

## **Other Mineral Developments**

## OTHER MINERAL DEVELOPMENTS

### a. Borrow Pits

#### **Policy 27 Borrow Pits**

**Proposals for the establishment of temporary borrow pits will normally be permitted provided that each of the following applies:**

- (a) it is required specifically to supply major construction works;**
- (b) material is transported to the construction project without the use of the public highway system;**
- (c) proposed operations are located in close proximity to the construction project and are so designed to reduce to acceptable levels visual and noise intrusion and disturbance to local residents;**
- (d) the site can be satisfactorily restored without the use of imported materials other than that generated by the construction project itself;**
- (e) material cannot reasonably be supplied with less environmental disturbance from existing sites with planning permission for mineral extraction;**
- (f) the proposed operations would not cause demonstrable harm to interests of acknowledged importance as set out in policy 3.**

7.1 Major construction works, particularly those associated with new roads, often need considerable quantities of mineral. The excavation of material near to such works can have the considerable advantage of preventing heavy and concentrated flows of traffic along public roads. Such workings could, therefore, be acceptable in locations where extraction would not otherwise normally have been permitted provided that appropriate environmental safeguards covering the working and restoration of sites can be achieved. Restoration should not involve the importation of materials other than the use of surplus material arising from the construction works themselves. In recent years, planning permissions have been granted for borrow pits within Leicestershire related to the construction of the A6 Quorn -Mountsorrel Bypass and the A1 - M1 Link Road (Catthorpe Interchange).

b. Mineral Exploration

**Policy 28 Mineral Exploration**

**Proposals for exploratory operations will be treated on their merits. Any permission granted for such operations will be without prejudice to the consideration of further proposals for mineral development. Any permission granted for exploratory operations will be for a temporary period only and will require the full reinstatement of the site following completion of operations. Proposals for exploratory operations will not normally be permitted where they would cause demonstrable harm to interests of acknowledged importance as set out in Policy 3.**

- 7.2 The carrying out of certain small-scale and temporary exploratory operations undertaken for the purpose of exploiting minerals is permitted development by virtue of Part 22 of Schedule 2 of the Town and Country Planning General Development Order 1988. The operations permitted are the drilling of boreholes (except for oil or gas exploration), the making of other excavations, the carrying out of seismic surveys and certain related ancillary development. Under part 20, class D of schedule 2, British Coal have the right to prospect for coal workable by opencast methods. Where planning permission is necessary, the County Council will apply the normal environmental safeguards that would be applied to other forms of mineral development. It is recognised that restoration provisions in respect of proposals for oil and gas exploration need to be sufficiently flexible to enable testing or further appraisal operations to be carried out in the event that hydrocarbons are encountered. Any exploration borehole for use in surveys requires a consent under section 78(2) of the 1963 Water Resources Act.

c. Mineral Stocking Areas

**Policy 29 Mineral Stocking Areas**

**Proposals for mineral stocking areas will normally only be permitted where:**

- (a) the stockpiles are located and/or appropriate measures can be taken so as to reduce to acceptable levels any disturbance to residential development and other sensitive areas by the generation of noise, dust, or any other nuisance;**
- (b) the stockpiles are located and either treated or screened as appropriate so as to reduce visual intrusion to acceptable levels; and**

- (c) the proposed point of access to the site from the public highway and the road system used to reach the site are adequate to cater for the anticipated level of traffic to be generated.

The height of stockpiles will be restricted where necessary in order to ensure that such areas do not become dominant landscape features.

7.3 The County Council is concerned that there should be certain safeguards to reduce the impacts resulting from the stockpiling of minerals. This has been a particular problem associated with fireclay and coal extraction. Reduced demand for fireclays has tended to increase the period over which graded stockpiles of fireclays are required to be stored on site. Substantial reserves of clay (in excess of 5 million tonnes) are stockpiled at Donington Island, Ashby Woulds. The clays are of different types which are blended before use in local manufacturing works. The clay stocks amount to about 25 years supply based on current rates of manufacture. The current planning permission requires the removal of all clay stocks by June 1994.

d. **Surface Disposal of Mineral Waste**

**Policy 30 Surface Disposal of Mineral Waste**

**a. Assessment of Proposals**

**Proposals for the surface disposal of mineral waste will be assessed in the light of the following considerations:**

- (i) the visual appearance of the development;**
- (ii) noise and dust generation;**
- (iii) effect on land drainage and water supply systems of the area;**
- (iv) effect on important ecological habitats;**
- (v) effect on important sites of archaeological interest;**
- (vi) sterilisation of unworked mineral deposits;**
- (vii) current and future use of the land.**

b. Environmental Considerations

Proposals for the surface disposal of mineral waste will not normally be permitted where they would cause demonstrable harm to interests of acknowledged importance as set out in policy 3. The use of agricultural land and areas of particular scientific interest for the surface disposal of mineral waste will be limited so far as may be reasonably practicable having regard to all material considerations.

7.4 MPG2 states that the land to be used for tipping should be carefully chosen. Considerations of amenity, the current and future use of land, the land drainage and water supply systems of the area and the need to avoid sterilizing mineral reserves are identified as factors to be taken into account. It is suggested that use of an evaluation framework prepared by Ove Arup and Partners for the assessment of alternative colliery spoil disposal options can assist the identification of realistic choices for tipping locations. MPG3 states that plans should set out policies which make provision for the disposal of colliery spoil. Policy 30 sets out factors to be taken into account in respect of proposals for the surface disposal of mineral waste.

e. Removal of Material from Mineral - Working Deposits

Policy 31 Removal of Material from Mineral-Working Deposits

Proposals for the removal of material from mineral working deposits will be assessed in accordance with the general principles set out in policies 2 and 3, taking particular account of the following factors:

- a) the need for, and importance of the mineral to be removed;
- b) the potential for reclamation of the site after the deposits have been reworked;
- c) the proposed operational arrangements, including the duration of the operation, transport to the processing plant and waste disposal.

7.5 In some cases, it may be economically viable to rework old tips utilising advances in technology to recover minerals which were previously considered to be waste products from mining. There have been a number of instances of coal tip washing operations in recent years within the County. The removal of material from mineral-working deposits requires planning permission unless it involves the removal of material from bona fide stockpiles or from certain small or temporary mineral-working deposits (see Part 23 of Schedule 2 of the Town and County Planning General Development Order 1988). MPG1 points out that this form of

mineral extraction has different implications for minerals planning than arise in traditional quarries. When formulating policies for this activity, it suggests that particular attention be paid to the need for, and importance of the mineral, the potential for reclamation of the site after the deposits have been reworked and the proposed arrangements (including transport to the processing plant and waste disposal). Policy 31 sets out factors to be taken into account in respect of proposals for the removal of material from mineral working deposits.

f. **Associated Industrial Development**

**Policy 32 Associated Industrial Development**

a. **Assessment of Proposals**

The County Council will assess proposals for ancillary development for the minerals industry in close proximity to extraction sites, with particular regard to their environmental and transportation effects.

b. **Determination of Applications**

Permission will normally only be given where there are clear overall environmental advantages in a close link between the industrial and mineral developments.

c. **Planning Conditions**

In granting planning permission for such associated industrial development, the County Council will normally attach conditions requiring that the use of buildings and plant cease on the cessation of the mineral extraction to which the development is linked and that the buildings and plant then be demolished, the site cleared and the land restored in accordance with an approved scheme.

- 7.6 The Structure Plan (Strategy Policy 4) indicates that built development in the countryside will not normally be appropriate. It is recognised, however, that there may be benefits for certain industrial development directly associated with the processing of extracted minerals to be located in close proximity to areas of mineral extraction, e.g. ready mixed concrete, concrete products and brick manufacture. Any planning permission for such development will however be time-limited to expire on the cessation of working from the associated extraction area.

- 7.7 The County Council is responsible for determining applications for planning permission for mineral processing plant on land forming part of or adjoining a mineral working site or where mineral is brought to the plant site by means of conveyor, pipeline or similar means, or by private road, waterway or rail; aggregates rail or water depots; plant used for coating roadstone or the production of concrete or concrete products or artificial aggregates where in or on land which forms part of or adjoins a mineral working site or is used for the transportation of aggregates by rail or water; cement manufacturing plant; and where the development would conflict with or prejudice the restoration of a mining working site (see Schedule 1 of the Town and Country Planning Act 1990). Certain types of surface development ancillary to mining operations do not require planning permission (see Part 19 of Schedule 2 of the 1988 General Development Order). Applications for other mineral related industrial development will be determined by the appropriate District Council.