

INTRODUCTION

- 8.1 Unlike other forms of development, mineral extraction can only take place where the mineral resource occurs naturally and in sufficient quantity and quality to be of commercial interest.
- 8.2 Mineral workings can have a significant impact on the environment because of their nature, size, and in some cases timescale. In particular, operations can change the character of the landscape, affect the amenities of local residents, introduce heavy traffic into a locality and generally increase levels of disturbance. It is therefore necessary to ensure that suitable controls are available to the mineral planning authorities to mitigate the impacts created by a mineral site to the extent that they are acceptable. In determining applications for mineral extraction, where, on assessment, it is considered the proposal would have an adverse impact on an interest of acknowledged importance, the mineral planning authorities will give consideration to the extent to which the impact can be satisfactorily mitigated and whether the need for the mineral outweighs the objection.
- 8.3 The mineral planning authorities' approach to development generally, together with specific policies concerning sensitive areas and land-uses, such as AONBs and SSSIs, are set out in the County Structure Plan. The detailed development control criteria set out in Policy 31 must be read in conjunction with those strategic policies. This package of policies is designed to enable the mineral planning authorities to examine each particular proposal to determine whether or not it is acceptable. Applicants are encouraged to discuss proposals before submitting a formal application wherever possible.

GENERAL CRITERIA FOR DEVELOPMENT

- 8.4 A range of controls can be used to ensure that minerals extraction and associated processing can take place without damage to the environment or other acknowledged interests. Some are particularly important.

Traffic

- 8.5 Apart from the effect on local amenity, lorries servicing mineral sites may create traffic hazards. The impact of traffic needs to be carefully considered for each application, although because each situation is different it is impossible to specify in policy the volume of traffic which may be considered acceptable for a particular development, or the area around a mineral working where the effects of traffic may be unacceptable. However, controls may include a restriction on the hours of operation, routeing schemes, and access improvements, and in exceptional cases, a limit on the number of vehicles using the site. Details of traffic movements, proposed routes and access will be required as part of any mineral planning application.

Protection of Water Resources, Flood Prevention and Pollution Control

- 8.6 Surface and groundwater resource protection and land-drainage issues are important considerations when assessing the impact of mineral planning applications. Proposals which are likely to lead to pollution of the water supply, or which would have an unacceptable effect on the quality of, or potential yield from, surface and groundwater resources and flows, would not normally be permitted. Similarly, the mineral planning authorities would normally resist mineral development which has an adverse impact on land drainage patterns and river flood plains. Mineral workings should be located where there is no risk to the structural integrity of sea or tidal defences or to the channel of any watercourse, and extraction and subsequent infilling within the Environment Agency's designated Groundwater Protection Zone 1 areas will not be permitted. There would also be a presumption against mineral working whose impact on surrounding groundwater levels is likely to have a detrimental effect on existing water abstraction, river flow, lake levels or natural habitats. Applicants are therefore advised to refer to the Environment Agency's publication "Policy and Practice for the Protection of Groundwater" for further advice on protection of groundwater from pollution.

Working Methods

- 8.7 To secure optimum conditions for the proposed after-use and minimise the environmental impact of site operations, the mineral planning authorities expect applications for mineral extraction to be accompanied by a detailed working programme. This should be comprehensive and include proposals for site preparation and stripping, storage and respreading of soils; the order and direction of extraction and stockpile arrangements; and details of site layout, processing and manufacturing facilities and hours of working. Proposals should also include a landscaping scheme for the operational life of the site. Pollution controls should include dust suppression and measures for noise attenuation in line with MPG11 "The Control of Noise at Surface Mineral Workings". Applicants are encouraged to refer to MPG7 "The Reclamation of Mineral Workings" Box 2 for guidance on information which may be useful to include in a detailed working programme.

Archaeology

- 8.8 Archaeological remains are a finite and non-renewable resource and in many cases are highly fragile and vulnerable to damage and destruction. Government advice set out in PPG16 "Archaeology and Planning" indicates that where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation.
- 8.9 Before proposals are determined, applicants should submit an archaeological assessment for the site, and where appropriate an archaeological field evaluation. If it appears that mineral extraction would adversely affect sites of archaeological interest, the applicant should demonstrate the extent of any remains surviving on

site, and the likely impact of the proposals. Arrangements for safeguarding remains, either by physical preservation or by excavation and recording, will also be required. The CBI Code of Practice for Mineral Operators "Archaeological Investigations" provides appropriate advice.

Environmental Assessment

- 8.10 In accordance with Structure Plan policy MIN2, all proposals for minerals development should be accompanied by a statement which identifies the current environmental value of the site, anticipated gains and losses of environmental quality and those measures proposed, whether on or off-site, to compensate for any losses. All mineral applications which fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 will, in accordance with those Regulations, require an Environmental Impact Assessment (EIA). The Mineral Planning Authorities will adopt a Screening Opinion for all those mineral applications which fall within Schedule 2 of the Regulations, in order to determine whether or not an EIA is required.

POLICY 31 Applications for mineral extraction, processing and associated activities and oil and gas development will be expected to accord with the Structure Plan and the following criteria :-

General Amenity

- a) proposals should not have an unacceptable adverse effect on the standard of amenity appropriate to other established, permitted or allocated land uses, particularly residential amenity, and will be most carefully considered where they are in close proximity to groups of dwellings or other sensitive land-uses;
- b) development should not have an unacceptable adverse effect on the recreational or tourist use of an area, or existing public access or rights of way;
- c) proposals should not have an unacceptable adverse effect on sites and features of landscape, wildlife or geological interest, whether or not they are statutorily protected or of demonstrable importance, unless appropriate mitigation measures are clearly demonstrated;

Traffic

- d) traffic generated as a result of development should not cause demonstrable harm to the environment or create traffic hazards. Proposals involving additional lorry movements on unsuitable roads or during unsocial hours are unlikely to be acceptable. Developments which include vehicle routing controls and/or suitable highway improvements will be considered favourably where it is demonstrated that problems of environmental disturbance and highway safety can be overcome;

Protection of Water Resources, Flood Prevention and Pollution Control

- e) proposals will not be permitted where they are likely to lead to pollution of or reduce the yield from surface and groundwater flows used for the water supply, or would have an unacceptable adverse effect on:-
 - (i) the flow and quality of surface and groundwater resources;
 - (ii) land drainage patterns, the channel of a watercourse or the flow capacity of or storage within floodplains;
 - (iii) coastal, tidal or fluvial flood defences;
 - (iv) the natural water environment;
- f) provision should be made to minimise the impact on amenity from noise, dust, glare, vibration, smell and fumes;

Working Methods

- g) proposals for mineral extraction should be accompanied by a working scheme for the proposed operation which includes arrangements for:-
 - (i) site preparation, stripping, storage and respreading of soils;
 - (ii) the order, direction and phasing of workings, methods of extraction, and plant and machinery to be used;
 - (iii) location of site roads, material storage areas, buildings and provision for screening of working areas and cleaning of vehicles;
 - (iv) a landscaping scheme for the operational life of the site to include, where appropriate, means of screening the proposed development, suitable planting including native species and a management plan;
- h) all proposals should include details of working hours;

Archaeological Interests

- i) proposals should include an assessment of known or likely archaeological sites where appropriate, and where important archaeological remains are identified the applicant must undertake an archaeological field evaluation and submit the details to the mineral planning authority;
- j) where there are reasonable grounds to suppose that mineral extraction would destroy or adversely affect sites of archaeological interest, before the application is determined the applicant will be required to demonstrate:-

- (i) the effect of the proposals on the setting, character and extent of any archaeological remains;
- (ii) the manner in which archaeological remains are to be safeguarded during the course of mineral extraction;
- (iii) that the benefits of, or need for, the mineral extraction outweigh the damage to, or destruction of, the archaeological remains on the site;

Ancillary Development

- k) the scale and character, size and design of plant, equipment and associated buildings for processing should be compatible with the surrounding landscape and their impact minimised by appropriate siting and screening;
- l) where existing, new or temporary buildings/ structures form part of an application, details should be included showing whether these will be reused or removed on completion of the development. Where appropriate, reuse either on site, or elsewhere will be encouraged.

Safeguarding

8.11 MPG1 "General Considerations and the Development Plan System" sets out guidance on the safeguarding of mineral resources, advocating the protection of "deposits which are, or may become, of economic importance" from unnecessary sterilisation by surface development. One mechanism by which non-energy mineral resources can be safeguarded is by the definition of 'Mineral Consultation Areas' (MCAs). These enable county and district councils to liaise in cases where potential development may affect or be affected by the winning and working of minerals. MCAs may cover existing and future mineral sites including wharves, depots and rail served sites. The County Council intends to define MCAs for the purpose of development control and will liaise with district and borough councils in East Sussex to protect potential and existing mineral sites. As a unitary authority these arrangements do not apply to Brighton and Hove Council.

POLICY 32 The County Council will notify District and Borough Councils within East Sussex of Mineral Consultation Areas (MCAs) where consultation with the County Council is required on applications for development which might sterilise important mineral resources. MCAs will include all sites covered by extant mineral planning permissions, 'areas of search' and 'preferred sites' identified in this Plan, potential sites for aggregate rail depots, relevant areas of the Ports at Newhaven and Rye, and the Mountfield Roadstone Plant.

8.12 The policies and proposals in the Plan require mineral extraction and related activity to meet high standards of environmental control. This can quickly be undermined by unauthorised development or a failure to adhere to the terms of a planning consent. When such circumstances arise, the mineral planning

authorities will use their statutory enforcement powers commensurate with the nature and scale of the breach, to maintain the environmental quality of the Plan area.

POLICY 33 **The mineral planning authorities will pursue all breaches of planning control involving mineral working, processing and related activities.**

8.13 The mineral planning authorities may issue supplementary guidance on these matters as required.