Further Proposed Changes to:

- Policy 6: Restoration of Mineral Sites

15 April 2016
**Introduction**

When the Final Draft – June 2015 version of our new Plan was submitted for Examination in January 2016, ‘proposed changes’ were also submitted for consideration by the Inspector.

In response to discussions at the Examination hearings, which started on 30 March 2016 and end on 13 April 2016, we now wish to make ‘further proposed changes’. The ‘proposed changes’ already submitted, together with the ‘further proposed changes’ taken together will represent the ‘main modifications’ and ‘additional modifications’ to the new Plan.

Main modifications are being made to address soundness issues, i.e. to ensure that the new Plan is ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’ (ref. National Planning Policy Framework – paragraph 182).

Additional modifications are being made to improve the new Plan e.g. to provide further clarification or to update the new Plan.

A schedule of main and additional modifications will be prepared and made available for public comment before the Examination closes and the Inspector completes his report, albeit that the Inspector will only consider representations on the main modifications at this stage (ref. Planning Practice Guidance – Local Plans – paragraph 024).

**The further proposed changes**

As a result of the discussions on Day 3 of the Examination, we wish to make ‘further proposed changes’ to Policy 6: Restoration of Mineral Sites for the reasons set out below:

1. To accord with national policy in the NPPF (paragraph 144) and Planning Practice Guidance (paragraph 048) which requires financial guarantees only to be provided in exceptional circumstances, acknowledged in the supporting text at paragraph 7.64, we wish to make a further proposed change to Policy 6.4.

2. To clarify that long term proposals are likely to require less detail compared to short term proposals, acknowledged in the supporting text at paragraph 7.63, we wish to make a further proposed change to paragraph 7.54.

3. As a consequence of 2 above, we wish to make a further proposed change to paragraph 7.63 to refer to 7.54 and to move the reference to the relevant Planning Practice Guidance (paragraph 040) from paragraph 7.63 to 7.54.
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4. To clarify that where working and restoration is up to date, it is reasonable to anticipate that the restoration review will be a more straightforward process, we wish to make a further proposed change to paragraph 7.63.

5. To clarify what would be required from applicants to demonstrate how their proposals contribute to the objectives of the Water Framework Directive, we wish to make a further proposed change by inserting a new paragraph after 7.58 (a new 7.59). The new paragraph will include reference to the River Basin Management Plans affecting Staffordshire. As a consequence the paragraph numbering will also have to change thereafter.

Explanatory note: Extracts from the Final Draft – June 2015 (with tracked proposed changes) version of the new Plan are provided below. The ‘proposed changes’ are shown tracked in red and the ‘further proposed changes’ are shown tracked in blue.
The new Minerals Local Plan for Staffordshire 2015 to 2030

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Financial Guarantees

6.4 In exceptional circumstances, developers will be required to demonstrate that adequate financial provision has been made to fulfil the restoration and aftercare requirements when proposals are submitted:

a) for a new mineral site; or,

b) to change the working, restoration and aftercare of an existing site, particularly when the proposals involve a change to the ownership or control of the site, or part thereof.

Alternatively, Adequate financial provision developers will also be required to include the security of provide a Restoration Guarantee Bond or other financial guarantee to cover all or part of the restoration and aftercare costs.

Restoration requirements

7.54 In assessing the impact of restoration proposals it will be necessary to have regard to Policy 4 and then Policy 6 requires that the proposals are sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales. For short term proposals more detail is likely to be required, whereas for long term proposals a restoration strategy may be sufficient to demonstrate that the proposals are practically achievable. In such circumstances a detailed restoration and aftercare scheme would be required at a later stage.[reference to PPG paragraph 040 to be added]** A holistic approach to restoration is encouraged recognising the wider benefits of ecosystem services as that this can create biodiversity and geodiversity benefits and strengthen landscape character (including historic landscape character) recognising the potential to deliver wider benefits of ecosystem services such as food and water, regulation of floods, carbon capture and storage, and potential indirect non-material benefits such as health, and well-being.

1 Proposals should consider restoration achieved on earlier phases of the quarry and quarries nearby to ensure the resulting mix of after uses, habitats, agricultural land and public access is appropriate and has taken account of the wider context. balanced and connected across the landscape.

Policy 6 sets out a number of important requirements that may need to be addressed in developing a restoration strategy/ plan.

1 Refer to paragraph 109 of the NPPF and “Introducing an Ecosystem Approach to Quarry Restoration” – Cranfield University (2013)
7.63 As part of the sustainable economic development of minerals, it is important that every mineral site has an approved restoration strategy / plan. As explained in paragraph 7.54, however, mineral development can be long term and it is sometimes the case that broad restoration strategies / plans are approved initially with detailed plans / schemes drawn up nearer the time when restoration and aftercare is due to take place. In such circumstances, it would be important that the restoration strategy / plan is kept under review to ensure that it remains up to date and opportunities to enhance local amenity and the environment are maximised. Where working and restoration is up to date, it is reasonable to anticipate that the review will be a more straightforward process. Mineral operators are encouraged to involve the site liaison committee in the review of the strategies / plans. The review process has been achieved by agreement with developers through a Section 106 Legal Agreement.

NEW PARAGRAPH

7.59 **Supporting the objectives of the Water Framework Directive: Restoration proposals should contribute, where appropriate, to the objectives of the Water Framework Directive. For example, applicants should demonstrate that there would be no overall reduction in water quality or adverse impact on the ecological status of water courses and water bodies and that there would be no impact on the ability to meet ecological status objectives found in the relevant River Basin Management Plan. [reference to River Basin Management Plans to be added]**

**Reference to the Staffordshire River Basin Management Plans to be added**