

Implementation and Monitoring

IMPLEMENTATION AND MONITORING

- 9.1 This Plan is intended to guide the County Council in the exercise of its powers as mineral planning authority. To that extent, the County Council will be responsible for the implementation of the policies contained in this document. Planning decisions and conditions attached to permissions will have a bearing on the allocation of resources to both the private and public sectors. For the most part, the direct costs of development will fall to mineral operators who will also implement the proposals for the development of land. The County Council will normally only be involved directly in the implementation of such matters as traffic management as highway authority, and environmental improvements such as landscaping, screening and reclamation which cannot be satisfactorily implemented through planning conditions alone. This will only occur in those cases where work is required outside an area proposed for working in a planning application.

Policy 35 Enforcement

The County Council will take appropriate steps to rectify matters in the event of unauthorised development and non-compliance with planning conditions or the terms of any legal agreements.

- 9.2 The County Council would hope to overcome any particular difficulties by means of persuasion and the good-will of mineral operators. It will not however refrain from use of its powers of enforcement where necessary. Under the Town and Country Planning Act 1990, the power to serve enforcement and stop notices in respect of mineral development rests solely with the County Council as mineral planning authority. Enforcement action may be taken in respect of operations carried out without planning permission or in breach of conditions and limitations attached to a permission. The Planning and Compensation Act 1991 introduced new powers to serve "Planning Contravention" and "Breach of condition" notices.
- 9.3 The Mines and Quarries Inspectorate has a duty to enforce the law as it relates to mines and quarries. District Council Environmental Health Officers are responsible for implementing the provisions of the Environmental Protection Act in respect of noise nuisance. The control of dust and smoke emissions is largely the responsibility of Her Majesty's Inspectorate of Pollution (HMIP).

Policy 36 Plan Review

The County Council will prepare a second review of the plan within five years from the adoption of this document.

9.4 The Minerals Local Plan has been prepared on the basis of the best information available at the present time. Some of this information is imprecise, for example there is limited knowledge of the exact location of workable minerals in the ground. One of the biggest problems of planning ahead is future uncertainty. Circumstances change; it is difficult to forecast with any precision when certain developments will take place or when schemes will be completed: thus, changing economic conditions will have a great bearing on the demand for construction materials and the generation of waste, and hence the rate at which mineral extraction takes place and resultant voids are filled and reclaimed. Monitoring of the situation is therefore required in order to ascertain whether policies are being implemented as envisaged and to assess the need for further releases of land for extraction to maintain a forward supply of reserves.

9.5 Circumstances which will have to be closely monitored include:

- a) changing national and regional policies, together with the effect of mineral policies adopted by other local authorities;
- b) changes in supply and demand, both nationally and regionally, including major new engineering projects;
- c) the availability of new information regarding the importance, location and scale of reserves;
- d) changes in the mineral industry's working methods and economics;
- e) changes in transport costs, requirements and opportunities;
- f) the quantity of reserves with planning permission;
- g) the performance of operators in complying with conditions attached to planning permissions.

Monitoring will involve the collection of published material, an annual survey of aggregate producers (in conjunction with the East Midlands Aggregates Working Party), and the undertaking of original surveys and research.

9.6 Monitoring will enable the County Council to identify the need for specific programmes of action. It may suggest the reconsideration of policies and proposals contained in this document in the light of unforeseen developments. Thus, a fall in production compared with that forecast and/or a fall in national demand forecasts would mean that it is possible to extend the number of years over which remaining permitted reserves would last without releasing further areas of land for mineral extraction. If the opposite trend arises, it would be necessary to examine the possibilities of releasing further areas in order to maintain the forward supply of reserves.