

GUIDANCE NOTES FOR APPLICATION TO CARRY OUT MINERAL WORKING AND ASSOCIATED DEVELOPMENT

These notes relate to Mineral Application Form M1 and are provided to help you submit your planning application. The Guidance should be read in conjunction with Protocol Note MW.

Before making an application or if you are in doubt about whether your proposal requires planning permission, you are strongly advised to make an appointment to discuss your proposal with planning officers at County Hall. For larger projects it is recommended that you should always seek professional advice.

When to use this form

This form should be used for making planning applications for development of the following types within Kent (*please note that separate forms apply within the Medway Towns. Applicants for development in those areas should contact the Planning Office at Medway Council*).

- The winning and working of a mineral or the erection of a building, plant or machinery for use in connection with the winning of minerals
- Mineral processing or treatment located at quarry sites or sites where the mineral is imported by conveyor, pipeline or similar means and by private means (rail, water and road)
- Development associated with the transport of aggregates by rail and water
- Extension, variation or renewal of an existing mineral working or operation;
- searches and testing of minerals
- coated roadstone or concrete producing plants at quarries and aggregate importing depots
- cement manufacture

- the disposal of mineral waste

(For applications relating to the Review of Old Mining Permissions (ROMPs) under the Environment Act 1995. You should consult Mineral Planning Guidance Note MPG 14 and use the appropriate form therein, Form M1 should not be used for ROMPs.)

Where to submit the application

Planning applications for the winning and working of minerals and associated development should be submitted to The Planning Applications Unit, Kent County Council, First Floor, Invicta House, County Hall, Maidstone ME14 1XX .

(All other applications, including applications for mineral processing or treatment not located on quarry sites or at rail aggregate depots, are decided by the District Council. Applications for these types of development should be made to the appropriate District Council using their own application form.)

Information required

These notes are to help you to provide the planning authority with all the information necessary for your application to be properly determined. The information is requested pursuant to the provisions of the Town & Country Planning (Application) Regulations 1988. Failure to provide the necessary information will be likely to render your application invalid. Where the planning authority considers an application to be deficient it is likely to be rejected as a matter of course (*see Protocol Form MW*). It is therefore in your interest to provide information in response to the questions as comprehensively as possible.

The application form gives space for only brief details of the proposed development. **For all but the most minor of developments, you are**

strongly advised to provide additional detail in the form of a supporting statement.

When preparing your application you are advised to take account of relevant Development Plan policies, other policy guidance issued by the Office of the Deputy Prime Minister (and its predecessors, where the documents still represent current policy) and current best practice.

Applicants should specify whether or not a supporting statement is submitted with the application. Any legal agreements (s106 or s278) should also be identified.

Environmental Statements

If your proposal is likely to have significant effects on the environment it will almost certainly 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 as amended. The indicative criteria and thresholds for mineral proposals requiring an environmental assessment are outlined in Circular 02/99. The potential for environmental impact will tend to depend on the scale and duration of the works and the likely consequent impact of noise, dust, discharges to water and visual intrusion. For clay, sand and gravel workings, and quarries an Environment Statement is more likely to be required if the site amounts to more than 15 hectares or involve the extraction of more than 30,000 tonnes of mineral per year.

Whether or not an environmental statement must form part of your application will be a matter which will be decided by the mineral planning authority. As environmental assessments 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 assessment will be required to be submitted with your application. 'Screening' and 'Scoping' requests can be made of the authority

Applicants should make clear where a Statement can be inspected at a location in the general locality of the site. In addition applicants should specify where copies of the Statement and any other documents can be obtained and the price, if any, of purchase.

COMPLETING APPLICATION FORM M1

Part A – General Information

Sections 1 – 10 are to be completed for all applications.

Applicant and Agent: Please give the NAME and FULL POSTAL ADDRESS of the applicant and, if used, the agent. If an agent is acting for the applicant, all correspondence will be sent to the agent.

Location: Where the site does not have an easily identifiable address, identify it by Ordnance Survey sheet and field parcel numbers. A plan must be included at not less than 1:2500 scale showing the boundary of the site edged in RED, and any other land in the control of the applicant edged in BLUE.

Site Area: The size of the site, including the site access, should be given in hectares (or in square metres) and should include the site access. Also state the present use of the land and/or buildings.

Proposed Development: This should be a brief description of the proposed development, but include all the purposes to which the land and/or buildings are to be put. The description will normally be used in correspondence, reports and the decision notice.

Nature of Application: All applications need to be for full planning permission and so incorporate full details of your proposal. State the type of application you are submitting, full, temporary or renewal.

If you wish to apply for permission to continue a use or to retain buildings, works etc for which planning permission was only granted for a limited period, and the development has been carried out, you should say so, and give the date and reference number of the original permission.

Where there are existing planning consents which would be replaced if your proposal is granted planning permission, please indicate whether you and anyone else with an interest in the land would be willing to consolidate or update existing permissions.

Plans and Drawings: All plans should be accurate and legible and preferably be on an Ordnance Survey base, clearly titled, given a unique reference number, and dated. A minimum of 8 copies of the application is required to enable full publicity and consultation to be commenced at the outset. Additional copies may be requested, the actual number should be discussed with the planning authority prior to submission.

The following plans should be attached to applications for mineral operations. It is however open to applicants to submit additional or alternative information on plans to a suitable scale if it is felt that this will assist in explaining the proposals.

Location Plan: To a scale of 1:50,000 but not larger than 1:10,000, showing the location and boundary of the site in relation to its surroundings, the location of operations, and arrangements for traffic circulation.

Site Plan(s): At not less than 1:2500 scale a plan showing the following information:

- (a) 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, etc should be included within the site edged red;
- (b) any adjoining land under the applicant's ownership or control, to be shown edged in blue;
- (c) the position of existing buildings, underground services, overhead lines, roads, public rights of way on or adjacent to the site;
- (d) the position of any watercourses, culverts, drainage ditches or ponds within or bounding the site - showing, where appropriate, the direction of flow;
- (e) existing contours at appropriate intervals or spot heights sufficient to give a clear indication of the surface ground form of the site and its immediate surroundings.

Detailed Plan(s): Should include the following information:

- (a) proposals for screening and landscaping the operations, including details of screening bunds (if temporary, include date of removal) and any advance tree planting;
- (b) the location of plant, buildings, offices, weighbridge, wheel cleaners, internal haul roads etc;
- (c) the method, direction and phasing of landfilling/working and restoration (note: the estimate duration of each phase should be given);
- (d) the position of any diverted watercourses, lagoons, leachate collection systems, sources of water supply, and means of drainage; and the position of any water discharges going to existing watercourses;
- (e) full details of the vehicular access route(s) 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: 1 00. This should show the width of the road, its means of construction, the turning radii and sight lines;
- (f) details of proposed measures to divert, remove or avoid overhead lines and other services, or to stop up, remove or divert public rights of way, including footpaths and bridleways;

Restoration Plan: Showing how the site will be restored, and including the following information:

- proposed final contours (with typical gradients indicated).
- the position of any permanent water features, together with estimated depths of water and details of treatment to the water margins;
- proposals for drainage of the land, including the position of field drains, ditches, watercourses and permanent discharge points to surrounding watercourses;
- the position of trees, shrubs and hedges to be retained following the completion of operations, and details of trees etc to be planted.

Cross-sections: These should be representative sections showing existing and final restoration surface levels.

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. Plans for these should normally be at a scale of 1: 100 and include ground plans, elevations and the type and colour of external materials to be used. Weighbridges and fixed wheel cleaning equipment should be included.

NB Applicants should be aware that any plans and drawings are open to inspection by the public. Applicants are not, however, required to disclose any proposed security arrangements.

Supporting Documents to Include:

Certificates: All applications other than those for reserved matters must be accompanied by Certificates A, B, C or D relating to ownership, together with the Agricultural Holding Certificate. An application CANNOT be accepted without these. (*See Form C1: 'Certification & Ownership'*)

Certificate A applies if the applicant is the sole owner of the whole site of the planning application. Owner means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years.

Certificate B is to be used in cases when the applicant is NOT the owner of the whole of the application site, and all of the owners are known. If Certificate B is appropriate, you must also serve notice on the owner(s).

If you cannot complete Certificate B because you can only trace some but not all of the owners of the land, complete Certificates C.

If you cannot complete Certificate B because you cannot trace any of the owners of the land, complete Certificate D.

Fees: All planning applications must be accompanied by the correct fee, unless they are exempt. The scale of charges and exemptions are fixed by Government. They are subject to periodic change (*see attached note for assistance*). The fee payable should be submitted with your application, and the cheque made payable to "Kent County Council".

Declaration

The application needs to be signed by the applicant or his authorised agent and at least one original signed form submitted.

Environmental Considerations:

Applicants should ensure from the outset that their proposals take account of all relevant statutory designations which affect the application site. This may well require prior discussion with officers of the planning authority and of relevant statutory organisations (Environment Agency, Highways etc).

Where an application would involve the felling of trees their location should be accurately shown on the submitted plans.

Special regard should be given to the effect your proposal might have on any listed building or historic park/garden (including their setting) or on a Conservation Area - or on areas or features of archaeological interest. Special regard should be given to biodiversity and important nature conservation sites, particularly internationally designated sites and Sites of Special Scientific Interest. Provision will need to be made for the consideration of protected species and their habitat. These special regards may necessitate the undertaking of detailed surveys prior to submitting your application.

There will be a need to give full details of any measures proposed for dealing with noise, dust, and other potential sources of nuisance from operations and to deal with the traffic associated with the development.

Where an application site includes a right of way (e.g. a public footpath, bridleway or public road), it should be shown clearly on the plans. Please note that receipt of a planning permission does not give a right to extinguish or divert a public right of way. Further advice is available from the Rights of Way Officers in the County Council's Environmental Management Unit (Tel: 01622 221517).

Part B: Specific questions relating to mineral extraction and associated development

Operational Development

The response to the questions will depend on the nature of the mineral operation you are proposing.

If **Mineral Extraction**, the proposal will need to include the site preparation works that would be undertaken. This should provide details of the provision for stripping and storage of topsoil and subsoil (showing the location and maximum height of storage mounds on a plan). It should also include any measures proposed to protect existing water courses and to deal with surface water run-off.

Applications should include the results of site investigation work (borings, trial pits and other survey information) indicating ground conditions, the position of the water table. In addition, if your proposal is likely to cause adverse environmental impact, you should provide information to justify the need for your proposal, including an assessment of any alternative sites considered.

Proposals for extraction should include:-

- details of the type of mineral proposed to be worked, the extent and depth of extraction
- the productive capacity of the site (i.e., the amount of saleable material raised) and the expected duration of the operation;
- details of the means of access to the land, showing any proposed new access points to the public highway network;
- details of all buildings, plant and machinery
- a clear indication of the proposed scheme of working. This should be supported by clear information on the submitted plans, to provide details of the following: the depth and direction of operations; the method of working

Wherever practicable, the proposals should provide for working to be phased and programmed to ensure that the land can be returned to beneficial use at the earliest opportunity.

Mineral Processing and Treatment Plants

Where a processing plant is proposed, applications should include: full details of the type of plant proposed and of the processes to be carried out; the quantities and sources of the minerals to be

processed/stored in the facility and the relationship to any other operations carried out by the applicant(s) or any other neighbouring activities; and details as to the environmental safeguards to be applied to the plant and associated machinery.

Traffic and Transport

This section should be completed for all applications. Where there is a need for highways improvements to be carried out as a result of your development, these will normally be at your own expense, and you will be required to 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 involve use of roads of poor construction, width or alignment, you are strongly advised to contact the Highway Authority.

Water

It is necessary to identify the safeguards to be applied to the development proposal to the protection of water resources both on site and in relation to neighbouring land uses.

Environmental Effects

The response to the questions here should reflect the wider consideration of environmental impact noted above and necessary for all applications.

Restoration and Aftercare

This section should be completed for all applications. For those sites to be restored through landfilling of the excavated void, the details of restoration should include any proposals for capping the site, as well as for final soil cover, seeding and cultivation.

Ancillary Operations, Buildings and Plant

There will be a need to provide details for buildings, plant or structures not included in any of the above sections. These could include weighbridge, workshops, offices, wheel wash facilities, sheeting bays, amenity blocks/ toilets etc.

Planning Applications Unit
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