Please see Annex AP12 for supporting information, and the “Introduction” for Health and Safety considerations and advice on the use of the guidance.

1. **Is the site currently in agricultural use**
   If not, any impact upon agricultural holdings is unlikely to be detrimental. If the site is in agricultural use, the considerations below may be relevant and should be considered.

2. **Is the land owner-occupied or are there agricultural tenants involved**
   Agricultural tenancies vary in the amount of security offered to tenants and in the levels of compensation available when land is taken by the landlord for development. The effects of the loss of land will normally be more significant for tenants than for owner-occupiers, who will generally receive income from the development. The effects on agricultural holdings will depend upon a number of factors such as:
   - a. **area of land to be lost to the development at any one time and size of the agricultural holding**
   - b. **ALC of the land**
   - c. **location/special importance of the land in relation to the rest of the agricultural holding and it’s enterprises**
   - d. **whether the tenant will farm the land again once restored**
   - e. **whether any buildings are affected**
   - f. **impacts upon access, drainage and water supplies**
   - g. **impacts upon the water environment in the area**
   - h. **dust on agricultural crops**
   - i. **provisions to prevent the spread of plant or animal diseases**

3. **Is there agreement between all parties as to the objectives of the restoration and after-use**
   Clear understanding and agreement between the operator, landowner (and tenant) is required on the restoration objectives and the after-use. Due to the long-term nature of mineral development, this consensus must include parties with a future claim on the land such as trust beneficiaries, otherwise conflicts can arise when much of the future of the site is already set through schemes of working, restoration and aftercare.
**COMMENTS**

For more detailed information see:

Cross references:
- AP 3, 5, 7, 11
- SW 3, 10
- RN 1, 2, 9, 10
- AC 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
1. **Is the site currently in agricultural use**

The specific impacts of mineral development on agricultural holdings are dealt with below, but a general consideration is the loss of the land to the agricultural holding in terms of viability, where the land is in agriculture prior to the development. There may be circumstances where the land is an old mineral void which it is proposed to restore to agriculture. In this case, not all the following impacts will need to be considered, although some will remain relevant.

It may also be appropriate to consider some of the following impacts in relation to adjoining agricultural land and holdings; for example, dust and the effect of the proposed development on the water environment in the area.

2. **Is the land owner-occupied or are there agricultural tenants involved**

Where the following issues are likely to be significant, the applicants’ should provide an assessment of the effects of the proposals on the agricultural holding, produced by an appropriately qualified person such as a Chartered Surveyor (Rural Faculty), or a member of the British Institute of Agricultural Consultants. Some of the impacts are common to all holdings, either owner-occupied or tenanted, and include:

- **area of land to be lost to the development at any one time and size of the agricultural holding**
  The area of land taken out of production at any one time compared to the size of the agricultural holding will have implications for its viability, although this will normally only be an issue with tenants, as owner-occupiers will receive income from the development. The loss of land can result in the under-utilisation of buildings, equipment and labour. Land within aftercare will generally not be as productive or profitable as undisturbed land, at least in the short-term.

- **ALC of the land**
  Generally, the higher the ALC of the land, the more productive and profitable it will be. The loss of high quality land may, therefore, be more serious to the holding than the loss of poor quality land (but see below).

- **location/special importance of the land in relation to the rest of the agricultural holding and it’s enterprises**
  Certain parcels of land are of disproportionate importance to the agricultural holding due to factors such as their location. For example, in-bye land in upland areas, or fields near to the main group of buildings on a dairy farm, may be important for keeping stock requiring close supervision. Other fields, for example, may contain the borehole(s) for the farm’s water supply for both irrigation and general use.

- **whether the tenant will farm the land again once restored**
  If the agricultural tenant is to farm the land once restored, it is essential that the person(s) responsible for the aftercare has control of the land during the aftercare
period, to ensure that the aftercare objectives are met. For example, the primary objective of aftercare is to rehabilitate the land and this may mean not managing the land to maximise profits.

e. **whether any buildings are affected**
Proposals which affect agricultural buildings may, for example, result in insufficient storage capacity for grain or livestock accommodation, causing serious difficulties for the holding in question.

f. **impacts upon access, drainage and water supplies**
Proposals which interfere with agricultural drainage, water supplies (including irrigation) and access will require appropriate remedial works and/or temporary accommodation works to be provided by the applicants. The interruption of irrigation supplies, for example, can have very serious consequences for the profitability of root crops in particular.

g. **impacts upon the water environment in the area**
Where working is to take place below the water table and de-watering is carried out, this may have significant impacts on the water table of land in the area, and potentially on irrigation supplies from boreholes. Generally, the water table of agricultural land should be at least 1 metre below ground level, and maintained at this level by an underdrainage scheme, where necessary. But mineral extraction requiring de-watering may also lower the water table of neighbouring land significantly, leading to increased droughtiness, reduced crop yields and water available for irrigation from boreholes. Low level restoration of mineral sites may require lining of the void and perpetual pumping: this may interrupt the movement of groundwater also leading to the problems identified above (Low Level Restoration of Sand and Gravel Workings (DoE 1989) Chapters 3 and 4). Where proposals affect the water environment significantly, the applicants should provide an assessment of the effects of the development on the water environment, together with details of any remedial works proposed, prepared by appropriately qualified hydrologists/hydro-geologists.

h. **dust on agricultural crops**
Dust from mineral sites may be a problem, particularly when soil handling operations are taking place in dry conditions and adjacent to haul roads. In severe cases, dust may limit the palatability of grass to livestock and lead to problems with marketability, where vegetable or fruit crops are affected.

i. **provisions to prevent the spread of plant or animal diseases**
Plant and animal diseases may be spread from one agricultural holding to another through contaminated soil carried on plant and machinery, or through imported soil or soil-forming materials and amendments. Seagulls may be attracted to *landfill sites* and to mineral sites which have large water bodies. They often use “loafing areas” on adjoining agricultural land, which can lead to crop damage and potentially to the spread of animal diseases. *Seagulls can pick up waste food from landfill sites and drop it on outdoor pig units in the vicinity, which*
can lead to the spread of diseases such as Swine Fever. Landfill sites may also attract vermin such as rats and flies which can spread animal diseases. Applicants and contractors should follow the advice given in “Preventing the Spread of Plant and Animal Diseases – A Practical Guide” (MAFF 1991 PB0486).

3. Is there agreement between all parties as to the objectives of the restoration and after-use

It is essential that all parties with an interest in the site (landowners, tenants, operator, future owners/trust beneficiaries) clearly understand the objectives of the restoration and after-use of the site, as well as their responsibilities. Due to the relatively long-term nature of mineral working, the parties who have a claim on the land may change over time along with their priorities. This may lead to conflicts where the restoration and after-use may be set and partially achieved, and new parties with a claim or the original parties with changed priorities attempt to enforce changes. As far as is possible every attempt should be made to ensure that all parties are kept up to date with the progress of the site development, and any changes to responsibilities discussed between all the parties (including the MPA) well in advance. The responsibility for carrying out aftercare must be clearly agreed in writing along with any subsequent changes.