

Annex M: Illustrative guide to conditions

This guide should be used by both applicants and mpas in the preparation and consideration of new schemes of conditions in conjunction with the guidance above.

Time Limits

Conditions should provide for the date on which the winning and working of minerals or depositing of mineral waste must cease. New time limit conditions should only be imposed with the agreement of the applicant, otherwise the condition would constitute a restriction on working rights which could give rise to a liability for compensation.

Access, Traffic and Protection of the Public Highway

Conditions should provide for the cleanliness of roads leading to and from the public highway and of vehicles leaving the site. Conditions cannot restrict the right of passage over the public highway, but may control access to or from the highway and may provide for the display of on-site signs showing recommended vehicle routes.

Examples include: surfacing quarry access roads with tarmacadam or other suitable material, sheeting of loaded lorries, and installation and maintenance of facilities for the cleaning of wheels and chassis of vehicles prior to leaving the site to prevent dust and other debris being carried onto the public highway; provision of wider splays where access road joins public highway to improve visibility; redesign of access or exit so that traffic can only turn one way; requiring agreed vehicle routes to be displayed at quarry exits.

Working Programme

i. working scheme

Conditions should provide for the way in which the site is to be worked.

For example, conditions specifying:

- a. the limit of excavations - surface area and depth (or' limits on size and height of minerals waste deposits), as appropriate;*
- b. limits on the output from the site, or rate of depositing of minerals waste, as appropriate;*
- c. the phasing of operations;*
- d. the location, design, phasing, treatment and maintenance of baffle mounds and minerals waste deposits;*
- e. the location and design of any acoustic fencing;*
- f. the movement and placement of overburden;*

- g. the location, design and formation of the main haul routes and, where appropriate, access to public highway, such as to minimise disturbance in the vicinity of the site.*

ii. Soil Removal and Storage

Conditions should provide for the management and maintenance of topsoil, subsoil or any other soil making materials.

For example, conditions relating to:

- a. the location, size and management of any existing stockpiles of soil and soil making materials (including where incorporated in existing baffle mounds);*
- b. the amounts of soil materials in unworked areas and their preservation for use in restoration and landscaping;*
- c. the methods of stripping and storage of these materials so as to cause least damage to soil structure;*
- d. the location, design, phasing and management of these additional stockpiles of soil materials;*
- e. the recovery of soil making materials from overburden for use in restoration, where appropriate.*

iii. Hours of Operations

Conditions should provide for the times and days on which specified operations may or may not be carried out.

For example: Except in emergencies, or with the prior agreement of the mpa

- a. no operations, other than water pumping, servicing, maintenance and testing of plant or other similar work, to be carried out except between the following times: [0700 hours and 1900 hours] Mondays to Fridays; and [0700 hours and 1300 hours] Saturdays;*
- b. no servicing, maintenance and testing of plant to be carried out between [2200 hours and 0700 hours] on any day;*
- c. operations for the formation and subsequent removal of material from any baffle mounds and soil/overburden storage areas which would adversely effect occupied residential property not to be carried out except between the following times: [0800 hours and 1800 hours] Mondays to Fridays; and [0800 hours and 1300 hours] Saturdays;*
- d. no working on Sundays, Bank Holidays and National Holidays.*

The precise nature of the condition and the times specified will depend upon the circumstances of the particular case. Longer or shorter hours may be appropriate.

Environmental Protection

i. Dust

Conditions should provide for the emission and propagation of dust to be minimised.

Examples include: requiring water bowsers, sprayers or similar equipment to be used to minimise dust emissions from the site; suspension of movement of soils, overburden and minerals waste during adverse weather conditions; enclosure of dust emitting plant and machinery.

ii. Noise

Conditions should provide for specified noise limits to avoid public nuisance having regard to the nature of the operations to be carried out and the impact on noise-sensitive property at different times of the day; and, for monitoring to ensure that the limits set are not exceeded. Conditions may provide for the erection of acoustic screens, the maintenance of efficient silencers on engines and plant, and the erection of baffle mounds prior to the extraction of minerals.

Further advice on the control of noise from surface mineral working is given in MPG11.

iii. Blasting and Vibration

Where appropriate, conditions should provide for limits on the timing of blasts and on ground vibrations received at noise or vibration sensitive properties; for monitoring to ensure that the limits are not exceeded; and, for methods to be employed minimising air overpressure.

For example:- Except in emergencies, -

- *no blasting shall be carried out on the site except between the following times: [1000 and 1200 hours] and [1400 and 1600 hours] on Mondays to Fridays; and [1000 and 1200 hours] on Saturdays;*
- *there shall be no blasting or drilling operations on Sundays, Bank Holidays or National Holidays*
- *audible warning shall be given prior to the commencement of any blasting operations.*
- *ground vibration as a result of blasting operations shall not exceed a peak particle velocity of [6 mm/sec][10 mm/sec] in 95% of all blasts measured over any period of [6 months] and no individual blast shall exceed a peak particle velocity of [12 - mm/sec] as measured at vibration sensitive buildings. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.*
- *prior to the commencement of any blasting operations a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used shall be submitted to the mpa for approval.*

- *prior to the commencement of blasting operations details of the methods employed to minimise air overpressure from blasting operations shall be submitted to the mpa for approval.*

NB:- the precise levels of peak particle velocity that will be acceptable will depend on the effects on the local environment but will also be governed by the type of mineral being worked, the blasting operations being carried out, and local circumstances. Generally, individual blasts should not exceed 12mm/sec ppv. Average levels should not exceed 10mm/sec ppv, and usually will not be below 6mm/sec ppv in 95% of all blasts, although lower levels may be appropriate in certain circumstances. The appropriate monitoring period must be a period which, relative to the length of time over which blasting is to be carried out, will ensure that the 95% confidence level is being met. In all cases, it will be necessary to ensure that planning conditions do not cut across good and safe practice under Mines and Quarries legislation and advice should be sought from HM Inspectorate of Mines and Quarries before conditions to control blasting are imposed.

iv. Groundwater and Surface Water Drainage Protection

Conditions should provide for the protection of surface and groundwater.

Examples include (where not controlled under other legislation): requirements for the provision of settlement lagoons; the way in which surface water is to be disposed of; the avoidance of impairing drainage from adjoining areas; the prevention of material entering open watercourses; the provision of outfall (including any necessary construction for controlling erosion on site or downstream) for the drainage of a site; and the maintenance of water levels in adjoining areas.

v. Miscellaneous

Conditions may provide for the control of other matters not covered under previous categories.

Examples include: the storage of oil, fuel, lubricants etc to prevent contamination of topsoil, subsoil or any watercourse, and their disposal-away from the site.

Conditions should not unnecessarily duplicate consents and controls imposed by other statutory agencies - eg pollution control authorities.

Landscaping

Conditions may provide for the landscaping of the site, or the submission of a landscaping scheme for the approval of the mpa.

Examples include: requirements for the design of overburden mounds, minerals waste deposits etc, planting and other screening to mask the site so far as possible by blending in to the local topography; requirements for screening through retention of existing trees etc; new planting; design and planting of baffle mounds; and, requirements for the maintenance of existing hedges and fences on the site boundary and the erection of stockproof fencing on those parts of the site boundary which do not coincide with existing hedges or fences.

Restoration, Aftercare and After-use

Conditions should provide for:-

- a. landforms, hydrology and levels of the site - whether a mineral excavation or deposit of minerals waste - on which the final restoration and after-use will take place;*
- b. restoration - use of soils and soil-making materials, including depth and nature of topsoil and subsoil and handling methods for soil movement;*
- c. aftercare - provision for a scheme to be submitted and agreed for a five year aftercare period where sites are restored to agriculture, forestry or amenity after-use;*
- d. where appropriate, the removal of buildings, fixed plant, equipment and foundations and integration of these areas into the proposals for items a to c above.*

Conditions may provide for these matters to be the subject of a scheme or schemes to be submitted at the appropriate phases or times.