

	<h1>Report</h1>	Agenda Item <h1>9</h1>
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Report to: **Planning Committee**
 Date of Meeting: **26 May, 2009**
 Report by: **Executive Director (Enterprise Resources)**

Application No CR/08/0279
 Planning Proposal: Variation to Condition 2 of Planning Permission CR/06/0162 to Extend the Time Period to Complete Restoration of the Site, Including Importation of Soils/Subsoils, for a Period of Six Months.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Doonin Plant Ltd
- Location : Bardykes Colliery Site
Halfway
Cambuslang

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission (Subject to Conditions – Based on Conditions Listed).

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: JWH Ross & Company Limited
- ◆ Council Area/Ward: 14 Cambuslang East
- ◆ Policy Reference(s): South Lanarkshire Local Plan (adopted)
Policy STRAT3 – The Greenbelt and Urban Settlements in the Greenbelt
Policy DM1 – Development Management
Policy DM3 – General Monitoring Policy
PAN64 – Reclamation of Surface Mineral Workings
PAN 50 – Controlling the Effects of Surface Mineral Workings

- ◆ Representation(s):
 - ▶ 65 Objection Letters

- ◆ Consultation(s):

Environmental Services

S.E.P.A. (West Region)

Roads and Transportation Services (North Division)

Planning Application Report

1 Application Site

- 1.1 The application site is located on the north side of Hamilton Road (A724) between Halfway, Cambuslang and to the west of Blantyre. The site extends to some 26.7 hectares and is bounded to the north and west by agricultural land and the Spittal Burn, to the east by Bardykes Chemicals factory and agricultural land, with Hamilton Road bounding the site to the south.
- 1.2 The site is generally dome shaped with the lower flanks of the outer faces of the site being grassed. The remainder of the site has yet to be fully restored. A material stocking area and mobile plant are located within the central area of the site, with a portacabin site office and fenced machine compound to the north west of the access road. A wheelbath is situated close to the site access onto Hamilton Road

2 Proposal(s)

- 2.1 The application site is a former colliery which comprised two bings and other areas of colliery discard. Doonin Plant Ltd were granted planning permission in 1997 under GDC/3300/95 for the removal of bings, infilling and regrading of quarry with solid waste, installation of culvert and associated landscaping. Completion and restoration of the site was required by 28 February 2006. A further application was submitted in April 2006 under CR/06/0162 to extend the period for restoration. This was granted in August 2008, requiring restoration to be completed by December 31st 2008.
- 2.2 This current application seeks a further six month extension of the time period for restoration of the site in order to complete final restoration. The applicant advises that the rehabilitation requires the importation of soils for use as final surface layers. These are generally sourced from construction sites across the Central Belt as available. However, due to the downturn in market conditions, the applicant has been unable to import the required quantity of material. A final quantity of 20,000m³ of inert material is still required to infill the internal haul road and to enable full site restoration.
- 2.3 The proposed site operations comprise:
 - the importation of 20,000m³ soils and other inert materials to complete ongoing restoration;
 - the infill and shaping of the internal haul road
- 2.4 No change is proposed to the previously permitted hours of operation, access arrangement, restoration proposals, final levels or method of working.

3 Background

3.1 Government Advice/Guidance

Given that all the works remaining on the site are associated with the completion of the final restoration of the site to a satisfactory standard, it is considered that the most relevant national planning advice is PAN64 – Reclamation of Surface Mineral Workings. PAN64 provides advice on achieving the best standards of site restoration and on ensuring that satisfactory reclamation procedures are in place to bring land back to an acceptable condition. PAN64 recognises that good reclamation of sites can enhance derelict and degraded areas, remove mineral dereliction, create habitats, improve countryside access and provide sites of interest.

PAN50 – Controlling the Effects of Surface Mineral Workings is also of relevance to this type of proposal, in that this document provides advice on acceptable limits in respect of noise and dust emissions and measures for their control.

3.2 **Development Plan Status**

3.3 The adopted South Lanarkshire Local Plan identifies the site as being located within the Greenbelt where policy STRAT3 – The Greenbelt and Urban Settlements in the Greenbelt applies. Also relevant to the determination of this proposal is Policy DM1 – Development Management which states that all planning applications require to take account of the local context and built form and should comply with various criteria relating to amenity, access etc. Policy DM3 General Monitoring Policy of the SLLP states that monitoring shall be undertaken to ensure that development is carried out in accordance with planning legislation, approved plans and conditions.

3.4 **Planning Background**

Doonin Plant Ltd first commenced the removal of colliery spoil from the site in 1975. Since then, the applicant has removed a large quantity of colliery discard from the site (in the region of 13 million tonnes), and imported significant quantities of inert material to the site for regrading and restoration purposes. As stated in para 2.1 above, formal planning permission was granted for the reclamation of this site on 16 April 1997 under GDC/3300/95, requiring completion by February 2006. An extended period for site rehabilitation was granted in August 2008, requiring completion by December 31st 2008 (CR/06/0162).

4 **Consultation(s)**

4.1 **Roads & Transportation Services** – Concern is raised over the operator's efforts to reduce the amount of mud/water and debris leaving the site and entering onto the road and are seeking measures to trap and drain the land to prevent surface water run off onto the road. It is recommended that the application be deferred pending submission and implementation of a full drainage plan that meets the requirements of both SEPA and the Council.

Response: Noted. Meetings have been held with the applicant to investigate potential improvements to the current situation. As a consequence, in recent times no complaints specific to this issue have since been raised. Therefore, it is considered appropriate to determine the application and address the issues through conditions and continued site monitoring.

4.4 **Environmental Services** – No objections.

Response: Noted.

4.5 **SEPA** – Objection. SEPA consider that the current operations on site pose a risk to the water environment and have concerns relating to waste management. In particular, SEPA is unable to determine whether river engineering works involving the realignment of the Spittal Burn are capable of being consented in principle by SEPA, or whether any detailed issues are capable of being dealt with under SEPA's licensing regime. The applicant has not submitted a licence for these works. In addition, SEPA states that disposal of waste material is not permitted by the site's waste Management Licence.

Response: From the Council's viewpoint, it is considered that given the limited duration of works remaining to complete the final restoration of this site, it is more appropriate at this point in time to regulate and monitor the completion of these works through a planning permission, rather than pursuing the restoration of the site

through protracted negotiations. It is also important to note that SEPA operate under different legislation and have a separate regulatory regime to pursue any concerns in relation to the operations at this site.

5 Representation(s)

- 5.1 The application was advertised in accordance with Article 12(5) (Application Requiring Advertisement due to Scale or Nature of Operation) and neighbour notification was carried out. 65 letters of objection to the application have been received. The main points raised are summarised below:

(a) The condition of Hamilton Road adjacent to the site is a major concern. Mud, water and debris entering the road from the application site cause a danger to vehicles and inconvenience to pedestrians through the unusable condition of the footway.

Response: This has been the issue which has raised most complaints from objectors in relation to the operation of the site. The condition of the road has, at times, undoubtedly caused problems for both vehicle users and pedestrians passing the site. Discussions have taken place with the applicant on these matters and the situation has significantly improved. I am unaware of any recent complaints being made, however the matter is continually monitored.

(b) Concerns regarding the transmission of dust from the site.

Response: Appropriate conditions will be attached to any permission for the site requiring the operator to take all practicable steps to minimise the transmission of dust from site operations.

(c) Concerns regarding the height of the site.

Response: This issue has been raised with the applicant's agent. No revised site levels are proposed at this time. The applicant is aware that should any changes be proposed, then a further planning application will be required for these. The site will be duly monitored to ensure that the approved levels are adhered to.

(d) Sufficient time has already been given to complete restoration, no more should be given as it will mean a continuation of the problems residents have to cope with at the moment.

Response: It is accepted that the applicant has already had an extension to the previously approved timescale, however it is considered, that on balance, it is more appropriate for the applicant to complete site restoration within a reasonably short timescale in accordance with a planning permission rather than to allow no further work on the site, thereby leaving it unrestored.

(e) Conditions on the original consent relating to wheel washing facilities and drainage have not been complied with.

Response: This matter has been addressed in (a) above.

(f) Lorries are not sheeted entering or leaving the site, resulting in debris spilling onto the road

Response: A condition will be imposed on any consent, requiring laden lorries to be sheeted while either entering or leaving the site.

(d) Hours of operation have been regularly contravened early in the morning.

Response: I am unaware of any recent complaints having been received regarding this matter. If any subsequent alleged breaches occur, then these can be investigated and acted upon if necessary.

(e) Noise emanating from the site cause disturbance to nearby residents

Response: The Council will encourage the operator to employ non-audible, ambient related, or low tone reversing alarms on all items of plant and a condition will limit noise levels from the site.

- 5.2 All the above letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the relevant plan comprises the adopted South Lanarkshire Local Plan (SLLP).
- 6.2 In terms of national planning policy and guidance, as stated in section 3.1 of this report, the most relevant national planning advice to this application is contained within PAN64 – ‘Reclamation of Surface Mineral Workings’. It provides advice to planning authorities and operators to help improve the reclamation of sites through dissemination of best practice. Where relevant, advice contained within PAN64 has helped frame the conditions relating to the restoration of this site to ensure that the land is restored to a satisfactory standard.
- 6.4 The site is identified in the SLLP as being covered by Policy STRAT 3 - The Green Belt and Urban Settlements in the Green Belt Policy. This contains a presumption against development unless it can be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation or other uses considered by the Council to be appropriate to the Green Belt. Mineral extraction and the remediation of mining dereliction can only take place where the deposit or dereliction is present. The principle of remediation of this site was previously established through the granting of planning permission for the removal of the two bings and subsequent rehabilitation of the land (GDC/3300/95). I therefore do not consider that the Green Belt policy is compromised by this development.
- 6.5 The SLLP also contains a general development management policy - DM1. This requires all development to take full account of the local context and built form and to comply with a number of criteria including impact on amenity. The remediation of Badykes Bing has been ongoing for a number of years. During that period, there have been times when the operation of the site has unfortunately had an adverse impact on the amenity of the area and created issues for the local community. In particular, the overriding concern has related to mud, water and debris spilling onto Hamilton Road.
- 6.6 Following recent complaints, a meeting took place with relevant Council officials and SEPA in an effort to address these issues. Since then, road conditions have improved significantly. I consider that approval of a further limited extension of time to complete the removal of mining dereliction and the restoration of the site to a satisfactory standard does not conflict with Policy DM1. However, I am of the opinion that in order to address some of the issues raised by objectors and in view of the time period that has passed since the previous consent expired on 31st December

2008, that no further material should be imported to the site after 30th June 2009, unless otherwise agreed with the Council and that the remaining period be used solely for site restoration.

- 6.6 Policy DM3 – General Monitoring Policy of the SLLP states that monitoring shall be undertaken to ensure that development is carried out in accordance with planning legislation, approved plans and conditions. In view of the site's history, it is will be important to carry out regular site monitoring until restoration of the site is complete. Such monitoring will seek to avoid any repetition of problems resulting from the operation of the site.
- 6.7 In conclusion, it is considered that a limited extension of time to complete the site restoration accords with local and national planning policy. Whilst the concerns of the objectors are fully recognised, it is considered that the most effective and appropriate course of action at this point in time to ensure the completion and restoration of the site is to regulate and monitor the required operations through a time limited planning permission. I therefore recommend that consent be granted subject to conditions.

7 Reasons for Decision

- 7.1 The proposal accords with policies STRAT3, DM1 and DM3 of the adopted South Lanarkshire Local Plan (after modifications). Best practice advice contained within PAN64 and PAN50 has been incorporated into the recommended conditions to ensure that the site is restored to an appropriate standard. It is considered that the granting of a limited time extension to allow the completion of site restoration, allied to regular site monitoring, constitutes the most appropriate and expeditious course of action to ensure the satisfactory restoration of the site in an environmentally acceptable manner.

Iain Urquhart
Executive Director (Enterprise Resources)

13 May 2009

Previous References

- ◆ GDC/3300/95

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Roads and Transportation Services (Cambuslang/ Rutherglen Area)	06/01/09
Environmental Services	05/01/09
SEPA (West Region)	05/05/09

- ▶ Representations
Representation from : Thomas Main, 129 Dalcraig Crescent

Blantyre, G72, DATED 26/01/2009

- Representation from : Alexander Munro, 19 Spittal Terrace
Cambuslang, G72 7XJ, DATED 26/01/2009
- Representation from : Elizabeth Thornton, Hillside Cottage No.1
32 Sydes Brae, High Blantyre, G72 0TL,
DATED 16/02/2009
- Representation from : Mr. & Mrs. D Crichton, 30 Lochalsh Place
Priory Bridge, Blantyre, G72 9LX,
DATED 03/02/2009
- Representation from : S. Espin, 6 Pine Avenue, Drumsagard Village
Cambuslang, DATED 03/02/2009
- Representation from : S. Skinner, 19 Bent Road, Hamilton
ML3 6QA, DATED 03/02/2009
- Representation from : Elizabeth Pollock, 53 Elder Crescent, Cambuslang
G72 7GL, DATED 03/02/2009
- Representation from : Moira Walker, 51 Oak Wynd, Cambuslang,
DATED 03/02/2009
- Representation from : Eliz Doonan, 10 Jedburgh Street, Blantyre,
DATED 03/02/2009
- Representation from : L Walsh, 53 Auchinraith Terrace, Blantyre
G72 0LS, DATED 03/02/2009
- Representation from : Elizabeth Mitchell, 171 Stonefield Road, Blantyre
G72 9SD, DATED 03/02/2009
- Representation from : James Mitchell, 171 Stonefield Road, Blantyre
G72 9SD, DATED 03/02/2009
- Representation from : Lesley Hill, 39 Rannoch Court, Blantyre
G72 0YP, DATED 03/02/2009
- Representation from : Mr. John Walsh, 53 Auchinraith Terrace, Blantyre
G72 0LS , DATED 03/02/2009
- Representation from : Mae Smith, 11 Parkville Drive, Blantyre,
DATED 03/02/2009
- Representation from : Carolyn Greer & Raymond Goldie, 17 Spittal Terrace
Cambuslang, G72 7XJ, DATED 02/02/2009
- Representation from : Ian McKay, 27 Auchinraith Terrace, Blantyre
G72 , DATED 03/02/2009
- Representation from : Tracey Walsh, 53 Auchinraith Terrace, Blantyre
G72 0LS , DATED 03/02/2009

Representation from : John Houston, 121 Waverly Terrace, Blantyre
G72 , DATED 03/02/2009

Representation from : Peter Aitken, 6 Madison Path, Blantyre,
DATED 03/02/2009

Representation from : Robert T. Brannan, 47 Springwell Crescent, Blantyre
G72 0LP, DATED 03/02/2009

Representation from : Jamie Foley, 13 Maree Way, Blantyre
G72 9AR, DATED 03/02/2009

Representation from : Donald Morrison, 72 Hunthill Road, Blantyre
G72 9SP, DATED 03/02/2009

Representation from : Ross Hill, 39 Rannoch Court, Blantyre
G72 0YP, DATED 03/02/2009

Representation from : Mr. Stephen Shaw, 43 Andrew Paton Way
Hamilton, ML3 0GA , DATED 03/02/2009

Representation from : Owner/Occupier, 114 Fleming Way, Hamilton
ML3 , DATED 03/02/2009

Representation from : R Yardley, 47 Greenrig, Uddingston,
DATED 03/02/2009

Representation from : James W Graham, The Paddock, Manse Brae
Dalton, Cambuslang, G72 7XF,
DATED 22/01/2009

Representation from : Alex Munro, 19 Spittal Terrace, Cambuslang,
DATED 22/01/2009

Representation from : Adrienne Gordon, 76 Calderglen Avenue, Blantyre
G72 9UN, DATED 28/01/2009

Representation from : Owner/Occupier, 09 Rosebank Avenue, Blantyre
G72 9BB, DATED 28/01/2009

Representation from : Martin Kane, 21 Spittal Terrace (on Hamilton Road),
Cambuslang, Glasgow, G72 7XJ,
DATED 28/01/2009

Representation from : Neil McArthur, 40 Kirkwall Avenue, Priory Bridge,
Blantyre, G72 , DATED 28/01/2009

Representation from : Kevin Malarkey, 155 Dalcraig Crescent, Blantyre
G72 9NT, DATED 28/01/2009

Representation from : Mr. & Mrs. A. Smith, 95 Kirkwall Avenue, Blantyre
G72 9NZ, DATED 28/01/2009

Representation from : Mr. & Mrs. B. Maguire, 14 Ansdell Avenue, Blantyre
G72 9YD, DATED 28/01/2009

Representation from : Christine Stewart, 15 Laburnum Avenue, Drumsagard
Cambuslang, G72 7BJ, DATED 28/01/2009

Representation from : Antony Foley, 57 Hillview Drive, G72 9EE, DATED
28/01/2009

Representation from : M Wright , 11 Laburnum Avenue, Drumsagard
Cambuslang, G72 7BJ, DATED 28/01/2009

Representation from : Frances Robertson, 58 Berkley Drive, Blantyre
G72 9HD, DATED 28/01/2009

Representation from : Norma McKechnie, 55 King Street, Burnbank
Hamilton, ML3 9JH, DATED 28/01/2009

Representation from : George McDougall, 72 Sempie Street, Burnbank
Hamilton, ML3 , DATED 28/01/2009

Representation from : Mrs. E. Kane, 49 Ryelands Drive, Mount Vernon
Glasgow, G32 0RY, DATED 28/01/2009

Representation from : T McDermott, 22 Toward Court, Blantyre
G72 9BS, DATED 28/01/2009

Representation from : Lesley Kane, 40 Holmswood Avenue, Blantyre
G72 9EL , DATED 28/01/2009

Representation from : Anne Tugwell, 19 Sycamore Way, Drumsagard
Cambuslang, G72 7FT, DATED 28/01/2009

Representation from : Eileen Gibson, 5 Rowan Court, Cambuslang, DATED
28/01/2009

Representation from : Mrs. Irene Anne Waldie, 93 Lilac Wynd, Drumsagard Village
Cambuslang, G72 7GH, DATED 28/01/2009

Representation from : Kathleen Gibson, 5 Rowan Court, Cambuslang , DATED
28/01/2009

Representation from : Mrs. Patricia Duffy , 46 Kirkwall Avenue, Priory Bridge
Blantyre, G72 9NH, DATED 30/01/2009

Representation from : Mrs Patricia Duffy, 46 Kirkwall Avenue, Priory Bridge
Blantyre, G72 9NH, DATED 23/01/2009

Representation from : J Young, 12 Rosebank Avenue, The Village
Blantyre, G72 9BB

Representation from : Mark Burns, 15 Buller Crescent, Blantyre, G72 9JF,
DATED 26/02/2009

Representation from : A Waite, 12 Logan Tower, Cambuslang, G72 8XP,
DATED 26/02/2009

- Representation from : Mr. & Mrs. R. Donaldson, 112 Dalcraig Crescent,
Blantyre, G72 9NH, DATED 26/02/2009
- Representation from : John Maxwell, 130 Dalcraig Crescent, Priory Bridge
Blantyre, G72 9NH, DATED 18/02/2009
- Representation from : Mrs Carol Allan, 80 Kirkwall Avenue, Blantyre,
G72 9NX, DATED 25/02/2009
- Representation from : Mrs. E. Q. Stewart, 19 Helmsdale Avenue, Priory Bridge
Blantyre, G72 9NY, DATED 26/02/2009
- Representation from : William Gray, 11 Gordon Terrace, Priory Bridge Estate
Blantyre, G72 9NA, DATED 10/03/2009

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Karen Brown, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton
Ext. 5945 (Tel :01698 455945)
E-mail: Enterprise.hq@southlanarkshire.gov.uk

CONDITIONS

- 1 That the operator shall at all times deal with the site forming the subject of this consent in accordance with the provisions of application ref. GDC/3300/95, subsequent submissions approved in terms of permission GDC/3300/95, the original statement of intentions dated November 1996, site working plan dated June 1997 and plans submitted, except as otherwise provided by this consent, and shall omit no part of the operations provided for therein except with the prior written consent of the Planning Authority.
- 2 Notwithstanding the terms of Condition (1) above, no material shall be imported to the site after 30th June 2009 unless otherwise agreed in writing with the Council as Planning Authority and all operations authorised or required by this permission shall cease and all plant, machinery, equipment, structures and buildings shall be removed and the site restored in accordance with the terms of this permission to the satisfaction of the Council as Planning Authority, not later than 31 October 2009.
- 3 That if by reason of any circumstances not foreseen by the applicant, it becomes necessary or expedient during the continuance of the operations hereby permitted to materially amend or abandon any of the provisions thereof, the applicant or the operator shall forthwith submit to the Planning Authority an amended application, plans and statement of intentions, but shall adhere to and comply with this consent until such time as an amended application has been approved by the said Authority.
- 4 The phasing of final restoration works on the site shall progress in accordance with drawing nos. BDFP01 and BDGS01 and accompanying statement entitled 'Bardykes Bing - Final Phase of Works', unless otherwise agreed in writing by the Planning Authority.
- 5 The outer faces of the site as highlighted in green on drawing number BDGS01 shall be prepared in accordance with condition 32 of this permission and seeded with a suitable low maintenance grass seed mixture to the satisfaction of the Council as Planning Authority within two months of the date of this permission.
- 6 That no commercial tipping shall take place on site and the site operations shall be carried out solely by the applicant's company including the export and import of materials.
- 7 That notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(Scotland) Order 1992 (or of any order revoking, amending or re-enacting that Order), no further buildings, structures or fixed plant, including that required for lighting the site, shall be erected or installed within the site, unless details of their location and appearance have received the prior written approval of the Planning Authority.
- 8 That the movement of plant, vehicles and machinery on the site shall be carried out in such a manner as to avoid, as far as possible, the crossing of reclaimed land.
- 9 That any field drainage disturbed during the work shall be made good.

- 10 That within one month of the date of this permission a scheme for the final alignment, contouring and clearing of the Spittal Burn shall be submitted for the approval of the Planning Authority, and thereafter the approved scheme shall be implemented in full to the satisfaction of the Planning Authority not later than 31 October 2009.
- 11 That at any time considered necessary by the Council as Planning Authority, the applicant shall clear the channel of the Spittal Burn as it adjoins the application site to remove all weeds and silt to the satisfaction of the said Authority.
- 12 That all contaminated surface or ground water arising directly or indirectly as a result of these works shall be treated to the satisfaction of the Planning Authority in consultation with the Scottish Environmental Protection Agency and no materials shall be worked or deposited in such a manner as to fall or be carried into any water course.
- 13 That no materials or polluted water shall be allowed to enter any water course.
- 14 That any damage caused to fences, hedges, trees, dykes, drains or other fixed equipment shall be made good to the satisfaction of the Planning Authority.
- 15 That the only material tipped on the site shall be solid, inert, non-hazardous, non-putrescible, non-ferrous and non-toxic matter.
- 16 During the continued period of operations, a drainage scheme for the site access to prevent surface water or other deleterious material entering the public highway shall be operated to the satisfaction of the Council as Planning and Roads Authority until the completion of works.
- 17 That a visibility splay of 4.5 by 120 metres shall be maintained at the junction of the site access with the public highway and nothing exceeding one metre in height shall be placed, planted or allowed to grow within the said visibility splay.
- 18 That vehicular access/egress to/from the site shall only be by the existing access from Hamilton Road as highlighted in yellow on drawing number 01/06.
- 19 That wheel washing equipment considered acceptable by the Council shall remain in place for the duration of operations at the site and shall be maintained in a satisfactory condition to the satisfaction of the Council as Planning and Highways Authority.
- 20 That all vehicles leaving the site shall drive through the wheel washing equipment required by condition No 19 above, prior to entering the public highway.
- 21 That the operator or applicant shall be responsible for removing any mud, debris or other material deposited on the public highway adjoining the site by vehicles entering or leaving the application site during the period of operations, to the satisfaction of the Council as Planning and Highways Authority.
- 22 That all laden lorries entering or leaving the site shall be sheeted before leaving or entering the public road to the satisfaction of the Council as Planning Authority.
- 23 All containers being used to store liquids within the application site shall be labeled clearly to show their contents, and located in a bund which shall be at least 110%

of the capacity of the largest container stored within it. Bunds shall conform to the following standards:

- The walls and base of the bund shall be impermeable
- The base shall drain to a sump
- All valves, taps, pipes and every part of each container shall be located within the area served by the bund when not in use;
- Vent pipes shall be directed down into the bund;
- No part of the bund shall be within 10 metres of a watercourse.

Any accumulation of any matter within the bund shall be removed as necessary to maintain its effectiveness.

- 24 That all types of ground vermin shall be kept to a minimum during the period of operations to prevent their spreading onto adjoining agricultural land.
- 25 That no material shall be burnt on site at any time.
- 26 That before 0800 hrs and after 1800hrs Monday to Friday and after 1300hrs on a Saturday and at no time on a Sunday, shall any landfill or other operations take place within the site unless the prior approval of the Council as Planning Authority has been obtained in writing.
- 27 That in the event of dust nuisance problems being created by operations on site, the applicant shall take reasonable measures to suppress and minimise the transmission of dust to the satisfaction of the Council as Planning Authority.
- 28 That during operations within the site, the level of noise emanating from the development hereby approved as measured at the outside wall of the nearest residential property to the application site, shall not exceed 55dB LAeq over any one hour period.
- 29 That the site shall be adequately fenced with stockproof or security fencing which shall be maintained to the satisfaction of the Planning Authority for the duration of operations on site. Details of any new fencing to be erected shall be submitted for the written approval of the Council as Planning Authority prior to its erection on site.
- 30 That no trees on the site shall be lopped, topped or felled without the prior written consent of the Planning Authority.
- 31 That the twin headed intake for the culverts, as indicated on drawing No. 2A of planning permission GDC/3300/95, shall be maintained to the satisfaction of the Council as Planning Authority.
- 32 That works required for the restoration of the site to a condition fit for agricultural pasture shall be completed not later than 31 October 2009 and shall include:
 - a) the formation of surface levels over the whole area in accordance with the final restoration contours shown on drawing no. 01/D/2/8 of this consent, and such that it drains naturally and does not retain any pools of water;
 - b) where possible, at least 600mm of sub soil shall be spread on the site. The sub soil shall be rooted and cross-rooted with a heavy duty winged rooting machine. Any stones or boulders exceeding 200mm in any one direction, or other material which would prevent or impede normal agricultural or land drainage operation or the use of machinery for sub soiling or more ploughing, shall be removed before the top soil is replaced. The surface layer shall be left in a roughened state;
 - c) top soil shall be replaced to a depth of 150mm. The top soil shall be rooted and

cross-rooted to its full depth with stones exceeding 100mm in any one direction being removed from the site or buried in a stone hole. All operations following replacement of top soil shall be carried out by suitable agricultural machinery;

d) the replacement of sub soil and top soil shall take place when they are in a friable condition in dry weather during spring or early summer; seven days notice shall be given to the Council as Planning Authority of the intention to spread sub soil to allow for inspection by the said Authority, and to suspend operations during adverse weather conditions or apply such conditions as it sees fit for the safekeeping of the top soil or sub soil;

e) all operations involving the spreading of top soil and sub soil in accordance with condition (b) and (c) above shall be carried out when the ground is dry. Earth moving machinery must travel along clearly defined routes. These routes must be rooted before being covered with the next layer of sub soil or top soil. When the vehicle is

- 33 The applicant shall obtain the approval of the Council as Planning Authority for the satisfactory completion of the works listed in Condition 32 above.
- 34 That the developer shall re-instate or lay ditches and field drains as required by the Council as Planning Authority, for the re-use of the site for agricultural purposes and such obligations shall exist for a five year period after the restoration of the top soil is complete.
- 35 That levels shall be taken on the area after the completion of physical restoration and at intervals thereafter until the land is shown to be stable at which time the Council, as Planning Authority, shall be notified and a comprehensive permanent drainage system shall be installed to the satisfaction of the said Authority if considered necessary.
- 36 That provision shall be made at all times to ensure that the site is adequately drained to the satisfaction of the Council as Planning Authority.
- 37 That at the completion of the operations and restoration, the whole site shall be left in a clean and tidy condition to the satisfaction of the Planning Authority.
- 38 That within 3 months of the date of this permission, a detailed restoration and aftercare scheme for the entire site (including field layouts, fencing types, hedge and tree planting proposals, grass seed mixes proposed, and 5 year aftercare arrangements) shall be submitted for the approval of the Planning Authority and the restoration and aftercare scheme approved shall be carried out to the satisfaction of the Planning Authority in accordance with the approved scheme, condition 32 and within the timescale provided for in this permission.
- 39 That all plant, machinery and vehicles on the site shall be fitted with effective silencers and that all static plant, where possible, should be electrically powered, and where deemed necessary by the Council as Planning Authority, should be enclosed in a solid structure.
- 40 That the area to the west of the proposed access and conterminous with the Spittal Burn as shaded blue on drawing No. 1 of planning permission GDC/3300/95 shall remain unworked and undisturbed for the entire duration of this consent to the satisfaction of the Council as Planning Authority.

REASONS

- 1 In order to retain effective planning control.

- 2 In order to retain effective planning control and to secure satisfactory reinstatement of the site within the timescale provided in the application.
- 3 In order that the terms of consent may be reconsidered should a change of operation become necessary.
- 4 In order to retain effective planning control over the remaining operations, and to secure the satisfactory reinstatement of the site.
- 5 To improve the visual impact of the site as viewed from the surrounding area, and to secure satisfactory reinstatement of these parts of the site within the timescale provided in the application.
- 6 In order to retain effective planning control over site operations, and the nature of material imported to the site.
- 7 To ensure effective planning control over such development on the site, so as to minimise the potential visual and landscape intrusion.
- 8 To secure satisfactory reinstatement of the site.
- 9 To secure satisfactory reinstatement of the site.
- 10 These details were not submitted with the application and are required to ensure the free flow of the watercourse in an appropriate channel, the long term stability of adjoining land and to prevent the flooding of neighbouring land.
- 11 To ensure proper maintenance of the burn.
- 12 In the interests of amenity and to protect water courses from pollution.
- 13 To protect water courses from pollution.
- 14 To secure satisfactory reinstatement of the site.
- 15 In the interests of safeguarding the environment, to retain effective planning control and for the avoidance of any doubt.
- 16 In the interests of road safety and to prevent surface water and deleterious material entering the public highway.
- 17 In the interests of road safety.
- 18 In the interests of road safety.
- 19 To minimise the chance of any debris from the site being trailed onto the public highway; in the interests of road safety.
- 20 To minimise the chance of any debris from the site being trailed onto the public highway; in the interests of road safety.
- 21 In the interests of road safety.
- 22 In the interests of road safety.
- 23 To ensure the safekeeping of such liquids.
- 24 In the interests of amenity and good agricultural practice.
- 25 To safeguard the amenity of the area.
- 26 In the interests of amenity and in order to retain effective planning control.
- 27 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 28 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 29 To ensure site safety and maintenance of boundary security.
- 30 To ensure the protection and maintenance of the existing trees within the site and to retain.
- 31 To prevent deleterious material flowing into the culverts.
- 32 In order to secure the satisfactory reinstatement of the site.
- 33 In order to secure the satisfactory reinstatement of the site.
- 34 In the interest of good agricultural practice.
- 35 In order to secure the satisfactory reinstatement of the site.
- 36 In order to secure the satisfactory reinstatement of the site.
- 37 In the interests of amenity.
- 38 In order to secure the satisfactory reinstatement of the site.
- 39 In the interests of amenity.
- 40 In the interest of the orchid population.

For information only

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