

REPORT

To: PLANNING AND ENVIRONMENT COMMITTEE	Subject: PLANNING APPLICATION S/02/00864/MIN Extraction of Coal by Opencast Methods, Badallan Farms, By Shotts/Fauldhouse.	
From: DIRECTOR OF PLANNING AND ENVIRONMENT		
Date: 28 th March 2007	Ref: S/02/00864/MIN/LM	

1 Purpose of Report

1.1 The purpose of this report is to seek Committee approval to amend the conditions attached to planning application ref. S/02/00864/MIN for the Extraction of Coal by Opencast Methods on land at Badallan Farms by Shotts. The application site is located adjacent to the A71 between Shotts and Fauldhouse. This planning application was submitted on 28th June 2002 and was approved at the meeting of the Planning and Environment Committee on 26th November 2002. Before planning consent could be issued, a Section 75 Agreement and Bond of Caution were required relating to the restoration and aftercare of the site. These have not yet been provided as the original applicants went into receivership and negotiations have been ongoing with the new owners. The permission has therefore not yet been issued. Difficulties have arisen that have caused delay in the process and the developers are now seeking approval to amend some of the conditions approved by the Committee in 2002.

2. Background

2.1 The site is surrounded by land that is not owned by the new developers and access to the site is under a lease that expires in January 2018. This has caused problems with the Section 75 as the owner of that land requires to be party to the legal Agreement. The delay involved is such that the development can now not be completed within the time scale attached to the approved planning conditions unless the lease can be extended. This is proving to be difficult to achieve. Furthermore the original application site included land owned by Scottish Coal, this is now to be excluded from the site. As a consequence the time periods for extraction and restoration are now less than originally proposed. This will also have a bearing on the conditions previously approved.

2.2 Condition (2) originally stated " *That all mineral extraction operations shall cease within 3 years from the date of commencement of the development, which date shall be determined by the Planning Authority.*" The developers have now advised that as the site has been reduced by approximately 25%, the extraction period will be reduced to 30 months. The condition requires to be amended accordingly.

2.3 Condition (56) required that before the development commences the developers shall submit a restoration plan including a timetable for the restoration of the site. They have indicated that the restoration period is now likely to be no later than one year following the cessation of the coal extraction. Given the limited period of the lease it is recommended that this condition be altered to specify a time limit of one year on the completion of the restoration following the cessation of coal extraction, to reflect the developers intentions and to bring it into line with the previously approved condition (3).

2.4 Conditions (63) and (64) are as follows:

63. "That at least three months prior to the replacement of topsoil on any phase of the site, a 5 year aftercare scheme for areas defined in the restoration plan as 'agricultural' shall be submitted to the Planning Authority for approval, and the scheme shall specify such steps as may be necessary to bring the land to a standard suitable for agricultural use and shall include cultivating, fertilizing following soil sampling and analysis, watering, draining and otherwise treating the land."

64. "That before any works commence on site, a 10 year aftercare scheme for areas defined in the restoration plan as 'non-agricultural' shall be submitted to the Planning Authority for approval, and the scheme shall be prepared and implemented by suitably qualified experts on the individual elements of the scheme."

2.6 The developers have confirmed that the site will be restored principally to agriculture with only limited woodland planting and have requested that the aftercare period be reduced to 5 years for all parts of the site. This would allow the aftercare to be completed within the period of the lease.

2.7 Other similar applications have previously been approved with a 5-year blanket aftercare requirement. I consider that it would be unreasonable not to accept the developers request. In addition this amendment will assist in the conclusion of the outstanding matters that have been delaying the implementation of this approved development.

3. Sustainability Implications

3.1 There are no sustainability implications.

4. Recommendation

4.1 It is recommend that the committee approve the request for amended planning conditions that reflect the revised proposals to allow the development to be completed within the timeframe attached to the lease. A revised schedule of conditions is attached but specifically it is recommended that approval be given for :

i) The amendment to condition (2) to now read:

" That all mineral extraction operations shall cease within 30 months from the date of commencement of the development, the developer shall provide confirmation in writing of their intended start date to the Planning Authority at least 2 working days before the commencement of the development."

ii) The amendment to condition (56) to now read:

That prior to commencement of development, there shall be submitted to the Planning Authority for its approval, a restoration plan which shall be based on the Restoration Plan Template within the Biodiversity and Open Cast Coal Mining, A Good Practice Guide. The Plan shall include, but not be limited to: -

- (a) a full description of the restoration proposals;*
- (b) a timetable/schedule of all works, which shall include the completion of the restoration works within no later than one year following the cessation of coal extraction;*
- (c) details of the location of paths and their surfacing;*
- (d) details of maintenance arrangements.*
- (e) full details for the reinstatement of the Lingore Linn, including proposals for the control of alien or invasive species*
- (f) details of future use of any fertilisers, herbicides and pesticides*

iii) The amendment to condition (63) to now read:

"That at least three months prior to the replacement of topsoil on any phase of the site, a 5 year aftercare scheme for all areas to be restored as part of the development shall be submitted to and approved in writing by the Planning Authority, and the scheme shall specify such steps as may be necessary to bring the land to a standard suitable for the intended after use and shall include cultivating, fertilizing following soil sampling and analysis, watering, draining and otherwise maintaining the land."

iv) That condition (64) be deleted.



David M. Porch
DIRECTOR OF PLANNING AND ENVIRONMENT
(28th March 2007)

Local Government Access to Information Act: for further information about this report, please contact Mrs Lorna McCallum on 01698 302090

NOTE TO COMMITTEE:

That the permission shall not be issued until the applicant has delivered to the Council a Bond of Caution and a valid and enforceable Section 75 Agreement in respect of the restoration and aftercare of the site.

Schedule of Amended Conditions:

TIME LIMITS

1. That the development hereby permitted shall be commenced within 2 years from the date of this consent, and that the Planning Authority shall be given at least 7 days written prior notice of the intention to commence work.

Reason: In order that the Planning Authority might make appropriate arrangements to monitor the operations, and to take account of changing circumstances.

2. That all mineral extraction operations shall cease within 30 months from the date of commencement of the development, the developer shall provide confirmation in writing of their intended start date to the Planning Authority at least 2 working days before the commencement of the development.

Reason: To accord with the submitted details and to give the Planning Authority the opportunity to review their position.

3. That the site shall be restored to final contour levels as specified in Figure 4.2 within the Environmental Statement, no later than 1 year after the cessation of mineral extraction, the date of which shall be determined by the Planning Authority.

Reason: In accordance with submitted details and to ensure the timeous restoration of the site.

4. That all excavation, associated operations, crushing and screening shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday inclusive (excluding national public holidays) and 07.00 and 13.00 on Saturdays, and there shall be no such working at any other times.

Reason: In the interests of amenity.

5. That without the express written consent of the Planning Authority, and within the exigencies of any Health and Safety requirements, only essential maintenance, servicing and testing of plant and equipment shall take place between the hours of 07.00 and 13.00 on a Saturday.

Reason: In the interests of amenity.

6. That no coal shall be removed from the site except between the hours of 07.00 to 19.00 Mondays to Fridays and excluding national public holidays.

Reason: In the interests of amenity

7. That this permission only allows for the removal of coal from the site, and no other materials including topsoil or subsoil shall be removed at any time, and no materials including refuse, bulk material or coal shall be imported to the site for any purpose at any time without the prior written approval of the Planning Authority.

Reason: To minimise vehicle movements and in the interest of sound land management.

VEHICULAR ACCESS AND RELATED MATTERS

8. That the only vehicular access to and from the site shall be from the A71 illustrated as Point A on the approved plans.

Reason: In the interests of road safety.

9. The vehicular access shall be constructed in accordance with the undernoted requirements: -

(a) sightlines of 9.0 metres x 215 metres to be provided and maintained

(b) 10.5 metres kerb radii at the junction, leading to a 7.3 metres wide access within the development

(c) the existing access to West Badallan Farm to be closed off as soon as the proposed access comes into use.

Reason: In the interests of road safety.

10. That prior to any works being commenced within the application site other than the formation of the compound, parking areas, site accommodation and associated engineering works, the creation of the access works as required by condition 9, shall be completed in full.

Reason: In the interests of road safety.

11. That before development hereby permitted starts, full details of a scheme, which incorporates at the access point to the site:-

a right-turn storage facility into the development, and associated road widening of the A71 in accordance with the standards prescribed in the Department of Transport, Local Government and the Regions' Design Manual for Roads and Bridges shall be submitted to, and approved in writing by the Planning Authority.

Reason: In the interests of road safety.

12. That before the development hereby permitted is commenced, the scheme approved under condition 11 above, shall be completed to the satisfaction of the local Planning Authority.

Reason: To ensure satisfactory vehicular access to the application site.

13. That prior to the removal of any coal from the site, an automated high pressure wheel and body wash shall be installed and maintained throughout the duration of the operations to the satisfaction of the Planning Authority, and in the event of any deposit of mud or any other material on the public road, the deposits shall be cleared as soon as possible.

Reason: To prevent mud or detritus being carried onto the public roads in the interests of road safety.

14. That all vehicles leaving the site carrying coal shall be fully covered by haps or sheets to the satisfaction of the Planning Authority.

Reason: To minimise dust emissions and to prevent material falling onto the public roads in the interests of amenity and road safety.

15. That the main site access shall be paved or finished in a sealed surface material for its length between the wheel wash and the public road.

Reason: In the interests of public safety and to prevent deleterious material being carried onto the highway.

16. That advanced warning signs shall be placed at positions on the A71 to be agreed with the Planning Authority, warning drivers of the existence of an access to an opencast coal site, and these shall be in place prior to the removal of any coal from the site and shall be maintained in a satisfactory condition throughout the duration of the mineral extraction operations.

Reason: In the interests of road safety.

17. That prior to the removal of any coal from the site, all parking and maneuvering areas shall be formed and finished in a suitable material, all to the satisfaction of the Planning Authority.

Reason: To ensure satisfactory provision with the site.

18. That the proposed routing of lorry traffic from the site shall accord with those details contained within the planning application, and any material alterations to the proposed routing must be agreed in writing by the Planning Authority.

Reason: In the interests of road safety and amenity.

SOIL STRIPPING AND STORAGE, ETC.

19. That at least 48 hours notice shall be given to the Planning Authority before any soil stripping commences and at the request of the Planning Authority, the extent of areas to be stripped shall be pegged out in advance.

Reason: To allow the Planning Authority the opportunity to assess the suitability of weather and ground conditions.

20. That no movements of soil shall take place except when the full depth of soil to be stripped, or otherwise transported, is in a suitably dry soil moisture condition, and conditions are sufficiently dry for the topsoil to be separated from the subsoil.

Reason: In the interests of soil management.

21. That the topsoil and subsoil shall be stored in separate mounds, as illustrated on the approved working plans; and the topsoil and subsoil mounds shall be graded, grass seeded and managed throughout their respective periods of storage, and the overburden mound, once at its final size, shall be graded to an even slope and grass seeded.

Reason: In the interests of soil management, visual amenity and to minimise dust emissions.

22. That the soil mounds referred to in condition 21 above shall be formed and removed as required in accordance with a soil mound phasing plan to be agreed in advance of any soil stripping operations on site.

Reason: To ensure maximum possible protection from potential noise, dust and visual impacts from the workings.

23. That the following conditions shall be observed to the satisfaction of the Planning Authority: -

- (a) before any part of the site is excavated or is traversed by heavy vehicles or machinery (except for the purpose of stripping that part), or is used for the stacking of subsoil or overburden, all available topsoil shall be stripped from that part of the site;
- (b) before the overburden mound is created in the position illustrated on the approved plans, all available subsoil as well as topsoil shall be stripped from that part of the site;
- (c) subsoil as well as topsoil shall be stripped from all areas to be excavated for the compound, haul roads and other areas to be traversed by heavy machinery;
- (d) the overburden mound shall not exceed 15metres in height and
- (e) all areas of the site left undisturbed, and all topsoil, subsoil and overburden mounds shall be kept free from weeds throughout the duration of the operations.

Reason: In the interests of soil management and amenity.

NOISE AND BLASTING

24. That the proposal shall accord with a 'noise action plan' and 'blasting action plan' to be agreed by the Planning Authority in advance of any works commencing on site.

Reason: In the interests of amenity.

25. That notwithstanding the terms of condition 24 above, noise levels emanating from the site caused by excavation and associated operations, including transport, maintenance, crushing and screening shall not cause the following noise levels to be exceeded at noise sensitive properties, as agreed in the 'noise action plan':

55dBL eq 1 hour between the hours of 07.00 and 19.00 Monday to Friday inclusive and the hours of 07.00 and 13.00 on Saturdays.

Reason: In the interests of amenity.

26. That notwithstanding the terms of condition 25 above, noise levels caused by soil stripping and the creation and dismantling of bunds shall not exceed 70dBL eq 1 hour at any noise sensitive property, between the hours of 07.00 to 19.00 Monday to Friday inclusive, for a period not exceeding 8 weeks in one year.

Reason: In the interests of amenity.

27. That the noise and blasting action plans shall include a programme for monitoring noise and vibration generated by the operation of the site (including measurement locations, frequency of monitoring and methodology), the outputs of which shall be made available to the Planning Authority.

Reason: In order to allow for the proper monitoring of noise and blasting in the interests of amenity.

28. That the noise action plan shall include procedures for the investigation by the operator of any breaches of noise levels as set out in conditions 24, 25, 26 and 27 above, and where identified, any operations giving rise to noise levels exceeding specified limits shall be suspended until such time as appropriate remedial action is implemented. A logbook shall be kept on site, and be available for inspection at any reasonable time by an officer of the Planning Authority, detailing the exceedence, the subsequent investigation and any remedial action implemented.

Reason: In order to allow for the proper control of noise from the site in the interests of amenity.

29. That the noise and blasting action plans shall include procedures in instances where relevant noise and vibration conditions are not complied with because of an emergency, and in such instances the operator shall, as soon as possible, and in any event not later than 14 days after the breach, provide the Planning Authority in writing of details of the nature of the emergency and reasons why the noise/vibration condition was not adhered to.

Reason: To allow for the proper control of noise and blasting at the site in the interests of amenity.

30. That the noise and blasting action plans shall include procedures for dealing with complaints from local residents, and in particular the operator shall carry out investigation to establish the justification (or otherwise) of the complaint. Details of the complaint, the likely cause and any relevant remedial action shall be entered in a log book held on site and available for inspection at any reasonable time by an officer from the Planning Authority.

Reason: To allow for the proper control of noise and blasting at the site in the interests of amenity.

31. That notwithstanding the generality of condition 24 above, blasting at the site shall comply with the following:

(a) blasting to be confined to the hours of 10.30 and 16.00 Monday to Friday inclusive, and no blasting shall take place on Saturdays or Sundays or public holidays.

(b) without the prior written consent of the Planning Authority, within the exigencies of any Health

and Safety requirements, the number of blasts shall not exceed two in any one week, with a maximum of one blast per day.

- (c) no blasting shall be carried out during a temperature inversion and blasting shall be avoided under weather conditions which are likely to direct the blast air overpressure towards noise sensitive properties.
- (d) blasting shall only take place when preceded by visible and audible warnings. Prior to the commencement of operations on the site, the occupiers of all properties around the site, as agreed in advance with the Planning Authority, shall be notified in writing of the nature of warnings.
- (e) appropriate blasting techniques shall be adopted and instantaneous charge levels selected such that the resultant peak particle velocity shall not exceed 6mm/s in any one plane in 95% of all blasts and no individual blast shall exceed peak particle velocity of 10mm/s as would be measured at any vibration sensitive property, as agreed in advance with the Planning Authority.
- (f) the operator shall notify the Planning Authority and the occupiers of any vibration sensitive property by writing in advance (at least 24 hours notice) of any blast. The notification shall include the intended blasting programme and any subsequent changes.
- (g) the operator shall submit details of procedures for the notification of blasting to Transco and Shell UK in respect of their adjoining pipelines, for the avoidance of doubt no blasting shall take place within 500m of the gas pipeline

Reason: In order to properly control blasting operations at the site, in the interests of amenity.

32. All blasts shall be monitored and records shall be maintained so that the measurement of peak velocity as restricted in terms of condition 31(e) above can be identified and these records shall be made available for inspection during office hours at the site and vibrograph analysis charts shall be submitted to the Planning Authority on a monthly basis.

Reason: - To enable the Planning Authority to retain effective control.

33. Blasting practices shall have regard to safe quarrying practices and be such that under normal atmosphere conditions, the peak linear air over pressure level of 120d shall not be exceeded at any noise sensitive properties.

Reason: - In the interests of amenity of surrounding residents.

34. That all vehicles and mobile plant on site shall be properly maintained, and provided with suitable and effective silencers where appropriate, or provided with full acoustic screening.

Reason: To minimise noise generation from plant/vehicle movement in the interest of amenity.

35. That all vehicles and plant used within the site shall be fitted with reverse warning equipment which adjusts their noise level automatically to 5dB(A) above the ambient noise level.

Reason: To ensure that no noise nuisance emanates from the site in the interests of amenity.

DUST

36. That the proposal shall comply with the terms of a 'dust action plan' to be agreed with the Planning Authority in advance of any works commencing on site,

Reason: To minimise dust generation from the site in the interests of amenity.

37. That notwithstanding the generality of condition 36 above, the action plan shall accord with the following:

- (a) dust suppression equipment, including water spray equipment, shall be available on site at all times and used as required to prevent dust emissions from the site. All areas likely to give rise to airborne dust shall be watered at regular intervals to prevent any dust emission adversely affecting adjoining land or residents.

- (b) a programme for the monitoring of dust generated by the operation of the site, including measurement locations, frequency of monitoring and methodology. The results of this monitoring shall be submitted to the Planning Authority as soon as possible after they become available, and the operator shall make further provision for reasonable additional measurements following a request by the Planning Authority.
- (c) any adverse increase in dust levels, due to site operations, shall be immediately investigated by the operator. Where identified any operations giving rise to adverse increases in dust levels shall be suspended until such time as appropriate measures have been implemented. A log book shall be held on site and be available for inspection at any reasonable time, by an officer of the Planning Authority, detailing any such adverse increases in dust levels, the subsequent investigations and any remedial action implemented.
- (d) where a local resident has cause to make a complaint about dust generated from the site, the operator shall carry out investigations to establish the justification, or otherwise, of the complaint. Details of the complaint the likely cause and relevant remedial action shall be entered in a log book, held on site. Said logbook shall be kept available for inspection at any reasonable time by an officer of the Planning Authority.

Reason: To minimise dust generation from the site in the interests of amenity.

ENVIRONMENTAL PROTECTION, ETC.

38. That prior to the commencement of any earthworks within the site, secure fencing of a specification, height, style and position to be agreed in advance by the Planning Authority shall be erected around the perimeter of the working area of the site.

Reason: In the interests of public safety.

39. That all perimeter fences and gates shall be inspected regularly and a log kept of all these inspections the results of which will be made available, if required, by the Planning Authority.

Reason: In the interests of public safety.

40. That temporary signs shall be erected around the perimeter of the site warning the public of deep excavations.

Reason: In the interests of public safety.

41. That no trees shall be removed without the prior approval of the planning authority, and for the avoidance of doubt, those trees immediately to the east and south of East Badallan Farm, those trees around and to the north of West Badallan Farm, and the mature trees adjoining the A71 at its junction with the B715 will be retained.

Reason: In the interests of amenity.

42. That all hedges and trees within the site to be retained shall be maintained and protected from damage by appropriate temporary fencing where required throughout the duration of the operations until restoration is completed, the position of the fencing to be agreed with the Planning Authority.

Reason: In the interests of amenity.

43. That no stripping of topsoil or deposition of any material shall be carried out within 3 metres of any hedge or the canopy of any tree, and no excavation works shall take place within 12 metres of the canopy of any tree.

Reason: To protect the existing vegetation, and in accordance with submitted details.

44. Prior to commencement of work on site, a scheme for a further survey of amphibians and mammals shall be submitted for the approval of the Planning Authority and for the avoidance of doubt that scheme shall include the methodology, timing and location of additional surveys of the Lingore Linn for water voles and

for the presence of amphibians within and adjacent to the site and that no work shall commence on any area to be surveyed without the prior consent of the Planning Authority.

Reason: In the interests of biodiversity and habitat protection.

45. That there shall be a 30metres stand off to all watercourses within the site, within which there shall be no development, including the siting of soil mounds, formation of drainage ditches etc and in particular the area alongside the Breich Water shall be protected by fencing of a specification to be agreed in advance of the commencement of work on site by the Planning Authority.

Reason: To protect and enhance the Breich Water and its setting, and in accordance with the terms of submitted details.

46. That before works commence on site, a monitoring regime and action plan centering on the Breich Water shall be submitted for the approval of the Planning Authority in consultation with SEPA and this shall address the following matters:
- a) Details of means of assessing water levels at 2 points including details and locations.
 - b) Details of a regular monitoring programme, results of which shall be made available, if required, to the Planning Authority.
 - c) Details of appropriate mitigation measures should the conclusions of (a) and (b) above indicate the de-watering of the Breich Water into the site workings.

Reason: To protect the integrity of the Breich Water in the interests of sound water management.

47. That measures shall be taken to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the operations hereby permitted, and adequate precautions shall be taken to prevent the pollution of ditches, watercourses and drains within and adjacent to the site to the satisfaction of SEPA and the Planning Authority.

Reason: In the interests of water management and to prevent pollution of natural watercourses.

48. That settling ponds shall be provided within the site, to the satisfaction of the Planning Authority, in consultation with SEPA.

Reason: To prevent pollution of natural watercourses.

49. That any oil, fuel, lubricant or other potential pollutant shall be handled on the site in such a manner as to prevent pollution of any watercourse or groundwater. For any liquid other than water, this shall include storage in suitable tanks housed within a suitable bund or other means of enclosure to provide containment for 110% of the storage capacity and with no passive means of discharge.

Reason: To ensure adequate precautions are taken to prevent pollution of natural watercourses.

50. That the proposed development shall accord with the terms of a 'ferruginous soil action plan' to be submitted to the Planning Authority for its prior approval in consultation with SEPA prior to works commencing on site, and this shall outline procedures for the identification, isolation, storage, encapsulation, burying and recording of such material.

Reason: To minimise post restoration pollution.

51. That the site shall operate in accordance with the terms and conditions set out within the report entitled, "Details for Site Works Associated with Water and Workings in Coal Seams" and where there is any conflict with planning conditions, then the planning conditions will take precedence.

Reason: In the interests of good water management.

52. That before any soil stripping or other excavation works commence within cut 6, a report on Springhill Bog, shall be submitted to the Planning Authority for its prior approval in consultation with SNH, and this shall comprise the following: -

- (a) 2 exploratory boreholes, in locations to be agreed in advance, and the submission of their findings.

- (b) Based on the conclusions of (a) above, the submission of a revised working area should there found to be any adverse impacts of the site workings on the hydrology of the adjoining bogs.

Reason: To ensure the protection of the bogs in the interests of nature conservation.

53. That before works commence on site, measures designed to mitigate impacts on bird life within the site shall be submitted for the approval of the Planning Authority in consultation with RSPB, and this shall include the establishment of weedy and rough edges around the operational site. These measures shall be implemented within a timescale to be agreed by the Planning Authority.

Reason: To protect birdlife in the vicinity of the site in the interests of nature conservation.

54. That within 6 months of works commencing on site, an "otter ledge" or dry culvert of a specification to be agreed in advance by the Planning Authority in consultation with SNH, shall be installed beneath the Muldron Bridge.

Reason: To minimise otter deaths on the A71 in the interests of nature conservation.

55. That no development shall take place within the site until the operator has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the operator for the prior approval of the Planning Authority and which complies fully with terms of reference to be issued by the West of Scotland Archaeology Service on the Authority's behalf.

Reason: In accordance with submitted details, and to ensure the proper protection and recording of archaeological remains.

RESTORATION

56. That prior to commencement of development, there shall be submitted to the Planning Authority for its approval, a restoration plan which shall be based on the Restoration Plan Template within the Biodiversity and Open Cast Coal Mining, A Good Practice Guide. The Plan shall include, but not be limited to: -

- (g) a full description of the restoration proposals;
- (h) a timetable/schedule of all works, which shall include the completion of the restoration works within no later than one year following the cessation of coal extraction;
- (i) details of the location of paths and their surfacing;
- (j) details of maintenance arrangements.
- (k) full details for the reinstatement of the Lingore Linn, including proposals for the control of alien or invasive species
- (l) details of future use of any fertilisers, herbicides and pesticides

Reason: To enable the Planning Authority to consider these matters in detail.

57. The Restoration Plan shall be implemented in accordance with the timetable approved under condition 56 above.

Reason: To ensure the reinstatement of the site within a satisfactory timescale in the interests of amenity.

58. That the restoration of the site shall be carried out in accordance with the final contours and other details illustrated on figure 4.2 of the Environmental Statement hereby approved to the satisfaction of the Planning Authority.

Reason: In the interests of proper land management.

59. That, notwithstanding conditions 56 above, the following conditions shall be observed in the restoration of the site to the satisfaction of the Planning Authority: -

- (a) following the replacement of overburden, and before the replacement of subsoil, the upper layers of the overburden shall be rooted and cross-rooted to a depth of 500mm, with boulders and stones exceeding 250mm in one dimension being removed from the site or buried on the site at a considerable depth;

- (b) all available subsoils shall be re-spread evenly in separate layers of 300mm depth and each layer shall be rooted and cross-rooted, with boulders and stones exceeding 150mm in one dimension being removed;
- (c) all subsoil areas which have been used for the storing of other subsoil or topsoil shall be rooted and cross-rooted in a similar manner to (b) above;
- (d) following the replacement of subsoil, all available topsoil shall be re-spread evenly to achieve the final level and configuration, and shall be rooted and cultivated as required with all stones exceeding 100mm in one dimension being removed;
- (e) all operations involving subsoil and topsoil replacement and cultivation shall only be carried out when the full volume of soil involved is in a suitably dry soil moisture condition to minimise soil damage and to maximise the effects of the rooting operations, and
- (f) that at least 48 hours notice shall be given to the Planning Authority of intention to spread subsoil and topsoil to allow for inspection of the area by the said Authority.

Reason: In the interests of sound soils management.

60. That in the areas identified in the restoration plan for woodland planting, soils should be loosely tipped with subsequent spreading by a backacting excavation.

Reason: To ensure suitable planting conditions.

61. That upon cessation of mineral extraction, all settlement ponds shall be emptied of slurry, filled with dry inert material and restored, and all areas of hardstanding shall be broken up and restored.

Reason: In the interests of effective land management.

62. That within three months of the completion of the restoration of the site, all fixed equipment, plant, machinery and building shall be removed from the site and the access and road widening works restored to their previous condition.

Reason: In the interests of amenity and road safety.

AFTERCARE

63. That at least three months prior to the replacement of topsoil on any phase of the site, a 5 year aftercare scheme for all areas to be restored as part of the development shall be submitted to and approved in writing by the Planning Authority, and the scheme shall specify such steps as may be necessary to bring the land to a standard suitable for the intended after use and shall include cultivating, fertilizing following soil sampling and analysis, watering, draining and otherwise maintaining the land.

Reason: In the interests of sound land management.

64. That the requirements of condition 63 above shall be carried out in accordance with the agreed timescale and shall be managed to the satisfaction of the Planning Authority in accordance with the agreed prescriptions during the relevant aftercare period.

Reason: In the interests of amenity.

65. That, before 31st July of every year during the aftercare period, a report shall be submitted to the Planning Authority recording the operations carried out during the previous 12 months and setting out the intended operations for the next 12 months.

Reason: To ensure the satisfactory aftercare of the site.

66. That, before 31st August of every year during the aftercare period, a site meeting shall be arranged with the Planning Authority to discuss the report prepared in accordance with condition 65 above.

Reason: To ensure the efficient monitoring of the aftercare of the site.

67. That a scheme of monitoring wildlife on the site, for the duration of the aftercare period including badgers, water voles, otters and birdlife shall be submitted for the approval of the Planning Authority and thereafter implemented to the satisfaction of the Planning Authority.

Reason: In the interests of nature conservation.

GENERAL

68. That from the commencement of the operations to the completion of the restoration works, a copy of this permission including all the documents hereby approved and any other documents subsequently approved in accordance with this permission shall always be on display at the site during normal working hours.

Reason: To facilitate the effective monitoring of the site by the Planning Authority.

69. That the operators shall at all times deal with the areas forming the subject of this consent in accordance with the application form, plans, and other supporting information, except as amended by the terms of the approval hereby given and shall omit no part of the operations provided for therein and shall not amend the development without the prior written consent of the Planning Authority.

Reason: To enable the Planning Authority to retain effective control.