Please see Annex AC2 for supporting information, and the “Introduction” for Health and Safety considerations and advice on the use of the guidance.

1. **Planning Conditions or Aftercare Scheme**  
   Is the aftercare management of the site governed by planning conditions or is it set out in an approved aftercare scheme?

2. **Reserved Matters**  
   Have all the aftercare items left as reserved matters been submitted in accordance with the deadlines imposed in the planning conditions (e.g. aftercare scheme or drainage scheme details)?

3. **Variations to Aftercare Conditions/Approved Aftercare Scheme**  
   Is there an agreed mechanism in place between the MPA and those responsible for aftercare, to deal with requests for variations to the planning conditions or approved aftercare scheme?

4. **What is the Restoration Standard**  
   The 1990 Act sets out different standards of restoration in Schedule 5. Is it a Schedule 5 Paragraph 3 (1) or Paragraph 3 (2) standard?

5. **Agricultural Management**  
   Where the land is being restored to agriculture, is the land being managed as arable or grassland. Are these uses still appropriate?

6. **Detailed Annual Strategy/Aftercare Report**  
   Has the detailed annual strategy and aftercare report been submitted, and on time?

7. **Annual Aftercare Meeting**  
   Is there a date, at an appropriate time of year, for the annual aftercare meeting and have all relevant parties been invited? If appropriate, has the excavation of soil profile pits been arranged prior to the meeting?

8. **Funding**  
   Are there sufficient funds available to complete the aftercare obligations?
For more detailed information see:

- **MPG7 The Reclamation of Mineral Workings** (DoE 1996) (Paragraphs 56-74, 97-102 and Annex A)
- Guidance on Good Practice for the Reclamation of Mineral Workings to Agriculture (DoE 1996) (Pages 28-33, Annex A (MPA's) & Annex B (Operators))

Cross references:

- AP 11
- SW 2
- RN 2
- AC 1, 3
1. Planning Conditions or Aftercare Scheme

The **1990 Act** Schedule 5 Paragraph 2 (3) states that aftercare conditions can be imposed in one of two forms, either:
- aftercare conditions established at the time of planning approval which specify the steps to be taken, or
- a condition which requires an aftercare scheme to be submitted at a later date to the MPA for approval

An aftercare scheme will normally be more appropriate where restoration and aftercare may not commence for several years once site working has commenced. Aftercare conditions are unlikely to be suitable, as it will be impossible to predict accurately what may happen during the working period or allow for changes in aftercare management techniques. For shorter working life sites, or sites where progressive restoration is carried out, conditions specifying the detailed steps to be taken and establishing appropriate parameters may be more suitable. This enables all parties to be clear about what is required from the outset and means the operator does not have to produce an aftercare scheme during the working phase of the site in a relatively short space of time.

If an Aftercare Scheme is to be submitted, MPG7 *The Reclamation of Mineral Workings* (DoE 1996), Annex A - Boxes 5 and 6, detail what the submitted scheme should include.

2. Reserved Matters

If the provision of an aftercare scheme is specified in the planning conditions, the MPA should check to see if it has been submitted on time. The Defra recommended ‘model’ condition states - “An agricultural aftercare scheme outline strategy shall be submitted for the written approval of the MPA at least 3 months before spreading of subsoil commences...”.

From the agricultural perspective, it is important that an approved aftercare scheme is in place before formal aftercare commences. The absence of an approved scheme could lead, not only to confusion for all parties concerned, but also reduce the prospects of a successful land rehabilitation programme. The aim of the agricultural management during aftercare should be to assist with the rehabilitation of the land in terms of soil structure and stability. Failure to carry out the correct agricultural management may not only slow the rehabilitation process but, in some cases, cause irreparable damage. Examples where severe damage could occur would include arable cultivations being carried out when soil conditions are too wet, or livestock allowed to graze too early or late in the season, causing ‘poaching’ (severe damage to the grass by cattle or sheep hooves - normally occurs when the land is too wet or when livestock concentrate in a small area, such as around a feeder or water trough), or large, heavy livestock may also causing poaching of the land even in relatively dry conditions.

Similarly, the submission of detailed plans for a land drainage system need to be submitted a few months in advance of when the system is due to be installed. For agricultural restorations, the normal practice is to install underdrainage during the first or
second summer of formal aftercare. Therefore, detailed plans should be submitted to the MPA for approval during the preceding late winter or spring.

3. Variations to Aftercare Conditions/Approved Aftercare Scheme

The County Planning Officers Society booklet Good Practice Guide for Mineral Planning Conditions (November 1995), has a recommended model policy which begins “Unless otherwise agreed in writing by the MPA the working, restoration and aftercare of the site shall be carried out only in accordance with the working programme...”. Therefore, by implication, any requests to vary the approved conditions need to be submitted in writing to the MPA. This is the recommended approach which should be adopted in the majority of cases. However, there will be instances where the variation being sought is a very minor one or, for practical reasons, a decision needs to be taken rapidly. It would therefore be sensible for the operator and MPA to agree at an early stage how minor or urgent requests for variations are to be dealt with. Issues to be agreed should cover:

- how are such requests to be communicated to the MPA
- how the MPA’s decision is to be communicated to the operator; and
- whether all requests and decisions are to be confirmed retrospectively in writing

Major changes, such as changing the agricultural management of the land from a grassland to an arable regime, should be formally submitted to allow for full consideration of the request.

4. What is the Restoration Standard

The 1990 Act establishes two standards of restoration in Schedule 5, paragraph (3). Where restoration to agriculture is carried out in accordance with Schedule 5, paragraph 3 (1), a ‘Statement of Physical Characteristics Report’ will have been prepared describing in detail the physical characteristics of the land when it was last used for agriculture. The aim is to restore the land to its original physical characteristics, as far as it is reasonably practicable to do so. If achieved, this should safeguard the site’s original agricultural land quality. For poorer quality agricultural land or where a site contains despoiled or derelict land, it will be more appropriate to aim to return the land to a standard where it is fit for the use specified in the aftercare conditions (Schedule 5, paragraph 3 (2) to (4)). It must be emphasised that although 3 (2) to (4) standards are not as high as 3(1), they may not be any easier to achieve. Where the proposals are to improve the standard of restoration by, for example, swapping impermeable original subsoil with more permeable overburden, then the 3(2) standard is appropriate, as the original physical characteristics are not being restored.

5. Agricultural Management

Where agriculture is an after-use on part or all of the site, the proposed agricultural management regime needs to be known from the outset. This may have been established in agricultural aftercare conditions at the time of planning approval, or it may
form part of the aftercare scheme left as a reserved matter. If the latter, the management regime will dictate all of the steps proposed in the aftercare scheme.

The choice of crop should be matched to the physical nature and state of the restored soil, the local climate and the skills of the person farming the land. Again, it must be emphasised that the aim is to facilitate the rehabilitation of the land and not simply to grow what is most economic or profitable at that time. Traditionally, grass has been the initial aftercare crop and in wetter climates or areas with a relatively short growing season, this is probably still the most suitable. However, in dryer and warmer parts of the country, arable cropping - normally cereals - has become more popular, particularly on sand and gravel sites. Crops which leave the soil bare over winter, require harvesting late in the year because of crop type (e.g. maincrop potatoes, field beans, sugar beet and forage maize) or climatic constraints, or have a limited root depth, are not normally appropriate.

6. Detailed Annual Strategy/Aftercare Report

MPG7 The Reclamation of Mineral Workings (DoE 1996) recommends that the annual aftercare report be submitted to the MPA not less than one month before the formal aftercare meeting. Annex A, Box 6 provides detailed guidance on what should be included in the aftercare report. However, the report should cover three broad areas:

- expand upon the outline aftercare scheme to provide detail of work to be undertaken during the coming year
- whether there are any variations to the original proposals, as set out in the aftercare scheme or conditions, and
- confirm what work has been carried out during the preceding year and, if applicable, include the results of any soil analysis or details of fertiliser/spray applications

In the first year of aftercare the details of work proposed during the coming year should be included in the aftercare scheme.

It is important that the aftercare scheme is submitted on time, to allow the MPA and other parties attending the annual aftercare meeting time to consider its contents. Presenting the report at the meeting is unacceptable.

7. Annual Aftercare Meeting

The MPA will need to decide whether an aftercare meeting is necessary to review the steps undertaken the previous year and discuss the steps proposed during the coming year. In most cases there will be at least one formal aftercare meeting per year, to which the MPA, operator (or landowner/farmer if they are responsible for the aftercare) and any expert advisers, should be invited to attend. There may be instances when it is appropriate to have more frequent site meetings, particularly if a problem has arisen.
If there is to be an inspection of the soil profile, for example, to investigate the development of soil structure or it’s suspected that poor crop growth or establishment is due to a soil problem, such as compaction or poor drainage, the operator should ensure that adequate pits have been dug prior to the aftercare meeting.

8. Funding

The 1990 Act Schedule 5, paragraph 6 provides for the last person using the land for winning and working of minerals to be financially liable for the aftercare of the land, unless an alternative legal agreement is in place. The operator should therefore ensure that there is provision of sufficient funding to cover the aftercare costs. Alternatively, the MPA may seek a ‘bond’ at the outset, to ensure the site can be adequately reclaimed.