

## **GUIDANCE NOTES FOR COMPLETION OF MINERALS APPLICATION FORM PART 1**

**Please Note:** If the County Council considers that there is insufficient information to determine your application, it may ask for more. It is, therefore, in your own interest to provide information as comprehensively as possible.

### **NOTES TO ALL APPLICANTS**

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**1** Please include the name of the person who should be contacted in connection with this application. If an agent is acting for the applicant, all correspondence will be sent to the agent.

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**2 (i)-(iv)** These sections should be completed as comprehensively as possible, giving the full address of the site and the area in hectares which is the subject of the application.

**(v)-(vi)** Applicants should specify their interest in the site and adjoining land (ie whether or not they own the land or hold options on it; or the remaining length of the lease etc).

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

Applicants seeking permission for variation of conditions are strongly advised to consult with the County Council to establish information requirements and refer to Regulation 3 of the Town and Country Planning (Applications) Regulations 1988. Regulation 3 requires applicants to submit an application for variation in writing and give sufficient information to enable the County Council to identify the previous grant of planning permission and any condition in question. Although in many cases this procedure may be achieved by letter, the County Council has powers under Regulation 4 to direct the applicant to supply any further information required. In these cases, the completion of the form may be the most convenient way of providing the information.

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**4(i)** More than one category may be included in your response.

If your application includes:

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| • Mineral extraction:  | also complete Annex 1             |
| • Mineral processing:  | also complete Annex 1             |
| • Other buildings, plant or structures and not included above: | also complete Annex 1             |
| • Mineral exploration:   | also complete Annex 1 and Annex 2 |
| • Underground Mining:  | also complete Annex 1 and Annex 3 |
| • Major surface disposal of mine or quarry wastes:             | also complete Annex 1 and Annex 4 |
| • Oil or gas operations:                                       | also complete Annex 1 and Annex 5 |

**(ii)** A brief description of your proposal is required here as answers to other questions will further clarify the proposal. The title in correspondence will be based on this.

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**5** All plans should preferably be on an Ordnance Survey base, clearly titled, and given a unique reference number. They should also include the Ordnance Survey copyright reference number. They should always be signed and dated.

In all cases applicants must supply a Location Plan with the application area clearly marked. In most cases, applications involving mineral extraction or waste disposal will also require the following additional plans, sections and drawings.

**Location Plan(s):**

These should normally be at a scale of 1:50,000 where appropriate but not larger than 1:10,000.

**Site Plan(s):**

These should normally be at a scale of 1:2,500 (although larger scale plans may be appropriate in some cases) and show the following information:

- (i) the land to which the application relates, **edged in red**. Please note that the access route between the site and the public highway, any landscaping works, amenity bunds and landfill gas monitoring boreholes etc should also be included within the red line and any gas monitoring boreholes falling outside the main site should also be shown.
- (ii) any other adjoining land under the applicant's control, **edged in blue**;
- (iii) any land within or adjoining the site which has been used for mineral working, waste disposal or associated development, including the position of working/tipping faces, areas restored etc and any planning permission references;
- (iv) the position of the existing vehicular access to the site.
- (v) the position of any existing buildings, underground services, overhead lines, roads, public rights of way, footpath or bridleway on, or adjacent to the site;
- (vi) the position of walls, hedges and trees within and adjacent to the site;
- (vii) existing contours at appropriate levels within and normally for a distance of at least 250 metres outside the site to illustrate the relationship of the site to the surrounding topography. For oil or gas, a greater distance of at least 500m outside the site is necessary;
- (viii) the position of any existing watercourses, culverts, drainage ditches or ponds within or bounding the site showing, where appropriate, the direction of flow;
- (ix) features of archaeological interest;
- (x) the positions of trial pits and boreholes.

**Note:** Aerial photographs of the site and its surroundings would be helpful but are not essential.

**Working Plan(s):**

These should be at the same scale as the site plan and include the following information:

- (i) any areas of land to be excavated and any areas to be filled which should easily be distinguishable from each other. Such boundaries should allow a sufficient safety margin to protect rights of way, railway lines, watercourses, services, buildings, trees etc which are to remain undisturbed;
- (ii) proposals for the storage of topsoil, subsoil and overburden (other than screening bunds);
- (iii) proposals for screening and landscaping the operations, including details of screening bunds (if temporary, include date of removal) and advance tree planting (include type, size and maintenance);
- (iv) the location of processing and other plant, stockpiles including temporary or permanent mineral waste, buildings, offices, weighbridges, wheel cleaners etc.

**(Note:** the maximum height of stockpiles should be indicated and detailed on drawings for plant and buildings - see below);

- (v) details of fencing and other security arrangements;
- (vi) the method, direction and phasing of working, extraction and filling, if relevant (Note: the estimated duration of each phase should be given);
- (vii) the position of any diverted watercourses, lagoons, leachate collection systems, sources of water supply, means of drainage and the position of any water discharges going to existing watercourses;
- (viii) the position of landfill gas monitoring and control facilities, if relevant;
- (ix) a separate plan(s) should be submitted which gives full details of the proposed new vehicular access (if relevant) and route from the site to the public highway. The detailed design of the access junction with the public highway should be submitted on a separate plan at a scale of 1:100 or a similar appropriate scale. This should show the width of the road, its means of construction, the turning radii and sight lines;
- (x) details of proposed measures to divert, remove or avoid overhead lines and other services, or stop off, remove or divert public rights of way including footpaths and bridleways;
- (xi) for underground mining proposals the position of all mine entries (including ventilation shafts etc), areas likely to be subject to subsidence and areas to be left unworked to provide support.
- (xii) in addition, for oil or gas proposals, where relevant, the intended route of the survey, the location of well sites, number of wells, pipelines, ancillary services and siting of gathering facilities, including screening, landscaping and design.

**Restoration, Aftercare and Afteruse Plan(s):**

These should be at the same scale as the site plan and show how the site will be restored during and following the completion of operations.

They should include the following information:

- (i) the final contours of land (with typical gradients indicated). The contours should normally be extended for a distance of at least 250 metres outside the site to illustrate the relationship of the restored land to the surrounding topography;
- (ii) the replacement depths of soil and their sources;
- (iii) the position of any permanent water features, together with estimated depths of water and details of typical marginal treatment;
- (iv) proposals for the drainage of the restored land, if known, including the position of field drains, ditches, pumps and watercourses (including direction of flow) and permanent discharge points to surrounding watercourses.
- (v) the position of existing trees, shrubs and hedges to be retained on site following the completion of operations and details of trees etc to be planted (include the expected date of planting);
- (vi) any other landscaping proposals and provision for public or other access;
- (vii) for oil or gas, remedial measures to prevent ground contamination after extraction and processing cease (if relevant).

**Sections and Profiles:**

These should be as follows:

- (i) representative sections showing existing and final restoration surface levels with an indication of any likely settlement. Where extraction of minerals is to take place, the maximum depth of the excavation and where applicable, the levels of the maximum winter water table and position of quarry faces should be shown.
- (ii) for mineral working, representative sections and borehole diagrams should be submitted which differentiate between topsoil, subsoil and overburden and describe the characteristics and thickness of each.
- (iii) in the case of mineral extraction the pit/borehole information should also include the thicknesses and characteristics of the mineral(s) to be extracted and any interbedded waste materials which need to be removed, the underlying geology and the position of the water table.
- (iv) in the case of topsoil, subsoil, overburden and mineral waste tips, the typical profiles and gradients of mounds should be shown.

**Plans for Buildings, Plant and Structures:**

Unless there are special factors preventing their submission, detailed plans of all fixed plant buildings and structures should be submitted at the same time as the remainder of the application. These plans should normally be at a scale of 1:500 and include ground plans, elevations and show the type and colour of external materials to be used. Weighbridges, fixed wheel cleaning equipment and the maximum extent of stockpiles should be included.

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**6 Environmental Statements**

- (i) If your proposal is likely to have significant effects on the environment it will almost certainly need to be the subject of an assessment of those effects under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1998 as amended. Additional guidance can be found in Circular 2/99 Environmental Impact Assessment.

Whether or not an environmental statement must form part of your application will be a matter which will be decided by the County Council (although you may apply to the Office of the Deputy Prime Minister, for a Direction if you disagree with the decision). As environmental statements usually take many months to prepare, you are strongly advised to establish at an early stage, in pre-application discussions with planning officers, whether an environmental statement will be required to be submitted with your application.

Applicants may wish to provide a voluntary environmental statement to the MPA in support of their application, in order to provide details on the impact of the proposal. If an environmental statement is submitted applicants should distinguish between baseline conditions (ie current state) and impacts arising from the development proposed.

- (ii) Applicants should make clear where information can be inspected at a location other than the County Council offices. This may include the head offices of the applicant. In addition, operators should specify where copies of the Environmental Statement can be obtained and the price of purchase.
- (iii) Applicants should specify whether or not a Supporting Statement is submitted with the application.

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**7 Under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, applicants are required to inform the County Council that they are the owners**

of the land subject to development or have notified the owners and any tenants including agricultural tenants on the land of their proposals by the completion of the Notice Under Article 13.

Applicants must ensure that, when making a planning application, the relevant certificates have been completed to show that all owners and tenants of the land to which the application relates have been notified. The following Certificates must be completed, depending on the circumstances of the land ownership.

**Certificate A:** This must be completed where the applicant is the sole owner of the land to which the application relates and where none of the land has been let to any other person.

**Certificate B:** This must be completed where all the owner(s)/tenant(s) to which the application relates are known and have been notified of the application. The names of those persons, the addresses to which any notices have been given and the date of each notice should be indicated.

**Certificate C:** This must be completed where the applicant cannot identify or cannot notify all the owner(s)/tenants(s) including agricultural tenants of the land to which the application relates.

**Certificate D:** This must be completed if the applicant is unable to serve any of the above certificates as the applicant cannot find the owner(s)/tenant(s) or cannot serve notice on them.

**Agricultural Holdings Certificate:**

This must be completed by all applicants to indicate that either none of the land is part of an agricultural holding, or if it is, that notification has been given to all agricultural tenants on the land.

If the proposal includes underground mineral working then the applicant should contact the County Council as the certification procedure is different from the above.

**IMPORTANT NOTICE ON LEGAL OFFENCES**

Any person who issues a Certificate which contains a statement which he knows to be false or recklessly issues a Certificate which contains a statement which is false or misleading, shall be guilty of an offence and liable on summary conviction, as specified in the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

'Owner' means a person having a freehold interest or a leasehold interest, the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

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**8** Applicants are required to submit a fee with their application. Full details of fees payable are given in the latest revisions of the Town and Country Planning (Fees for Planning Applications and Deemed Applications) Regulations 1989 (as amended by the Town and Country Planning Fees for Applications and Deemed Applications (Amendment) (England) Regulations 2008). Fees alter from time to time and details of the latest fees can be obtained from the office where you obtained these notes. The fees payable should be submitted with your application, and the cheque made payable to North Yorkshire County Council.

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**9** All applications must be signed confirming the declaration