

COUNTY MATTER APPLICATIONS - MINERAL DEVELOPMENT

The Guidance Notes - Introduction

Nottinghamshire County Council is the local planning authority responsible for determining “County Matter” applications which include proposals for the Extraction and Workings of Minerals and Associated developments.

These guidance notes are intended to assist applicants in the preparation of their planning applications for minerals related developments. This guidance note outlines the information that may be required by the County Planning Authority to ensure that sufficient information is submitted to enable a full and considered judgement of the proposal. The range of information required will vary depending on the nature and scale of the development, as well as its proposed location.

You should answer all the questions relevant to your proposal and for some developments it may also be appropriate to provide all relevant information in a SUPPORTING STATEMENT.

Legislation/Planning Policy Background

“County Matters” are defined by statute, specifically the Town and Country Planning Act, 1990, Town and Country Planning (Prescription of County Matters) Regulations 2003 and Planning Compensation Act, 1991.

Section 54A of the Town and Country Planning Act requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

Therefore, before making your application you will need to consider your proposals in the context of relevant development plan policies. These may be found in the Nottinghamshire Structure Plan, relevant District Council Local Plans and the Nottinghamshire Minerals Local Plan (adopted November 1997, currently under review), as well as Government guidance in the form of Planning Policy Guidance Notes/Planning Policy Statements and Minerals Planning Guidance notes/Minerals Policy Statements. Applications will be assessed, by the County Council, against these planning policies and guidance. Those which fail to comply are likely to be refused.

Pre-application Advice

Applicants are strongly advised to discuss their proposals with the County Council’s planning officers before making an application. One of those officers will be the case officer for your application. Case officers will be able to advise on relevant policy issues, provide guidance about the information that will need to be submitted with the application, whether an Environmental Statement is required and whether other parties should be consulted prior to making the application. The Development Control Team may be contacted on 0115 977 4277.

Environmental Assessment

If your proposal is likely to have significant effects on the environment it will need to be the subject of a formal assessment of those effects under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Further guidance, including indicative criteria and thresholds for proposals requiring environmental assessment are contained within Circular 2/99 entitled “Environmental Impact Assessment” and “Environmental Impact Assessment: A Guide to Procedures” DETR, Nov 2000. You are entitled to receive a formal screening opinion as to whether an Environmental Impact Assessment would be required.

The County Council will decide whether or not an environmental statement must form part of your application (although you may apply to the Office of the Deputy Prime Minister for a direction if you disagree with the decision). Environmental Impact Assessments (also known as Environmental Statements) generally

Environmental Assessment (continued)

take many months to prepare. Therefore you are advised to establish at an early stage, in pre-application discussions with planning officers, whether an environmental statement will be required.

If an Environmental Statement is required you are advised to hold a scoping meeting with a case officer to identify the relevant topic areas and the range of information which needs to be submitted with your application.

Applicants may provide a voluntary Environmental Statement in support of their application in order to provide details on the impact of the proposal. This should distinguish between baseline conditions (ie the current status) and impacts arising from the proposal.

Applicants should state where any Environmental Statements can be inspected other than the County Council offices. This may include their own offices. The County Council can also arrange for the statement to be placed in a local library. Applicants should specify where copies of the Environmental Statement can be purchased and its cost. (Where relevant, please provide this information on the enclosed form.)

Further information regarding Environmental Impact Assessments can be found on various websites, see end of Guidance Notes for more details.

Making your Application

Applicants are requested to submit eight copies of the application form together with eight copies of each of the plans and any other material (supporting statement, environmental statements etc) to the County Council. However, to assist the consultation process additional copies of the form and supporting information may be requested.

The Application Form

The following advice relates to the questions on the application form and should be followed carefully.

PART ONE - GENERAL INFORMATION

1. The Applicant/The Agent

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, including the decision notice, will be sent to the agent.

2. Description of Proposed Development

- (i) The address should be the postal address or, if none exists, then the location should be described in sufficient detail to enable it to be easily identified by reference to Ordnance Survey field numbers, road names or the name of the establishment.
- (ii) The description of the proposed development should be brief and accurate. The detailed nature of the proposal should be made clear on accompanying plans.

3. Type of Application

Please specify which category your application falls within:

- (i) Surface mineral extraction/mineral processing;
- (ii) Mineral exploration;
- (iii) Underground mining;

3. Type of Application (continued)

- (iv) Siting of new plant/buildings.
- (v) Other - please give details, including variation of a condition, renewal of a temporary permission, etc.

4. Site Details

All applicants to complete this section, ensuring all information is accurate. Please provide site area in hectares or square metres.

5. Environmental Considerations

Applicants should ensure that the proposals take account of relevant statutory designations such as Conservation Areas, Sites of Special Scientific Interest etc. Information about designations can be sought from the case officer. Advice may also need to be sought from relevant statutory organisations.

Any proposed works to existing trees or hedgerows or new landscaping should be clearly shown on the submitted plans.

Where an application site includes a right of way, such as a public footpath or bridleway, this should be clearly shown on the plans. The receipt of planning permission does not give the automatic right to divert or extinguish a public right of way. This will require separate approval. Further advice on this can be sought from the County Council's Rights of Way Officers (tel no 0115 977 4549). It is important that the site is checked for protected wildlife and plants. Further guidance on this can be sought from the Wildlife Trust on 0115 958 8242

6. Traffic and Transport

- 6.1,6.2 It is assumed that most of the materials will be taken to/from the site by road although other modes of transport should be investigated where possible. Where other forms of transport can be used, such as rail or water, (or conveyors within the site) details should be given in a supporting statement. This should include loading and unloading arrangements.
- 6.3,6.4 Indicate any new access arrangements on proposed plans. Please provide details of the site access junction with the public highway, including width of road, turning radii and sight lines.
- 6.5 Please state the number of movements i.e. a lorry entering and leaving the site counts as two movements. Please indicate whether lorry capacities are in tonnes or cubic metres.
- 6.6 If more than one route is likely to be used please indicate the total number of movements that are likely to use each route. Please note that you may be asked to enter into a legal agreement specifying the routes which may be taken by lorries to and from the site.

Where there is a need for highway improvements to be undertaken as a result of your proposal, these will normally be at your expense. You are advised to contact the Highway Authority if your proposal is likely to generate significant amounts of traffic and/or heavy vehicles or likely to require a significant amount of road construction/alignment etc.
- 6.7 Confirm details of vehicular movements within the site and provisions for loading/unloading of vehicles. Show these areas on proposed layout plans.
- 6.8 Please confirm details of car parking and cycle provision for all vehicles, including existing and proposed as appropriate.

PART TWO -

SPECIFIC QUESTIONS RELATING TO EXTRACTION AND WORKING OF MINERALS AND ASSOCIATED DEVELOPMENT

Minerals Extraction/Mineral Processing/Plant Capacity/Other buildings, plant and structures

Questions 1 - 14. Please complete the relevant sections

15. Environmental Effects of Development

Details should be provided relating to the proposed total anticipated hours of working for different activities taking place on the site specifying separately 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.

16. 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) and methods of calculating noise emissions.

Where the proposed development is to take place in proximity to noise sensitive properties, 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.

17. 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).

18. Applicants should provide as much detail as possible if blasting is proposed as it is helpful to the County Planning Authority when determining an application.

18 (continued)

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 predictions of impact (eg test blasts on similar sites etc).

19. Applicants who are uncertain whether or not the materials in the proposal involves the use and storage of hazardous materials should contact the CPA 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.

Proposals involving hazardous substances will require the submission of an application to the Hazardous Substances Authority for Hazardous Substances Consent. The County Council acts as the HSA for land used for the winning in working and working of minerals.

20. 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.

Please indicate on the form whether a flood risk assessment has been undertaken.

21. To be completed as relevant.

22. 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.

23. Applicants should discuss the likelihood of instability of working faces, tips and associated structures with the CPA. 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.

24. Where landfilling using controlled waste (eg household waste etc) is to take place you must additionally make a Waste Application by completing the County Council's Waste Application forms.

Additionally, operations will need to obtain a waste management licence submitted under the Environmental Protection Act, 1990. Application forms can be obtained from the Environment Agency.

25. Please complete the relevant Annex.

26. Restoration, Aftercare and Afteruse

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 specify the steps to be taken. Applicants are asked to provide afteruse and aftercare details to assist statutory consultations with DEFRA and the framing of aftercare conditions.

Overall, the applicant needs to demonstrate to the CPA 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 afteruse(s) for the site and outline proposals for aftercare (d). Details of filling proposals (b) should be submitted where relevant.

Following the workings, if the site is to be used for built development you must submit a separate application for planning permission. This will usually need to be made to the relevant District Council.

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 the 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.

27-28 To be completed by all applicants as relevant.

29. Where restoration of the site or part of the site is likely to take place outside 12 months of the commencement of working, applicants should submit a summary of the items proposed for inclusion in an aftercare scheme, to be agreed at a late 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 details of any other party who will or may be responsible for the site during the aftercare period (eg 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.

30. Benefits of the Development

This 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, economic and environmental factors in assessing proposals when considering your application.

Applicants should also demonstrate the need for the proposed development in terms of national guidance and relationship of the proposals to relevant development plan policies.

31. Plans and Drawings

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. (Plans should indicate a north point if not on an Ordnance Survey base.)

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): A location plan should be submitted on A4 or A3 paper at a suitable scale appropriate to the size of the site and level of operation proposed. The plan needs to show the location and boundaries of the site in relation to its surroundings.

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 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 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 bordering the site showing, where appropriate, the direction of flow;
- (ix) features of archaeological interest;
- (x) the position of trial pits and boreholes;

31. Plans and Drawings (continued)

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

Detailed 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, spacing 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 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 point to surrounding watercourses;

- (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 thickness 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: 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.

32. Please confirm whether an Environmental Statement has been submitted.

33. Certification and Fees

Please complete the relevant certificate and indicate on the form which one has been submitted.

Any person who issues a Certificate which contains a statement which he/she 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).

All planning applications must be accompanied by the correct fee, unless they are exempt. The fees are fixed by the Government and are revised periodically. Please refer to the enclosed fee schedule for the relevant fee level. Cheques should be made payable to Nottinghamshire County Council.

34. Declaration

All applications must be signed and dated.

The Decision

Your application will be acknowledged giving the name of the case officer and an indication of a target date for a decision will be given. Statutory and non-statutory consultations will be undertaken on your application, as well as publicity in the form of neighbour notification and press and site notices depending on the nature of your proposal. Your proposal will be assessed against planning policies and relevant guidance. Any response from consultees and representations received (eg objections) will be taken into account. It may be necessary to amend the scheme as a consequence of consultation responses. Minor and straightforward applications are likely to be dealt with under delegated powers; major and more contentious proposals will probably need to be reported to the Planning Committee for a decision.

Further information about the Development Control Service can be found in the Council's Development Control Charter.

Monitoring and Enforcement

Once planning permission has been granted, sites are regularly visited by officers from the County Council to provide advice and assistance to operators and the public and to ensure that planning permissions are complied with. Any breaches of planning control, such as failure to comply with conditions, may result in enforcement action.

Other Approvals

These may include:

Building Regulations

This application relates only to matters falling within Town and Country Planning legislation. If your proposals include building works you may also need to apply for approval under the Building Regulations. Such applications are dealt with by the relevant District Council.

Waste Management Licence

Applicants should note that development involving waste will probably require a Waste Management Licence. Application forms and advice can be obtained from the Environment Agency on 0115 9455722.

Hazardous Substances Consent

see Section 19 above.

Other Formats

This form is available in other formats on request, please contact 0115 977 4277 for further information.

Further Advice

Useful advice on Minerals development can also be found on the websites of various organisations including ODPM, Environment Agency, Planning Officers Society, etc and the Planning Portal. These application forms are available on the internet at www.nottinghamshire.gov.uk/mineralapps. The forms may be completed electronically, downloaded and sent to the Development Planning Group. Please ensure that the form and certificates contain an original signature.

