

GUIDANCE NOTES FOR ANNEX 1: MINERAL EXTRACTION AND PROCESSING

Mineral Extraction

- A1.1** This should be completed for all proposals involving mineral extraction. Cross reference should also be made to plans and drawings submitted with the application.
-
- A1.2** Special consideration should be given to soils and overburden. To this end, the results of soil surveys and site investigations will preferably be summarised in a supporting statement, with the full logs and results of any laboratory tests being provided as an appendix to the statement.
Special consideration should also be given to the location and design of all soil and overburden storage mounds and the timing of their construction and removal should be indicated.
Indication should be given of the grade of any agricultural land affected by the proposed development (Grades 1, 2, 3a, 3b, 4, 5) and should be accompanied by a clear indication of how the agricultural grade of the soil has been determined (eg using MAFF Agricultural Land Classification Maps or a special survey).
-
- A1.3** Details of wastes arising from the main extraction operations including the nature of wastes and estimated total quantity produced (excluding overburden) should be provided, including the proportion of wastes to be retained on site. Methods of disposal of wastes not retained on the site should also be given. If significant quantities of wastes are to be tipped separately in distinct surface areas on a long term basis, please also complete Annex 4.
-
- A1.4** If the proposal involves minerals with special characteristics or properties, or is needed to fulfil a specific commercial or market need, applicants should provide details so that this factor may be taken into consideration. If this type of information is submitted, applicants should also provide details of the procedures undertaken, including evidence, to assess the quality and quantity of the material (including the location of boreholes, trenches etc) and the results of any other analysis which may have been undertaken.
-
- A1.5** Information should be provided to indicate the methods of extraction. Information should also be provided relating to the proposed duration of extraction and should include details of proposed start and end dates and phasing. Where possible a progressive scheme of working should be prepared which minimises the amount of land taken out of agriculture or other use at any one time which facilitates the early restoration of the site. This information should preferably be submitted in a supporting statement with reference to plans.

Mineral Processing

This section should be completed, as relevant for all applications involving plant on an application site.

- A1.6-12** Note: Applications for the types of minerals development not included in the categories specified in Schedule 1(1) of the Town and Country Planning Act 1990 should be submitted on standard application forms. Schedule 1 includes concrete and asphalt plants linked to mineral sites but excludes freestanding concreting and asphalt plants.

For this section it is preferable that answers are amplified in both supporting statements and plans to give planning officers a full appreciation of the purpose and likely planning implications of the proposed development.

Other Buildings, Plant or Structures

- A1.13-14** Only complete this section for buildings, plant or structures not included in any of the above sections.

Please note that applications for the types of minerals development not included in the categories specified in Schedule 1(1) of the Town and Country Planning Act 1990 should be submitted on standard application forms.

Where information is to be submitted, it is preferable that information is amplified in plans and supporting statements. Detail provided should be similar to that provided in the minerals processing section.

Traffic and Transport

- A1.15-18** Much of this section is designed for road transport. Please include details of rail or water transport in an additional statement and plans including details of application site facilities if not included above.

For road transport, a supporting plan showing the traffic levels along the proposed routes for laden and unladen lorries is particularly helpful. For other modes, applicants should provide details of the tonnages likely to be moved, the range of market destinations, and the timing of movements.

Where there is a need for highway improvements to be carried out as a consequence of the proposed development, applicants will normally be required to undertake these at their own expense or reimburse the Highway Authority for the cost of undertaking such improvements. If the proposal is likely to generate significant amounts of heavy vehicle traffic and/or heavy vehicles would use roads of poor construction, width or alignment, applicants are advised to contact the Highway Authority.

Environmental Effects of Development

ALL RELEVANT QUESTIONS UNDER THIS SECTION SHOULD BE COMPLETED BY THE APPLICANT IF AN ENVIRONMENTAL STATEMENT IS NOT BEING SUBMITTED WITH THIS APPLICATION.

A1.19 Applicants should refer to MPG2, Applications, Permissions and Conditions, MPG3 (July 1994), Coal Mining and Colliery Spoil Disposal, MPG6, Guidelines for Aggregates Provision in England, PPG9, Nature Conservation and PPG23, Planning and Pollution Control, for advice on legislation and guidance for mineral applications in areas with statutory designations.

There are a wide variety of statutory designations, for example, National Parks; Areas of Outstanding Natural Beauty (AONBs); Sites of Special Scientific Interest (SSSIs); Listed Buildings and Conservation Areas; Scheduled Ancient Monuments or National Nature Reserves (NNRs). Some nationally designated SSSIs may also be listed as internationally important sites for nature conservation such as Ramsar sites, Special Protection Areas (SPAs) for birds; and Special Areas of Conservation (SACs) for habitats and species. Applicants should ascertain as far as possible whether or not any statutory designations exist either on the site intended to be worked or in adjacent areas.

Sources of advice on selected statutory designations are as follows:

- **Archaeology and Ancient Monuments** - applicants attention is drawn to the Archaeological Investigations Code of Practice for Mineral Operators published by the CBI in 1991 and Department of the Environment Planning Policy Guidance Note 16 Archaeology and Planning. If the proposal affects a scheduled ancient monument, then scheduled ancient monument consent may be required.
- **Historic Sites and Buildings** - special regard should be given to the effect of your proposal on any listed building (including its setting) or Conservation Area. Where appropriate you are advised to contact English Heritage. In addition to any planning permission obtained, Listed Building or Ancient Monument consent may be required.
- **Sites of Special Scientific Interest** - applicants attention is drawn to Planning Policy Guidance Note 9 Nature Conservation. This states the development control criteria including those for sites with additional national and international designations in England. Paragraph 9 of Annex C states that the Secretary of State will normally call in planning applications - both within SSSI boundaries and outside - which are likely significantly to affect sites of international importance. The Secretary of State will also consider calling in applications for peat working and other extraction which could affect the other sites of nature conservation importance.
- **Other Statutory Designations** - applicants may need to discuss proposals with an appropriate regional office of English Nature but in the first instance should seek advice from the MPA.

In addition, applicants should try and establish as far as possible whether or not there are any habitats of protected species on the site. Information on protected species can be found in the Wildlife and Countryside Act 1981 (and amendments); the Badgers Act 1992; Council Directive 79/409/EEC on the Conservation of Wild Birds and Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora.

A1.20 Details should be provided relating to the proposed total anticipated hours of working separately for different activities taking place on the site including specified separately in terms of weekday operations and weekend operations. (Normally work should not take place on Sundays or Bank Holidays). Applicants should state whether these hours exclude or include maintenance works. Please specify separately details for:

- mineral prospecting;
- soil stripping and overburden removal;
- mineral working;
- mineral processing;
- vehicular movements.

If operations are likely to be intermittent then this should be clearly stated and the proposed periods of working given separately.

A1.21 Applicants should refer to more detailed advice set out in Mineral Planning Guidance Note 11 - The Control of Noise at Surface Mineral Workings. Applicants should provide information on proposed noise levels through the different stages of work.

Information should include the predicted or actual noise emissions from specific plant, the length of time plant will be in use, measures taken for controlling noise, (eg screening barriers or other forms of noise barrier erected) and methods of calculating noise emissions.

Where the proposed development is to take place in proximity to noise sensitive property, such as residential dwellings, schools, hospitals, and recreation areas, applicants should provide details of noise levels at these properties or areas scheduled for such development. If no noise sensitive properties are likely to be affected then applicants should give noise levels at site boundaries. The applicant should indicate whether there will be a need for temporary raising of noise limits for activities of a temporary nature and specify what these are.

Proposed methods for noise monitoring and measures for controlling noise should also be specified. Whilst such information is best dealt with in a supporting statement, if the applicant does not intend providing such a document, then information should be specified on the form.

A1.22 Applicants should state methods to control and suppress dust from the extraction and processing operations including the treatment of topsoil and subsoil storage heaps. They should also state the measures proposed for minimising the spread of mud, minerals or wastes onto the public highway from the transportation operation (eg wheel cleaning, sheeting of lorries etc).

A1.23 Where relevant, applicants should provide as much detail as possible on the effects of blasting as it is helpful to the MPA when determining an application.

Blasting should normally take place during the normal working day and applicants should provide details of the arrangements made for public warning and access restrictions during blasting itself.

Applicants should also provide details of the methods used for such predictions (eg test blasts on similar sites etc).

A1.24 Applicants who are uncertain whether or not the materials in the proposal involves the use and storage of hazardous materials should contact the MPA or Health and Safety Executive.

For materials which may create a hazard, applicants should indicate the hazardous materials, what special consideration will need to or has been given to the siting of development which involves the use of such materials, and how the material is intended to be stored. Further guidance can be obtained from DOE Circular 11/92 on the Planning (Hazardous Substances) Act 1990, brought into force on 1st June 1992. Further advice may be obtained from the Health and Safety Executive.

A1.25 Where relevant, applicants should give an outline of proposed measures to control potential pollution to protect ground and surface water. They should give an indication of any necessary drainage and flood control measures; and proposed monitoring measures, including any requirements for the provision of settlement lagoons; the way in which surface water is to be disposed of; the avoidance of impairing drainage from adjoining areas; and the prevention of material entering open water courses.

If any discussions with the NRA have taken place prior to submitting this application, then the applicant may wish to inform the MPA of the outcome of these.

A1.26 To be completed as relevant.

A1.27 Please note that the receipt of planning permission does not give a right to extinguish or divert a public right of way eg public footpath, bridleway or road. If your scheme affects a public right of way in this manner you will require specific authority. Further advice on this matter is available from the MPA or highway authority.

A1.28 Applicants should submit sufficient information to indicate the extent of visual impact of the proposed development and operations. Methods used may, for example, include visual envelope maps or photomontages. Applicants should also submit information to indicate the extent, nature and location of any landscaping to be undertaken during operations to screen the site from public view or otherwise to mitigate the visual impact. Applicants should distinguish between permanent and temporary features. Cross references should be made to any plans submitted under Question A5 of the main form.

A1.29 Applicants should discuss the likelihood of instability of working faces, tips and associated structures with the MPA. A stability report should be presented which should include a geotechnical analysis and should propose measures which will be taken to reduce the risk of instability.

Landfilling of Mineral Extraction Sites

A1.30-33 Where landfilling using controlled wastes is to take place, in addition to obtaining planning permissions, operators will need to obtain a waste management licence pursuant to the Environmental Protection Act 1990. Application forms and advice can be obtained from waste regulation authorities.

It is appreciated that much of the operational detail of any landfill proposal involving controlled wastes will be submitted as part of a Waste Disposal Licensing application. Nevertheless, it is necessary for planning purposes to demonstrate that the

proposals for restoration by controlled wastes are soundly based. That is the materials are available within the timescale of the restoration process; that they can be imported and placed in an environmentally acceptable manner; and that the subsequent landfill management will nevertheless enable the proposed afteruse to be implemented successfully. Applicants may wish to refer to Planning Policy Guidance Note 23 'Planning and Pollution Control'.

Restoration, Aftercare and Afteruse

A1.34 Applicants are strongly advised to read MPG7 'The Reclamation of Mineral Workings' which sets out the information normally required in support of a planning application. Aftercare conditions will normally be imposed on all mineral extraction permissions where the intended afteruse will be for agriculture, forestry or amenity purposes, and will either specify the steps to be taken or, where restoration and aftercare may not be begun for a number of years, will require an aftercare scheme to be submitted for approval at a later date. Applicants are asked to provide aftercare details to assist statutory consultations with the Ministry of Agriculture or Forestry Commission (for agriculture or forestry afteruses) and the framing of aftercare conditions.

Overall the applicant needs to demonstrate to the MPA that the site can be reclaimed satisfactorily. The best way to achieve this is to prepare a separate supporting restoration plan at the outset based on detailed site investigation and fully integrated with the working programme. For afteruses which involve some form of plant growth (eg agriculture, forestry or amenity) the plan should normally involve four main stages:

- (a) stripping of soils and soil making materials and either their storage or their direct replacement (ie restoration) on another part of the site;
- (b) creating final landform, including filling operations (if required);
- (c) restoration;
- (d) aftercare.

All applicants should submit details relating to points (a), and (c) above. All applicants should also specify the proposed afteruses for the site and outline proposals for aftercare (d). Details of filling proposals (b) should be submitted where relevant.

Where feasible, a progressive scheme of working should be prepared which minimises the amount of land taken out of agricultural or other use at any one time and which facilitates the early progressive restoration of the site. Special consideration should be given to the location and design of all soil and overburden storage mounds and the timing of their construction and removal should be indicated.

If amenity afteruse is proposed then the applicant should indicate whether a part(s) or whole of the site is intended for nature conservation, informal recreation or sports. If water areas are to be created, then the applicant should seek to estimate the intended depths and areas of water; hydrology and water quality. Proposed profiles of banks; creation of islands; preservation and use of soil and the treatment and planting of water and land margins; and proposals for subsequent management should be submitted if they are part of the overall restoration scheme.

A1.35-36 To be completed by all applicants as relevant.

A1.37 Where restoration of the site or part of the site is likely to take place within 12 months of the commencement of working, applicants should provide full details of the proposed scheme of restoration and aftercare. If not, applicants should submit a summary of the items proposed for inclusion in an aftercare scheme, to be agreed at a later date, including land management during the aftercare period and intended arrangements in the longer term.

Applicants should give details of arrangements for longer-term management of the restored site. This should include any other party who will or may be responsible for the site during the aftercare period (eg, if a former tenant farmer or landowner); and particularly sites to be used for nature conservation or recreation; what arrangements are likely for management of the land in the longer term. Applicants should also indicate if these matters are the subject of a proposed planning obligation/voluntary agreement.

Benefits of the Development

A1.38 The question is intended to give an opportunity for applicants to demonstrate the benefits of the proposed development. Mineral workings invariably have some environmental effects and it is therefore often necessary to take account of employment and economic factors in assessing proposals when considering your application.

Applicants may also like to demonstrate the need for the proposed development in terms of national guidance or relationship of the proposals to relevant development plan policies. See MPG3 for coal, DOE Circular 2/85 for Oil and Gas, and MPG6 for

aggregates.