for them in RSS;
- aim to source mineral supplies indigenously, to avoid exporting potential environmental damage, whilst recognising the primary role that market conditions play;
- before considering the extraction of primary materials, take account of the contribution that substitute or recycled materials, mineral products and marine-dredged aggregates would make to the supply of materials;
- ensure the best integration of social, environmental and economic costs and benefits is achieved, through applying the principles of sustainable development, by carefully considering how best to maintain an adequate and steady supply of minerals for the economy and society, commensurate with protecting the environment and securing the prudent use of natural resources, and set out policies to achieve this in RSSs and LDDs;
- identify sites, preferred areas and/or areas of search, having taken account of environmental considerations, to provide greater certainty of where future sustainable mineral working will take place;
- consider the benefits, in terms of reduced environmental disturbance and more efficient use of mineral resources including full recovery of minerals, of extensions to existing mineral workings rather than new sites;
- take account of the benefit, including the reduction in carbon emissions, which local supplies of minerals would make in reducing the impact of transporting them over long distances by road;
- recognise the important role that small quarries can play in providing historically authentic building materials in the conservation and repair of historic and cultural buildings and structures;
- where extraction of more than one mineral from a site is proposed, consideration should be given to any relevant planning guidance specific to each mineral;
- provide for the maintenance of landbanks, i.e. appropriate levels of permitted reserves, for non-energy minerals as far as is practicable from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites;
- enable the minerals industry, so far as is practicable, to secure productivity growth and high and stable levels of employment, which are central to long-term economic performance and rising living standards.

16 Bulk transportation:

- seek to promote and enable the bulk movement of minerals by rail, sea or inland waterways to reduce the environmental impact of their transportation;
- promote facilities at ports and rail links that have good communications inland, so that bulk minerals can be landed by sea and distributed from ports, as far as is practicable, by rail or water;
- safeguard and promote rail links to quarries where there is potential to move minerals by rail.

17 Environmental protection:

- seek to protect and enhance the character of surrounding rural and urban areas by careful planning and design of any proposals for minerals development;
- encourage mineral operators to adopt sound working practices to prevent, where feasible, or if not to minimise, environmental impacts to acceptable levels during the preparation, working and restoration stages, including the provision of improved transportation within and from sites;
- encourage mineral operators to incorporate and maintain good environmental management practices into their company procedures and apply them during the operation of their sites;
- require mineral operators to seek and maintain effective consultation and liaison with the local community before submitting planning applications and during operation, restoration and aftercare of sites;
- state the criteria to be used in assessing mineral proposals and in formulating planning conditions, to ensure that permitted operations do not have unacceptable adverse impacts on the environment or human health. MPAs should avoid unnecessary conditions or obligations that duplicate the effects of other more specific controls, in line with general guidance in PPS1<sup>9</sup>;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations caused by mineral extraction are in conformity with national guidance and are controlled, mitigated or removed at source, so as to reduce to an acceptable level any potential adverse impacts on neighbouring land and property;
- encourage the establishment of mineral site transport plans in consultation with the local community, dealing with matters including routing, off-site parking, considerate driving and complaints procedures;
- consider in association with the Environment Agency, the potential for mineral developments, individually or cumulatively, to affect the flow, quality and quantity of surface and groundwater supplies and the water table, taking account of best available options in preventing leachate generation and water pollution;

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<sup>9</sup> Planning Policy Statement 1: Delivering Sustainable Development (2005) available at [www.communities.gov.uk/index.asp?id=1143804](http://www.communities.gov.uk/index.asp?id=1143804)

- ensure, in association with the Environment Agency, that in areas at risk of flooding, mineral extraction proposals do not have a significant adverse impact on flood flows or flood storage capacity. Operators should demonstrate that mineral working should not materially increase the risk of flooding at other properties or locations and, where practicable, should increase flood storage capacity;
- ensure that proposals for mineral extraction and the storage and tipping of mineral wastes are designed, and appropriate monitoring procedures set up, to ensure that the operation and restoration of the site does not create land instability and help prevent pollution of soil, air, surface water and groundwater;
- ensure that proposals for mineral extraction from coastal cliffs, beaches and dune systems do not adversely affect the stability of the coastal environment, increase the rate of coastal erosion or vulnerability to flooding, or affect sensitive habitats, landscapes or Heritage Coasts.

18 Efficient use:

- encourage the efficient use of all minerals and alternatives to them;
- encourage high quality materials to be used for appropriate purposes, but taking account of the need to avoid undue delays to site reclamation;
- minimise the amount of minerals waste produced in extraction, handling, processing and stockpiling;
- maximise the potential for minerals waste to be used for recycling or in-site restoration, but if not required for these purposes and where practicable, identify a market for its potential use;
- ensure, so far as practicable, the use of acceptable substitute or recycled materials in place of primary minerals.

19 Restoration:

- take account of the opportunities for enhancing the overall quality of the environment and the wider benefits that sites may offer, including nature and geological conservation and increased public accessibility, which may be achieved by sensitive design and appropriate and timely restoration;
- consider the opportunities that sites may offer for the development of new woodland areas and for providing networks of habitats;
- in order to avoid the possibility of mineral working resulting in dereliction, ensure land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place through the provision of guidance on suitable or preferred after-uses and reclamation standards, and the use of conditions and legal agreements, as appropriate;
- ensure proposals for restoration and aftercare of sites include details of appropriate phasing of progressive restoration, final landform and landscape and monitoring procedures;

- develop a strategy for inactive sites with planning permission for future working, which are considered unlikely to be reactivated in the foreseeable future;
- maintain or improve the Public Right of Way network around restored mineral sites as far as practicable;
- do not seek or require bonds or other financial guarantees to underpin planning conditions, except as set out in MPG7<sup>10</sup>;
- where restoration of mineral workings is through landfill or to a wetland habitat, consult the owner or operator of civil and military aerodromes within 13km, in order to assess the likelihood of increasing the bird strike hazard;
- examine the merits of recycling mineral wastes for productive uses or using them for site restoration, in order to minimise the adverse impact that they could otherwise have on the landscape.

Table	
MPG Number and Title	Status
MPG1: General Considerations and the Development Plan System.	Replaced by MPS1.
MPG2: Applications, Permissions and Conditions. The rest remains in force.	Part replaced by Annexes 1 and 2 of MPS2.
MPG3: Coal Mining and Colliery Spoil Disposal.	Paragraphs C10 to C15 in Annex C replaced by Annex 2 of MPS2. Paragraphs C20 to C24 in Annex C replaced by Annex 1 of MPS2. The rest remains in force.
MPG4: Revocation, Modification, Discontinuance, Prohibition, and Suspension Orders – Town and Country Planning (Compensation for Restrictions on Mineral Working and Mineral Waste Depositing) Regulations 1997.	Remains in force.
MPG5: Stability in Surface Mineral Workings and Tips.	Remains in force.
MPG6: Guidelines for Aggregates Provision in England.	Replaced by MPS1, the MPS1 Annex on the supply of aggregates, and the current National and Regional Guidelines for Aggregates Provision in England 2001-2016.
MPG7: The Reclamation of Mineral Workings.	Remains in force.
MPG8: Planning and Compensation Act 1991: Interim Development Order Permissions (IDOs) – Statutory Provisions and Procedures.	Remains in force.
MPG9: Planning and Compensation Act 1991: Interim Development Order Permissions (IDOs) – Conditions.	Remains in force.
MPG10: Provision of Raw Material for the Cement Industry.	Remains in force.
MPG11: The Control of Noise at Surface Mineral Workings.	Replaced by Annex 2 of MPS2.
MPG12: Treatment of Disused Mine Openings and Availability of Information on Mined Ground.	Replaced by Annex 2 of PPG14.
MPG13: Guidelines for Peat Provision in England, including the place of alternative materials	Remains in force.
MPG14: Environment Act 1995: Review of Mineral Planning Permissions.	Remains in force.
MPG15: Provision of Silica Sand in England.	Remains in force.

10 Minerals Planning Guidance Note 7: The Reclamation of Mineral Workings (1996) available at [www.communities.gov.uk/index.asp?id=1144192](http://www.communities.gov.uk/index.asp?id=1144192)

# Annex 1: Aggregates

## 1. Introduction

- 1.1 This annex sets out Government planning policy on the provision of construction aggregates in England. Aggregates here include land-won sand and gravel and crushed rock, marine-dredged sand and gravel and alternative, including recycled, materials supplied or used as aggregate.

## 2. Ancillary policy objectives for aggregates

- 2.1 The main text of Minerals Policy Statement 1 (MPS1) sets out the Government's national objectives and planning policies for all minerals. Ancillary policy objectives for aggregates are:

- to encourage the use, where practicable, of alternative aggregates in preference to primary aggregate;
- to encourage the supply of marine-dredged sand and gravel to the extent that environmentally acceptable sources can be identified and exploited, within the principles of sustainable development;
- to make provision for the remainder of supply to be met from land-won sand and gravel and crushed rock.

## 3. Provision for land-won aggregates

- 3.1 The Department publishes at intervals National and Regional Guidelines for Aggregates Provision in England. These are intended to assist regional planning bodies (RPBs) and the Mayor of London in the timely preparation and revision of Regional Spatial Strategies (RSSs) or the Spatial Development Strategy in London, and mineral planning authorities (MPAs) in the preparation of local development documents (LDDs) in a way that addresses effectively the geographical imbalances between supply of, and demand for, aggregates at national level. These imbalances lead to the need to maintain a mixture of sites that variously contribute to meeting local, regional or national demands. The Guidelines are monitored and reviewed annually by the Department, with the assistance of Regional Aggregates Working Parties (RAWPs), and will be updated when necessary.

### a) Regional planning

- 3.2 RPBs should apportion the Regional Guidelines to the local authority level in collaboration with their constituent MPAs, taking account of technical advice from the RAWPs. The apportionment should be subject to sustainability appraisal, incorporating strategic environmental assessment.

- 3.3 RAWPs will undertake annual monitoring of aggregates reserves and supply and will prepare commentaries on results, especially supply and demand, for the Department and the RPBs. Where necessary, RAWPs should liaise with the Regional Technical Advisory Bodies on planning for the management of wastes.
- 3.4 RPBs must have regard to the current National and Regional Guidelines for Aggregates Provision in England, in preparing RSS. They should use the process of reviewing and revising RSS to update sub-regional apportionments. If a MPA notifies the RPB that it is unable to identify sufficient resources to meet the apportioned supply over the plan period at acceptable environmental cost, the RPB should consider the consequences for supply and demand within the region taking advice from the RAWP, and consulting the Department if there are likely to be national implications. A shortfall in one part of a region should, where practicable, be made up for elsewhere in the same region.
- 3.5 The Secretary of State will, where appropriate, intervene in a RSS that does not take full account of the regional aggregates guidelines and of agreed sub-regional apportionments.
- b) Local planning
- 3.6 In preparing their LDDs, MPAs should make provision for the sub-regional apportionment of the current National and Regional Guidelines for land-won aggregate in the approved RSS or, if there is not an approved RSS, as agreed by the RPB and endorsed by the Secretary of State.
- 3.7 Provision should take the form of specific sites, preferred areas and/or areas of search identified in LDDs. An approach to this work is set out in the MPS1 Practice Guide. Specific provision may need to be made for aggregates that meet particular or demanding specifications, such as those for high polished stone value, building or asphaltting sand.
- 3.8 Sub-regional apportionments should not be regarded as inflexible. The preparation by MPAs of their LDDs provides an important opportunity to test the practicality and environmental acceptability of policy proposals at the local level. The provision to be made in each area will need to be justified in relation to other relevant considerations affecting planning for the area.
- 3.9 It is important that, once identified, the main options considered for making the agreed provision are subject to sustainability appraisal before leading to a preferred option in LDDs.
- 3.10 If it is not possible for a MPA to identify sufficient resources in its area to meet the apportioned supply over the plan period at acceptable environmental cost, this should be reported to the RPB as soon as possible.
- 3.11 The Secretary of State will, where appropriate, intervene in the preparation of LDDs where MPAs do not pay due regard to the agreed apportionment.

## 4. Landbanks

- 4.1 MPAs should use the length of the landbank in its area as an indicator of when new permissions for aggregates extraction are likely to be needed. The landbank indicators are at least 7 years for sand and gravel and at least 10 years for crushed rock. A longer period 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. A landbank below these levels indicates that additional reserves will need to be permitted if acceptable planning applications are submitted. Because individual sites, when permitted, need sufficient reserves to be economically viable, consideration of the landbank needs to be flexible enough to allow for this. A large existing landbank bound up in very few sites should not be allowed to stifle competition.
- 4.2 MPAs should consider and report on the need to review policies in their LDDs as part of their annual monitoring report to the Secretary of State. This should be done in time to allow for action before the remaining provision falls below the agreed apportioned level. If review and updating take place regularly then maintaining a landbank beyond the end of the plan period is not an issue.
- 4.3 If, taking all of these matters into account, existing landbanks are judged by a MPA to be excessive:
- new planning permissions should only be given where it can be shown that demand could not be met from the existing permitted reserves, for example, for reasons of type and quality of the aggregate and/or distance to the market;
  - the industry should consider voluntarily agreeing to revocation, or prohibition orders, in respect of planning permissions at sites that are unlikely to be worked again.
- 4.4 MPAs should carry out, in consultation with the RAWPs and other relevant bodies, and publish the results of, regular reviews of sites that have not been worked for 10 years or more, to assess whether production is likely to begin again. Sites that individual operators agree are unlikely to be worked again should be excluded from the landbank calculation, and they should be made subject to prohibition orders to remove the possibility that subsequent changes in ownership could unexpectedly revive development proposals.
- 4.5 Where there is a distinct and separate market for a specific type or quality of aggregate, for example high specification aggregate, asphalt sand, building sand or concreting sand, separate landbank calculations and provisions for these may be appropriate.

## 5. Alternatives to primary aggregates

- 5.1 It is Government policy to encourage the greatest possible use of alternatives to primary aggregates. The National and Regional Guidelines for Aggregates Provision in England set a target that will be reviewed annually and revised when necessary. Guidance on planning for waste management is contained in Planning Policy Statement 10<sup>1</sup>.
- 5.2 Where mineral or other wastes suitable for use as aggregates have been deposited in tips, without the benefit of planning permission for future use, and these have re-vegetated and blended into the landscape, any applications for working of these materials should be dealt with in the same way and, if permitted, worked to the same standards as a successful new application for primary mineral extraction.

## 6. Marine sand and gravel

- 6.1 It is Government policy to encourage the supply of marine-dredged sand and gravel to the extent that environmentally acceptable sources can be identified and exploited, within the principles of sustainable development. 'Environmentally acceptable' in this context is in terms of both the natural and historic environments. Subject to this overriding consideration, it is assumed that marine dredging of sand and gravel is likely to continue to contribute to meeting part of the national and regional demand for aggregates at a proportion no lower than that of the recent past, currently about 8% of total demand for primary aggregates. The contribution made by marine-dredged sand and gravel will be monitored by the Department as part of the review of the aggregates guidelines.

## 7. Borrow pits

- 7.1 Borrow pits can be a suitable way of providing material from local sources for individual major construction projects without the need to transport it over long distances. Identifying, assessing, operating and restoring borrow pits should be undertaken to the same standards as those for long-term mineral workings and should be subject to similar levels of consideration of environmental impacts.

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1 Planning Policy Statement 10: Planning for Sustainable Waste Management (July 2005) available at [www.communities.gov.uk/Index.asp?id=1143834](http://www.communities.gov.uk/Index.asp?id=1143834)

## Annex 2: Brick clay

### 1. Introduction

1.1 This annex sets out Government policy for the supply of brick clay in England. ‘Brick clay’ refers to clay, shale and mudstone used in the manufacture of structural clay-ware, including bricks and associated products (such as clay roof tiles and pipes), and including materials known and recorded in official statistics as ‘common clay’, ‘shale’ and ‘fireclay’. It also applies to brickearth and to clays used for environmental and engineering purposes such as lining, daily cover and capping at landfill sites, and the lining of canals, lakes and ponds. This annex **does not apply** to ball clay, china clay, or fuller’s earth, or to the manufacture of ceramic tiles produced primarily from china and ball clay. For the purpose of this annex, brickworks include factories manufacturing clay roof tiles and pipes as well as bricks. It should be read within the context of policies in Minerals Policy Statement 1 (MPS1). Further information on ‘brick clays’ and associated industries is contained in the MPS1 practice guide.

### 2. Ancillary policy objectives for brick clay

2.1 The main text of MPS1 sets out the Government’s national objectives and planning policies for all minerals. Ancillary policy objectives for brick clay are:

- to maintain and enhance the diversity of brick clay produced by making appropriate provision for supply in mineral planning authorities’ (MPAs) local development documents;
- to provide and make available brick clays at a level that reflects the high initial investment in, and high levels of capital expenditure required to maintain and improve, new and existing brick-making plant and equipment; and
- to safeguard and where necessary, stockpile supplies of clays, especially specific “premium” brick clays such as those from the Etruria Formation and fireclay.

### 3. Policies for brick clay provision

a) Safeguarding of brick clay resources

3.1 MPAs should ensure that brick clay resources are safeguarded in accordance with MPS1. Some types or qualities of brickclay that have desirable properties, especially Etruria Marl and fireclay, are nationally, regionally or locally scarce. Relevant MPAs should safeguard acceptable sources of Etruria Formation clays and fireclays from other types of development and should, where practicable, encourage prior extraction of clay where built development is planned.

b) Supply of brick clay

3.2 It is generally desirable that brick clay should be extracted as close as practicable to the brickworks that it is supplied to. MPAs should initially consider the potential for extraction of brick clay close to the works and the potential for extensions to existing planning permissions to maintain supplies. Where supply is needed from more distant sources these may exist in a MPA's area other than that where the brickworks is located. The relevant local planning authorities (LPAs) should therefore liaise in planning for appropriate sources of provision. Where a works is likely to require supplies from more than one region, the relevant Regional Planning Bodies should assist in the necessary discussions.

3.3 MPAs should have regard to the need for clay supply for local use and repair of heritage buildings to meet the objectives of PPS1, and should assess the potential for environmentally acceptable extensions to, and replacements for, such sites. Policies should be proportionate to the levels of potential impacts.

c) Planning considerations

3.4 When developing planning policies and considering planning applications, MPAs and LPAs should take account, as appropriate, of:

- the need for provision of brick clay from a number of different sources to enable appropriate blends to be made. Where materials for blending need to be supplied from various sources, or for some types of clay that are used in small quantities for blending, it may be necessary to hold stocks of such clay at the brickworks or elsewhere;
- the need to provide a stock of permitted reserves to support the levels of actual and proposed investment required for each new or existing manufacturing plant and the maintenance and improvement of existing plant and equipment. This will normally be sufficient to provide for 25 years of production. Separate provision may be needed for particularly scarce clays, such as Etruria Marl and fireclay, that will serve a number of works, sometimes over long distances;
- the need to meet the likely level of demand for clay at each manufacturing plant, part or all of which may sometimes have to be fulfilled from another MPA area, to avoid having to meet unforeseen demands in environmentally damaging ways;
- in some cases, the scope to use negotiated planning agreements to restrict, if necessary, the use of the clay extracted for brick making to the associated brickworks in order to reduce environmental impacts; and
- the need to recognise the potential for sales of clay for other uses, particularly engineering purposes, such as lining, daily cover and capping material for landfill sites, the lining of canals, lakes and ponds, as construction fill or as bulk fill suitable for roadway construction or for the manufacture of lightweight aggregate or cement. In some cases, clay pits may be operated mainly or wholly for these other purposes rather than for brick clay extraction.

- 3.5 Where scarce reserves of Etruria Formation clays or fireclays cannot be used when extracted, consideration should be given to the potential for stockpiling the material on an environmentally acceptable site, either on or in the ground, until it is needed. Proper account should be taken of the environmental impacts that are associated with stockpiling sites when considering whether these should be provided.
- 3.6 MPAs should encourage coal producers to make the best possible use of fireclay reserves including, where practicable, finding a market for any fireclay associated with the coal that is being extracted, so that it remains available for use rather than being replaced in the void during site restoration.
- 3.7 Where a brickworks is supplied from a number of clay pits some distance from the works, impacts of road traffic between these and the works should, as far as possible, be minimised through off-road transport, such as field conveyor systems, dedicated haulage routes, and careful consideration of distribution networks and vehicle routes.
- 3.8 MPAs should liaise with the Environment Agency and LPAs to ensure that where planning conditions for manufacturing plant are necessary they should complement, not duplicate, conditions contained in IPPC permits.
- d) Efficiency of use
- 3.9 The brick, clay pipe and clay tile manufacturing industry is encouraged to ensure that:
- when clays are to be blended, the resulting blend should not contain a proportion of premium clays in excess of that needed for the specified use.
- e) Liaison
- 3.10 The brick clay extraction and brick manufacturing industries are encouraged to:
- consult stakeholders, including MPAs and LPAs, the local community and, in respect of fireclay, coal producers, when developing medium and longer-term supply strategies for specific brickworks and to assist the planning process by providing the planning authorities with appropriate information, (if necessary on a commercially confidential basis) on reserves of clay, quality of clay, volume and type of products being produced, plans for developing the capacity of brickworks, and known areas of potential reserves that should be safeguarded. The industry is encouraged to supply sufficient data to MPAs, to support planning for provision of sufficient permitted reserves.

# Annex 3: Natural building and roofing stone

## 1. Introduction

- 1.1 This annex sets out Government planning policy on the provision of natural building and roofing stone in England. 'Building and roofing stone' refers to natural stone products including: architectural masonry ('dimension' stone) and cladding, and stone required for the repair and maintenance of historic buildings and monuments. It also applies to slate roofing and stone roofing and to other uses of natural stone as detailed in the associated Minerals Policy Statement 1 (MPS1) practice guide, which also gives information on the nature of this industry. This annex should be read in conjunction with MPS1 and other relevant planning policy statements and guidance.
- 1.2 The annex is relevant to applications for planning permission for mineral workings:
- solely producing natural building and/or roofing stone;
  - producing natural building and/or roofing stone and other minerals as a by-product; or
  - primarily producing other minerals but which also produce building and roofing stone.

## 2. Ancillary policy objectives for building and roofing stone

- 2.1 The main text of MPS1 sets out the Government's national objectives and planning policies for all minerals. Ancillary policy objectives for building and roofing stone are:
- to encourage the reuse of building and roofing stone, where technically feasible, on the building undergoing repair (see this annex, the Aggregates Annex to MPS1, PPS10 and PPG15);
  - to assess the need for small-scale extraction of quantities of stone for the conservation and preservation of historic monuments, buildings and areas within the context of the requirement to protect areas of designated landscape, nature conservation and historical interest (see MPS1, PPS7, PPS9 and PPG15);
  - to enhance the overall quality of the environment once extraction has ceased, taking into account any benefits the site may have in terms of wildlife and geological conservation and safety, associated with public accessibility where possible and appropriate, and requirements for small quantities of stone that may have to be extracted for future restoration and conservation purposes (see MPG7 and PPS9).
- 2.2 Guidance on these objectives is provided in the documents indicated above. Social, economic and environmental benefits include the maintenance of traditional sources of building and roofing stone to encourage sustainable repair, maintenance and adaptation to new uses of the built environment, and the provision of often skilled employment in areas where other job opportunities may be limited.

### 3. Policies for building and roofing stone provision

#### a) Safeguarding of building and roofing stone resources

- 3.1 Regional planning bodies (RPBs) and the Mayor of London should set out policies in their Regional Spatial Strategies (RSSs) or the Spatial Development Strategy in London, for safeguarding nationally, regionally and locally significant building stone resources.
- 3.2 English Heritage and the industry are encouraged to make mineral planning authorities (MPAs) aware of important sources of building and roofing stone that they consider should be safeguarded from other forms of development through policies in their local development documents (LDDs). Safeguarding will be most appropriate where stone is believed to be of suitable quality, and is:
- scarce in terms of its technical properties and/or aesthetic characteristics; or
  - has been identified as having characteristics which match those required for repair and preservation purposes, including those related to individual, or groups of, culturally important buildings.
- 3.3 Many important sources of building stone have been long disused, and would need a new planning application to be worked again. Important historic quarries should be safeguarded, as far as practicable, where it can be shown:
- that the quarry was the original source of stone used in the construction of a historic building or monument; or
  - that the stone is technically compatible with material in the structure to be repaired; and
  - that stone from the quarry is, or will be, required for restoration or conservation purposes in the absence of viable alternatives.
- 3.4 MPAs should consider whether small-scale extraction of building stone might be sustainable at, or close to, relic quarries, some of which have been designated in respect of industrial archaeology, wildlife and geological conservation, where small-scale extraction would contribute to repair of historic buildings without compromising the requirement to protect designated sites. To that end, Natural England and English Heritage are encouraged to discuss the prospects for future working at specific important sites and to advise the relevant MPAs of their conclusions. Any extraction and restoration proposals should have proper regard to the purposes of the designation both during and after extraction.
- 3.5 Local planning authorities (LPAs) should notify Natural England and English Heritage when a development proposal is made which affects an old building stone source to provide an opportunity for its significance to be assessed.

- b) Supply of building and roofing stone for conservation and restoration purposes
- 3.6 MPAs and LPAs should have regard to the local, regional and national need for certain building and roofing stones for the conservation and restoration of England's historic built environment where their use is specified:
- because of aesthetic or technical properties, particularly where English Heritage advises that stone used for restoration or conservation purposes must be a compatible match, usually from a similar lithological horizon as the stone that was originally used;
  - to help meet the objectives of PPG15.
- c) Supply of building and roofing stone for new building
- 3.7 MPAs and LPAs should liaise on and have regard to the local, regional and national need for certain building stones for new construction, within the context of the RSS, where their use is specified because of:
- proven durability;
  - aesthetic or technical properties, particularly where new construction is to take place in the midst of older buildings constructed of a certain stone; and
  - any design requirements set out in local design guides, planning policies and supplementary planning documents.
- 3.8 Where an exact match of stone is not possible, potential alternative sources of supply, if any, should be considered.
- 3.9 MPAs should, as far as is practicable, identify in their LDDs, quarries of importance to the built heritage, whether disused or active, and describe the approach to be taken to these in terms of minerals and other planning applications.
- d) Planning considerations
- 3.10 MPAs and LPAs should take account, as appropriate, of:
- the fact that many, but by no means all, building and roofing stone quarries are significantly smaller than aggregate quarries in terms of scale of operation, and their levels of potential impacts such as noise, vehicle movements and dust, rate of working and scale of impact on people and the environment. Policies and planning conditions should be appropriate and proportionate to the scale of proposed operations;

- 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. Account should be taken of the long-term viability of any processing works, likely need for the stone, the long periods that can be taken for identifying sources of stone adequate for use in repair projects, and the factors relevant to investment in and life of processing works. In those instances where an identified type of stone or stone from a single source is required on a very small scale, the MPA might consider the use of very short-term permissions linked by agreement with the operator to a specific project or projects;
- the scope for using, where appropriate, planning agreements to limit extraction to building or roofing stone purposes, rather than for other purposes such as aggregate production. This is particularly relevant where scarce types of stone, or stone used in the construction of a major historic building or monument, is available only from a single quarry or locality. To ensure sustainable use of resources, avoid in-quarry sterilisation of resources caused by the stockpiling of waste, and economic viability of the operation, it might be appropriate, in some cases, for modest aggregate production and processing of waste or overburden material to take place. The overriding purpose should nevertheless be to facilitate long-term availability of the building or roofing stone resource. If, however, aggregates production is a major part of the proposal then reference should be made to Annex 1 to MPS1;
- the suitability of stone extracted from a building stone quarry for use as a roofing material, stone extracted from a roofing stone quarry for use as blockstone, or where building and/or roofing stone resources are available from an aggregate quarry. In such cases the operator should be encouraged to identify and, where practicable, set aside such material until an appropriate use can be identified. If no immediate use can be identified, consideration should be given to the potential for stockpiling the material on an environmentally acceptable site, either on or in the ground, until needed;
- the fact that in some circumstances it may be economic to undertake underground mining of building stone. This can reduce environmental impacts on the ground surface provided adequate precautions are taken to maintain ground stability after extraction has ceased;
- the fact that it may take several years, or longer, for the stone for a specific repair project to be identified. Pre-application discussions may therefore need to be undertaken a relatively long time before any planning application is lodged; and
- the fact that in some cases the viability of a small quarry as a source of building or roofing stone may depend on the sale of by-products arising from the extraction and processing of building and roofing stone.

3.11 Each proposal needs to be considered on the basis of its specific characteristics and potential environmental and landscape impacts, and:

- whether formal environmental assessment under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (“the 1999 EIA Regs”) is justified for proposals to develop and operate small stone quarries; and
- where proposals to re-activate dormant quarries are submitted, MPAs/LPAs will, under the Reviews of Interim Development Order permissions and Old Mineral Permissions (under the Planning and Compensation Act 1991 and Environment Act 1995 respectively), have to consider updated operating and restoration conditions for the working of the quarries. Similarly, updated conditions for all active quarries will need to be considered as part of the periodic review process under the 1995 Act. In either of the above situations, MPAs/LPAs should ensure that any operating and restoration conditions attached to an application comply with the policy guidance in this annex and consider whether there is a need for environmental impact assessment under the 1999 EIA Regs (as amended).

3.12 Where in-quarry stone processing sites are supplied from nearby groups of small pits, account should be taken of the fact that such sites are often worked intermittently, for small quantities of stone at any one time, when framing planning conditions or negotiating planning agreements.

e) Efficiency of use

3.13 While there are sustainability arguments for making good use of waste rock as, for example, aggregate, caution is needed that this should not substantially change the nature of the operation into an aggregates quarry. High quality stone suitable for building and/or roofing, particularly that which is scarce and may be required for future conservation work, should not be used for the production of aggregates where lower quality rock suitable for crushing would suffice.

f) Restoration and after use of quarries

3.14 MPAs, LPAs and minerals operators should consider carefully, in liaison with Natural England and English Heritage, the potential for partial restoration of building stone quarries before the expiry of planning permission for extraction. This should be linked, where practicable, to new opportunities for archaeological, geological, wildlife and industrial heritage conservation and education, but retaining, where practicable, the potential for future access to supplies of small quantities of stone that may be needed at intervals in the future for repair of the historic built environment for which the site in question is an appropriate source.

g) Liaison

3.15 The building and roofing stone extraction and stone processing industry is encouraged to:

- consult with stakeholders, including MPAs, English Heritage, the local community, managers of relevant major historic buildings, architects, building surveyors and conservation officers, and conservation and amenity groups, when developing medium and longer-term supply strategies for specific stone extraction and processing plants and to assist the planning process by providing MPAs with appropriate information, (if necessary on a commercially confidential basis), on reserves of building and/or roofing stone.

# Annex 4: On-shore oil and gas and underground storage of natural gas

## 1. Introduction

- 1.1 This annex sets out Government planning policy on planning control of land-based exploration, appraisal, development and extraction of oil and gas (including gas from coal) resources in England. It also refers to underground storage of natural gas.
- 1.2 Where underground gas storage is proposed at sites not involved in mineral extraction, the development may well be of a general industrial character and not mineral development.
- 1.3 In this annex, “oil and gas” includes any hydrocarbon, which in its natural state is not a solid, and methane or any combustible natural gas<sup>1</sup>. The underground storage of hydrogen is excluded.
- 1.4 The guidance deals with four methods of oil and/or gas development:
  - (i) conventional on-shore oil and gas (COG) development – extraction of petroleum or hydrocarbon oils and gases by drilling and, if necessary, pumping from land-based sites; and gas extracted from coal in a number of other ways;
  - (ii) coalbed methane – extraction by drilling into un-mined coal seams to release methane;
  - (iii) capture of methane from coal mines that has accumulated in, and may be freely venting from mine voids; and
  - (iv) underground coal gasification – drilling into and subsequent controlled underground gasification of pressurised coal seams and the recovery and use of the resulting gases.

It also deals with the underground storage of natural gas.

- 1.5 In addition to the need to obtain planning permission, oil and gas exploration and extraction operations, are regulated by a separate licensing system operated by the Secretary of State for Trade and Industry (SSTI), although the status of underground coal gasification under the Petroleum Act 1998 is not yet clear. Once a licence has been granted, planning permission must be obtained before the SSTI will give consent either to drill a well, or to develop an oil or gas field or a coalbed methane or coalmine methane project.

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<sup>1</sup> “Natural gas” means any gas derived from natural strata (including gas originating outside the United Kingdom).

## 2. Energy policy

- 2.1 The Government's energy policy, stated in its White Paper *Our energy future: creating a low carbon economy* – Cmnd 5761, of 25 February 2003, is:
- to cut carbon dioxide emissions by 60% by 2050, with real progress by 2020;
  - to maintain the reliability of energy supplies;
  - to promote competitive markets in the UK and beyond; and
  - to ensure that every home is adequately and affordably heated.
- 2.2 The Government does not propose to set targets for the share of total energy or electricity supply to be met from different fuels: it believes this is a matter for the markets, reinforced by long term policy measures. Forecasts vary but it is commonly agreed that UK conventional oil and gas production off-shore will decline significantly over coming years and that by 2020 the UK is likely to be importing around three quarters of its primary energy needs. In the short to medium-term, the aim is to:
- maximise the potential of the UK's conventional oil and gas reserves in an environmentally acceptable manner;
  - encourage the development of clean coal technologies; and
  - encourage the capture of methane from coal mines where environmentally acceptable.
- 2.3 The Government reviewed its progress against the above medium and long-term goals and published its results in the 2006 Command Paper *The Energy Challenge* (Cmnd 6887). The paper outlines a package of measures for action on both supply and demand if we are to put the UK in a position to tackle the major challenges of climate change and secure clean affordable energy supplies. The paper confirms the importance of gas supply infrastructure, such as underground storage, to maintaining the reliability of our energy supplies. This need was also set out by the SSTI in May 2006 in the statement of need for additional gas supply infrastructure<sup>2</sup>.

## 3. Ancillary policies for on-shore oil and gas development

- 3.1 The industry should make available to mineral planning authorities (MPAs) information on the extent of known reserves of oil and gas, its forward plans and any potential sites for exploration, appraisal or production that it is considering and for which it holds exploration or production licences. However, MPAs should note that much of this information may be commercially sensitive.

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2 Available at <http://www.dti.gov.uk/files/file28954.pdf>

- a) Conventional oil and gas development (COG)
- 3.2 COG development broadly consists of three phases – exploration, appraisal and production. (These are described in the practice guide which accompanies Minerals Policy Statement 1). Each phase requires a separate planning permission. Regional Planning Bodies (RPBs) should set clear guidance and criteria for location of COG development sites within the areas that are licensed for oil and gas exploration or production. There should be no presumption in favour of consent for subsequent stages if an earlier stage be permitted, nor do possible effects of a later stage not yet applied for, constitute grounds for refusal of an earlier stage. MPAs should include policies in their local development documents (LDDs) that distinguish clearly between the three phases and should also identify any environmental and other constraints on production and processing sites, within areas that are licensed for oil and gas exploration or production, in those documents.

## Exploration

- 3.3 Exploration encompasses a range of activities, including geological mapping, geophysical (seismic) investigations, and the drilling and investigation of wells and boreholes to assess prospects in more detail.

### *Seismic investigations*

- 3.4 Seismic investigations generally have very limited environmental effects. Vibroseis techniques are often regarded as *de minimis*, since the investigations are transient. Where seismic surveys constitute development within the terms of the Town and Country Planning Act 1990 (“the 1990 Act”), permitted development rights (PDRs) are available under the Town and Country Planning (General Permitted Development) Order 1995 (GPDO), subject to certain conditions. PDRs should not be withdrawn without very good reasons.
- 3.5 In all cases the industry should fully discuss its proposals with the local planning authorities (LPAs) and statutory agencies. MPAs and highway authorities should be informed of the intended route for the survey, and prior notification given to residents on the immediate survey route. In two-tier planning areas, where county councils are the MPAs, operators should also ensure that district councils are aware of the intended investigations, and their commencement dates. In the case of vibroseis surveys using the road network, operators should inform the police of the route and anticipated timing of their operations. MPAs should alert operators to particularly sensitive historic buildings and sites that may be affected. Routes and survey timings should be designed to ensure the protection of habitats and wildlife. Statutory bodies should be consulted as early as possible as part of this process.

### *Drilling*

- 3.6 Part 22 of Schedule 2 to the GPDO gives PDRs in respect of certain exploratory operations undertaken with a view to the exploitation of a mineral, subject in certain cases to the developer giving 28 days notice to the MPA. However, development consisting of the drilling of wells for COG exploration is explicitly excluded, and an application for planning permission must be made to the MPA.

- 3.7 Policies should be drafted to ensure that each application to explore will be considered on its own merits, in accordance with the present guidance, and in relation to LDDs and any other relevant material considerations. These considerations should not include any hypothetical future proposal for development of the oil or gas resource.
- 3.8 In submitting an application for drilling, the developer should indicate what knowledge has been gained from seismic investigations in selecting the well site, but should not be expected to provide a firm development programme before full appraisal has taken place. Policies should indicate that, subject to the effects on the environment being appropriately addressed and mitigated, and a satisfactory restoration and aftercare plan prepared, applications for exploration may be favourably considered.
- 3.9 Where environmental or other conditions might preclude vertical drilling, MPAs should discuss with the industry the option of employing directional drilling. LDD policies should make clear that this approach will be adopted and that careful consideration will be given to factors such as:
- the need for night-time drilling for safety reasons;
  - locating sites to minimise visual intrusion;
  - controlling vehicular activity and vehicle routing;
  - controlling the disposal of mud and other drilling residue; and
  - controlling noise and light emissions from drilling rigs with particular reference to night-time operations.
- 3.10 In most cases it will be appropriate to attach conditions to planning permissions to ensure that any adverse impact of the operation on the environment and local residents is kept to a minimum. Sometimes agreement on working practices may be reached with the operator based on the conditions attached to the award of the licence, or as part of an agreement made under section 106 of the 1990 Act (as amended). Section 106 agreements should not duplicate planning conditions or conditions attached to the award of a licence by DTI.
- 3.11 Because of the intrusive nature of drilling operations, policies should provide that these will not be permitted close to houses and other noise-sensitive properties unless noise levels from drilling and associated operations can be reduced to acceptable levels.
- 3.12 Particular care should be taken about siting all types of oil and gas wells close to water supply wells or boreholes. Early consultation with the appropriate regional office of the Environment Agency is essential, so as to consider measures to avoid the risk of pollution to ground water and aquifers. If aquifers are to be breached it will be necessary to discuss well-casing details and the composition of drilling muds with the Agency. Off-site disposal of drilling mud and cuttings are matters to be decided as part of the appropriate IPPC permit.

## Appraisal

3.13 Should hydrocarbons be found as a result of drilling an exploration well, it may be possible to appraise the find by longer-term testing of that well. In other cases it may be necessary to attempt to define the extent of the find by drilling further wells at other suitable sites in the area. Until the extent of a find has been delineated, it is difficult to evaluate the various options available or to assess the viability and potential environmental effects of commercial exploitation. By the time applications for appraisal wells are submitted, operators may sometimes feel sufficiently confident about the extent of the find, and the way in which they would wish to exploit it, to consider supplying information on the likely planning proposals to the MPA at that stage. This should be on the clear understanding that further appraisal might necessarily lead to changes in plans. As with all other forms of development, an application for an appraisal well must be considered on its merits. This consideration should take into account the long-term suitability of the site since such wells may subsequently be required for production purposes. The other factors listed above for exploration wells are equally relevant to appraisal wells. LDD policies should reflect this.

## Production and Distribution

- 3.14 Although individual well sites can raise environmental issues, the gathering stations required for sustained production which separate, purify and treat the raw material, are likely to take up the most land. However there is some flexibility in the siting of these facilities and it is usually possible to conceal them by careful screening, landscaping and design, and by sinking facilities, including security fencing, below the surrounding ground level. Gathering stations should not be sited where they would have unacceptable adverse environmental impacts.
- 3.15 Pre-application discussions between the MPA and the industry on potential production proposals are essential. For the larger finds, it will be particularly important to establish how far the envisaged surface production facilities would be sufficient to handle the expected output from the find, or related finds as a whole. These considerations will also form part of the development programme, which operators are required to submit for consent to DTI under the terms of their licence. In exceptional cases, where discoveries of economic deposits extend across licence boundaries, the SSSI has powers to direct that such a find or accumulation is worked and developed as a unit.
- 3.16 It will usually be necessary for a MPA to attach certain conditions to any grant of planning permission for a gathering station or an export terminal, or to seek an agreement with the operator using section 106 of the 1990 Act for matters that fall outside planning control. Policies should make clear that conditions are likely to be imposed governing, amongst other matters:
- timing and method of gas flaring, (also controlled by DTI under the Energy Act 1976);
  - access;
  - the direction of vehicles leaving the site;
  - noise emissions;

- prevention of pollution associated, for example, with possible spillages;
- the means of disposal of unwanted gas; and
- the method by which the end product is to be transported from the well site or gathering station.

3.17 Operators should address all of these points in their planning applications and, where necessary and appropriate, in supporting environmental statements. Where possible, export terminals should be sited where they can feed into a long distance pipeline, or are connected to a railway or water transport, in preference to relying on road transport.

3.18 Where pipelines are to be used for transporting extracted oil and gas it will be necessary for operators to obtain consent from the appropriate authorities (the relevant MPAs, the Environment Agency and the Health and Safety Executive) for routes, vehicle access, the location of machinery storage areas, and of pipes, pipe-laying equipment and other construction materials. In drawing up proposals, operators should avoid environmentally sensitive locations and take account of any potential impacts on nature conservation, for example the movement of animals. Proposals should also take into account the possible implications for agricultural activities, consulting where necessary with associations that represent agricultural interests.

3.19 For pipelines less than 10 miles in length, planning permission is required from the MPA. Longer pipelines require authorisation from the SSTI under the Pipelines Act 1962, although the usual planning and environmental considerations would be taken into account. The views of the LPAs, the Environment Agency, Natural England, the Health and Safety Executive, landowners and tenants should be sought. Also, a full environmental impact assessment statement would normally be required. On granting authorisation, the SSTI would then direct that planning permission for the pipeline shall be deemed to have been granted. In all cases, it is essential that land affected by pipeline development should be properly restored.

#### b) Gas from coal seams and workings

3.20 Access to coal seams is controlled by the Coal Authority. This includes drilling into seams for the purpose of methane extraction and for use of the coal in underground coal gasification.

#### **Coalbed methane (CBM)**

3.21 MPAs should identify in their LDDs the extent of the coalfield with reserves at depths below the surface of between 200-1500m and of areas which are licensed for CBM by the Coal Authority. The LDDs should also list the principal constraints likely to affect any proposed production and processing sites within those areas.

- 3.22 CBM developments do not have the same discrete phases of exploration, appraisal and production as COG developments. Exploration and appraisal is a single process. The same wells that have been used for exploration/appraisal will be used, as soon as possible, for production, though there may be a necessary delay because of the need for dewatering. Policies, applications and permissions should reflect this. Nevertheless, LDDs should make it clear that planning permission for exploration and appraisal does not carry with it any presumption that long-term production from those wells, or that the development of further wells, will be permitted.
- 3.23 The main environmental impacts associated with CBM development are similar to those for COG. However, particular attention should also be given to the abstraction of any groundwater and its impacts, as well as the disposal of water produced during well stimulation and production of gas. The Environment Agency must be consulted and the relevant permission(s) obtained before any disposal or abstraction takes place.
- 3.24 Development of a coalbed methane production area usually involves an incremental approach where groups of new wells will be added to a “hub” of wells already in production. This allows the knowledge gained in the drilling and completion of wells to be used to the maximum effect in the drilling of adjacent wells. Therefore the design solution for the development of the field as a whole may not have been resolved, or the engineering details finalised, at the time planning permission is sought for the first hub of production wells. Accordingly, LDD policies should indicate that:
- where initial proposals are environmentally acceptable and accord with the principles of sustainable development, planning permission might be granted for the initial hub of exploration wells, subject to their removal and restoration, if gas is not found in commercially viable quantities (or they are not needed to keep pumping water to protect production from an adjoining gas area);
  - this does not extend to the later approval of detailed schemes for production from those wells should the occasion arise;
  - options for the further development of the area should be presented for consideration in principle at the same time, to ensure that the immediate and potential longer-term environmental impacts of the development are understood by the MPA and that the applicant is aware of the risk of a subsequent refusal of planning permission;
  - further hubs of wells for the exploration, appraisal or later production phases will require separate applications and permissions on the same basis, supported where necessary by an environmental statement (or supplementary statement) related to the further development for which permission is sought; and
  - the industry should therefore discuss its proposals fully with the MPA well before a formal planning application is made, so that all the options and longer-term issues can be properly considered.

## **Methane from coal mines (Coal Mine Methane (CMM) and Abandoned Mine Methane (AMM))**

3.25 Methane escapes from coal seams during the working of mines and can present explosion and health hazards. Therefore working mines are ventilated, and methane is sometimes extracted and used for energy production usually for the operation of the mine itself. On abandonment or closure of the mine, if the workings do not become flooded, methane may accumulate in residual voids from which it can potentially be extracted. In some cases, methane escaping naturally from such voids may cause a danger to property or health. In such cases it is necessary to vent the gas in a controlled manner. In either circumstance, it may sometimes be economic to recover and use the gas, for example for local electricity generation. Methane is also a much more potent greenhouse gas than carbon dioxide and this is a further reason to avoid or prevent uncontrolled escapes. Capture and use for electricity generation, or conversion to carbon dioxide by simple flaring, reduces overall greenhouse gas emissions though productive energy capture, where practicable, is preferable to flaring. MPAs in coalfield areas should, therefore, encourage capture and use by including appropriate policies in their development documents.

## **Underground coal gasification (UCG)**

- 3.26 UCG is the *in situ* conversion of coal into the combustible gases hydrogen, carbon monoxide and methane. It takes place by the interaction of the coal with oxygen and water/steam after ignition under pressure. The technique has the potential to provide a clean and convenient source of energy from coal seams where traditional mining methods are impossible or uneconomic.
- 3.27 DTI has examined the opportunities for UCG and its potential contribution to the future UK energy supply. If this source of energy is to be exploited then an experimental UCG development would need to be undertaken. If any such experiment were to be proposed in England, it would be subject to all the usual planning procedures including the Secretary of State's power to call-in applications for her own determination.
- 3.28 Because of the absence, so far, of any UCG development in the UK, the technique is not referred to in the Schedules to the 1999 EIA Regulations or the accompanying Circular 02/99.<sup>3</sup> However, if a MPA were to receive a pre-application enquiry regarding a UCG proposal it should pay close attention to the potential environmental impacts, both above and below ground, in considering whether an environmental impact assessment is required. Among the other consultations that may be made necessary by the characteristics of the site, the Environment Agency should always be consulted in view of the potential impacts on aquifers and groundwater.

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3 DETR Circular 2/99: Environmental Impact Assessment

## 4. Underground storage of natural gas

- 4.1 Demand for gas fluctuates on a daily and seasonal basis. Therefore storage facilities are important for balancing peaks and troughs in supply and safeguarding against disruptions to delivery of gas. This is particularly so as the UK reduces the share of its direct consumption from reserves in its territorial waters and increasingly becomes reliant on imports via pipelines or sea transport. Storage facilities must accommodate large volumes of gas safely, and be capable of being recharged or drawn upon quickly to meet demand. Properly designed large-scale underground storage is more practical and safer than surface storage. Gas can be stored in porous rock, such as depleted gas and oil reservoirs and aquifers, or in large underground cavities produced by conventional mining or by dissolution of salt.
- 4.2 Proposals being made by licensed gas transporters developing storage in porous strata are considered under the Gas Act 1965, administered by DTI. Other applications may be made under Town and Country Planning Act provisions. This guidance is principally concerned with the latter, although LPAs are also consulted within the Gas Act procedures.
- 4.3 In two-tier planning areas, minerals planning policies and applications are matters for the county councils as MPAs to deal with, but industrial development is the responsibility of the district councils. In unitary areas and in National Parks, the single planning authority exercises both groups of tasks. Thus, minerals developments are dealt with as county matters. This has implications for planning policies and applications for gas storage.
- 4.4 Where storage in aquifers or existing cavities is proposed, this is essentially industrial development and is often a district authority matter, except to the extent that use of a cavity may be an after-use of a mine. However, consideration of re-use of cavities in mineral deposits may need to draw upon specialist expertise available in county councils. In contrast, the excavation of new cavities by underground mining of rock or brine pumping or the use of partly or wholly depleted oil and gas reservoirs, not least because injected gas may be used as part of the extraction process, is likely to be mineral development and, therefore, a county council matter. Much of the infrastructure for previous on-shore oil or gas extraction could also be used or adapted for gas storage. Therefore, county and district authorities in areas that have underground gas storage potential should discuss this issue and agree coherent policies for dealing with applications. When applications are submitted, these authorities should agree which are county council matters and which are not, depending on the circumstances of the application, including all the development that is proposed. Unitary and National Park authorities should also, where appropriate, develop planning policies for dealing with applications for underground gas storage.
- 4.5 MPAs should consider whether there is a need for policies on underground gas storage in their LDDs on the basis of local geological circumstances. Where appropriate, MPAs and LPAs should collaborate in developing these policies, and areas where there might be potential for such storage should be indicated in their LDDs.

- 4.6 MPAs should take account of matters concerning surface and underground development associated with gas storage that are material to the determination of the planning application. The techniques for exploration and evaluation of the potential for underground storage of gas, and surface development associated with underground gas storage facilities, are similar to those used for oil and gas exploitation, described earlier. Development of underground cavities by mining and brine pumping is essentially similar to other mining operations. Therefore, the same factors for determining other mining operation applications should be applied, as appropriate to applications for underground gas storage.
- 4.7 General issues that should also be taken into account are:
- that Government welcomes proposals to increase flexibility in the UK gas market, but is not prescriptive about how this is to be achieved. Proposals are a commercial matter for the market;
  - the national energy policy benefit of the proposal;
  - the likelihood that suitable onshore locations for gas storage will be very limited in number, due to the lack of suitable geographical features for underground gas storage, so that alternative possibilities may not be available;
  - the acceptability of proposals and measures to mitigate the potential environmental impacts of exploration and development of the proposed facility, in terms of both the surface and subsurface works; and
  - the integrity and safety of underground facilities especially in terms of maintenance of the pressure regime, the prevention of leakage of gas and the avoidance of pollution.
- 4.8 It is likely that most applications for significant gas storage facilities will require environmental impact assessment. Applications and any accompanying environmental statements should include adequate information on the suitability of proposed sites for secure and safe containment of gas or the means of making them so, and the avoidance and control of pollution. Among the other consultations that may be made necessary by the characteristics of the site, the Environment Agency should always be consulted in view of the potential impacts on aquifers and groundwater.
- 4.9 Applicants should confirm with the MPA whether hazardous substances consent under the Planning (Hazardous Substances) Act 1990 is required. The Health and Safety Executive are statutory consultees in the process and would be consulted on whether there are safety grounds for refusal of applications.











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