Please see Annex RN2 for supporting information, and the “Introduction” for Health and Safety considerations and advice on the use of the guidance.

1. **Agreed Restoration Scheme**
Before the commencement of the restoration phase, the MPA needs to ensure that there is an agreed restoration scheme in place, if this is not already covered by conditions or a previously approved scheme.

2. **Type of Restoration**
Is the land being progressively restored or is the overburden and soil being taken from storage bunds? How is the restoration being phased?

3. **Variation to Approved Conditions/Methods of Working**
Most planning permissions will normally specify a condition which covers requests to vary a condition or the approved method of working. However, there may be instances where the variation sought is relatively minor, or a practical problem arises which requires a change and a decision is required rapidly. In such instances, the normal method of applying to the MPA for approval of a variation may not be practical. It is therefore recommended that the MPA and operator agree a procedure for notifying minor variations or where a decision is required urgently.

4. **Planning Documentation on Site**
It is essential that a full copy of all planning documentation is available and regularly referred to, in the site office. This should include a copy of the planning permission, planning conditions, environmental statement, all approved plans/drawings and soil handling strategy (if applicable).

5. **Completion of Restoration**
Have all the relevant restoration planning conditions been complied with? Is the operator/farmer ready or able to commence formal aftercare upon completion of restoration? (see also AC3)
For more detailed information see:

- Guidance on Good Practice for the Reclamation of Mineral Workings to Agriculture (DoE 1996) (Page 24)
- *PPG10 Planning & Waste Management* (DETR 1999) (Paragraphs 19-23)

Cross references:

- AP 5
- SW 2, 5, 6, 8
- RN 1
- AC 2, 3
1. Agreed Restoration Scheme

It is often the case that a detailed restoration scheme is not submitted at the planning application stage. This may be due to the length of the site’s working life, or restoration may be covered by detailed planning conditions. Where the detailed restoration scheme has been left as a reserved matter, the planning conditions will normally specify the date when it should be submitted to the MPA. From the agricultural viewpoint, without an approved restoration scheme or detailed restoration conditions in place, the chances of a successful reclamation are greatly reduced.

2. Type of Restoration

The MPA needs to have a good understanding of how the site is being restored, either progressively or with overburden and soil from storage bunds. Either method of restoration has implications where agriculture is the proposed after-use. SW5, SW6 and SW8 give detailed technical advice relating to restoration. However, where land is being progressively restored, great care needs to be exercised to ensure that the correct soil profile is restored in the right location.

3. Variation to Approved Conditions/Methods of Working

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 or methods of working 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

From the Defra perspective such variations could include requests to commence soil replacement earlier than the approved conditions allow, for example due to unusually dry weather in the Spring, or a change in the soil replacement methodology due to different types of machinery being available or trying out a new technique.
4. Planning Documentation on Site

There will be many times during the site working phase when the planning documentation will need to be consulted. This may be a member of the site staff checking an approved plan, or an MPA officer wanting to clarify a particular planning condition. Therefore, it is vital that a full copy of all the planning documentation is available on site, regularly referred to and kept up to date. If there is an approval for a variation to an approved document or planning condition, all the relevant documents should also be copied to the site office to avoid confusion and misunderstanding later on.

5. Completion of Restoration

Before formal commencement of aftercare, it is a requirement that the restoration condition(s) has been complied with. The MPA and operator should therefore review the planning conditions to check for compliance. It is essential that all agricultural related restoration conditions are fully complied with to ensure successful aftercare management.

Upon completion of the restoration is the operator (or appointed contractor) or farmer ready or able to commence formal aftercare of the site? If not, then the site may have to be managed on a ‘care and maintenance’ basis until aftercare can commence. If it is agreed by the MPA and operator to manage all or part of the site on a “care and maintenance basis”, a schedule of works to be carried out needs to be produced and approved. Such situations include where:
  • only a small part of the site has been restored and is not capable of being managed effectively as a separate parcel of land
  • the restoration was completed late in the year and no cultivations are possible to prepare a seed bed for the first crop (grass or arable)
  • agricultural operations on the restored land could disrupt operations elsewhere on the site, or
  • there is not a suitable agricultural occupier or contractor able to commence aftercare

If land is to be left ‘fallow’ (i.e. with no established crop) over the winter months, the land should be disced or cultivated to prevent rapid surface water run-off and soil erosion.