

**PURTON: SECTION 73 APPLICATION - EXTENSION OF AN ESTABLISHED CLAY
EXTRACTION AND LANDFILL SITE, CONSTRUCTION OF A BRIDGE
AND EMBANKMENTS AND PROVISION OF ANCILLARY FACILITIES
WITHOUT COMPLIANCE WITH CONDITIONS 1 AND 3 OF PLANNING PERMISSION
N.95.0871 DATED 9th OCTOBER 1996 AT PARKGATE FARM, PURTON,
FOR HILLS MINERALS AND WASTE LIMITED
(Application No. N.05.07022)**

Purpose of Report

1. To consider the above application and to recommend that planning permission be granted subject to conditions.

The Site

2. Parkgate Farm is located approximately 7 km west of Swindon and approximately 500 metres north-west of the village of Purton. The main Gloucester to Swindon railway line runs along the north-eastern boundary of the site, the remainder surrounded by farmland. The land around and within Parkgate Farm slopes gently down to the north-west and is generally semi-improved pasture land which has been used primarily for grazing. Immediately to the north of the railway line is the operational Purton Landfill site that has largely been restored to agriculture with the remaining void presently receiving hazardous waste. Access to the landfill has already been established by a bridge over the railway line. A haul road joins this to the existing waste reception area and weighbridge at the entrance to Purton Landfill.
3. A location plan is attached at **Appendix 1** and a site plan at **Appendix 2**.

Planning History

4. In brief the history of the site is as follows:

N.95.0871 In 1995 planning permission was sought by Hills Aggregates Ltd. for the extension of an established clay extraction and landfill site, the construction of a bridge and embankments and the provision of ancillary facilities. Permission was granted subject to conditions in October 1996.

N.04.2795 In 2004 planning permission was sought by Hills Minerals and Waste Ltd. under Section 73 of the Town and Country Planning Act 1990 for extension of an established clay extraction and landfill site, construction of a bridge and provision of ancillary features, without compliance with conditions 1, 3 and 6 of Permission N.95.0871 to allow the disposal of hazardous waste at Parkgate Farm, Purton. The application was withdrawn following legal advice indicating that because the disposal of hazardous waste constitutes a material change of use by virtue of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 it was deemed inappropriate for the Waste Planning Authority (WPA) to determine the application under Section 73 of the Town and Country Planning Act 1990.

Proposals

5. Parkgate Farm currently has permission to dispose of waste from inert, commercial, industrial and municipal sources, which includes household waste. Permission is sought for the extension of an established clay extraction and landfill site, construction of a bridge and embankments, and provision of ancillary facilities without compliance with conditions 1 and 3 of permission N.95.0871 dated the 9th October 1996 (to change the phasing and direction of working, and to extend the period of operations) at Parkgate Farm. The proposed alteration of the phasing operations by non-compliance with condition 1 would allow for two landfill cells to operate concurrently. The proposed extension of time by non-compliance with condition 3 would increase the permitted timescale of operations from 12 years from the date of commencement of development to 18 years.
6. This application to vary conditions of permission N.95.0871 has been submitted in tandem with an application to change the use of approximately one-third of the Parkgate site to dispose of hazardous waste. The applicant proposes a revision to the phasing of the permitted development to accommodate the area for hazardous waste disposal and an extension of time for the completion of the site to reflect the increased recycling rates and diversion of waste away from landfill since the site was first planned.

Planning Policies

7. The following policies are considered relevant to this application:
 - Policies W3 and W4 of the Wiltshire and Swindon Structure Plan 2016 (Adopted April 2006)
 - Policy RC2 of the Adopted North Wiltshire Local Plan (2001)
 - Policy NE12, NE13 and NE15 of the North Wiltshire Local Plan 2011 Revised deposit draft November 2004
 - Policies 1, 2, 3, 6, 8, and 20 of the Adopted Wiltshire and Swindon Waste Local Plan 2011 (March 2005)
8. All relevant planning policies are set out in the attached **Appendix 3**.
9. National Planning Policy Guidance (PPG) Notes and Planning Policy Statements (PPS) set out Government policy on planning issues and provide guidance to local authorities and others on the operation of the planning system. PPS 10 (Planning for Sustainable Waste Management), PPS 7 (Sustainable Development in Rural Areas), PPS 9 (Biodiversity and Geological Conservation), PPS 23 (Planning and Pollution Control) PPG 24 (Planning and Noise) MPS 2 (Annex 2): (Controlling and mitigating the environmental effects of mineral extraction in England) are all considered relevant to this proposal.

Consultations

10. **North Wiltshire District Council** - does not object to the application but commented that there was an expectation that the site had only a 12 year operational life. The proposal would result in the extension of the duration of site operations resulting in the continued traffic/noise/potential odour problems although the disposal of contaminated soils would have less impact on the landscape compared to domestic landfill. Due to the lack of other suitable sites within this part of the County and the short period before the existing hazardous waste landfill is complete, considers that notwithstanding the environmental implications of the use, this proposal is the best practicable option provided that the restoration works as proposed are initiated and the land restored to agriculture as soon as possible.
11. **North Wiltshire District Council Environmental Health Officer** - no comment.
12. **Purton Parish Council** - acknowledges that procedures are in place to manage the waste and if adhered to and managed correctly the site would be as acceptable as it can be. Therefore, with the proviso that controls would be strictly implemented and enforced, raised no objection. However, following the submission of further information on the Change of Use application, Purton Parish Council states that the application has the intention to make Parkgate a regional hazardous waste facility and therefore objected to the proposal.
13. **English Nature** - provided advice on Protected Species and commented that the WPA must be satisfied that necessary surveys and mitigations for bats have been carried out prior to application determination.
14. **Environment Agency** - no objections but suggested a number of informatives pertaining to flooding and bunding.
15. **Network Rail** - no objections providing the original conditions relating to the protection of the railway are reiterated.
16. **Countryside Section (Landscape)** - no objections in terms of landscape as no significant changes to the original application are proposed.
17. **Countryside Section (Ecology)** - states that there are potential tree roosts within the boundary of the permitted landfill and recommends that a new condition be added to any permission granted requiring a survey for bats to be undertaken prior to commencement of landfill.
18. **Archaeologist** - states that the proposed changes have no implication for archaeology.
19. **Highways Development Control** - no observations.
20. Copies of the consultation replies referred to above are available for inspection in the **Members' Room**.

Publicity

21. The application has been publicised in the local press and by site notices. A neighbour notification exercise was also carried out. Letters of representation have been received from 11 objectors whose concerns are outlined below:-
- (i) Potential impact on local residents
 - (ii) Impact on farmland
 - (iii) Extension of the life of the landfill
 - (iv) The belief that the site would become a regional facility for hazardous waste disposal
 - (v) Waste proposed to be accepted
 - (vi) Monitoring of operations
 - (vii) Risk of airborne pollutants
 - (viii) The completeness and accuracy of the Environmental Statement (ES) submitted with the Change of Use application
 - (ix) Credibility of consultants contributing to the ES submitted with the Change of Use application
 - (x) The need for an Environmental Management Plan
 - (xi) Noise of operations
 - (xii) Odour
 - (xiii) Operation outside of hours
 - (xiv) Effect on walkers and users of the countryside
 - (xv) Attraction of scavenging birds and animals
 - (xvi) Concerns regarding waste handling stemming from incident at Purton Landfill in September 2004
 - (xvii) Traffic and lorry routing
 - (xviii) Effect on trees growing on restored landfill
 - (xix) Lack of consultation by Hills Minerals and Waste Ltd.
22. **Campaign to Protect Rural England (CPRE)** - objects to the application on the grounds that there is insufficient information in the ES submitted with the Change of Use application about alternative sites in the South West and insufficient evaluation of noise, odour, vehicle routing and cultural impact. They also believe the proposal to conflict with Plan policies.
23. Copies of the representations received are available in the **Members' Room**.
24. An open Public Forum was held on the 25th April 2005 by Hills Minerals and Waste Ltd. prior to the submission of the current planning application. 60 people from Purton and surrounding areas attended as well as officers from the County Council. The concerns raised on the day were those outlined in the letters received in response to the application.

Planning Considerations

25. Parkgate Farm benefits from an extant conditional planning permission granted on 9th October 1996 (ref. no. N.95.0871) for clay extraction and landfill site, construction of a bridge and embankments and provision of ancillary facilities.
26. This application proposes the 'modification' of certain conditions to take account of the current planning application proposing the Change of Use of part of the Parkgate Farm site for the disposal of hazardous waste.
27. Applications to 'modify' or 'vary' the conditions attached to a planning permission are properly an application under Section 73 of the Town and Country Planning Act 1990. This section provides for applications to be made for planning permission without complying with conditions applied to a previous permission. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation.
28. Section 73 provides a different procedure for such applications from that applying to applications for planning permission, and requires the planning authority to consider only the question of the condition(s) subject to which planning permission should be granted.
29. If it is decided that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, then the planning authority may grant planning permission accordingly. Alternatively, if the planning authority decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, then it should refuse the application.
30. If the planning authority decides that some variation of conditions is acceptable, a new alternative permission will be created. It is then open to the applicant to choose whether to implement the new permission or the one originally granted.
31. In determining this application it will be necessary to consider the condition, the reason for it, its function, the degree to which it makes the development acceptable and therefore whether the variation would in this context be acceptable.
32. In determining this proposal it is fundamental to note that it is not the principle of hazardous waste disposal which is being considered but merely the acceptability of the alteration in phasing and the extension of the life of the landfill operations in land-use planning terms. Consequently, many of the objections and letters of representation are not relevant to this proposal. However, they are being taken into account in the determination of the change of use application.

Condition 1

33. This condition requires that the development must be carried out in accordance with the submitted planning application, plans and documents. These plans illustrated the phasing of operations and final restoration of the site. This application proposes amending the plan references in favour of updated plans illustrating a change in the agreed phasing to allow for two landfill cells to operate concurrently. This is necessary in light of the current proposal also under determination to change the use of part of the permitted landfill for hazardous waste disposal. The potential visual impact of this change on the local area has been highlighted as a concern by objectors.

34. The principal implication resulting from a change to the approved phasing and direction of working would be the visual impact the operations would have on the landscape. The applicant has submitted a landscape and visual assessment as part of the proposal. The report refers to the landscape assessment carried out in relation to the original planning application made in 1995 and evaluates whether the significance of impacts identified originally would change as a result of the proposed variations to the permitted development. The report assesses the character of the local landscape and considers the operations including working direction and progressive restoration and identifies that much of the visual mitigation originally proposed has been implemented e.g. pre-landfill planting and wetland features.
35. The assessment concludes that the proposed change to landfill operations would result in a significant reduction in land take for operational areas in the first 9 years. For the remaining life of the site during years 10 to 18 the land take for operational areas would not be significantly greater than that required under the existing permitted scheme. It is proposed that the site would still be progressively restored with the main difference being that for half the life of the site two separate working areas would be undergoing progressive restoration independently and the working would progress at a slower rate and would be extended to a period of 18 years rather than the 12 previously proposed. The report has considered the change in magnitude of impacts resulting from the proposed revision to direction of working and phasing of restoration, assessing the impact as being small. On this basis, the impact of the proposed development on the character of the landscape and individual viewpoints is acceptable and does not require any mitigation measures (e.g. planting schemes, screen bunds, wetland features and interim restoration) additional to those proposed in the 1995 assessment.
36. Policy NE15 of the North Wiltshire Local Plan 2011 Revised Deposit Draft relates to the general landscape character of the countryside, stating that development will be permitted '*if it does not adversely affect the character of an area*'. This protective stance is further reiterated in Policy 6 (j) of the Wiltshire and Swindon Waste Local Plan 2011 which states that waste management facilities will only be permitted '*where it can be demonstrated that there will be no significant adverse impact on important local landscapes*'. The submitted report has assessed the potential impact of the scheme on the landscape character and visual amenity of the surrounding area, including the Great Western Community Forest, as not being significantly altered from that already permitted. The County Landscape Officer does not object to the proposal stating that there would be no significant changes to the original permission. Consequently, officers consider that the proposals are in accordance with land-use planning policy with regard to that which has already been permitted and the proposed alteration in the phasing and progressive restoration.

Condition 3

37. The original planning permission stated within condition 3 that all operations granted shall cease and the site be restored within 12 years from the date of commencement of the development. This means that operations at the site should cease by 8th October 2008. The current proposal proposes that the life of the site be extended to 18 years from the date of commencement, e.g. April 2024. The potential increase in life of the landfill has been highlighted as a concern by objectors.

38. The effect of the Change of Use application would be to apportion a hazardous waste disposal area and a non-hazardous waste area which would not exceed the permitted input level but would necessitate the extension of the operational life of the site to 18 years. In years 1-9 of the site's life the input would be 50,000 tonnes per annum of hazardous waste. In years 10-18 the total input of hazardous and non-hazardous waste would be 150,000 (50,000 tonnes of hazardous waste plus 100,000 tonnes of non-hazardous waste). Furthermore, the extension in time also reflects the impact the Change of Use application would have on site development which stems from the necessity to reflect the increased life of the site that would arise when targets for a reduction in municipal waste being landfilled are achieved in Swindon and surrounding areas. In 1994, it was estimated that 150,000 tonnes of non-hazardous waste per annum would be disposed of at Parkgate Farm. The current forecast is an average of 100,000 tonnes per annum which reflects increased rates of recycling and re-use that have occurred in recent years.
39. A Section 106 Agreement was also entered into as part of the original planning permission relating to the conservation of botanically rich grassland and woodland planting prohibiting vehicles using any access into the Parkgate site other than via the railway bridge. This was to ensure that no other rural tracks in the vicinity of the site could be used by construction or waste vehicles. If permission is granted for this Section 73 application a Supplemental Agreement to the Section 106 Agreement between the WPA and the operator will be signed to ensure all vehicles associated with this current development access the site from the north only via the railway bridge and to continue the nature conservation management of the site.
40. Landfilling at Parkgate Farm had not yet commenced on the site because the applicant's site at Chapel Farm Landfill near Blunsdon is yet to be completed. It is not desirable to the company to begin mineral extraction until as close as possible to the time the site can be used for landfilling, otherwise the void created has to be maintained and dewatered. This can compromise the impermeability of the in-situ clays exposed to the elements. Submitted phasing plan 314F/22 illustrates that cell creation and landfilling would be phased to follow as closely together as possible.
41. Policies W3 and W4 of the Adopted Wiltshire and Swindon Structure Plan 2016 relate to the provision of an adequate network of waste management facilities and the need for waste management proposals to have regard to the effects on restoration and aftercare of the site. Officers consider that the proposals are in accordance with land-use planning policy with regard to that which has already been permitted, the proposed alteration in the life of the site and the waste management needs of the plan area.

Conclusion

42. The application has been considered in accordance with the Development Plan and other material planning considerations.
43. The visual impact assessment considered the change in magnitude of impacts resulting from the proposed revision to direction of working and phasing of restoration, assessing the impact as being small.
44. Officers consider that the proposals are in accordance with land-use planning policy with regard to that which has already been permitted and the proposed alteration in the phasing and progressive restoration.
45. Officers consider that the increased time period for landfill accords with policy in meeting the waste management needs of the plan area.

46. Overall it is considered that there are no material reasons which would justify a refusal of planning permission.

Recommendation

47. That:

- (i) Authority be given to the Solicitor to the Council to prepare a Supplemental Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure vehicle routing and nature conservation.
- (ii) Subject to the completion of the legal agreement referred to above, planning permission be granted subject to the following conditions:

Standard

1. The development hereby permitted shall be carried out in accordance with the details on plans PGF/04/01 (location plan), P952/5/A (Final Restoration), TAL/04/01 (phasing) and 314F/22 (detailed phasing and schedule).

Reason: For the avoidance of doubt.

2. The development hereby granted shall commence within **five** years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Duration

3. All operations granted by this permission shall have ceased and all plant, machinery, structures (including the bridge over the railway), hardstandings, security fences and haul roads shall be removed and the site restored in accordance with Drawing No. P952/5/A entitled 'Final Restoration' within 18 years from the date of commencement of development.

Reason: For the avoidance of doubt and to not prejudice the long term restoration of the site.

Hours of work

4. Except in emergencies, in order to maintain safe working (which shall be notified to the Waste Planning Authority as soon as practicable), no operations or activities authorised or required by this permission shall be carried out and plant shall not be operated on the site other than during the following hours:-

0730 hours to 1800 hours Monday to Friday
0730 hours to 1200 hours on Saturday

No working shall take place at any time on Sundays and Bank or Public holidays.

Reason: To protect the amenities of local residents and visitors to the area.

Method of working

5. No mineral except Oxford clay shall be removed from the site.

Reason: To ensure the development is carried out in a satisfactory manner and to regulate the use of the land.

6. No more than 20,000 cubic metres of clay per annum shall be removed from site. This figure shall exclude the clay required for lining and capping the existing landfill site.

Reason: For the avoidance of doubt and to safeguard the local environment as well as the amenity of surrounding residents.

7. No more than 5,000 cubic metres of clay shall be stockpiled on the site at any one time. The height of any stockpile shall not exceed 2.5 metres in height and the location of such stockpiles shall be agreed with the Waste Planning Authority.

Reason: In the interests of visual amenity.

8. This permission shall only relate to the deposit of hazardous waste.

Reason: For the avoidance of doubt and to regulate the use of the land.

9. The input of waste into the site shall not exceed a level of 150,000 tonnes per annum (100,000 tonnes per annum of non-hazardous and 50,000 tonnes per annum of hazardous waste).

Reason: In the interests of highway safety and to safeguard the amenities of local residents living along transport routes to/from the site.

10. From the date of this permission the operators shall maintain records of their quarterly input and shall make them available to the Waste Planning Authority within 14 days of the last day of March each year.

Reason: In order that the Waste Planning Authority can monitor the level of waste input into the site.

Depth of working

11. The maximum depth to which clay shall be extracted from the site shall not exceed 10 metres.

Reason: For the avoidance of doubt and to restrict the depth of working for geotechnical and hydrological purposes.

Restriction of Permitted Development Rights

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), no building, structures, fixed plant or machinery shall be installed, erected, modified or placed within the site without the prior written approval of the Waste Planning Authority.

Reason: For the avoidance of doubt and to safeguard the local environment as well as the amenity of surrounding residents.

Landscaping

13. Before any operations commence on the site, details of size of species and spacing of trees and shrubs, hedgerows and provenance of species to be planted in the landscaping of the site in accordance with drawing entitled 'Final Restoration' (P952/5/A) shall be submitted to and approved by the Waste Planning Authority. Such details shall include proposed timescales and phasing of planting to ensure that certain areas are planted at least two years prior to the commencement of extraction operations. Any trees or shrubs which die within five years of being planted shall be replaced in the next planting season with new stock to the satisfaction of the Waste Planning Authority and maintained for a period of five years.

Reason: The provision and maintenance of a satisfactory degree of landscaping is considered essential in the interests of visual amenity.

Noise

14. Noise from operations on site shall not exceed 55 dB LAeq 1 hour at any residential or noise sensitive property as measured freefield (measurement taken at not less than 3.5 metres from a façade and at a height of 1.5 metres above ground level), except during temporary operations when the limit shall be 70 dB LAeq 1 hour measured in the same manner.

Reason: In order to protect the amenities of the area.

Vehicle Movements

15. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

Reason: In the interests of highway safety.

16. All vehicles involved in the transport of either clay from the site or waste into the site shall use Mopes Lane.

Reason: In the interests of highway safety.

Protection of Railway

17. No extractive operations shall take place within a lateral distance of 16.5 metres from the railway boundary fence and outside that distance the working shall be battered at 1 vertical to 1 horizontal downwards from the 16.5 metre berm to a maximum depth of 10 metres below existing ground level, as shown on the cross-section on Drawing No. 315A/5 dated October 1995.

Reason: In the interests of railway safety.

18. The proposed soil bund shown on Drawing No. 314A/6 which is to be located adjacent to the railway, shall maintain a minimum 2 metres stand-off from the Network Rail boundary fence and be constructed no higher than 3 metres. This mound shall be constructed without damage to the railway boundary fence and in such a manner that the material does not spill onto the railway property or into the railway drainage ditch.

Reason: In the interests of railway safety.

19. The exposed side wall of the working adjoining the railway shall be maintained in a stable condition until backfilling takes place and the length of the open side wall shall not exceed 50 metres as specified on Drawing No. 314A/6.

Reason: In the interests of railway safety.

20. No soakaways or lagoons for storm/surface water control storage or disposal shall be constructed within 15 metres of the railway boundary or at any point which could adversely affect the stability of Network Rail property.

Reason: In the interests of railway safety.

21. Any cranes and jibbed machines used in connection with the works shall be so positioned that the jib or any suspended load does not swing over railway property. All machinery and plant shall be so positioned and used to prevent accidental entry onto railway property in the event of failure.

Reason: In the interests of railway safety.

22. Any trees planted in close proximity to the railway shall be located at a distance in excess of their mature height from railway property so as not to form a hazard to the rail line.

Reason: In the interests of railway safety.

Rights of Way

23. No extraction operations shall take place within a lateral distance of 12 metres from any public footpath. Beyond that distance from any public footpath the excavation as it adjoins that 12 metre boundary shall be undertaken in such a manner as to provide for a batter of not greater than 1:1.

Reason: In the interests of public safety.

Water Protection

24. A margin of 16 metres between the River Key and the edge of the excavation shall be preserved completely unobstructed and clear of all development.

Reason: To prevent pollution of the water environment.

25. Prior to the commencement of development details of the proposed means of drainage within the site shall be submitted for the approval of the Waste Planning Authority. Such details shall include full information of any alteration/ diversions to the existing surface water drainage regime and proposals to control surface water run-off through a suitable settlement system for the restored domed profile of the site. Suitable drainage and other works shall be provided to prevent surface flows or run-off affecting the railway.

Reason: In the interests of land drainage.

26. Prior to the commencement of development, details associated with plans for surface water handling in respect of ditch and pond management shall be submitted and approved in writing by the Waste Planning Authority.

Reason: In the interests of land drainage and to ensure the conservation of wildlife habitats.

27. Any above ground oil storage tank(s) or chemical storage tank(s) shall be sited on an impervious base and surrounded by a suitable liquid tight bunded compound. No drainage outlet shall be provided. The bunded area must be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges shall be enclosed within its curtilage. The vent pipe shall be directed downwards into the bund.

Reason: To prevent pollution of the water environment.

Dust

28. Prior to commencing operations, details of fume and dust suppression measures shall be submitted to and approved by the Waste Planning Authority. These details shall relate, in particular, to the access road, haul road and other running areas used by vehicles which shall be watered or treated with an approved dust laying agent at such intervals as may be necessary to prevent the raising of dust from those areas in accordance with the approved details. These details should also include measures for minimising dust nuisance during stripping/movement/ replacement of soils and sub-soils.

Reason: To safeguard the local environment.

Soil

29. No movement of soil shall be carried out except when the full depth of the soil to be stripped or otherwise transported is in a suitably dry condition such that the top soil can be separated from the sub-soil without difficulty. All available top soil and all sub-soil must be stripped, handled and stored separately and all stripping, handling and restoration must take place under dry conditions to minimise structural damage.

Reason: In the interests of satisfactory restoration of the site.

30. No topsoil, sub-soil or overburden shall be exported from the site.

Reason: In the interests of satisfactory restoration of the site.

Ecological mitigation

31. No trees or shrubs shall be cleared during the bird breeding season (March to August inclusive).

Reason: In the interests of wildlife conservation.

32. Prior to commencement of development a detailed Method Statement outlining how any disturbance to the badger sett on the railway embankment will be avoided shall be submitted to the Waste Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of wildlife conservation.

33. Prior to the commencement of development a detailed methodology outlining the survey measures to be undertaken pertaining to potential bat roosts in the mature trees requiring removal shall be submitted to the Waste Planning Authority. The methodology shall outline any mitigation measures that will be put in place if bat roosts are discovered within the site.

Reason: In the interests of wildlife conservation.

Archaeology

34. Access to the site shall be afforded at all reasonable times to archaeologists nominated by the Waste Planning Authority for the purpose of observing excavations in order to record items of interest and finds.

Reason: In order to safeguard the retention of archaeological finds.

Restoration

35. Clay extraction and tipping operations shall take place strictly in accordance with the phases shown on the submitted Drawing No. 314F/22 dated February 2006. Upon the completion of tipping hazardous waste operations in each phase, the previous phase shall be capped and covered with sub-soil to a finished depth of not less than 1 metre and thereafter finished with a layer of not less than 0.3 metres of top soil. The restored areas shall be graded to accord with the final pre-settlement levels shown on the submitted plan entitled 'Final Restoration' (P952/5/A).

Reason: In the interests of satisfactory restoration of the site.

GEORGE BATTEN

Director of Environmental Services

Report Author

MARI WEBSTER

Senior Planning Officer

The following unpublished documents have been relied on in the preparation of this Report:

Consultation replies and correspondence