Please see Annex SW2 for supporting information, and the “Introduction” for Health and Safety considerations and advice on the use of the guidance.

1. **What is the proposed after-use**
   Both the MPA and operator need to be clear what the proposed after-use is prior to the commencement of any site working. The type of after-use will have significant impacts on many of the agricultural issues that arise during the site working phase.

2. **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).

3. **Reserved matters**
   Applicants are encouraged to submit as much detail as possible in the initial planning application. However, some issues are left as reserved matters after formal planning permission has been granted. Checks need to be made to ensure that all the appropriate documents and plans have been submitted in accordance with the planning conditions. From the agricultural perspective, this may include a detailed soil strategy, reports detailing actual soil resources and storage location on site following soil stripping and, prior to the commencement of restoration, the detailed restoration scheme/strategy.

4. **Variations to approved conditions/method 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.
For more detailed information see:

- MPG7 *The Reclamation of Mineral Workings* (DoE 1996)
  (Paragraphs 33-50, 97-102 and Annex A)
- Guidance on Good Practice for the Reclamation of Mineral Workings to Agriculture (DoE 1996) (Pages 13-23)
- *Planning Conditions for Mineral Extraction and Waste Management Facilities*

Cross references:

- SW 1
- RN 2
- AC 2
1. What is the proposed after-use

It is important that all those involved during the site working phase (operator and MPA staff) are fully aware of what the proposed after-use(s) of the site is. The final after-use will have a significant bearing on the operations carried out during site working. For example, if it is proposed to restore the site back to agriculture after mineral extraction or waste filling, this should dictate how soil is stripped, handled and stored. If the site has a variety of after-uses, then there may be different methods employed for soil stripping, handling and storage. On sites to be restored wholly or partially to agriculture and a high standard of restoration is required, if the wrong methods are employed at the site working stage, it could ruin any prospect of a successful reclamation.

2. Planning documentation on site

There will be many times during the site working phase where the planning documentation will need to be consulted. This may be by 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 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.

3. Reserved matters

Applicants are encouraged to submit as much detail as possible in the initial planning application. However, some issues are left as reserved matters after formal planning permission has been granted. Checks need to be made to ensure that all the appropriate documents and plans have been submitted in accordance with the planning conditions. From the agricultural perspective, this may include a detailed soil strategy, reports detailing actual soil resources and storage location on site following soil stripping and, prior to the commencement of restoration, the detailed restoration scheme/strategy.

4. Variations to approved conditions/method of working

The Planning Officers Society publication ‘Planning Conditions for Mineral Extraction and Waste Management Facilities’ 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, 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 such requests are 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 stripping earlier than the approved conditions allow, for example due to unusually dry weather in the spring, or a change in the soil stripping plans due to unexpected soil types being identified on site.

It must be emphasised that such informal arrangements should only be used exceptionally for the type of scenario described above and not used as an excuse to bypass the formal procedures.