Please see Annex AC1 for supporting information, and the “Introduction” for Health and Safety considerations and advice on the use of the guidance.

1. Agreed Lines of Communication
It is vitally important that clear lines of communication are agreed with the MPA, those responsible for aftercare (operator, landowner or farmer), the landowner/farmer, Defra representatives and any others with an interest in the site (e.g. Forestry Commission, environmental organisations).

2. Technical Support to the MPA
The MPA should inform Defra if there are specific technical issues they need advice upon or wish Defra to attend aftercare meetings.

3. Who is Responsible for Aftercare
Depending on the legal agreements between the mineral operator and the agricultural landowners, the aftercare responsibilities may rest with the operator, landowner or farmer. The MPA, therefore, needs to ensure that whoever is responsible for aftercare of the site is aware of any obligations set down in the aftercare conditions, approved aftercare scheme or other legal agreements in place.

4. Agricultural Set-Aside
The landowner or farmer may wish to set-aside agricultural land in aftercare under the Arable Area Payment Scheme (administered by the Rural Payments Agency). If this is the case, they will need to be reminded of their 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 1
• RN 1
• AC 2, 3
1. Agreed Lines of Communication

At the aftercare stage of a restored mineral or waste site, there can often be several parties with an interest in the site such as:

- the MPA
- the mineral/waste operator and/or their consultants
- landowner(s)/farmer(s) and their agents
- Defra
- Forestry Commission
- Environmental organisations

Normally, the aftercare conditions will specify those who will be invited to the annual aftercare meeting (usually the MPA, Operator and Landowner plus Defra or the Forestry Commission depending on the after-use of the site). However, the MPA needs to establish good lines of communication with all those with an interest in the site to avoid later confusion.

2. Technical Support to the MPA

Following the refocusing of MAFF’s input to land use planning work, Defra may not always be present at the formal aftercare meetings where agriculture is the main or sole after-use of the site. However, the MPA may seek technical advice from Defra prior to the aftercare meetings if a Defra representative is not going to be present. The MPA should discuss with Defra at which sites the MPA would wish to have Defra representation.

3. Who is Responsible for Aftercare

In most cases, the mineral or waste operator will retain control of the aftercare of the site following restoration. However, depending on the legal agreement between the operator and landowner(s), it may be the landowner or farmer who is responsible for aftercare. If the aftercare responsibilities rest with someone other than the mineral or waste operator, the MPA should ensure that everyone is aware of the obligations set out in approved planning conditions, aftercare scheme or any other legal agreements in place. If the aftercare will be undertaken by the landowner or farmer, they may need to be reminded that the primary objective of aftercare is the rehabilitation of the land and not economic considerations. If the aftercare management is carried out sensitively, it should be possible, over a period of time, for the land to be treated in the same way as undisturbed land.

4. Agricultural Set-Aside

Under the Arable Area Payment Scheme (AAPS), farmers can claim area payments on cereals, oilseeds and protein crops. Normally, in order to qualify for these payments, the
farmer has to ‘set-aside’ a percentage of their land. Set-aside land has to be maintained in a good agricultural condition.

There is no objection in principle for land in aftercare to be set-aside, but the farmer and operator should be aware that set-aside management conditions do not exempt them from aftercare obligations. On occasions, there may be conflicts between the set-aside management conditions and aftercare obligations. Farmers should, therefore, be advised to check that they can fulfil both the aftercare obligations and set-aside management rules before putting aftercare land into set-aside. If land has to be subsequently withdrawn from set-aside, it may lead to the imposition of penalties.