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GUIDANCE NOTES FOR THOSE APPLYING FOR DETERMINATION OF NEW CONDITIONS MINERALS SITES/MINING SITES (REVIEW OF MINERAL PLANNING PERMISSIONS: ENVIRONMENT ACT 1995, SECTION 96)

1. BACKGROUND

The Environment Act 1995 introduced new requirements for an initial review and updating of old mineral permissions and the periodic review of all mineral permissions thereafter, and this note provides advice on application procedures.

2. THE NATURE AND SCOPE OF THE REVIEW

For active sites the legislation requires “owners” (persons having a freehold interest or leasehold interest the unexpired term of which is less than seven years) or “persons with an interest in minerals”. (persons with an interest in minerals to which the planning permission relates) to submit new schemes of conditions for the Mineral Planning Authority’s (MPAs) approval by a date specified by the authority, or the planning permissions will cease to have effect.

Minerals development may not be lawfully carried out at a dormant site until a new scheme of conditions has been submitted to, and approved by, the MPA.

The government expects that land and mineral owners should demonstrate a commitment to raising standards by operating as good neighbours and minimising the impact of working upon neighbours and the environment and by submitting schemes of conditions which mirror this. At the same time the government expects that, for active sites, generally, conditions should not be imposed which would prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site.

A separate “Illustrative Guide to Conditions” is attached which gives advice on a range of conditions which might be appropriate at minerals sites, but these are likely to vary according to the nature of operations and local circumstances.

3. PRE APPLICATION CONSULTATIONS WITH THE MPA

Applicants are encouraged to contact the MPA as early as possible and certainly well before their submission deadline dates to discuss the nature of their proposals indicating the ways in which they intend to deal with the various environmental and amenity factors, as application preparation may be lengthy.

Where working and restoration proposals submitted under the Review are likely to have significant environmental effects, applicants are required (under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999) to submit an Environmental Statement which should assess the environmental impacts of the development and suggest appropriate mitigation measures. (The Regulations can also be viewed at www.legislation.gov.uk/ukxi/1999/293/contents/made).

4. INITIAL CONSULTATIONS WITH OTHER ORGANISATIONS

In order to avoid delay later on applicants are strongly advised to make contact with the relevant statutory organisations such as Natural England or the Cornwall Council's Historic Environment Service whose interests may be affected. This should be done before submitting a formal application to the MPA. Other interests of a technical nature such as drainage, pollution control, access provision, noise, restoration and afteruse should also have been discussed with the appropriate bodies. The MPA will advise which are the relevant bodies which should be contacted and supply names and phone numbers – The Environment Agency however, should be contacted in all cases.

5. COMMUNITY LIAISON

Where proposals relate to larger sites or sites that may be worked over many years, it may be particularly helpful for the applicant to discuss the issues at an early stage with the local community for example by arranging public meetings and exhibitions (in consultation with the MPA).

6. APPLICATION FORMS

These will be supplied by the MPA. Applicants should fill in and return **THREE COPIES** of the application forms.

7. PLANS AND DRAWINGS

For full details of the plans and drawings, which should be submitted with the application, see section 6 of the application form.

8. BASELINE INFORMATION

It is important that appropriate studies of the existing situation at the mineral site are carried out and the findings presented as "baseline information" so that the impact of working can be assessed in order that any new conditions, or schemes of working to be put forward in the application can be shown to address the special circumstances of the site. Baseline information will be required on topographic levels and (contours and sections), background noise levels, water resources/quality, dust, landscape features, existing vegetation, nature conservation interests, archaeology and the historic environment.

9. AGENTS AND CONSULTANTS

Applicants may wish to instruct consultants to assist them with the preparation of their submissions.

10. SECURITY

Plans and drawings are open to inspection by the public but applicants are not required to disclose any proposed security arrangements.

11. CERTIFICATES

The appropriate certificate (see below) should be filled in to provide information concerning the ownership of land and minerals at the site.

The applicant should complete and submit one of four certificates, which are supplied by the MPA with the application forms:

If the applicant is the owner of the land and relevant minerals at the site Certificate A is appropriate.

If the applicant is not the owner of all land and relevant minerals at the site but the other owners are all known to him, Certificate B is appropriate. The applicant must also serve Notices under Article 6 on the owners.

Certificates C and D are appropriate if the applicant has made efforts to trace the owners and have failed.

The agricultural holdings certificate must be completed indicating whether or not any of the land to which the application relates constitutes or forms part of an agricultural tenancy. If it does, you will also be required to serve an Article 6 Notice on the tenant.

12. PROCESSING OF THE APPLICATION

On receipt of a valid planning application for determination of new Conditions Cornwall Council's Planning and Regeneration Service will process your application. It will be advertised in a local newspaper and by posting a notice on the site. Further consultations will be made with relevant statutory bodies, local authorities and other organisations.

The application file will be available for inspection, under the Freedom of Information Act.

The case officer will arrange a site meeting with the applicants and any other relevant parties.

A report will be placed before the Planning Committee, and when the Committee has made a determination, the applicant will be informed (within 2 working days either by telephone or by formal Decision Notice). Normally a Decision Note will be issued within 10 working days of the Committee's determination.

Unless the applicant agrees in writing the application must be determined within 3 months of receipt of the application, will be deemed to have been approved.