

MINERAL DEVELOPMENT – 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. They outline the information that may be required by the Minerals 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. For more information please refer to the County Council’s Validation Guidance at:

<https://www.nottinghamshire.gov.uk/media/129515/guidancenotevalidation.pdf>

Legislation/Planning Policy Background

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

Planning legislation requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise (Section 70 of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004).

Therefore, before making your application you will need to consider your proposals in the context of relevant development plan policies and national policy as set out in the National Planning Policy Framework and National Planning Practice Guidance. 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/ Planning Performance Agreements

Pre-application advice - you are encouraged to discuss your proposals with the County Council before making an application as this usually results in the submission of high-quality applications which progress through the planning process more smoothly, leading to quicker decisions and therefore saving you time and money. Pre-application advice can also help identify any significant constraints and whether/how these can be resolved.

We offer formal pre-application advice which is usually subject to a fee. For more information please refer to the County Council’s website at: <https://www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/pre-application-advice>

Planning Performance Agreements - the County Council also offers opportunities for applicants to enter into Planning Performance Agreements, a project management tool most suited to major and complex applications which allows all parties to agree timescales, actions and resources for handling planning applications. For more information, please see our Planning Performance Agreement page at: <https://www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/planning-performance-agreements>

Environmental Assessment

An Environmental Statement will be required if your proposal is likely to have significant effects on the environment. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require a developer to prepare an Environmental Statement for all Schedule 1 projects and some Schedule 2 projects. For detailed guidance, including indicative criteria and thresholds for proposals requiring environmental assessment, please refer to *The Town and Country Planning (Environment Impact Assessment) Regulations 2017*.

A 'screening opinion' can be obtained from the County Council to determine whether the proposed development falls within the scope of the Regulations. If the proposal meets the criteria set out in the Regulations, an Environmental Statement must be submitted. You are entitled to request a 'scoping opinion' from the County Council to establish the key environmental issues that the Environmental Statement should cover. Early consultation with Planning Officers is recommended prior to making your application.

Submitting your application

Planning applications should be made on the Minerals Application form and submitted electronically to the County Council at development.management@nottscc.gov.uk . If you prefer to submit paper copies please provide two copies. Please refer to the Council's Validation Guidance, referred to above, for information about the national standards for the on-line submission of electronic planning documents.

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/ 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. Please include an email address.

2. The Application site

2.1 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.

- 2.2 The description of the proposed development should be brief and accurate. The detailed nature of the proposal should be made clear on accompanying plans.
- 2.3 Please confirm if work has commenced, and if so when.

3. Type of application

Please specify which category your application falls within. If '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 Development Management Team. Advice may also need to be sought from the relevant statutory body. 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 Countryside Access Team (countryside.access@nottsc.gov.uk). It is important that the site is checked for protected species, including any necessary surveys. If protected species exist, provision should be made for their protection in your proposals. Further guidance on this can be sought from the Development Management Team.

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, more sustainable, 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 existing/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 average and maximum number of vehicle movements in a normal working day (please note a lorry entering and leaving the site counts as two movements).
- 6.6 Please indicate the likely capacity of HGVs/commercial vehicles (in tonnes).
- 6.7 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 because 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.

- 6.8 Confirm details of the provision for loading/unloading of vehicles. Show these areas on proposed layout plans.
- 6.9 Please confirm details of car parking and cycle provision for all vehicles, including existing and proposed as appropriate.

Part Two – Specific questions relating to the extraction and working of minerals and associated development

1-14. Mineral extraction/mineral processing/plant capacity/other buildings, plant and structures

Please complete the relevant sections.

15. Environmental effects of the 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:

- (i) mineral prospecting;
- (ii) soil and overburden stripping and replacement;
- (iii) mineral working;
- (iv) mineral processing;
- (v) vehicular movements.

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

16. Noise levels and proposed controls

For matters relating to noise, applicants should refer to the detailed advice set out in <https://www.gov.uk/guidance/minerals#Noise-emissions>. 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 (and the combined noise emissions from all plant expected to be operating at the same time for different operations), the length of time plant will be in use, measures taken to control noise, (e.g. 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, applications should be accompanied by a Noise Impact Assessment. 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 separate noise assessment, if the applicant does not intend providing such a document, then this information should be clearly detailed on the application form.

17. Dust

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 transportation operations (e.g. wheel cleaning, sheeting of lorries etc.).

18. Blasting

Applicants should provide as much detail as possible, including proposed frequency and hours of blasting if it is required as part of the development.

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 (such as test blasts on similar sites etc.).

19. Hazardous substances

Applicants who are uncertain whether their proposal involves the use and storage of

hazardous materials should contact the County Council 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. Application forms may be downloaded from the HSE website at <http://www.hse.gov.uk/landuseplanning/application-forms-hazardous-consent.htm>
The County Council acts as the Hazardous Substance Authority for land used for the winning and working of minerals.

20. Flood Risk/Water

20.1, 20.2 Applicants should confirm what Flood Zone the application site is located. If the application site is in Flood Zones 2 or 3 a site-specific Flood Risk Assessment will need to accompany the planning application. For more information on Flood Zones and flood risk please refer to the following guidance <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.

20.3-20.6 Where relevant, applicants should also 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.

21. Environmental Protection Act 1990

Confirm whether any proposed processes are to be registered under Part A and B of the Environmental Protection Act 1990. If so, you may need to apply for a permit. For more information please refer to the following guidance: <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit> .

22. Screening and landscaping proposals

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. Stability of working faces

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

24. Landfilling of mineral extraction sites

If your application involves the importation of waste not generated on the application site, such as household waste, please provide details of the proposed quantities and type of imported waste and proposed restoration details. Please indicate these proposals on the relevant plans.

Such operations will additionally need to obtain a Waste Management Licence submitted under the Environmental Protection Act, 1990. Application forms can be obtained from the Environment Agency. For more information please see <https://www.gov.uk/government/collections/environmental-permitting-landfill-sector-technical-guidance> .

25. Annexes

Please complete the annex relevant to your proposal.

26. Restoration, aftercare and after use

26.1 For more information applicants are advised to refer to the following guidance <https://www.gov.uk/guidance/minerals#Restoration-and-aftercare-of-minerals>. Aftercare conditions will normally be imposed on all mineral extraction permissions where the intended after use will be for agriculture, forestry, habitat creation or amenity purposes and will specify the steps to be taken. Applicants should provide after use and aftercare details to assist with consultations with statutory bodies and the drafting of relevant aftercare conditions.

The applicant needs to demonstrate to the County Council that the site can be reclaimed satisfactorily. The best way to achieve this is to prepare a separate supporting restoration plan and statement based on detailed site investigations and fully integrated with the working programme. If amenity after use is proposed then the applicant should indicate whether a part(s) or the whole of the site is intended for nature conservation, 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.

For after uses which involve some form of plant growth (eg agriculture, habitat creation, forestry or amenity) the plan should normally involve four main stages:

- (i) stripping of soils and soil making materials and either their storage or their direct replacement (i.e. restoration) on another part of the site;
- (ii) creating final landform, including filling operations (if required);
- (iii) restoration;
- (iv) aftercare.

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.

26.2 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.

27. Use of soils in restoration

To be completed by all applicants as relevant.

28. Soil stripping/replacement machinery

Please confirm all the plant and machinery to be used in the stripping, storage and replacement of soils, including how soil resources will be protected during these operations, in particular minimising the trafficking of machinery across stripped soils.

29. Site restoration

29.1-29.2 Where restoration of the site or part of the site is likely to take place beyond 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 later date, including land management during the aftercare period and intended arrangements in the longer term.

29.3-29.4 Applicants should give details of arrangements for longer-term management of the restored site, including the length of the proposed aftercare periods for different elements of the restored site (e.g. areas restored to nature conservation are likely to require aftercare in excess of the standard 5-year period). This should include details of any other party who will or may be responsible for the site during the aftercare period (e.g. a former tenant, farmer or landowner), particularly for sites to be used for nature conservation or recreation. 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 but can also have economic benefits and it is therefore necessary to balance economic, social and environmental factors in assessing proposals when considering your application.

Applicants should also demonstrate the need for the proposed development in relation to national guidance and relevant development plan policies.

31. Plans and drawings

All plans should be clearly titled and given a unique reference number. They should always be signed and dated and, where relevant, indicate a north point. In most cases, applications involving mineral extraction or waste disposal will require the following plans, sections and drawings.

Site location plan: These should be on an Ordnance Survey base and include the Ordnance Survey copyright reference number. The site location plan should have the application area edged clearly with a red line.

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 and amenity bunds should be included within the red line;
- (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, or public rights of way 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;

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 After use 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, including 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. Environmental Statement

Please confirm whether an Environmental Statement has been submitted, please see the advice on page 2 of this Guidance Note for more details.

33. Ownership and Agricultural Land Declaration

An ownership certificate must be completed stating the current ownership of the land to which the application relates under Article 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

It is an offence, knowingly or recklessly, to complete a false or misleading certificate.

'Owner' means a person having a freehold interest or a leasehold with at least seven years unexpired.

'Agricultural tenant' means a tenant of an agricultural holding, any part of which is comprised in the land to which the application relates.

Certificate A – Sole Ownership and no agricultural tenants

Certificate A should only be completed if the applicant is the sole owner of the land to which the application relates and there are no agricultural tenants. Certificate A does not apply if there are agricultural tenants of the land to which the application relates. Therefore, in these circumstances, the applicant should complete Certificate B, C or D (see below).

Certificate B – Shared Ownership (All other owners/agricultural tenants known)

Certificate B should be completed if the applicant is not the sole owner or if there are agricultural tenants and the applicant knows the names and addresses of all the other owners and/or agricultural tenants (e.g. this certificate will need to be served if the proposals encroach onto adjoining land).

Notice 1 must also be completed and sent to all know owners/agricultural tenants. A copy of the notice should be sent with the application to the local authority.

Certificate C – Shared Ownership (some other owners/agricultural tenants known)

Certificate C should be completed if the applicant does not own all of the land to which the application relates and does not know the name and address of all of the owners and/or agricultural tenants.

Notice 1 must be completed and sent to all known owner and/or agricultural tenants. Where the owners of agricultural tenants are unknown, **Notice 2** must be published in a local newspaper.

A copy of the notice should also be sent with the application to the local authority.

Certificate D – Shared ownership (None of the other owners/agricultural tenants known)

Certificate D should be completed if the applicant does not own all of the land to which the application relates and does not know the names and addresses of any of the owners and/or agricultural tenants.

Notice 2 must be published in a local newspaper.

A copy of the notice should also be sent with the application to the local authority.

34. Declaration

Please sign and date your application.

Other information

Planning Application Fees

Most planning applications need to be accompanied by a fee and applications cannot be validated until the correct fee has been paid.

A schedule of planning application fees can be found on the Planning Portal website at https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf .

To make a payment for planning applications submitted directly to the County Council please use one of the options detailed at www.nottinghamshire.gov.uk/planning-and-environment/planning-applications/pay-a-planning-fee

Payment can be made either online, by credit card over the phone, or by cheque.

Assessing and determining the application

When your planning application is received it will be checked to see whether it is valid against the County Council's Validation criteria. For more information please see the following document:

<https://www.nottinghamshire.gov.uk/media/129515/guidancenotevalidation.pdf>

Your planning application will be acknowledged confirming the name of the case officer and an indication of a target date for a decision. 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. Consultation on planning applications will be carried out in accordance with the Council's Statement of Community Involvement which may be viewed at: <https://www.nottinghamshire.gov.uk/planning-and-environment/minerals-and-waste-planning-policy/statement-of-community-involvement>.

Your proposal will also be assessed against relevant planning policies and guidance. Any response from consultees and representations received will be considered and it may be necessary to amend the scheme as a consequence of these 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. The link below sets out which applications must be reported to Planning and Licensing Committee for a decision:

<https://www.nottinghamshire.gov.uk/media/2313782/applicationsneedingreporttocommittee.pdf>

Monitoring and Enforcement

Should planning permission be granted, County Council officers monitor sites to ensure:

- (i) compliance with conditions attached to planning permission and legal agreements;
- (ii) any unauthorised work is brought under proper control.

Any breaches of planning control may result in enforcement action. Site monitoring and enforcement is carried out by the County Council in accordance with the Local Enforcement Plan which may be accessed here: <https://www.nottinghamshire.gov.uk/media/1708/local-enforcement-plan.pdf>

Other approvals

Any grant of planning permission does not provide approval under non-planning legislation. Separate approvals may be required including; Building Regulations, Waste Management Licence and Hazardous substance consents.