

Mineral Working Application - Notes for Guidance

1. Introduction

Please read these notes carefully as they have been prepared to help you make your application for Mineral Working. This means an application for planning permission for development consisting of the winning and working of minerals, other than oil, gas, coal, gold or silver, by underground working.

There is a hierarchy of development types for planning applications. Each development level - national, major and local - has different procedures governing the submission, processing and determination of a planning application.

Your application must be:

Made on the 'Mineral Working Application' form, with completed 'Owners and Agricultural Tenants Certificate' issued by Dumfries and Galloway Council or available by downloading from the website - www.dumgal.gov.uk/planning;

Accompanied by six sets of plans and drawings which identify the land and describe the development you propose and show neighbours notified (one set will be used for display purposes);

Accompanied by the relevant fee deemed necessary under the Fee Regulations, and an advertisement fee.

Immediately prior to making your application, you must formally notify any known owners of the application site of your proposals. The planning authority will notify parties holding an interest in "neighbouring land".

Having your application complete in all respects will help to speed up the process of registration and the time it takes the Council to make a decision. An incomplete application cannot be validated.

If the application form is completed by someone acting on the applicants behalf, that person will be the point of contact for all correspondence.

2. Pre-application Phase

Pre-application discussions are encouraged particularly for complex proposals, but are not statutory and may not be appropriate in all cases. Advice is given in good faith, is free of charge and may save you time and money.

You can expect at a pre-application meeting to: identify the applicable planning policies and guidance; discuss amendments required to make a proposal acceptable in principle and likewise if the proposal is wholly unacceptable; consider supporting information requirements; inform on the need or otherwise for specialist input, a legal agreement or community engagement; advise on the likely timescales for processing any application and committee dates. This should assist in the preparations of proposals for formal submission.

Please note that no definitive undertaking can be given as to whether or not a proposal will be favourably considered in the event that a planning application is submitted. Please telephone first to make an appointment.

New statutory requirements have been introduced to ensure that communities are made aware of and have the opportunity to contribute their views on major development proposals. Schedule 1 of the Hierarchy Regulations (Class 8) categorises the extraction of minerals with a site area of 2 hectares or more as a major development. It should be noted that this relates specifically to the extraction of minerals and does not include the storage of minerals or other types of mining operations.

In the case of an existing major minerals site which has consent, where the operator wishes to put in an application for an extension, only the proposed new area of extraction will be taken into account in determining whether the extension application is for a major development.

3. Submission Standards

The plans and drawings you submit with your application must accurately describe the proposal, clearly reflect on site conditions and tie in with the written description.

Wherever possible, it would assist if plans and drawings were either A3 or A4 size. If this is not possible then all plans should at least be provided to the internationally recognised ISO standard e.g. A2, A1, A0. Application details are published online and made available to view on the Council website - www.dumgal.gov.uk/planning To assist with electronic conversion and publication; all drawings should include a unique identification number; colouring should be restricted to that required for site identification and otherwise kept to an absolute minimum; plans should be drafted in Bold Black on a clear white background to ensure clarity; annotation should also be bold and clear and kept to a minimum where possible.

The site plan should include a North point and a scale bar to a recognised architectural scale to ensure accurate measurement of electronic versions - imperial scales will invalidate your application; and materials to be used should be specified on the drawings.

Extracts from Ordnance Survey maps are available from your area office. A fee is charged for this service, which includes OS royalty charges.

For Data Protection reasons, personal signatures, home telephone numbers and e-mail addresses should not be included on any plans or other supporting documentation, as the plans etc. will be available to public view online.

Where supporting information is submitted by CD Rom (e.g. Environmental Impact Assessment (EIA), Transport Assessment (TA), Planning Statement, etc), individual file size should be kept to a maximum size of 10MB (but there is no upper limit on the total size of all the files submitted to support an application) and ideally supplied as standard Microsoft Office format such as Word / Excel, pdf format or standard image formats e.g. tiff, jpeg. Documents should be separated into individual chapter files of no more than 10MB each which should be clearly identified.

You should provide:

Location Plan (6 copies)

This should be at a scale of at least 1:2500 and should show:

- Land to which the proposal relates and its situation in relation to the locality and in particular to neighbouring land (an area or plot of land which, or part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed)
- The site to be developed edged in red, with any other land belonging to the property outlined in blue

Please ensure that location plans, where not sourced from the Council, are provided under appropriate licence number and/or copyright notice and this is clearly indicated on the plan.

Site Plan (6 copies)

This should be to an appropriate scale e.g. 1:500 or 1:1000 (include a scale bar) and should show:

- The direction North
- Any access arrangements, including geometry and measures to improve visibility
- Where possible, all buildings, roads and footpaths adjoining the site including access arrangements
- The full extent of the proposed workings and any buildings to be erected
- The area (if any) already worked and the proposed areas of working
- The sites proposed for the storage of any materials
- The depth, length and orientation of any working face
- The method of drainage including surface water
- The position of any proposed fencing, walls, earthworks
- The route of any overhead electric transmission line
- Any footpath or footway that crosses or adjoins the site and identify if they are impacted by the proposal. Legal procedures and closures need to be completed before works commence on site
- Any parking provision
- Any landscape works and substantial trees both on and adjacent to the site
- Any phasing of the development

Levels and Sections (6 copies)

This should be to an appropriate scale and show existing and proposed ground levels related to Ordnance Datum. You must also provide at least two cross sections through the site to show the original, extracted and restored levels.

Elevations (6 copies)

These should be drawn at a scale of at least 1:100 and/ or 1:50 for any buildings or plant. You should specify the colour and type of all external finishes and materials you propose to use.

4. Additional Details

Mineral to be extracted

Full details should be given of the type of mineral to be extracted e.g. sand, sand and gravel, sandstone, granite, peat etc.

Mineral processing

Most minerals require a degree of processing. This may range from screening or grading through to crushing. Usually processing takes place on site, but where processing will occur off site, there are obvious transportation implications which will need to be assessed. The off-site processing site should be given to assess the likely route taken during transportation.

Mineral washing and drainage

If it is intended to provide the development with a private water supply, details of that supply may have to be provided to enable the Council to determine whether the quantity of water is adequate to serve the development. It must be stated whether a closed system through settling ponds will be used or whether a discharge will be made to a water course.

A Drainage Assessment (DA) will require to support the planning application. This needs to consider surface water drainage, any SuDS control features and measures proposed to deal with any polluted or contaminated water runoff prior to outfall.

Means of access and vehicle movements

It is important to determine whether the proposed access is of an appropriate standard, and the proposed haul route is capable of accommodating increased use by heavy vehicles. An estimate should be given of the average and maximum number and size of vehicles visiting the site each day. Consideration may need to be given to the provision of passing places.

A Transport Assessment (TA) will be required where the development is likely to have significant transport implications.

A pre-application discussion with the appropriate Council Roads Officer is recommended, for developments involving an appreciable increase in vehicle movements.

Reserves

The area of the application site should be given in hectares to two decimal places, e.g. 1.52ha. The estimated maximum depth of excavation must be given in metres and shown on the cross sections through the site. Using these two figures it should be possible to give an estimate of the total workable quantities of a mineral, which must be given in cubic metres. Mineral planning permissions are always granted for a limited time period; it is therefore important that an estimate is made for the period of operations, including any proposed phasing.

Existing use of land

The existing or last use of the land and any buildings on site should be specified.

Type of working

It is important that the Council as Planning Authority is aware whether the proposal is a new working, a continuation, an extension or resumption, or the working of quarry waste. Where the proposal is a continuation, an extension or a resumption, some facilities may already be in place e.g. screening, access, plant, accommodation, etc.

Trees

Trees are an important part of the environment and should be retained wherever possible. Carrying out of mineral works could affect the trees. You should accurately show on your plans the position, height, spread and species of any trees and hedges on, adjacent to or overhanging the site, together with any measures to be taken to ensure their protection. Those trees and hedges to be felled, topped or lopped should be clearly shown on the plans.

Archaeological remains

The developer is required to identify the impact of their proposals on any archaeological remains. Known archaeological sites are recorded in the Council's Sites and Monuments record. Pre-application discussions with the Council's Archaeologist are recommended.

Screening of workings

Mineral workings, however temporary, have a marked impact upon the environment, in terms of both visual amenity and noise effects. Every effort should be made to minimise the impact, either through sympathetic setting within the landscape, or the use of temporary screening features, such as earth bunds or embankments. Advance planting of trees or shrubs is also encouraged. The location of all screening measures should be clearly shown on the plans.

A pre-application discussion with the Council's Landscape Architect is recommended for major developments.

Storage of topsoil and overburden

Mineral extraction generally involves the careful removal of topsoil and subsoil prior to extraction. To preserve the quality of topsoil and subsoil it is essential that soil handling is minimised. Once removed it should be stored in such a way that it will not require further disturbance until ready to be spread as part of the restoration process. It is also important that topsoil and subsoil are stripped and stored separately to reduce contamination. The storage positions of these materials should be clearly shown on the plans.

Treatment of land after extraction

The restoration and after use of a site following mineral extraction is an important consideration in determining any application. To avoid the creation of waste land and to ensure the successful restoration of every site, a restoration scheme must be submitted for consideration.

Opportunities may arise for a variety of end uses, such as agriculture, forestry, landfill or amenity and recreational uses.

Mineral sites can be regraded using the material available on site, or can be infilled to some agreed final level. There may be merit in retaining an area of water.

The type of material to be used for infill must be stated e.g. topsoil, subsoil, builders/construction waste, industrial waste etc.

Circumstances may dictate that a restoration bond is appropriate.

Starting date

An estimate of the anticipated starting date should be given where the proposal involves a new working.

Operating times

Details should be given of the working hours of the site. These times should accurately reflect the maximum likely use of the site rather than the minimum. Any regular variation from the standard days of working should be detailed.

Staff employed

The 'total' number of staff employed will be the total number expected to be operating on or from the site after the development has been completed. If you expect this number to change over time, please give details in a covering statement.

Plant and machinery

Full details should be given of all plant and equipment to be used on site; including fixed plant, mobile plant and wheeled and tracked vehicles. The location of any fixed or mobile plant must be clearly shown on the plans. The use of all buildings on site e.g. offices, weighbridge, vehicle / machinery stores, workshops etc. must also be shown on the plans.

Phasing of works

A phased programme of extraction and reinstatement must be submitted and shown diagrammatically on the plans.

5. Environmental Impact Assessment

The Environmental Impact Assessment (Scotland) Regulations set out the circumstances when an Environmental Statement will be required.

Developments listed in Schedule 2 of the EIA regulations, which include quarries of any size, require to be the subject of a screening opinion from the planning authority.

If an EIA is required, a further opinion may be sought from the planning authority with regard to the scale of the assessment required. Even if an EIA is not required, it can still be essential to provide a method statement with your application setting out the likely impacts on the local environment and how the proposals will address these.

6. Section 75 Legal Agreement

Some applications require a legal agreement, which may restrict or regulate the development or use of the land or seek to offset the impact of the development.

7. Neighbour Notification

The responsibility for notifying those with an interest in neighbouring land that a planning application has been submitted now rests with the planning authority. The statutory neighbour notification period is 21 days.

The term "neighbouring land" is defined as:

"an area or a plot of land which, or part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed."

The boundary of the land for which development is proposed falls to be determined in the circumstances of the case. In practice the boundary of the land will normally be the red line on the application location plans.

8. Owners and Agricultural Tenants Notification and Site Notices

You do not need to have any legal interest in the site to which the planning application relates. You are, however, legally required to give notice of the making of the application to any person (other than the applicant) who to "the applicant's knowledge", is the owner of any of the land to which the application relates or an agricultural tenant.

Owners are any persons who, 21 days before the date of the application, own any part of the site or have a lease with at least seven years to run, or is entitled to an interest in any minerals, other than oil, gas, gold or silver.

Complete the Council's standard notification form, 'Notice to Owners and Agricultural Tenants' and serve in person or by postal delivery service to each person you have to notify or alternatively give notice in the form set out in Schedule 1 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. Then complete the 'Owners and Agricultural Tenants Certificate'.

If you cannot identify the names and address of any owners of the application site or any part of it you should contact the appropriate area office. The Council will advertise the application, at the applicant's expense providing the applicant has taken steps to identify such persons.

In addition to those owners and agricultural tenants with rights in relation to the relevant surface land, there may be other people with ownership rights to minerals, other than those vested in the Crown, who may be difficult to identify and notify for this reason. Additional publicity therefore requires to be undertaken by the planning authority who will give notice of the application by affixing up to five site notices on objects in the locality of the proposed development.

9. Fee Payable

The correct fee must accompany your application. Cheques should be made payable to: Dumfries and Galloway Council. A table of fees is provided for your information.

Please note, that the fees are set by the Scottish Executive and are subject to periodic review. If a 'valid' application is 'withdrawn' or 'refused', no refund can be paid.

10. Charge for Publication of Notices

The Council is required to advertise certain types of applications in a local newspaper. The applicant is required to meet the cost of publication of a notice in the following circumstances:

- Where the planning authority is unable to serve notice on "neighbouring land" to a proposal site due to the absence of premises on it;
- Where the applicant has been unable to notify the land owners and/or agricultural tenants of the proposal site;
- Under regulation 20(1)(c) as mineral working involves an activity specified in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (developments which may have impacts over a wider area).
- Where the application relates to development that does not accord with provisions of the development plan.

Where more than one of criteria for publication is met a notice need only be placed once.

Please note that payment must be made within 21 days of the applicant being notified in writing of the costs incurred, which will be divided by the number of applications which appear in the same advert. The costs require to be recovered by the planning authority before it can determine the application.

The Council will also display at least one "notice" at the site.

11. Application Submission

You should submit your hard copy application by post or in person to the Planning Service office that will register it. These are:

Annandale and Eskdale

Council Offices, Dryfe Road, Lockerbie. DG11 2AS
Tel: 01576 205046, Fax: 01576 204455.

Nithsdale

Kirkbank, English Street, Dumfries. DG1 2HS
Tel: 01387 260199, Fax: 01387 260188.

Stewartry

4 Market Street, Castle Douglas. DG7 1BE
Tel: 01556 505200, Fax: 01556 505220.

Wigtown

Ashwood House, Sun Street, Stranraer. DG9 7JJ
Tel: 01776 888417, Fax: 01776 705697.

11. Electronic Communication

Documents sent by means of electronic communication must be capable of being accessed by the planning authority, legible in all material respects i.e. all the information must be available to the planning authority to no lesser extent than it would as sent by hard copy, and must be sufficiently permanent for use for subsequent reference.