

David Brook
ODPM
4/A3 Eland House
Bressenden Place
London
SW1E 5DU

Dear Mr Brook,

Minerals Policy Statement 2: Controlling and mitigating the Environmental Effects of Mineral Working

Wildlife and Countryside Link (Link) would like to take this opportunity to respond briefly to your invitation to comment on the new draft MPS2, circulated in March.

In October 2001, Link submitted comments on the consultation paper *MPG11: Controlling and mitigating the environment effects of mineral extraction in England* following a meeting that we had with the former DETR on the issue. We highlighted our concern that the Government had not taken the opportunity to demonstrate its commitment to managing the demand for minerals as a key means of controlling and mitigating the environmental effects of their working. We were also concerned that the paper failed to acknowledge that reducing extraction would be the only truly sustainable way to prevent the incremental damage to the countryside caused by inappropriate minerals extraction.

Due to the short consultation period for the draft MPS2, Link has not been able to put together a full response to the document. Consequently we would wish you to take into account the response we made in 2001 which is attached for your records. This letter serves as a response to additional issues that we would wish to comment on.

Principles of demand management

Link has been very much involved with the Department's work on the ongoing review of the minerals planning system and we recognise that more detailed planning guidance will be produced relating to the wider principles of mineral extraction. However, we believe that such policy must form the fundamental principle on which other MPSs are based. We would therefore urge you to ensure that the opening paragraphs of the new MPS2 reflect the crucial role of demand management and clearly establish the principle of controlling and mitigating environmental effects as a means of reducing the overall impacts of minerals extraction.



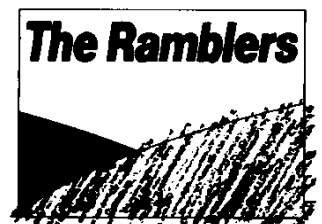
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Community involvement

Link welcomes much of the current draft MPS2 and in particular its commitment to the need for community involvement in the planning process. Transparency, public participation, high standards of performance and effective enforcement are essential to ensuring that the land use planning system retains public credibility. We believe that the involvement of interested third parties should also be central to this to avoid the situation where unsustainable applications are sometimes given permission and justified through the provision of extra benefits from the developer. We would like Government to provide clarity on its understanding of how planning conditions can 'influence the action that operators might take as good neighbours (outside the scope of planning control (paragraph 16))'.

Tranquillity

Link is concerned by the inconsistency of paragraph 2.19 (Annex 2) on the Government's approach to planning conditions for controlling and mitigating the effects of noise with the statement in Paragraph 2 of the draft that '*Where adverse environmental effects cannot be adequately controlled or mitigated through the design of proposals or the attachment of conditions, planning permission should be refused*'. We strongly support the approach set out in paragraph 2 and consider noise to be a potentially adverse environmental effect. We are concerned that paragraph 2.19 potentially weakens this resolve, threatening some of the most tranquil and peaceful areas of countryside which may be enjoyed by local residents and by visitors.

Environmental effects of restoration

We are keen to ensure that the opportunity for effective and innovative restoration of minerals workings which would deliver benefits to biodiversity and local communities should not be used as justification for unnecessary and/or damaging minerals extraction. In light of the uncertainty that surrounds the revision of other MPGs and the extent to which it is perceived that MPS2 will cover overlapping issues, we recommend that MPS2 fully recognises the environmental implications of the reclamation of minerals workings.

Monitoring and enforcement

Link is concerned that, like the previous consultation on MPG11, the draft MPS2 contains no distinct reference to the role of mineral planning authorities in monitoring and enforcing planning conditions to minimise adverse environmental effects of minerals development. It is important that better self-regulation by the minerals industry should not be interpreted as reducing the need for improved and better resourced monitoring and enforcement of minerals permissions. We would welcome clarification on whether the Government intends to review current measures for enforcement and monitoring for minerals permissions, within the scope of the ongoing planning review, and whether this vital sector of planning regulation will receive further resources in future (both in terms of increased funding to mineral planning authorities and the dissemination of skills within the minerals planning profession). We are keen that, as far as possible, independent bodies are used to monitor permissions and that the results of such monitoring should be made available to the public. Considering the long-term working of many minerals sites, it is important that the long-term performance of operators at a site is recorded and kept under review to ensure the proper and timely delivery of the requirements of planning conditions.

Additional appendices

We are very disappointed that no progress has been made on the promised additional appendices on traffic, blasting, visual intrusion, water environment and mineral wastes. These appendices will have an essential role to play in identifying the guiding principles by which the Government expects mineral planning authorities to judge the merits of minerals applications. They will also provide a vital policy insight to communities and interested bodies as to the responsibilities of all parties involved in negotiations and the important value that they themselves can bring to planning decisions.

Again, we would refer you to the attached document which was sent to you regarding the revision of MPG11 in 2001, and hope that the above comments further clarify some of the issues which we raised previously. Please do not hesitate to contact me if you would like to discuss this response further.

Yours sincerely,

A handwritten signature in black ink that reads "Emily Richmond". The signature is written in a cursive, flowing style.

Emily Richmond
Chair, Mineral Group of Wildlife and Countryside Link

On behalf of the following organisations:

Council for National Parks
Campaign for the protection of Rural England
Friends of the Earth
Ramblers Association
Royal Society for the Protection of Birds

