

## **GUIDANCE NOTES FOR APPLICANTS SEEKING PLANNING PERMISSION FOR MINERAL WORKING AND ASSOCIATED DEVELOPMENTS**

### **When to Use this Form**

The standard minerals application form should be used for the following types of application:

- mineral prospecting/extraction/processing (including renewal of a time limited consent, the deposition of mineral wastes and reworking of mineral working deposits);
- oil and gas exploration/appraisal and production;
- extension to an existing minerals site;
- variation of conditions attached to an existing minerals site;

### **Where to Submit the Application**

Planning applications for the winning and working of minerals in, or under land, associated and related development should be submitted to mineral planning authorities (MPAs). MPAs are defined by Schedule 1 of the Town and Country Planning Act 1990 as amended by Section 19 of the Planning and Compensation Act 1991. In Gloucestershire the relevant authority is:

Gloucestershire County Council  
Environment Department  
Shire Hall  
Gloucester  
GL1 2TH

### **Information Required**

- These guidance notes are to help you complete the application form and provide the planning authority with all the necessary information for your application to be properly determined. The information is requested in accordance with the provisions of the Town and Country Planning (Applications) Regulations 1988. Further guidance is provided by Minerals Planning Guidance (MPG) Note 2, Applications Permissions and Conditions and MPG7. The Reclamation of Minerals Workings issued jointly by the Department of the Environment and Welsh Office.

- This document is only a general summary of the procedure for the submission of an application for your guidance and does not provide for detailed procedure in every circumstance. If you are unclear about any item, please consult the MPA.
- If the Planning Authority considers that there is insufficient information to determine your application it may ask for more. It is therefore in your own interest to answer questions as comprehensively as possible.
- The application form gives space for only brief details of the proposed development. These guidance notes follow the format of the application form and suggest where the submission of supporting information would be useful. If possible, supporting statements should follow the order of the application form. Ten copies of the application form, plans and supporting statement should be submitted.
- When preparing your application you are advised to take account of relevant Development Plan policies, other guidance issued by the Department of the Environment and Welsh Office in Planning Policy Guidance Notes and Mineral Planning Guidance Notes, and current best practice.

### **Variation of Conditions**

- Applicants seeking permission for variation of conditions are strongly advised to consult with MPA to establish information requirements and refer to Regulation 3 of the Town and Country Planning (Applications) Regulations 1988.
- Regulation 3 requires applicants for variation to submit an application in writing and give sufficient information to enable the authority 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 MPA has powers under Regulation 4 to direct the applicant to supply any further information required. This may include the completion of the application form and the submission of any plans and drawings necessary to determine the application as is reasonable to consider the application.

### **Environmental Assessments**

- 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 1999. The indicative criteria and thresholds for minerals proposals requiring Environmental Assessment (EA), is outlined in Department of the Environment, Transport and the Regions Circular 2/99 and *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999*.
- Whether or not an environmental assessment must form part of your application will be a matter which will be decided by the planning authority (although you may apply to the office of the Deputy Prime Minister for a direction if you disagree with the decision). As environmental assessments usually take many months to prepare, you are strongly advised at any early stage, in pre-

application discussions with planning officers, to request a formal screening opinion as to whether an environmental assessment will be required.

- If you are preparing an Environmental Impact Assessment you are advised to seek a formal scoping opinion from the MPA as to the matters to be included in the Environmental Statement.

## **COMPLETING THE APPLICATION FORM**

### **SECTION 1 To be completed for all applications**

- 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.

### **SECTION 2-3 To be completed for all applications**

- The title of the development will be used in correspondence, reports and the decision notice
- Please indicate whether any existing planning permission(s) would be replaced if this proposal is granted planning permission and if so, please indicate:
  - the date and reference numbers of previous permissions;
  - whether you and anyone else with an interest in land would be willing to consolidate or update existing permissions.

### **SECTION 4 To be completed as appropriate for all applications**

### **SECTION 5 Mineral Extraction To be completed as relevant for all minerals other than oil and gas**

- ii Include number and location of boreholes, trenches etc.
- iii The results of all mineral investigations should be summarised in this section or as a separate statement, if appropriate. For non-energy minerals, this should include the shape dimensions, composition and quality (include any British Standard with which the mineral complies or will comply with after processing) valuable constituents, properties and impurities.
- iv A progressive working scheme should be prepared which minimises the amount of land taken out of agricultural or other use and which facilitates, where possible, the early progressive restoration of the site.

vi Applicants should provide details of supporting evaluation procedures such as soil and agricultural land classification surveys.

Applicants should also refer to guidance under Section 14 for details of plans to be submitted.

## **SECTION 6 Mineral Processing To be completed as relevant for all minerals other than oil and gas**

*Please note that applications for 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 which can be obtained from the district authority or London Borough.*

Applicants will probably need to amplify answers to questions in this section in a separate supporting statement to give Officers a full appreciation of the purpose and likely planning implications of the proposed development.

Applicants should also refer to guidance under Section 14 for details of plans to be submitted.

## **SECTION 7 Ancillary Operations and Development**

### **To be completed for all applications**

- 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 as amended by Section 19 of the Planning and Compensation Act 1991 should be submitted on standard application forms which can be obtained.

## **SECTION 8 Transport**

### **To be completed for all applications**

- This question is designed primarily for road transport, although include details of rail transport where applicable. A supporting diagram showing the existing and proposed traffic levels along the proposed routes is particularly helpful. Where there is a need for highways improvements to be carried out as a consequence of your development, you will normally be required to undertake them at your own expense and reimburse the Highway Authority for the cost of undertaking such

improvements. If your proposal is likely to generate significant amounts of traffic and/or heavy vehicles and/or would use roads of poor construction, width or alignment, you are strongly advised to contact the Highway Authority.

- Applicants should also refer to guidance under Section 14 for details of the plans to be submitted.
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## **SECTION 9 Environmental Effects of the Proposals**

### iii Statutory Designations

Applicants should refer to MPG2 Applications, Permissions and Conditions for advice on legislation and guidance for statutory designations. Other sources of advice are as follows:

#### (a) 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 (PPG) Note 16 Archaeology and Planning. If the proposals affect a scheduled ancient monument, scheduled monument consent may be required.

#### (b) Historic Sites and Buildings

Special regard should be given to the effect of you 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 consent ancient Monument may be required.

#### (c-e) Nature Conservation, SSSIs etc

Applicants should discuss proposals with an appropriate regional office of English Nature or the Countrywide Council for Wales.

#### (f) Rights of Way

Please note that the receipt of planning permission does not give a right to extinguish or direct a public right of way, etc 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 of highways authority.

### iv Land Stability

The results of all stability studies should be summarised in this section or as a separate supporting statement.

### v Hazardous Materials

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

For materials which may create a hazard, applicants should indicate what special consideration will need to be given to the siting of development which involves the use and/or storage of such materials.

The Planning (Hazardous Substances) Act 1990 Section 5.5 brought into effect on 1 June 1992 and Department of the Environment Circular 11/92 *Planning Control for Hazardous Substances* provides guidance. Further advice may be obtained from the Health and Safety Executive.

### iv Noise

Applicants should include as much detail as possible using supporting statements as necessary. Detail provided should include the actual or predicted noise emissions from specific plant, the length to time plant will be in use and whether there will be screening barriers. 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 also provide details of noise levels at these properties. You should also indicate whether there will be a need for temporary raising of noise limits for activities of a temporary nature. Applicants should also refer to more detailed advice set out in MPG11.

### vii Vibration

Applicants should also refer to more detailed advice set out in MPG11.

vii Vibration

Applicants should also provide as much detail as possible.

Blasting should normally take place during the normal working day. Applicants should also provide details of public warnings and access restrictions during blasting.

vii Water

Applicants should include details of measures for the protection of ground and surface water, 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 course, and any proposals for dewatering the mineral excavation area.

**SECTION 10 Justification for the Development**

This is an opportunity for you to justify the need for the proposed development. Mineral workings invariably have some environmental effects and it is therefore often necessary to take account of economic and employment factors in assessing proposals.

**SECTION 11 Restoration, Aftercare and Afteruse**

- Applicants are strongly advised to read MPG7 The Reclamation of Mineral Working (HMSO) which sets out the information normally required in support of a planning application. Aftercare conditions will normally be imposed on all mineral extraction permissions and will either specify the steps to be taken or where restoration and aftercare may not be begun for a number of years, require an aftercare scheme to be submitted for approval at a later date. Applicants are asked to provide aftercare details.

**SECTION 12 Plans, Sections and Drawings**

\*COPIES

- (Whilst you are only required to make 4 copies of your application and plans available to the Mineral Planning Authority you should be aware that the Authority will consult a number of other bodies. **If the Authority**

1. Location Plan **needs to copy your application prior to consultation a decision may be delayed. The Authority requests that you supply 10**
2. Site Plan(s) **copies of any plans, supporting statement and completed forms.)**

- In most cases applications involving mineral extraction will require the following plans, sections and drawings. all plans should preferably be on an Ordnance Survey base, clearly titled, given a unique reference number, signed and dated.
- This should be normally at a scale of 1:50,000 but not larger than 1:10,000.
- This should be normally 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 access route between the site and public highway, any landscaping works, amenity bunds and landfill gas monitoring boreholes etc should be included within the red line;
- ii any 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 areas, areas restored etc and any planning permission references;
- iv the position of existing buildings, underground services, overhead lines, roads, public rights of way on, or adjacent to the site;
- v the position of walls, hedges and trees within and adjacent to the site;
- vi existing contours at appropriate intervals 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;
- vii the position of any watercourses, culverts, drainage ditches or ponds within or bounding the site showing, where appropriate, the direction of flow;
- viii the position of trial pits and boreholes; and

ix aerial photographs of the site and its surroundings would be helpful but are not essential.

3. Working Plans These should be at the same scale as the site plan and include the following information:

i any areas of and to be excavated shown edged orange and any areas to be filled shown diagonally hatched. Such boundaries should allow a sufficient safety margin to protect public rights of way, railway lines, water courses, 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, 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/landfilling (Note: the estimated duration of each phase should be given);

vii the position of any diverted watercourses, lagoon, leachate collection system, 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;

ix full details of the vehicular access 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. This should show the width of the road, its means of constructions, 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;

xii 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;

xiii for oil and gas proposals, where relevant, the intended route of the survey, the location of boreholes and wells and the siting of processing and distribution facilities including screening, landscaping and design.

4. Restoration Aftercare and After-use Plans(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 soils 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 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.

5. Sections and Profiles These should be as follows:

i representatives sections showing existing and final restoration surface levels with an indication of likely settlement. Where extraction of minerals is to take place the maximum depth of the excavation and where applicable, the position of the water table and quarry faces should be shown;

ii for mineral working, representative sections and borehole diagrams should be submitted which differentiate between topsoil, subsoil and other 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.

#### 6. 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 1:100 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.

### SECTION 13

#### Certification and Fees

Notification and publicity of all planning applications are required under the Town and Country Planning Act 1990, as amended and General Development Procedure Order 1995, as amended.

The effect of the Order is to require applicants to notify owners and agricultural tenants of their intended application and to formally certify, in an appropriate form, that the notification requirements have been satisfied (Article 6 to 9 of the Order refers). The four certificates, only one of which is required to be submitted with the application, are as follows:

1. Certificate A: is used if no-one other than you, the applicant, was the owner of any part of the land to which the application relates 21 days prior to submission of the application ("owner" is defined as being anyone who has a freehold interest or have a leasehold interest with an un-expired term of at least 7 years).
2. Certificate B: is used to confirm that you, the applicant, has given the requisite notice to everyone else who, 21 days prior to submission of the application, was the owner of any part of the land to which the application

relates. (This type of certificate must also list the name(s) of the owner(s), the address at which they were served and the date of service).

3. Certificate C: is used where the applicant is able to confirm that he has given the requisite notice to some but not all persons owning an interest in the land. (The certificate must also describe the steps taken to discover ownership).
4. Certificate D: is used where the applicant is unable to identify ownership at all.

NB: Every Certificate defined above, must also be accompanied by an Agricultural Holding Certificate confirming that either:

- a) none of the land to which the application relates is, or is part of an agricultural holding at the requisite time, or
- b) that every tenant of an agricultural holding at the requisite time was given the requisition notice.

That Certificate mentioned above must either be in prescribed form (see Part 2 of Schedule 2 of the amended GDO) or a substantial likeness. Relevant pro-forma notices may be obtained from the MPA.

#### Planning Fees

Full details of the current fees payable are given in the most up to date Town and Country Planning (Fees for Applications and Deemed Applications) Regulations, and advice is given in the relevant circular. These 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 made payable to Gloucestershire County Council.

### RELEVANT POLICIES

At the time of printing the Third Structure Plan for Gloucestershire Review had commenced and the Minerals Local Plan was fully adopted.