

Minerals and Waste Site Monitoring Plan

2024

Planning and Placemaking



Executive Summary

The Minerals and Waste Site Monitoring Plan (MWSMP) sets out how we, Milton Keynes City Council (MKCC), will monitor minerals and waste planning permissions within the administrative area of Milton Keynes.

The document contains information about our minerals and waste monitoring team, the scope of our monitoring programme, and how we will carry this out. Included is an explanation of site monitoring fees we will charge, where applicable.

Lastly, the document sets out how we will work in line with relevant requirements in maintaining site monitoring data, and how the Planning Service will ensure accountability to our Councillors and residents.

While minerals and waste site monitoring and enforcement against breaches of planning control can be related, they are separate planning functions. The MWSMP relates solely to our monitoring of minerals and waste sites.

Glossary

Development Plan	The framework of policies that, by law, planning decisions on planning applications must be taken in line with unless material considerations indicate otherwise.
Development Plan Document (DPD)	A statutory document or documents that contain policies for planning decisions. This typically includes the Local Plan, Neighbourhood Plans, Waste Local Plan and Minerals Local Plan.
Local Plan	The main planning policy document for the administrative area of Milton Keynes. It contains policies to guide the location and nature of housing, employment and retail development and other forms of development (excluding waste and minerals). It also includes policies and proposals for specific sites.
National Planning Policy Framework (NPPF)	Published by Government in March 2012 and last updated in 2023. It contains national policy guiding the preparation of Local Plans and is a material consideration in making planning decisions.
Planning Policy Guidance (PPG)	Published by Government in 2014 and regularly updated since. It contains national guidance to aid interpretation and application of national policy contained in the NPPF. It sets out the process for preparing Local Plans and is a material consideration in planning decisions.
Plan:MK (2019)	The Local Plan for Milton Keynes, and a key part of the statutory Development Plan. Plan:MK is planned to be replaced by the upcoming New City Plan; the timetable for the adoption of this can be found in our Local Development Scheme .
Waste/Minerals Planning Authority	As a unitary authority, Milton Keynes City Council is responsible for managing waste and minerals planning matters within its administrative area. It is therefore known as the Waste Planning Authority/Minerals Planning Authority.

Introduction

1.1 As MKCC is a unitary authority, we have responsibilities for minerals and waste planning in the area, including how these sectors help to serve the development of new housing and employment areas and supporting infrastructure, as well as the upkeep of existing infrastructure. However, as well as valuing the economic and wider benefits of mineral and waste development, it is important to ensure the environmental effects of minerals and waste activities are minimised through appropriately siting and controlling operations.

1.2 In conjunction with matters controlled by [the Environmental Permitting system](#), environmental effects can be regulated through the planning system. The monitoring of planning conditions imposed upon minerals and waste operations is an important and necessary part of the planning system, and is mentioned in the [National Planning Policy Framework](#) (NPPF) at paragraph 59:

*“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. **This should set out how they will monitor the implementation of planning permissions**, investigate alleged cases of unauthorised development and take action where appropriate.”*

1.3 We have adopted [a Local Planning Enforcement Plan](#) (LPEP) which sets out our approach to investigating and taking action against breaches of planning control. Alongside this, the MWSMP sets out how we will proactively monitor minerals extraction and waste management sites to ensure compliance with implemented permissions. In conducting this function, we will aim to serve our customers in line with [our Customer Charter](#) at all times.

1.4 Government provides guidance on monitoring compliance with planning conditions within its [Planning Practice Guidance](#) (PPG), upon which this Plan is based.

1.5 We recognise the importance of upholding relevant planning policy and minerals and waste related planning decisions we have made, to safeguard the city’s built, natural, and historic environment, and protect the quality of life of its residents. The MWSMP aims to explain:

- The areas of work covered by this monitoring function;
- Our approach to monitoring;
- How we work with the legislative and procedural background; and
- The level of service which operators, residents and other parties should expect to receive.

1.6 We aim to provide a consistent and comprehensive approach to monitoring based on legislative requirements, Government guidance and good practice. Some of the technical terms used in this document are defined in the Glossary on page 3.

Our Waste and Minerals Monitoring Function

2.1 We will actively monitor all approved mineral (extraction and aftercare), landfill, and selective waste sites to ensure conditions are being complied with. Monitoring of active planning permissions is prioritised.

- 2.2 The Principal Waste and Minerals Planning Officer will normally be supported by the Senior Compliance and Monitoring Officer in monitoring sites that are the subject of an ongoing enforcement investigation. The Monitoring and Information Officer may also support when required, for example on sites where residential or commercial development involves the prior extraction of minerals.
- 2.3 The Planning Service collaborates with other services within the Council, or other organisations such as the Environment Agency, who will provide advice on specific technical areas such as environmental health, landscaping, flood risk, waste control, highway safety, and ecology.

Legislation

- 3.1 [The Fees Regulations](#) enable us to charge for monitoring sites visits to minerals extraction sites and landfill operations.
- 3.2 Legislation¹ also places a statutory duty upon the Waste Planning Authority to ensure that it conducts appropriate periodic inspections of sites carrying on disposal or recovery of waste. However, legislation does not provide the ability to charge for visits to all these sites. The exception to this is where visits relate to a [pre-application or planning application](#), which will be subject to an overall application fee, or as covered by the Fees Regulations.
- 3.3 In performing our duties in line with the Waste Regulations, we depend upon the statutory powers of entry on to land².

Scope of the Monitoring Programme

- 4.1 Only planning permissions related to the winning and working of minerals (e.g., stone, sand, gravel) and/or landfill operations permit the local planning authority to charge a fee for monitoring site visits.
- 4.2 Table 1 sets out how many visits will be chargeable within any 12-month period, depending on the type of site. The relevant fees are listed in [the Fees Regulations](#). As of the date of this MWSMP, these are £496 for active sites, and £165 for inactive/dormant sites. These fees are subject to inflation, as set out in the same Regulations.

¹ [Regulation 19 of the Waste \(England and Wales\) Regulations 2011](#)

² Sections 196A, B and C and Section 324(1) of the Town and Country Planning Act 1990 , Sections 36 and 36 (A) of the Planning (Hazardous Substances) Act 1990 , and Section 33 of the Local Government Miscellaneous Provisions Act 1982.

Type of site	No. of chargeable visits
Active minerals extraction	8
Dormant/inactive minerals extraction	1
Landfill	8
Dormant/inactive landfill	1
Other waste sites	0

Table 1: number of chargeable visits

- 4.3 With limited resources available to conduct site minerals and waste visits, these are the sites and permissions which are prioritised (known as the ‘Monitoring Programme’). Compliance with related planning permissions/planning regulations may also be checked at the same site, but do not attract a fee for doing so.
- 4.4 We intend to visit every site covered by relevant minerals and waste permissions at least once in each 12-month period. Most sites will receive more than one visit during the period, up to the maximum allowed by the Regulations. As per Table 1, dormant or inactive sites³ will receive one chargeable visit in each 12-month period.
- 4.5 While the Fees Regulations do not cover any permissions which are related to other waste development, such as wastewater treatment works or stand-alone composting facilities, periodic monitoring visits will take place at those sites with a history of compliance issues, subject to operational priorities and as resources allow.
- 4.6 In relation to satellite sites⁴, [paragraph 50 of the PPG](#) states:
- “For fee purposes, a mining and/or landfill site is the area of land which is worked as a single site, regardless of how many planning permissions or what permitted development rights relate to it. For mining sites, this may also include satellite sites. The whole site will be the subject of the monitoring visit, for which a single charge can be made up to the maximum number of chargeable visits.”*
- 4.7 Sites which operate under multiple permissions (e.g., by way of a host permission and subsequent permissions for its extension) will be charged as if they are a single site.
- 4.8 As the number and location of waste and minerals developments is subject to change and may become outdated if included within the MWSMP, we will provide a full list of monitored sites within our biannual reports to Planning Committee and in the annual Authority Monitoring Report.

Site visits

- 5.1 The Principal Waste and Minerals Planning Officer will assess each site at the start of each programme year and determine the number of visits required over the forthcoming 12-month period. The number of site visits will be based upon factors such as:
- The number and complexity of conditions attached to the consent;

³ Dormant sites are those where planning permission was granted between 21 July 1943 and 22 February 1982, but where extraction has yet to take place. Inactive sites are those which are not ‘active’ as defined under Regulation 15(6) of [the Fees Regulations](#), nor are they dormant.

⁴ Satellite sites are defined under paragraph 191 (ID: 27-191) of [the Planning Practice Guidance](#).

- The stage of operations currently at an individual site;
 - Any ongoing or arising matter that needs to be immediately monitored or discussed; and
 - The history of compliance demonstrated by the site operator over the previous period.
- 5.2 The Principal Waste and Minerals Planning Officer will announce in advance the timings of site visits within the scope of the Monitoring Programme to the site operators. There is flexibility for the exact timings of these visits to be tailored, within reason, to suit the operators' availability.
- 5.3 For those visits falling outside of the Monitoring Programme, compliance visits may be unannounced, and access to the land made in accordance with Powers of Entry as noted above.
- 5.4 Waste and minerals monitoring site visits will be conducted by the Principal Waste & Minerals Planning Officer and any accompanying officers as appropriate, and normally with the site operator in attendance. The site visit will cover the entire site area subject to any permission(s) or lawful operations, plus any land controlled by the operator to which planning conditions or obligations apply.
- 5.5 Monitoring work will involve a review of all planning permissions and individual conditions and obligations relating to the operations on site. This will include any variations or subsequent planning permissions granted which affect the operations. Each condition and/or obligation will be checked to establish its status, whether a breach of planning control has taken place, the nature of any breach, the degree to which it is happening, and its impact.
- 5.6 Once an assessment has been made, we will work alongside planning enforcement officers and legal colleagues, as necessary, and with those responsible for any breach, to identify the appropriate course of action, including any options appropriate to remedy the situation. Formal enforcement action is discretionary. National policy and guidance sets out that a local planning authority must only take formal action when [expedient and in the public interest](#) to do so. Any action must be proportionate to the breach of planning control to which it relates. It would be led by Planning Enforcement and have regard to the LPEP.
- 5.7 Following the site visit, a formal Site Monitoring Visit Report will be compiled and shared with the operator. The report will identify all relevant planning permissions and individual conditions for the site and assess progress against each. Any breaches or points to be clarified will be identified, together with appropriate options to address the issues which have arisen. The actions will be reviewed at the next site visit, or any intervening deadline, as necessary.

Accountability and reporting

- 6.1 Site Monitoring Visit Reports will be stored electronically. Operators and landowners will have access to reports concerning sites that they operate or have a genuine vested interest in. We will provide summaries of the monitoring reports for each site in our Authority Monitoring Report.
- 6.2 If there is any reporting which may be of a confidential nature such as relating to breaches of planning control, then all information requests will be considered on their own merits.
- 6.3 A consolidated report will be reported to the Planning Committee every 6 months to provide updates on compliance across all sites visited during the reporting period, as well as implementation of the processes outlined in this Plan.

- 6.4 We will aim to issue monitoring reports within three weeks of the site visit, unless circumstances dictate otherwise (e.g., if specialist advice is required). Site operators will be notified in advance if this is the case.
- 6.5 The time taken to determine compliance with conditions and/or obligations on each site will vary depending on the circumstances of each case. The approach in this MWSMP will support a contemporary and reliable record for each site and assist operators with compliance. Where breaches of planning control cannot be resolved in a timely and satisfactory manner, formal enforcement action may be pursued, in accordance with the LPEP.
- 6.6 The MWSMP will be reviewed periodically to ensure that it is 'fit for purpose' in the light of changing legislation, guidance, and good practice, as well as our resources and any other circumstances that may affect delivery of this service.
- 6.7 If you are unhappy with how site monitoring has taken place, you are able to make a formal complaint by completing the online form on [our website](#) where details of the complaints procedure can also be found. Please note that the complaints procedure does not allow for the review of professional judgement exercised in deciding the outcome of an investigation. You may also provide comments on our performance through this method.

You can email us at
mineralsandwasteplanning@milton-keynes.gov.uk

Our website is always available:
www.milton-keynes.gov.uk/planning

