# 5 GOOD PRACTICE FOR MINERAL SITES RESTORATION AND ENHANCEMENT. PART 1 – THE RESTORATION VISION

## Contents



## Introduction

5.1 Restoration led mineral planning is concerned with identifying what is to be achieved by a restoration scheme right at the start of the proposal and then managing its implementation through to establishment of the after-use on site. It is a vision of the final appearance and characteristics of a site including the after-use, once extraction, restoration and aftercare have been completed

5.2 This section looks at how a restoration proposal should be approached and in particular, how a restoration vision can be developed. It encourages consideration of a series of key questions about a site and scheme right at the start of the process, when a proposal is being drawn up. The answers to these questions will in turn help to shape and form

5.5 In considering the possible restoration outcomes for a mineral working, key restoration and enhancement questions are:

A. What will be the final landform of the site?
B. How will the site be restored?
C. What after-use is appropriate?
D. How will the restored site be integrated back into the local environment?
E. How will the restoration scheme make any contribution to biodiversity?
F. What do local people want from the site and how will the scheme incorporate their views?
G. How will the restoration be finished and managed during operations and in the future?

### How can these Questions be Answered?

5.6 The answers to the above questions are closely interlinked and influenced by common factors i.e. land use policy and planning designations, local strategies and other controls. They cannot be answered in isolation i.e. by one person or by one company. They should therefore evolve and develop as a result of a series of pre-application discussions, site and desk top surveys and from an applicant's own ideas. Once the questions have been answered, the information should be included in any pre-application documents and in the application itself, i.e. in the supporting statement and in the Environmental Statement.

### The Questions

5.7 The following sub-sections look at each of the questions, in turn, and the factors that influence their answers.

### A. What will be the final landform of the site?

5.8 The final landform needs to be agreed at the start of a proposal so that gradients and drainage relating to that landform can be incorporated into the overall design of the restoration scheme. In deciding the final landform for a site it is generally preferred if the gradients of the final landform imitate the topography of the surrounding landscape. If the final landform is to be different from the surrounding topography, applicants should discuss this with the MPA, the Environment Agency, and Natural England during pre-application discussions to ensure there are no overriding planning or environmental objections to this change.

5.9 The final landform of the site can be achieved in two ways: either materials can be imported to restore the original landform of a site or a new landform can be created which is shaped and merged into the

existing landscape, using on site overburden and surplus materials. In recent years the availability of suitable fill material, that is inert waste,

5.18 In Surrey there has been an increasing trend towards low level or partial fill restoration and it is expected that this trend will continue. A number of the indicative restoration schemes envisage such approaches to their restoration. In areas where the base of the void is above the water table, the site can be worked and the excavated void shaped to a landform that is appropriate to the topography of the local area.

5.19 However, with low level restoration there is a risk of introducing alien landform, features and breaks into the landscape. Therefore in assessing the suitability of a low level restoration for a site, applicants should pay attention to the gradients and contours of the proposed landform and their relationship with the local topography and landscape character. Planting can be used to screen steep breaks and achieve a good landscape fit.

### Restoration without Fill - Wet Restorations

5.20 In a number of parts of Surrey the water table is naturally high and/or flooding is an issue. Wet or partial fill/wet restorations are preferred in these locations. Wet restoration can facilitate a wide range of after-uses including water recreation and wetland habitats. Applicants should discuss the suitability of different after-uses with the AMPA, district planning authority and the Environment Agency. In addition wet restorations may also play a part in flood alleviation both in terms of flood storage and the routeing of flood flows. Where appropriate applicants should have regard to the relevant Catchment Flood Management Plans.

5.21 For any after-use applicants should consult the relevant Local Development Framework and the Environment Agency to see if flooding will be a particular issue for their restoration proposal. Applicants must undertake a Flood Risk Assessment where there is a risk of flooding.

5.22 Where a wet restoration is proposed the applicant should provide details of; depths and area of water to be created; hydrology, water quality, bank profiles, island creation, prevailing wind direction, preservation and use of soils, treatment and planting of water and land margins. The exact details will depend upon the intended after-use for the water body. The experience of the MPA is that for wet restoration schemes to be successful, the applicant needs to have decided the actual after-uses that the water body will be put to, as different recreational uses and different types of nature conservation and wetland habitats have different requirements and need different conditions. For nature conservation uses on wetland restoration the provision of features such as islands, shallows and gently sloping shores are important for habitat creation. Table 5 of MPG7 provides guidance notes on the operational requirements for different types of water based recreation activities.

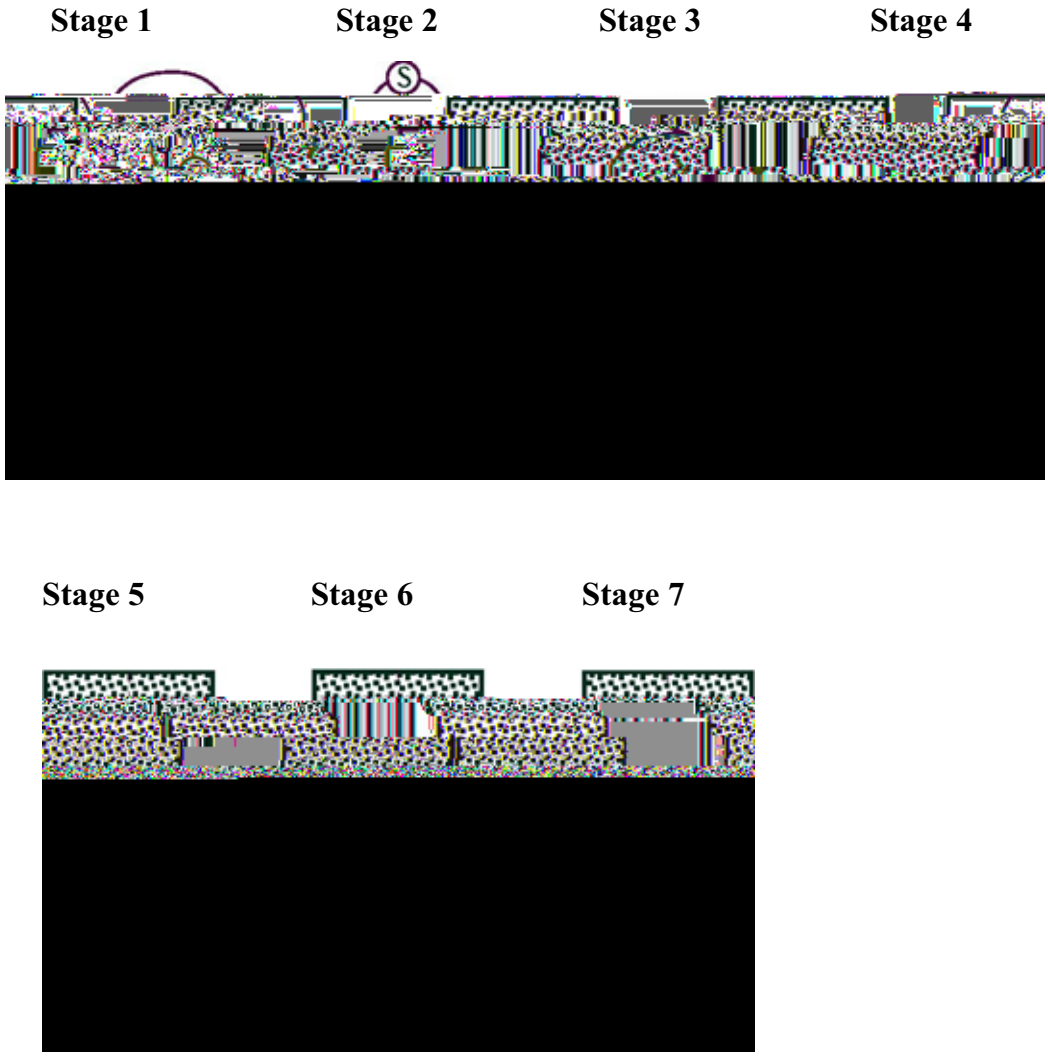
Planning conditions are usually imposed to secure the excavation contours and gradients for wet restoration schemes.

5.23 In those parts of Surrey within airport safeguard zones, restriction may apply on wet restorations, depending upon site location, use, and design. Discussion with the relevant airport operator should be held.

### Will the site be restored progressively?

5.24 On the sands and gravels in Surrey, it is common practice for sites to be phased or progressively restored. This limits the impact of the development on the environment and local people. Phased or progressive restoration usually involves stripping the soils from the plant and stockpile areas, and the first phase of the development. The soils are then put into store. Thereafter soils are stripped and directly replaced on phases that have been worked out - see Diagram 2.

Diagram 2. Model Plan of Progressive Restoration Enabling Direct Replacement of Soil



better scheme. Where appropriate they should be incorporated in the restoration scheme.

- Phasing should follow a logical sequence, preferably working

5.29 In planning a multi-use site applicants will need to consider whether the uses are compatible and can be integrated within the site or whether they may conflict. In circumstances where the after-uses are different, the applicant will need to decide how the uses will be segregated. There are various different methods of segregation including; temporal zoning, spatial zoning and landform segregation. In addition how the multiple uses will be managed on site will need to be considered.

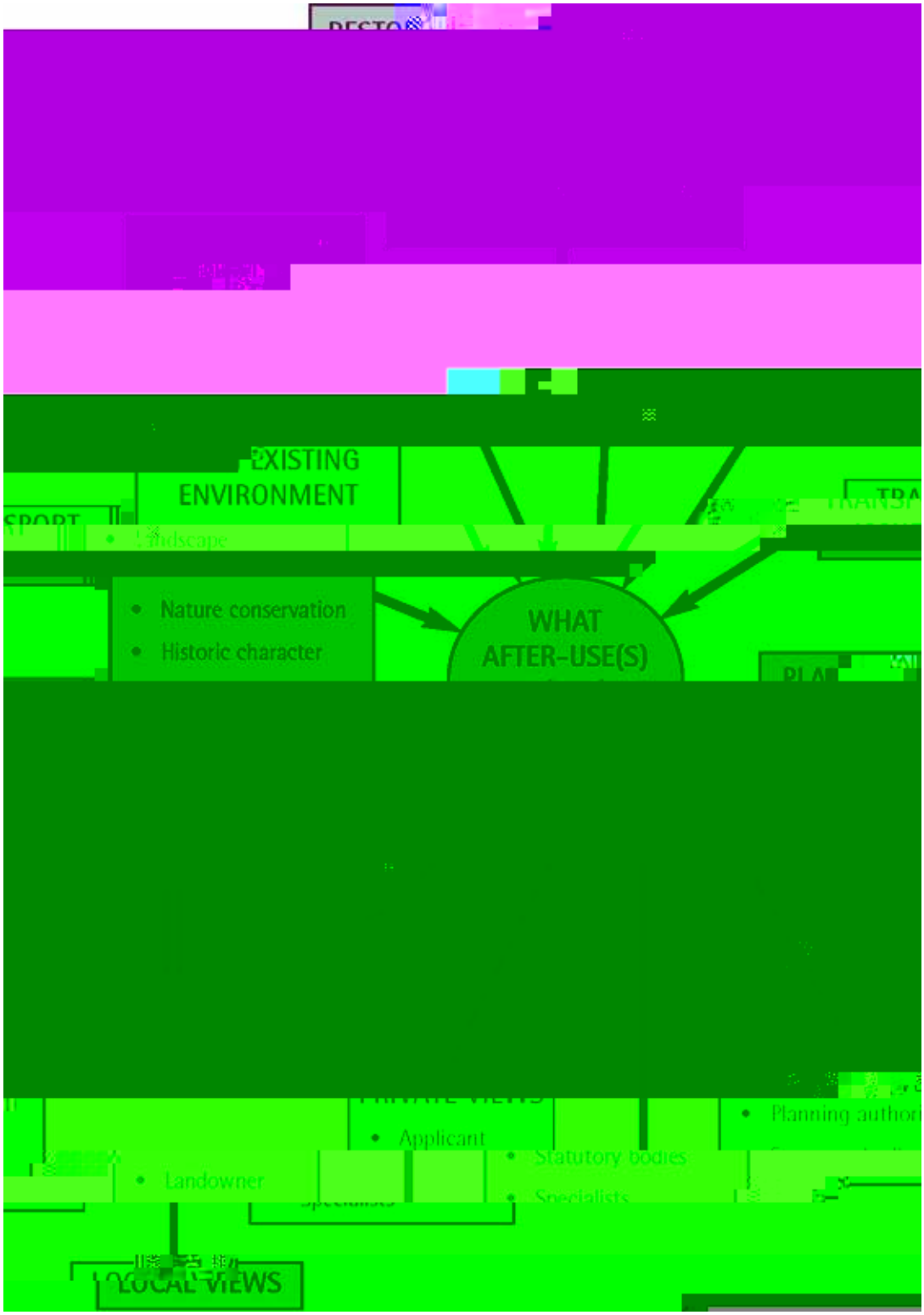
5.30 The compatibility of any after-use with the existing environment is important for its success. It can also be important for its integration into that environment and its acceptance by local people. The appropriateness of any particular after-use to the environment of a site and its surrounding area will depend on the existing characteristics, i.e., its landscape, nature conservation, archaeology, other historic features, geology and hydrology.

5.31 Although a number of these characteristics will be destroyed during excavation works, others will remain, (e.g. along unworked margins,) or can be restored and incorporated into the end scheme. In deciding whether an intended after-use will be compatible with the existing and future environment an applicant needs to understand how each characteristic contributes to the local environment, their relative importance to the site, and whether they need to be re-instated as part of restoration. They also need to understand the affect the characteristic will have on the proposed after-use, if any. This information can be obtained through desk and site surveys and through discussions undertaken as part of pre-application discussions, with specialist and statutory bodies.

### Agricultural Quality of the Land

5.32 The quality of the existing land will be an important influence when selecting the final after-use. In the past in Surrey, all land Grade 3a and above (i.e. the best and most versatile land), was expected to be restored to agricultural use, as this land was regarded as a national resource. The Government policy approach is set out in the Rural Strategy 2004. The MPA will not always expect agriculture to be the main after-use on this land, but will expect it to be restored to a condition and quality such that if required the land and soil would be in a state capable of supporting agriculture, i.e. Standard 3(2) set out in Schedule 5 of the Town and Country Planning 1990 Act. It is believed that such an approach leaves greater flexibility for the landowner.

Diagram 3: Factors Influencing the Choice of After-use



5.33 Detailed site survey by persons competent in Agricultural Land Classification (ALC) survey work is the way to accurately determine the land grade and soil resources on site. Natural England should be able to provide applicants with a list of approved consultants.

### Influence of Existing or Previous Site Use

5.34 The existing or previous use of a site can influence decisions on after-use. For example:

on good quality topsoils and may only require the sub-soil to be restored. Whereas agricultural and woodland after-uses have specific requirements for soil quality, depth and gradient of the land.

5.37 Similarly the topography of the restored site will also influence the suitability of the site for particular uses. For example agricultural after-uses, particularly arable will require relatively flat relief.

### Viability and Demand for After-use

5.38 Usually a key influence on the choice of after-use is its financial viability. Agriculture, forestry and formal recreation all generate an income. However, nature conservation and a number of the informal recreational after-uses generate very little or no income at all, and therefore require funds to cover ongoing maintenance. There are grants available to support the establishment and maintenance of many of these after-uses. Appendix 5 provides a list of funding sources.

5.39 In addition there are management mechanisms such as voluntary organisations and charities that can oversee the long-term maintenance of a site that is used for nature conservation or informal recreation. These bodies can attract grant-aid and sponsorship for the ongoing maintenance of such uses. Appendix 4 outlines the different mechanisms available.

5.40 The demand for a particular type of after-use can be identified by talking to local people, need surveys / market research, consulting the local development plan and local strategies, and discussing demand with the District Council and other bodies who are connected with the particular after-use i.e. the national body or agency, local groups and specialists.

### Planning Issues

5.41 The influence of planning policy, the Development Plan and planning designations on restoration and after-use is covered in later paragraphs 5.79 to 5.95.

### Transport Issues

5.42 Transportation accessibility and the level and type of traffic generation are important considerations when selecting a particular after-use.

### Local and Expert Views

5.43 Later paragraphs 5.65 to 5.67 consider the importance of local people's views on how they want a site restored and the after-use. Paragraphs 5.96 to 5.104 on pre-application discussions look at the importance of consulting the MPA, district planning authority and statutory bodies whilst deciding on a site's restoration.

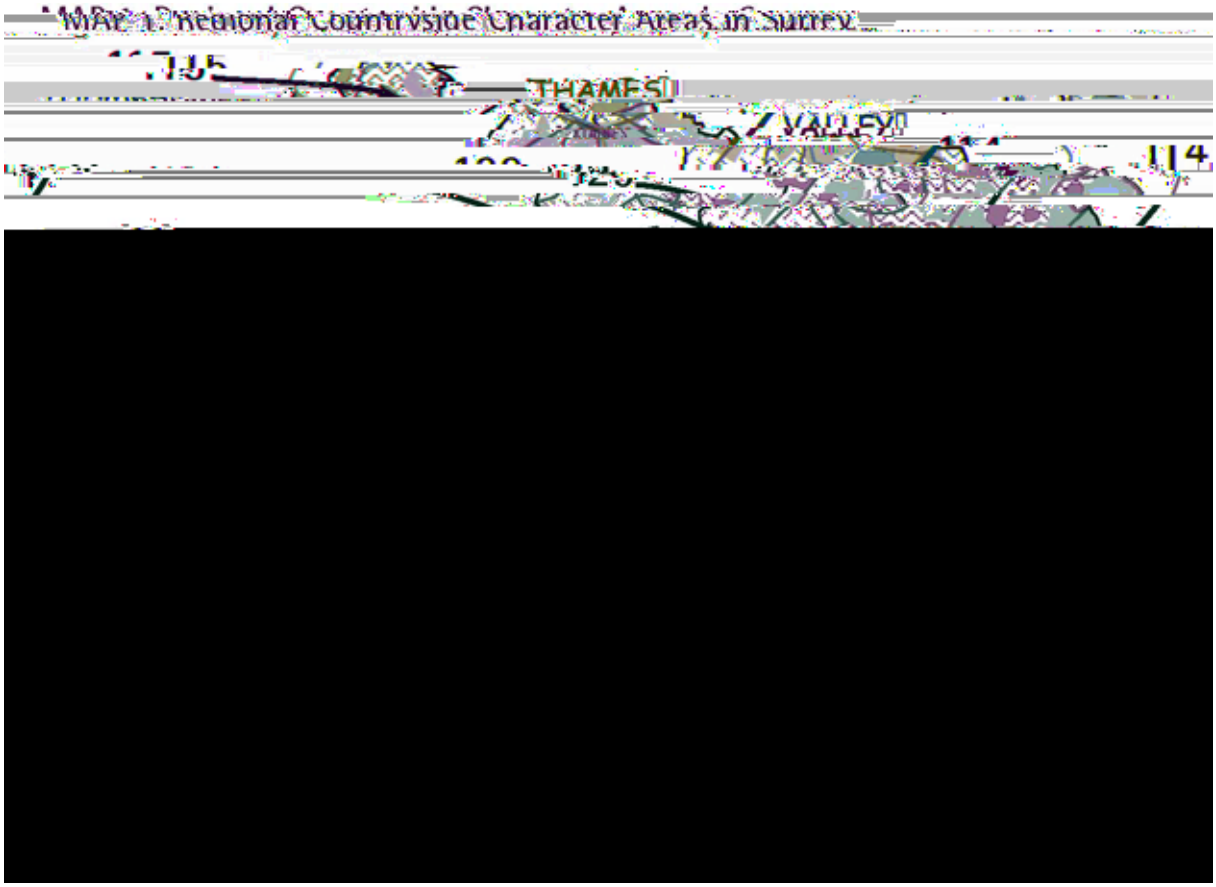
which influence vegetation, landscape features and patterns of rural land use. There are five Natural Areas in Surrey (see Map 2): London Basin (66), North Downs (69), Wealden Greensand (70), Low Weald (73) and High Weald (72). (The numbers in brackets refer to the Natural Area number as shown on Map 2)

5.48 The countryside character approach has been further developed in Surrey's landscape strategy - "The Future of Surrey's Landscape and Woodlands"(1997). Detailed analysis of the regional framework has identified 25 county landscape areas with more subtle landscape variation. A detailed description of each of Surrey's county landscape character areas is provided in the strategy.

5.49 The regional countryside character and natural areas for Surrey closely follow the geology and topography of the county. Map 3 shows the simplified geology of the county and Diagram 4 illustrates a simplified cross section of geology in Surrey. Comparing Map 3 with Maps 1 and 2 helps to explain how these Countryside Character Area and Natural Area divisions of the county were identified and how geology, landscape and nature conservation relate.

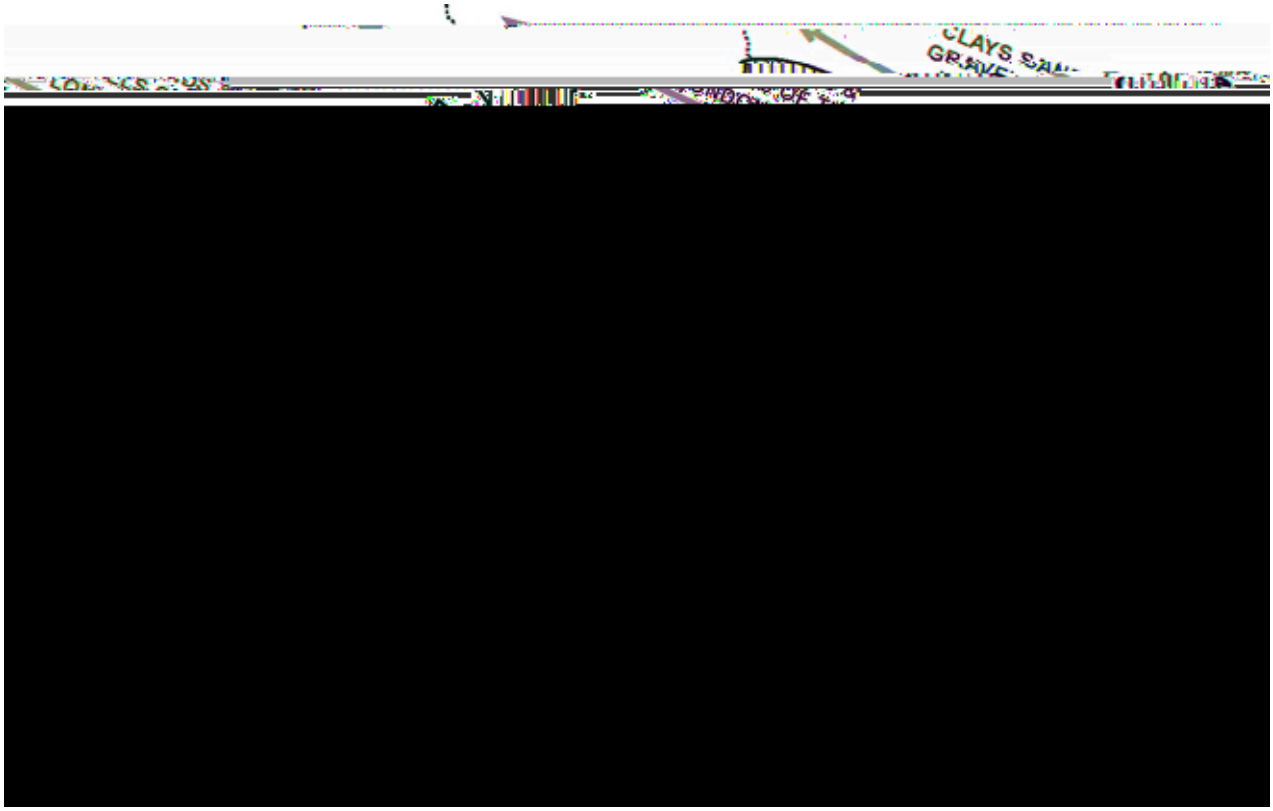
5.50 For a restoration scheme to 'fit' back into the local environment, applicants need to have regard to which of these 'Areas' their site falls into. They then need to ensure that any restoration scheme and after-use works towards restoring the features and characteristics that make up these distinctive local areas. Applicants are therefore advised to consult "The Future of Surrey's Landscape and Woodlands - 1997" (which is obtainable from Surrey County Council) and Natural England's Natural Areas descriptions.

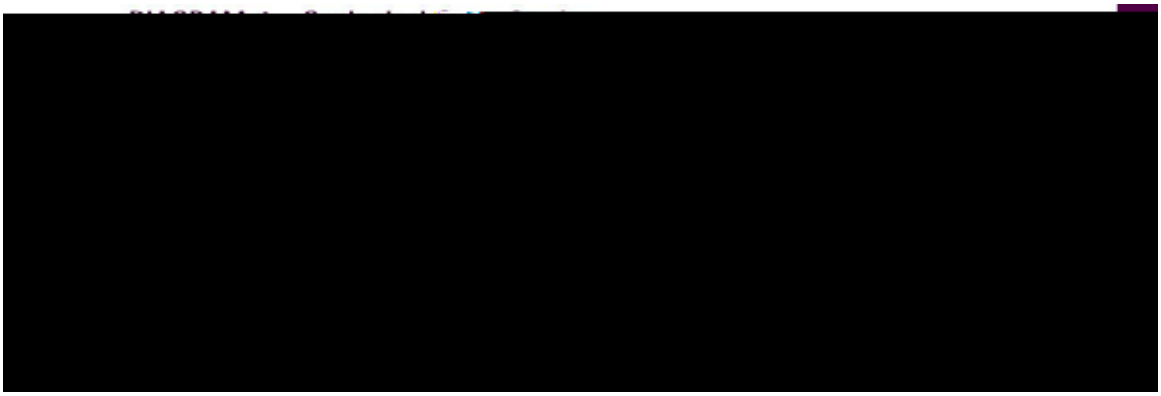
MAP 1. Regional Countryside Character Areas in Surrey




MAP 2. Natural Areas of the South East Region.

MAP 3. Simplified Geology of Surrey



5.51 In addition to the landscape and nature conservation character of the site, applicants are advised to have regard to the historic and geological character. Where appropriate applicants / operators should build archaeological and historic features into the actual restoration of the site. For example, it may be possible to provide promotional and interpretation material about a site's history, including details of historic features or finds discovered during extraction. Archaeological and historical features can be built into restoration schemes, for example, through the retention of historic hedgerows. For geological features it may be possible to permanently retain features known to exist within the

site or uncovered during operations. In many instances where such outcrops are temporarily exposed as part of a site's working, it is valuable if experts are allowed on site to record and examine the geological information. This would equally apply to archaeological information.

Wider Restoration Benefits

applicants can incorporate biodiversity action plan targets into their restoration scheme.

### Biodiversity Action Plans

5.56 In the UK biodiversity is managed and implemented through (BAPs), which have been developed at the national level and local level. National Plans (footnote ref to website), then decanted down to local level. In 1999 a Biodiversity Action Plan for Surrey was launched. The aim of the Surrey Biodiversity Action Plan is to bring the targets from national action plans to the local level and translate these actions on the ground via HAPs and Species Action Plans (SAPs). This Plan identifies actions needed to conserve wildlife in the county.

5.57 In Surrey there are the following Habitat Action Plans

- Chalk Grassland (including Chalk Scrub)
- Floodplain Grazing Marsh
- Lowland Heathland (including Acid grassland and Bog)
- Farmland (including Arable, Improved Grassland and Boundary Features)
- Lowland Meadows (Unimproved Neutral Grassland including Hay Meadow)
- Standing Open Water and Reedbed
- Urban
- Wetland (Fen, Marsh, Swamp and Linear Reedbed)
- Woodland
- Wood Pasture and Parkland

### Achieving Targets

5.58 The MPA is keen to encourage restoration and enhancement schemes which seek to conserve and restore local characteristics and try to meet targets and objectives of the UK Biodiversity Action Plan and the local

- size of site (as many targets specify minimum sizes of habitat to be created) where there is insufficient space to develop a habitat or block of sufficient size to contribute to BAP targets, it may be possible to create smaller 'stepping stones, or linear habitat (e.g. hedges or strips along rivers) that species can use to move between larger 'core' habitat blocks. Such links, can form a habitat network.
- technical requirements (some sites will be more suitable for specific habitat creation than others e.g. wetland, heathland) and
- practical issues.

5.61 In seeking to achieve BAP or HAP targets the starting point is to find out about the biodiversity targets that apply to the area of search. In addition, in deciding whether to create a particular habitat or encourage a particular species as part of a restoration scheme, consideration should be given to the existing habitat and species in the wider area. Generally there will be benefits for biodiversity in creating a new block of habitat close to an area of the same habitat, as long as this can be done without harming the existing area. Ecological site surveys will help to identify existing habitats and species present on a site and in the locality.

5.62 Once local habitat or species targets or other biodiversity objectives have been identified for a site, these then need to be fed into the detailed design of the extraction scheme and restoration proposal. Applicants are advised to contact Natural England or Surrey Wildlife Trust about any biodiversity plans to identify what types of restoration and after-use are most likely to be beneficial for biodiversity.

local level and the South east has published a framework for this (see Appendix 2).

F. What do local people want from the site and how will the scheme incorporate their views?

5.65 Surrey is a densely populated county and this means that residents have a keen interest in mineral site proposals. Experience of mineral planning applications shows that they have often taken longer than the periods set for determination, in part because of issues raised by the public in representations on the application. The public and local people often submit questions and object to a proposal because they have not felt involved in the scheme and perceive it as a threat to their local environment.

5.66 A progressive applicant will try to establish a good working relationship with local people. It is therefore recommended that local people's views on the after-use and how they would like to see a site restored are sought right from the start so that they can be incorporated into the proposal. Engaging with the local community at the start of a project can often avoid delay during determination of the application. It can also mean that both the applicant and the local community can establish a good working relationship: the public informing the developer of any local site issues and what they would like from a restoration or enhancement scheme; and the applicant informing the public of what they intend to

5.68 The philosophy of mineral led restoration planning means that site restoration, after-use and long term management are all aspects of the mineral operation that need to be identified from the start of the whole

Site Surveys

5.78 Detailed site investigations will assist in drawing up a restoration led proposal, and will also form the baseline information for any application and environmental impact statement that may be required. The site survey should identify:

- Any existing site features that may be incorporated into the restoration scheme
- Soils - soil types and distribution on site. Information should be gathered on soil profiles up to 1.2m in depth. Also the agricultural classification.
- Site hydrology - existing surface drainage and outflow systems. Assessment of the impact of the proposal on groundwater and drainage in the area.

5.90 In Surrey there are a number of important designated sites for nature conservation. National Nature Reserves (NNRs) Ramsar Sites, Special Protection Areas (SPAs), Special Conservation Areas (SACs) and Sites of Special Scientific Interest (SSSIs) are all protected under national legislation. The existence of a designated nature conservation site at or near to a prospective mineral site is a significant material consideration and any proposal will be subject to particular scrutiny. Natural England should be consulted at the earliest opportunity if a scheme is covered by or is situated in close proximity to or has the potential to indirectly affect one of these designations. If it is thought that extraction may be possible in such an area, the restoration and after-use will be greatly influenced by the existence of the designation. Designated geological SSSIs in Surrey predominately lie within the Weald Clay and chalk areas and are principally designated for their fossiliferous interest. Operators in Surrey will be expected to protect, manage and sustain Geological SSSIs as part of a scheme.

### Ancient and Semi-Natural Woodlands

5.91 Nearly a quarter of Surrey's woodland is ancient semi-natural. These woodlands are valuable because of continuous woodland cover over a long period of time. Proposals within or in close proximity to these areas will be subject to particular scrutiny. Applicants are advised to speak to the county council's Ecologist and Natural England about any restoration or enhancement schemes within or close to these woodlands.

### Historic Gardens

5.92 Surrey has a rich array of historic parks and gardens. English Heritage holds a resister of all Historic Parks and Gardens and applicants are advised to consult them to find out if a site occupies part of, or is in close proximity to such a landscape feature. Applicants should have regard to such features in any extraction and restoration scheme. Where possible specific historic park and garden features should be protected and retained, or where lost either prior to or as part of mineral extraction, new replica features should be provided for as part of the restoration and enhancement of the site.

### Scheduled Monuments

5.93 Scheduled Monuments are nationally important sites for archaeology. There are strict controls managing development in close proximity to these designations, indeed a separate consent is required for any works from English Heritage. Applicants are advised to consult English Heritage to find out how the designation will influence any restoration proposals.

- The High Weald Area of Outstanding Natural Beauty Management Plan
- The Surrey Economic Strategy
- The Future of Surrey's Landscape and Woodlands
- The Surrey Biodiversity Action Plan.
- Local Recreational Strategies produced by Countryside Management Projects or District Councils
- Local District Council Economic, Countryside and Leisure Strategies
- Surrey and Local Agenda 21 Plans
- Community Strategies.

### Pre-application discussions

5.98 Government policy statements and guidance (MPS1 and MPG7) encourages consultation at the pre-application stage. In Surrey pre-application discussions are identified as key to successful restoration schemes and are therefore regarded as best practice. Early liaison and exchange of information between all parties involved in progressing and assessing a proposal can avoid confusion, delays and can instead lead to well thought through restoration and after-use schemes.

5.99 In order to set clear and achievable objectives at the start of the project applicants are advised to involve the following groups of people in pre-application discussions:

- The Mineral Planning Authority
- The Local Borough or District Planning Authority,
- Statutory Consultees,
- Local Groups

5.100 The following sections set out the specific roles of these different groups and bodies and suggests the information that you should try to provide them with and the information you should try to gather from them. Much of this has already been undertaken in formulating the site specific restoration schemes of this SPD, but applicants should follow and develop this in formulating the detailed schemes.

### Involvement of the Mineral Planning Authority

5.101 Under the 1990 Planning Act, the Mineral Planning Authority (the County Planning Authority) is responsible for determining applications for mineral site restoration.

5.102 Before drawing up any detailed plans or starting any expensive survey work, applicants should hold initial discussions with the MPA. Surrey County Council's: "Good Practice Guide For Applicants Seeking Planning Permission For Minerals and Waste related development", sets out the county's approach to pre-application discussions. Prior to the pre-application meeting applicants should send in outline information about their proposal and the site to enable officers to prepare for the

meeting. From this initial meeting applicants should seek a view from the MPA as to whether the proposal is acceptable in principle. The MPA

subsequently approves a motorised watersports usage that triggers

# 6 GOOD PRACTICE FOR MINERAL SITES RESTORATION AND ENHANCEMENT. PART 2 - THE PLANNING APPLICATION

## Contents



### Introduction

6.1 This section outlines the type and level of detail that should be included in any restoration led planning application. It also outlines whom the local authority will usually consult and the type of condition that may be attached to any permission granted.

### Submitting a Planning Application

#### Details of Restoration and Aftercare Proposals to be included in an Application

6.2 A good practice note has been prepared titled •Good Practice Guide for Applicants Seeking Planning Permission for Minerals and Waste related developmentŽ (November 2006). Applicants are advised to consult this SPD which gives advice on how to submit a planning application to the MPA and on the type of information that should be included in any supporting statement.

6.3 The box below highlights the main points on restoration and aftercare that will need to be included with the application. MPG2, MPS1 and MPS2 also provide general advice on this matter and MPG7 Annex A Box 2 provides applicants with a list of information that might be provided to support a planning application.

NB. The MPA will expect applicants to be specific about the proposed after-use of the site in the planning application.

RESTORATION AND AFTERCARE ISSUES TO BE INCLUDED IN A PLANNING APPLICATION

- ¾Details of intended after-use(s) and justification
- ¾Method of restoration and phasing
- ¾Details on soil stripping and storage
- ¾Materials to be used for restoration; where it is proposed to import materials the source, nature and quantity; and where it is proposed to deposit non-inert wastes full details of the adequacy of the site to accept the materials safely must be submitted together with proposals to control gas and leachate
- ¾Method of infilling
- ¾Contours of the restored site, before and after settlement (if appropriate). These should include off site contours to show how the site blends with the surrounding land. NB. On wet restoration schemes below water surface contours should be included
- ¾The source and quantities of topsoil to be imported, if adequate topsoil and subsoil are not available on site
- ¾Methods of replacement of subsoil, topsoil and thickness of new soils, including how soils are to transported to and from storage areas or other phases and procedures and equipment to be used to place soils. A description of procedures to check the quality of any soil materials to be imported and operations (e.g. stone picking) to improve their quality. Where imported soils will be stored before being restored. Under what soil/weather conditions soils will be handled.
- ¾Detailed proposals for landscaping the site after restoration, including details for planting and field boundary replacement.
- ¾Extent of water areas to be retained including water levels, contours of embankments and beaches.
- ¾Extent of geological and Geomorphological areas to retained and contours.
- ¾Detailed proposals for habitat creation.
- ¾Cultivation techniques, including ripping, harrowing, stone picking, fertilisation and preparation.
- ¾Provision of under drainage and water supply.
- ¾Stocking of lakes and ponds with fish.
- ¾Proposals for the removal of buildings, plant, equipment, roads and hardstanding etc.
- ¾Proposals for the aftercare of sites restored to agriculture, forestry, nature conservation or amenity use, normally for a period of not less than five years (see appendix 6 for examples).
- ¾

A statement of the applicant•s previous work

6.8 MPG7 outlines how an applicant may wish to call attention to any

for agricultural or forestry after-use. Schedule 5 of the 1990 Town and Country Planning Act requires the MPA to consult with Defra or the FC for their views and advice on: the appropriateness of the proposed after-use; whether aftercare steps should be set out in conditions or a scheme; and the steps which should be specified in an aftercare condition or before approving an aftercare scheme. In addition although the statutory requirement is for consultation on aftercare schemes, the MPA also consult the appropriate bodies on restoration proposals as the standards of restoration are critical to the achievement of satisfactory aftercare.

6.13 The MPA will normally consult the following bodies if a nature conservation after-use is proposed; Natural England, Surrey Wildlife Trust, RSPB and specialist nature conservation experts. Sport England and the relevant District Council Leisure Department will be consulted if a recreational after-use is proposed.

6.14 If a mineral extraction and restoration proposal site is within or in close proximity to, or may affect Sites of Special Scientific Interest (SSSIs) or other international or national nature conservation designations the MPA has a statutory duty to consult Natural England. Similarly, if the proposal site is within or adjacent to the Surrey Hills or High Weald Areas of Outstanding Natural Beauty (AONBs) the MPA will consult the relevant AONB Officer and the Natural England. Defra acts as a statutory consultee for all mineral extraction and restoration proposals that affect the •best and most versatileŽ agricultural land (Grade 3a land and above). English Heritage must be consulted for all proposals affecting Scheduled Monuments. The Environment Agency will be consulted on all mineral extraction and restoration proposals, regardless of where they are located.

Planning Conditions

6.15 Planning conditions are usually attached to a scheme that is granted planning permission to agree specific detail about a particular part of the proposal or to ensure that certain effects that the proposal might have on the environment and amenity of local people are mitigated.

6.16 Generally the MPA refers to the Planning Officers• Society Good Practice Guides on Conditions ie. Good Practice Guide for Mineral and Waste Planning Conditions [19] and adapts the draft conditions provided to meet the specific requirements of each individual proposal.

6.17 A list of the key areas where the MPA usually attaches conditions to mineral extraction and restoration schemes is provided in Appendix 7.

[19] www.planningofficers.org.uk/.../4_Model_Conditions_Overview_for_Mineral_Conditions_July_2003.pdf

# 7 GOOD PRACTICE FOR MINERAL SITES RESTORATION AND ENHANCEMENT. PART 3 … POST PLANNING PERMISSION

## Contents



### Introduction

7.1 This section sets out how the MPA approaches restoration and aftercare. As discussed in the previous sections, although detailed information on restoration and aftercare is provided as part of the planning application, it is usually preferred to approve further details relating to specific matters such as soil restoration, hydrology, timing of plantings and aftercare once working is underway. This is because site conditions may be different than indicated by pre-application survey work e.g. soil quality may not be as high as expected. It is common practice to secure the submission of these further details to the MPA for approval by conditions attached to the main permission. The trend now is that the MPA require all this in the planning application, but the MPA are not averse to having it amended to meeting changing circumstances once site working is underway.

7.2 This section looks at:

Soil Restoration and Aftercare

7.3 The current statutory provisions and requirements for aftercare of mineral workings are set out in Schedule 5 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 and the Environment Act 1995. These provisions set out the content of aftercare conditions, how they may be imposed and the suggested framework for assessing the progress of aftercare when it is being implemented.

7.4 The most comprehensive current Government guidance on restoration and aftercare is set out in MPG7 • The Reclamation of Mineral WorkingsŽ 1996, but the effectiveness of mineral site aftercare provisions was reviewed[20] in 2000.

Soil Restoration

7.5 Soil restoration refers to the replacement following mineral extraction of any or all of the following; subsoil, topsoil and soil making material. The nature of mineral extraction in Surrey means that the majority of soil restoration can follow closely behind extraction so that the land can be returned to its original use or new after-use relatively quickly (anything from a number of months). Surrey advocates the loose tip method of soil reinstatement -see diagram 2 above taken from Amenity Reclamation of Mineral Workings - Department of Environment; 1992.

7.6 Careful stripping, storage and handling of soils are fundamental to securing a successful restoration scheme. MPG7 Annex A provides detailed guidance on soil handling, storage and replacement techniques as part of site restoration. A list of technical guides covering soil handling techniques is contained in Appendix 2. Different after-uses have particular requirements regarding soil depth and quality. For example if it is intended that a site will be restored for a sports pitch it will be important to ensure that the depth of the soil can support a nutrient demanding hard wearing sward and is sufficient to prevent stones working to the surface. Conversely for nature conservation end uses it is not always appropriate to replace soils across the entire site, this is because some forms of nature conservation require nutrient poor substrates.

Soil Restoration Conditions

7.7 The aim of soil restoration conditions is to secure the replacement of soil materials on landforms and levels which accord with the planning requirements, in ways to ensure that land is brought back to the standard required for the proposed after-use(s). Soil restoration conditions are also needed to cover remedial treatment of soil so as to

[20] Effectiveness of aftercare provisions for mineral workings December 2000 ISBN 1 85 112448 9

facilitate the use of cultivation, harvesting and drainage equipment for the aftercare period and the longer-term management of the land.

7.8 The date for the completion of restoration following the cessation of extraction of minerals is usually given between 1-5 years. Restoration conditions can also be attached requiring the placement of soils in the appropriate order, and to appropriate depths. They can also require mechanical subsoiling of the restored soil layers to relieve compaction and to remove stones.

Aftercare

Duration and Completion of Aftercare Scheme

7.9 The objective of aftercare is to bring restored land to a condition such that it does not need to be treated any differently from undisturbed land in the same use.

7.10 MPG7 specifically states that •aftercare begins from compliance with the restoration conditionsŽ, which include the spreading of soils and maintenance and management of any planting. MPG7 includes cultivations, stone picking, installation of under drainage and secondary treatment such as subsoiling and moling in aftercare.

7.11 Usually the MPA will seek to impose aftercare conditions for a period of up to five years on all restoration schemes in accordance with the statutory maximum period for aftercare. However, in certain circumstances, a five year aftercare period may be insufficient to secure aftercare objectives. In these circumstances the MPA will usually seek a planning obligation to extend the aftercare period.

7.12 For agricultural restoration and formal after-use such as sports and recreation pitches, the statutory 5 year aftercare period is usually sufficient for aftercare schemes. Thereafter the pattern of regular management of the afteruse should successfully sustain the site thereafter. However nature conservation, forestry/woodland sites tend to require longer periods of aftercare to allow for example, habitats to establish fully, sometimes up to and between 20 - 25 years. As stated above these longer periods are usually secured through S106 agreements, although they can be agreed by a voluntary arrangement between mineral operators, MPA, landowners and future managers of the site (see below).

7.13 When the aftercare period is complete the MPA will send a signed letter to record that the site has completed its aftercare period. An example letter is provided in Appendix 6.

Aftercare Conditions

7.14 Schedule 5 of the Town and Country Planning Act 1990 provides powers to enable the MPA to impose •aftercare conditions• on the grant of planning permission in relation to land which is to be used for agriculture, forestry or amenity following mineral working. However, an aftercare condition may only be imposed if the planning permission is also subject to a restoration condition.

7.15 The steps that can be specified within an aftercare condition/scheme can •consist of planting, cultivating, fertilising, watering, draining or otherwise treating of landŽ (Town and Country Planning Act, 1990). Aftercare steps can be set out in a detailed planning condition or by a condition requiring submission and implementation of a detailed aftercare scheme.

7.16 In Surrey the MPA tends to favour the use of approved aftercare schemes rather than setting out detailed conditions.

Standard Aftercare Condition

7.17 Set out below is an example of an aftercare condition that has been used by the MPA in recent years.

> No later than x/x/x, an aftercare scheme requiring such steps as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted to the County Planning Authority for approval in writing. The scheme shall:
>
> a) provide an outline strategy in accordance with Annex A of MPG7 for the five-year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The strategy shall include provision of field drainage system and provide for an annual meeting throughout the five-year aftercare period between the landowner or successor in title, and the County Planning Authority.
> b) provide for a detailed annual programme in accordance with Annexe A of MPG7 to be submitted to the County Planning Authority no later than two months prior to the annual aftercare meeting.
>
> Aftercare shall take place in accordance with the approved scheme or any subsequent variation agreed in writing by the County Planning Authority.

Drafting the Aftercare Scheme

7.18 The MPA believe that a successful aftercare scheme should provide the following information (in accordance with advice contained in MPG7):

¾ An outline strategy of commitments for the five year aftercare period

Monitoring and Enforcement of Aftercare

7.25 It is standard practice in Surrey for annual aftercare meetings to be held, when the final after-use is for agriculture or forestry. These meetings provide the opportunity to review aftercare operations during the previous year, consider the site conditions at that particular time and when agricultural after-use is proposed to discuss the cropping/planting or any other operations which are appropriate for the coming year.

7.26 These meetings are usually attended by the operator and the MPA. For agriculture after-use DEFRA/Natural England will attend the annual after-care meeting (Although not for some small scale schemes) and for forestry the Forestry Commission will attend. It is also advised that the landowner/contractor/farmer who undertakes the actual aftercare operations is present at the annual meeting, so that any conflicts over the land management regime and aftercare scheme can be resolved. Prior to this meeting the operators should produce a draft aftercare plan of operations for the next year. Such meetings form part of the MPA•s chargeable compliance/enforcement regime.

7.27 The MPA will normally keep a record of the meeting and detail any recommendations for remedial works. For agricultural after-use often Natural England will prepare a formal record of the meeting which is

cultivation, drainage, etc. For forestry, records should include herbicide applications or failed/damaged plantings. For nature conservation and amenity uses, records should include notes on habitat creation, natural colonisations, the introduction of new species to a site, or migration of species off site.

Management Plans and Aftercare

7.31 Sites restored to after-uses such as nature conservation and informal recreation generally require long-term management beyond the standard 5 years aftercare

7.32 It is current practice for the MPA to require a management plan to be prepared where the after-use of the site will take a significant period of time to establish. This provides the MPA with assurances over the long-term management of the site. Appendix 6 provides an example format of a management plan. Where sites are to be restored for nature conservation the management plan should also be drafted to include a site specific BAP.

7.33 Management plans are usually subject to Legal Agreement, under Section 106 of the Town and Country Planning Act 1990. These Legal Agreements are required to be entered into once planning permission has been granted by the MPA and prior to the issuing of the decision notice. They can result in long delays in the issuing of a decision notice following a Committee resolution. Therefore the MPA will bring to the attention of the applicant as early as possible the need or potential need for a Legal Agreement as part of any long-term restoration management.

7.34 Legal agreements connected with management plans usually require the applicant to submit to the MPA a management plan showing how the site will be managed and maintained over the longer term. (Note - if a time period is required normally 20/25 years is specified, with plans covering and updated in tranches of 5 years). The legal agreement will also usually specify the content and timescale for preparation of the management plan.

7.35 Legal agreements can be prepared by the applicant or by the Mineral Planning Authority. Larger companies are often able to produce their own draft agreements, for smaller operators it may be more effective to use the MPA•s solicitors.

7.36 As stated previously, Legal Agreements can take time to draft and thereby cause delay in the issuing of planning consent. In order to avoid delay it is advised that outline heads of agreement for the management plan are discussed with the MPA whilst the application is being considered. Draft agreements can be prepared so that they are almost complete when the decision on the application is taken. NB. any discussion surrounding the Legal Agreement does not pre-empt the

# 8 MONITORING AND REVIEW

8.1 The need to review this document will be determined annually, as part of the production of the Annual Monitoring Report It is likely that this document will need to be reviewed more regularly than other minerals plan documents in order to ensure that it can reflect changing circusmstances as best practice.

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