

Applying for Planning Permission

The Planning Application Form (Part 3)

Guidance Notes for applicants and agents when completing planning application forms for mineral working, waste management and associated operations



PART 3 GUIDANCE NOTES

Introduction

Part 1 and Part 3 of the planning application forms **must** be completed for mineral and waste developments. Planning applications for mineral working, waste management and associated development are determined by the County Council as they are “County Matter” applications. “County Matters” are defined in schedule 1(i) of the Town and Country Planning Act 1990 and the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003.

The following guidance notes are to assist you when completing planning application forms (Part 3 Forms) for mineral working, waste disposal and associated developments. Please read the guidance notes prior to filling out the planning applications forms. The notes are set out in the same order as the Questions in the application forms. The forms should be completed in **BLOCK LETTERS** and all the questions that relate to the proposed development should be answered. Failure to complete the forms may lead to a delay in processing your application.

When preparing your application you are advised to take account of relevant Development Plan policies, guidance issued by the Office of the Deputy Prime Minister (ODPM) in Planning Policy Guidance Notes, Planning Policy Statements, Mineral Planning Guidance Notes, Mineral Planning Statements, Waste Management Papers and Planning Circulars, and current best practice. (Details of the Development Plan can be provided by the Development Control Group).

If your proposal is likely to have significant effects on the environment you may need to undertake an Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The provisions of these regulations, including indicative criteria and thresholds for identifying proposals requiring an environmental assessment are explained in DETR Circular 02/99. You can seek a ‘screening opinion’, and or a ‘scoping opinion’ from the County Council to establish whether you need to undertake an EIA and if so what should be addressed in it. As EIAs may take many months to prepare, you are strongly advised to establish at an early stage, through pre-application discussions with planning officers, whether or not an environmental impact assessment will be required and if so what it should cover. (See Appendix 1 and Appendix 2).

If you are in doubt about whether you require planning permission for a specific mineral or waste operation contact the Development Control Group on Tel No. 01772 531929.

Question 22 – Nature of the Proposed Development

Please give details of the nature of the proposed development by identifying **Yes/No** (more than one category may be included) if your application includes:

- Mineral exploration (see Question 29)
- Mineral extraction (see Question 30)
- Mineral transportation (see Question 31)
- Mineral processing (see Question 32)
- Type of waste(s) to be deposited (See Question 33)

- Origin of waste (see Question 34)
- Waste transfer/recycling (see Question 35)
- Waste treatment (see Question 36)
- Incineration of waste (see Question 36)

(Make sure that the nature of the development relates to the information provided in Question 3 of the Part 1 application form).

Question 23 – Total Capacity of the Site (Production, Throughput & Reserves)

You should provide details of: (a) mineral extraction – the total amount of reserves identified and the estimated production rate per-day; (b) waste disposal – the capacity of the void and the estimated amount of waste delivered to the site per-day; (c) treatment/transfer station – the maximum daily throughput of the plant. Ensure the appropriate unit is used.

Question 24 – Proposed Hours of Operation

The County Council considers that normal working hours are 0730 to 1800 hours weekdays, 0730 to 1300 hours Saturdays, with no working on Sundays or Public Holidays, unless there are specific reasons or circumstances. Essential repair and maintenance of plant may be permitted outside these hours. More restrictive hours may be required for particularly intrusive operations or developments in sensitive locations. You should specify the hours separately for transport and processing, etc, if these differ from other operations.

Question 25 – Traffic & Transport

You should provide details of the method(s) of transportation and the routes to be used to access the site (if known), together with the number of vehicle movements (both in and out) at the site per-day.

This question is designed primarily for road transport. It is important that you provide details of the average and maximum number of vehicle movements per-day (including both heavy goods vehicles and light vehicles/private cars). (*One vehicle entering and leaving the site counts as two vehicular movements*).

If relevant, you should provide details of rail or water transport in your supporting statement.

Question 26 – Number of Employees

Minerals working and waste management operations invariably have some environmental impact and it is therefore necessary to consider the economic and employment opportunities when assessing a proposal. It is important that you provide details of the number of people currently employed at the site together with any anticipated increase in employees which may arise as a consequence of the proposed development from the outset or in the future where anticipated.

Question 27 – Proposed Timetable & Estimated Start Dates

You should provide the estimated start date for the proposal together with the anticipated duration of each stage of the development. The key dates and stages

comprise the site development works, the proposed operations, site restoration and aftercare. Planning legislation now provides a commencement period of 3 years (rather than 5 as previous) although a longer period may be granted where special circumstances can be demonstrated. Legislation also provides for a fixed aftercare period of 5 years for mineral workings and landfill sites although this may be required to be extended through a legal planning agreement if necessary.

Question 28 – Proposed Aftercare and after use of site

If your application relates to mineral extraction or involves the depositing of waste materials, you are advised to read MPG7 (The Reclamation of Mineral Workings) which sets out the type of information normally required in support of a planning application with respect to the restoration and aftercare of sites. Full details of the method of restoration and aftercare should be included on the submitted plans and preferably in a written supporting document.

Aftercare conditions will normally be imposed on mineral extraction and waste disposal operations and will either specify the steps to be taken or where restoration and aftercare may not be begun for a number of years, require a restoration and aftercare scheme to be submitted for approval at a later date. Aftercare details should be submitted to assist the consultation process and enable the planning authority to come to a view on the acceptability of the proposals.

Question 29 – Mineral Exploration/Extraction

You should provide details of the types(s) of mineral(s) sought, the method(s) of extraction to be used including whether the mineral would be worked wet or dry; the maximum depth of working should be given in metres relative to AOD (Above Ordnance Datum); the depth of the water table should be identified relative to the surface levels from which minerals are to be worked; whether progressive restoration is possible. If explosives are to be used on site you should provide information on the frequency of their use and the times of the day between which it is proposed to use them. If the proposal relates to mineral exploration the type of equipment to be used and the depth of the borehole(s) in metres should be provided.

Certain small scale and temporary exploratory operations undertaken for the purpose of exploiting minerals are permitted by virtue of Part 22 of Schedule 2 of the Town and Country Planning [General Permitted Development] Procedure Order, 1995. The operations permitted are the drilling of boreholes [except for petroleum exploration], the making of other excavations, the carrying out of seismic surveys and certain related ancillary development).

Question 30 – Mineral Extraction

You should provide details of the minerals to be extracted and the area and depth of the workings of the mineral operations with an estimate of the quantities of minerals, topsoil, subsoil, overburden and other minerals involved in the working of the site. A progressive working scheme should be prepared which minimises the amount of land taken out of use at any one time and which facilitates the early and progressive restoration of the site. It is important for you to consider the location and design of any soil and overburden storage mounds and the timing of their construction and eventual removal. You should also provide details of the means of transporting minerals from the working area to the processing or disposal point.

Question 31 – Estimate the percentage of minerals to be delivered to sites

You should estimate and provide details on the amount of minerals to be delivered to sites, as a percentage delivered to (a) sites within Lancashire and (b) sites outside of the county, providing details where possible of the proportions of each.

Question 32 – Mineral Processing

You should provide details of the processes involved in the treatment of the mineral(s) before they are transported off-site. Mineral processing operations include crushing and screening, amongst other activities. Details should be submitted for all the plant (fixed and mobile) and machinery, which you intend to utilise at the site to enable an assessment of the proposed development to be made. You should include details of the noise output and any noise extenuative measures. You should be aware that an authorisation for the operation of plant of this nature may be required from the borough/district Environmental Health Officer. State whether it is intended to import any materials on to the site and for what purpose.

Question 33 – The Types of Waste to be Deposited

You should provide details of the area of land and the capacity of the site/building, which you are proposing to use for waste management operations together with a description of the main types of waste(s) to be deposited/managed at the site. If the proposal relates to landfilling or land raising it is important that you provide details of the measures to be put in place for monitoring and controlling leachate and landfill gas.

A progressive working scheme should be prepared which minimises the area of the site in use at any one time and which facilitates the early and progressive restoration of the site. It is important for you to consider the location and design of any mounds for the storage of soil, restoration materials and materials for cell lining and construction and the timing of their construction and eventual removal.

A Waste Management Licence, PPC permit or an Exemption may be required from the Environment Agency.

Question 34 – Estimate the percentage of Waste and its Origin

Estimates should be given of the origin of waste to be disposed of at the site, giving the percentage of waste originating from (a) the district in which the site is located; (b) other districts in Lancashire; (c) outside of Lancashire; and (d) generated within the site.

Question 35 – Proposed processes

You should indicate any proposed processes or other waste recovery/recycling activity, that will take place on site the site.

Question 36 – Waste Treatment

Applications for Waste Transfer/Recycling includes Household Waste Recycling Centres, waste transfer stations, waste recycling/management facilities and scrapyards are County Matters to be determined by the County Council.

You should provide details of the throughput of waste types (in tonnes per annum), any plant or equipment used for the recovery and recycling of waste or minerals and the nature and quantity of the material recovered, and the destination of waste and recycled material transported from the site (if known). It is also important to provide details of the size and appearance of any buildings within which waste transfer operations would take place, details of any plant and machinery that may be used to process material, suppress dust or suppress odours including their noise outputs, any means of noise mitigation.

Incineration of Waste

You should provide details of the nature of the materials to be incinerated, the capacity of the incinerator in tonnes per hour, environmental emissions and associated monitoring and control, the quantity of residual material generated and the method of disposal, the dimensions and appearance of the buildings and the associated stack heights.

Proposals for the incineration of waste should be as comprehensive as possible and all the sections of Question 36 should be answered.

An Environmental Statement must accompany proposals for incineration as set out in Appendix 1 and 2.

FURTHER INFORMATION

Plans and Drawings - The plans and drawings submitted with the planning application forms should clearly illustrate and support the proposed development. Plans should be at an appropriate scale, and no less than 1:2500. The planning application forms, plans, supporting statement, and where necessary the Environmental Statement and Non Technical Summary will be made available for inspection by members of the public as part of the statutory consultation process.

Prospecting Plans (for mineral exploration where prior notification or planning permission is required) should show:

- (1) The position and details of trial borings or pits and vertical sections showing the mineral deposit in relation to:
 - (a) Top-soils and sub-soils
 - (b) the remainder of the overburden
 - (c) the level of the water-table
 - (d) the depths of the mineral deposit(s)
- (2) Details of any prospecting carried out on adjacent land.
- (3) The plans should be accompanied by details of the geological and physical nature of the site, means of access and restoration proposals.

Working Plans should identify the following:

- The boundaries of the land for which planning permission is sought, edged in red and of adjoining land in which the applicant owns or holds an interest in blue.
- The area, if any, already excavated or worked, or infilled with waste whether within the application site or on adjoining land.
- The boundaries of planning permission(s) that have already been granted for the land.
- The sites and elevational details of existing buildings and/or fixed plant; and the location and elevational details of any proposed buildings and/or fixed plant.
- The construction and location of the means of access, giving widths and relation to any public roads, including kerb radii and visibility splays (you may wish to contact the Section Manager – Traffic & Safety on Tel. No. 01772 534566).
- The routes of any public rights of way, railway lines, overhead power lines, statutory services and water courses crossing the proposed working area and of any proposal to divert the routes.
- The direction and working programmes indicating stages and phasing of working and restoration.
- The location and height of areas for stockpiling, for stocking topsoil and other overburden materials and in the case of mineral workings the areas for temporary or permanent disposal of mineral waste.
- The location of settling lagoons and the means of drainage both during and upon completion of the development.

- Land that is not to be worked, or infilled with waste, within the area of the planning application.
- Full details of the proposals for landscaping and screening the working areas, the operational waste cells and for the reclamation of the site, including where appropriate the following: the formation of earth bunds, trees proposed to be felled; trees proposed to be retained; and proposals for new planting.
- The location of wheel cleaning facilities, weighbridge and site offices.
- Details of vehicular routing.
- Details of the restoration and aftercare of the site.
- Location of monitoring boreholes
- Details of the equipment and method of dealing with leachate or landfill gas control and utilisation.

Appendix 1 – Summary of Schedule 1 Projects where an EIA is Mandatory

- Quarries where the site area exceeds 25 hectares.
- Waste installations for the incineration or chemical treatment of non-hazardous waste with a capacity exceeding 100 tonnes per day.
- Waste installations for the incineration, chemical treatment or landfill of hazardous waste.
- Peat extraction where the site exceeds 150 hectares.
- Wastewater treatment plants with a capacity exceeding 150,000 population equivalent.
- Extraction of more than 500 tonnes per day of petroleum or 500,000 cubic metres per day of natural gas.
- Gas, oil or chemical pipelines with a diameter greater than 800mm and length greater than 40km.
- Installations for the extraction, processing and transformation of asbestos and products containing asbestos:
 - (a) asbestos cement products with an annual production of more than 20,000 tonnes of finished products.
 - (b) for friction material with an annual production of more than 50 tonnes of finished products; and
 - (c) for other uses of asbestos, utilisation of more than 200 tonnes per year.
- Construction of motorways, express roads, and new roads/re-alignment or widening of roads of four lanes longer than 10km.

Appendix 2 – Summary of Schedule 2 Projects where it should be formally considered whether or not an EIA is required

- All quarries where the site is less than 25 hectares.
- All underground mines.
- All river dredging.
- All waste disposal sites with an area greater than 0.5 hectares.
- All waste disposal sites within 100 metres of any controlled waters.
- All incinerators or waste disposal sites with a capacity less than 100 tonnes per day.
- Deep drillings for geothermal, nuclear waste storage or water supplies where the works area exceeds 1 hectare or, in the case of geothermal or nuclear drilling, within 100 metres of any controlled waters.
- Installations for the manufacture of cement where the floor-space exceeds 1000 square metres.
- Wastewater treatment works where the capacity is less than 150,000 population equivalent and the area of development exceeds 1000 square metres.
- Sludge deposition sites and scrap iron storage where the area of deposit/storage exceeds 0.5 hectares or within 100 metres of any controlled waters.
- Surface installations for the extraction of coal, oil, gas, ores where the area of the development exceeds 0.5 hectares.
- Installation of oil and gas pipelines where the works exceed 1 hectare or the operating pressure exceeds 7 bars.
- Knackers yards where the area of floor-space exceeds 1000 square metres.
- Any change or extension to a Schedule 1 project and the change may have significant adverse effects on the environment – recommended thresholds same as Schedule 2 projects.
- Construction of roads where the area of the works exceeds 1 hectare.