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17 November 2005

Dear Ms Carey

Response to Consultation Paper on Draft Scottish Planning Policy 4: Mineral Working

Thank you for inviting us to comment on the above document.

The British Aggregates Association (BAA) represents the interests of over 70 members located throughout the United Kingdom. The majority of these are privately owned and independent SME companies operating from over 100 mineral sites and a very large portion of these sites are located in Scotland.

General Overview

We welcome the approach by the Scottish Executive to improve and streamline minerals planning as outlined in the draft paper. A modern approach that encompasses the views of both the industry and the communities in Scotland is long over due. Scotland is fortunate in that is blessed with some excellent mineral deposits that are important to the well being of the country in both the short and long term and is, therefore, very essential that minerals planning matters are handled in a thorough professional manner.

We regret that there is no mention in this consultation paper of any guidance and advice concerning archaeology and mineral planning. We are aware that NPPG 5, which is the guidance paper on this subject, maybe currently under review.

We comment on the following particular numbered paragraphs.

Para 1) We note with pleasure that planning for construction aggregates are separated from opencast coal and other minerals which are dealt with under SPP16.

Para 2) Although the industry may employ 3000 people directly, it is considered that at least a further 3000 plus earn their living in the support industries. It is most important to point out that many of these jobs are located in rural areas of the country.

Para 3) The report notes that Scotland has rich and varied resources including mineral aggregates. It is unfortunate that the report does not expand into the various potential markets for these products. Europe has a 30 billion pound market for construction

aggregates and many EU countries do not have the same natural mineral deposits as Scotland, e.g. the Netherlands which is very limited in deposits of hard rock. At the moment some construction aggregates are exported to Europe from Scotland, however, there is a vast export market for Scottish Aggregates that could be exploited. (Whereas the Norwegian Government is actively encouraging aggregate production in rural coastal areas for the European export market) This market has the potential to create many more rural jobs in Scotland and enhance the Scottish economy.

Para 6) The policy emphasis on recycling is understandable but since the introduction of the Landfill Tax in 1996 and the Aggregates levy in 2002, the market has changed and there is growing evidence that all the aggregates that can be recycled are being recycled, particularly in urban areas. At the same time, new wastes in the form of primary by-products produced as a result of production of high specification aggregates for new quieter road surfacing are being created. In this area, policy needs to be brought up to date with changes in the market place and a new policy based on sustainability and a more holistic approach to aggregate use developed, rather than simplistic emphasis on recycling or targets for use of recycled aggregates in public works.

Para 16) At a superficial level the policy objective of introducing Good Neighbour Agreements (GNA) is again understandable but on closer consideration these agreements have the potential to significantly complicate the planning process without any improvement on the current practise of informed liaison committees. For convenience we enclose a copy of a report by Wardel Armstrong commissioned by this association and you will note that Prof. Rowan Robinson, commissioned by the Executive to look into this matter, mirrors some of the points made by them in the paper on implementation. Furthermore we enclose a copy of the report by The Environment Council "Good Practice For Stakeholder Engagement in the Aggregates Sector" This is a UK Government funded project that outlines the steps to be taken when setting up community liaison groups looking into minerals planning, This report puts the emphasis on setting up voluntary community groups to deal with aggregates in the community.

Para 18) We are in favour of buffer zones and conclude that no developments should take place within a 500 metre boundary of a mineral operation

Para 25) The BAA acknowledges the role of the rural community and sustainable development. It should be pointed out that many old mineral aggregate sites are often turned into wildlife parks or sites of geological interest. It is a fact that over 50% of SSSI sites throughout the country commenced life as a quarry.

Para's 30), 31) and 32) Noise and dust are not a noted problem for construction aggregate sites. Noise levels and emissions are strictly controlled by a responsible industry and policed by SEPA.

It is unfortunate in that this paper, which is specifically aimed at planning for construction minerals, goes on to talk about a study carried out in England on dust in the opencast coal industry. A study that concluded that there was not a medical problem with dust in that industry in the first place. Why is this particular example mentioned here? It has little or no relevance. It is unnecessary or shows a lack of understanding to talk about dust and noise when it is a fact that these potential nuisances are legally controlled by SEPA in the first place. It goes without saying that SEPA are consulted on mineral planning applications and therefore this matter will be

part of their remit. In order to illustrate this point we enclose for your attention a brochure from a well-known and respected company of dust control engineers. The point of this is to make clear to the Scottish Executive that in our industry we have, and do employ, the kind of technology that ensures that dust in aggregate quarries is well controlled and is not a nuisance to employees or the community at large. (We refer you to their web site, [www.hwenviroflowltd.com](http://www.hwenviroflowltd.com))

Para 37) Attention is drawn to the comments concerning waste by products in Para 6) above.

Para 41) We welcome the comments concerning “industry guarantee schemes”. Whilst we are aware that in some areas containing opencast coal, it is normal to talk about restoration bonds, however, this consultation paper does not concern opencast coal and we are not aware of restoration “problems” concerning aggregate quarries. We do nevertheless support the idea of trade association guarantee schemes that financially guarantee that a mineral site will be restored in the event of the failure of a company.

Para 54) With the ever increasing costs concerning mineral planning applications associated with a lack of suitably qualified mineral planning officers throughout the country who can effectively deal with minerals in a reasonable time period, we consider it is premature to talk about the charging for visits by planning officers to ensure conditions have been adhered to. Before any talk of charging for visits can take place, a considerable increase in resources for minerals planning must be put into local planning authorities to ensure that a much better service is provided to industry and the community.

Para 58) We reject the comments here. There is much evidence that local planning authorities are not using their powers of enforcement to deal with any rogue operators that may appear. The reason for this is that often they do not simply have the resources. It is therefore absurd to suggest that legitimate operators should be subject to a financial bond to ensure that they comply with conditions whilst rogues can and do flout the rules. Financial bonds are associated with opencast coal deposits; they are not applicable to aggregate minerals, which are much longer-term operations.

Once again we thank you for giving us the opportunity to reply to this consultation paper and trust that you find our comments of some benefit

Yours sincerely

Richard Bird  
Executive Officer

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