



South Downs National Park Authority

MINERALS AND WASTE COMPLIANCE AND MONITORING GUIDE

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South Downs National Park Authority Minerals and Waste Compliance and Monitoring Guide

This plan will be implemented by the SDNPA and should be read in conjunction with the SDNPA Enforcement Guide.

1.0 Introduction

- 1.1 To ensure that the relevant mineral and waste planning policies for the South Downs National Park are upheld and supported it is important that individual developments only take place with the benefit of planning permission and in general accordance with the terms of the relevant planning permission. In this way confidence, consistency and transparency is maintained in the planning system operating across the National Park.
- 1.2 Some minerals and waste developments have the ability to cause significant harm to the environment in a very short space of time through the extraction of new rock faces and the deposit of waste materials on areas of sensitive or important geological or archaeological interest for example.
- 1.3 On 6th April 2006, regulations came into force in England to allow mineral and waste planning authorities to charge a fee to mineral and waste operators to visit a site and carry out monitoring site inspection to measure compliance with the planning permissions. The objective of introducing these fees is to ensure that the planning permissions are monitored in accordance with good practice. These original regulations were subsequently amended in 2012 by The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

2.0 Aims of the Plan

- 2.1 This Compliance and Monitoring Guide sets out:
 - a) How the SDNPA will arrange monitoring visits to minerals and waste sites
 - b) How the SDNPA will determine the number of visits received
 - c) What happens prior, during and after a monitoring visit
 - d) The service operators will receive

3.0 Fee Monitoring Visits

- 3.1 Monitoring visits by the SDNPA take place throughout each financial year to check compliance with planning permissions. Monitoring sites such as quarries, clay pits and oil sites requires the operator to pay a fee to the Local Authority. The objectives are that effective monitoring should:
 - Minimise the need for enforcement or other action
 - Identify and avoid potential problems before they arise
 - Encourage good practice rather than punish bad practice; and
 - Be developed as a means of regular liaison with operators and the public
- 3.9 The maximum number of charged visits to any one site is 8 in any 12 month period. Any additional site visit cannot be charged for. A fee of £397 is payable by the site operator to

the Local Authority in respect of a visit to an active site or £132 in respect of a visit to an inactive site, as defined in the Regulations as set by the Government. The fee is charged after the visit.

4.0 Non-fees visits for waste sites

- 4.1 In 2011, the Waste (England and Wales) Regulations 2011 came into force transposing the key provisions of the EU's 2008 Waste Framework Directive. Part 6 of the Regulations set out the duties of planning authorities and Regulation 19 specifically requires that the (waste) planning authority must ensure that appropriate periodic inspections of those establishments or undertakings (carrying out the disposal or recovery of waste) are made.
- 4.2 Monitoring fees cannot be charged on non-landfill waste management developments. These are however monitored on a similar basis to minerals and landfill sites. Non-fee sites include facilities such as wastewater treatment works, scrapyards, composting sites, waste transfer stations and recycling activities. These sites are generally visited once a year unless there are known or ongoing issues which need to be monitored more frequently.
- 4.3 In practice, it is understood that the Government expect such inspections to occur either as part of a regular inspection regime of monitoring compliance with a planning permission, or whilst investigating any allegation of a breach of planning control. Nonetheless, the main responsibility for inspection activity at waste sites falls to the Environment Agency, especially in respect of process control, pollution prevention and waste acceptance practice. The Waste Regulations introduce a parallel provision for monitoring the 'planning aspects' (e.g. conditions and controlling the use of the site).

5.0 Regularity of visits

- 5.1 Fees and non-fees sites will generally be visited between 1- 4 times a year depending on the activity:
- Mineral extraction and landfill sites – 2 to 4 times per year (depending on scale)
 - Sites in aftercare, dormant or permitted sites yet to commence - once per year
 - Materials recycling facilities - once per year (depending on scale)
- 5.2 The Government considers it is likely that most sites will be compliant and so most should have no more than 4 visits per year. If an active site has a very poor history of compliance and has received several justified complaints and the operator shows no sign of improving and working according to the planning permissions then it is likely that the maximum number of 8 visits per year would be required for this site. Further visits may also be warranted but these cannot be charged for.
- 5.3 If the operator starts to comply with conditions and fewer complaints are received, the number of visits to the site the following year could be reduced to 4. If the trend continues the following year 2 visits would be all that is required. This acts as an incentive for site operators who will save money and time. Sites which are continually non-compliant will have the number of monitoring visits increased.
- 5.4 Inactive sites receive the maximum allowance of one chargeable monitoring visit per year. If there are founded concerns during the annual site visit for inactive sites this will then be investigated further.
- 5.5 If after taking all of this into account an operator considers that it has been subjected to an excessive number of visits then they are entitled to approach the planning authority to request that the number of annual visits is reduced.

6.0 What to expect prior, during and after a monitoring visit

6.1 Operators can expect:

At beginning of financial year:

- Notification of the number of site visits expected over the financial year and a date and time for each scheduled site visit. This does not apply for unannounced or enforcement visits.
- The operator/owner will be given one opportunity to refuse a site visit date. Should any of the dates not suit, they will be required to respond within 14 days from the date of the notification letter to arrange a more suitable date. After that period, the dates will be fixed. Failure to rearrange dates may result in officers undertaking the visit unaccompanied under Section 196A of the Town and Country Planning Act 1990 (as amended).

Prior to site monitoring visits:

- The planning authority will compile a file which contains a complete planning history of the site and a list all the current and previous planning permissions, any related planning obligations or legal agreements and the site monitoring reports.

During site monitoring visit:

- Officers to report to the site office, site manager or staff before beginning the site visit
- A systematic review of all the conditions attached to current planning permissions and any related planning obligations or legal agreements that are associated with the operation is carried out
- Recognition of any good practice is noted
- Boundary Limits are checked
- Discussion is held with the operator to reach agreement on any course of action and timescales to redress any non-compliance with conditions attached to the current planning permission
- Notes of the visit together with photographs will be taken and held on file.

After the site monitoring visit:

- A report is written of the site monitoring visit and sent to the operator within 21 working days of the visit
- An invoice for the monitoring fee (if applicable) is raised and is sent out
- The operator will be expected to carry out any actions agreed at the site meeting and identified in the report in order to comply with the relevant planning permissions/conditions/obligations/legal agreements and to do so within the agreed timescales to avoid potential enforcement action against a breach of planning control.

7.0 Importance of monitoring for the South Downs National Park

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- Mineral and landfill operations involve a continuous process of development, sometimes over many years. While it is recognised that minerals and waste sites are a vital component of the economy, it is also recognised that they have the potential to cause serious harm to

the landscape and environment. Most sites are subject to complex and technical planning conditions to mitigate the physical environmental impact of mineral and waste working.

- 7.2 Any breaches of planning control discovered as a result of a monitoring visit may be escalated to an enforcement case depending on the severity of the breach. Breaches which hamper adequate restoration of the site will be expected to be rectified as a matter of urgency. Failure to rectify such breaches is likely to result in enforcement action.
- 7.3 Where a breach is less severe, such as a technical breach, the operator will receive a warning and will be expected to have complied with any requirements by a given date/the next monitoring visit.

8.0 Liaison Groups

- 8.1 Some planning permissions require the formation of liaison groups. Liaison groups provide a link between site operators and local representatives to discuss any issues which arise from the relevant site. They are normally formed of parish council representatives, local residents, company representatives and usually a planning officer from the local authority. They are a useful tool to resolve issues that would otherwise need to be dealt with by the local authority.
- 8.2 The SDNPA will require liaison groups to be established by way of condition on any new large sites/site extensions with complex issues. Where operators fail to attend liaison group meetings on a regular basis, a Breach of Condition Notice (BCN) may be issued.

9.0 Enforcement action following identification of a breach

- 9.1 Any breach that is considered serious enough to warrant formal enforcement action will be dealt with in accordance with the SDNPA priorities found within the SDNPA Enforcement Guide.