

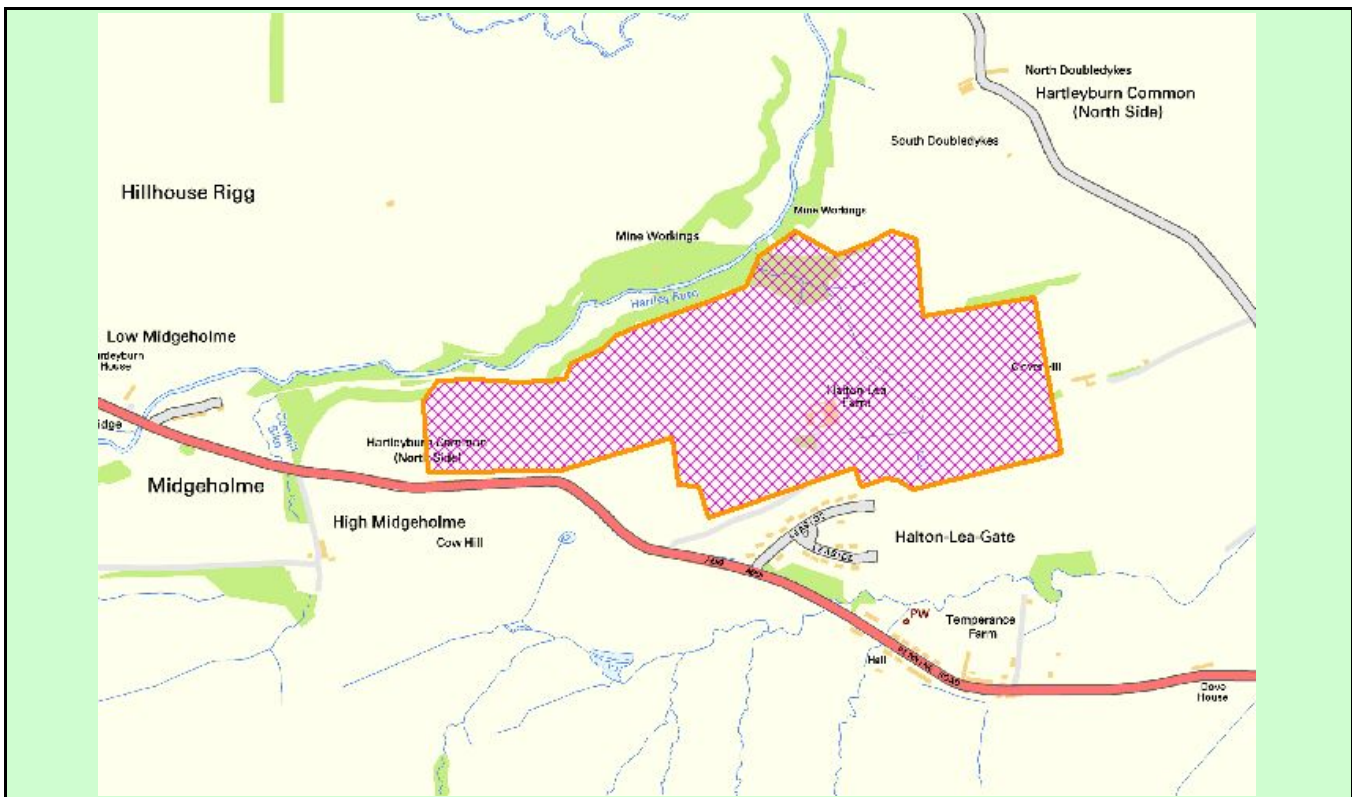


Northumberland

County Council

Strategic Planning Committee – 5 February 2019

Application No:	16/03931/VARCCM		
Proposal:	Application to vary Condition 21 to allow for the use of articulated wagons, vary Condition 2 (approved plans) and vary Condition 15 to allow additional plant/equipment relating to permission 13/01492/VARCCM.		
Site Address	Land at Halton Lea Farm Halton Lea Gate, Haydon Bridge, Hexham CA8 7LS		
Applicant:	% Mr David R Booth H M Project Developments 21 Ben Nevis Drive Leasham, Little Sutton Cheshire CH66 4YZ	Agent:	
Valid Date:	09.11.2016	Expiry Date:	31.03.2017
Case Officer Details:	Name: Mrs Katherine Robbie Job Title: Senior Planning Officer Tel No: 01670 622633 Email: Katherine.robby@northumberland.gov.uk		



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Recommendation:

That Members authorise the Interim Director of Planning to GRANT permission subject to:

- i) The recommended conditions appended to this report;
- ii) The satisfactory variation of the existing planning obligation under Section 106 of the Town & Country Planning Act 1990 to amend the references to the use of rigid axle vehicles in the current agreement to allow articulated vehicles to access the site and restrict movements through appropriate settlements in Cumbria between 8.00 and 9.00 and 3.00 and 4.30 Monday to Friday.

1. Introduction

- 1.1 Under the terms of the Scheme of Delegation the planning application is to be determined by the Strategic Planning Committee.

2. Description of the Proposals

- 2.1 Planning permission is sought for the variation of conditions attached to the planning permission for the operation of the site at Halton Lea Gate Farm as a surface coal mine. The application has been with the Mineral Planning Authority for some time and the application is now being considered retrospectively.
- 2.2 The application seeks amendment to the approved plans (condition 2 of 13/01492/VARCCM) where they relate to the introduction of a coal washing plant and associated water management arrangements through the introduction of a series of lagoons to filter and recirculate the water used in the washing plant. Condition 15 of planning permission 13/01492/VARCCM required the operator to provide a list of plant equipment which was proposed to be used on the site prior to the commencement of the operations at the site. At the time that this condition was discharged a coal washing plant was not proposed for the site. Since that time the plant has been brought on to site and has been operating contrary to this condition.
- 2.3 Condition 21 of planning permission 13/01492/VARCCM restricted the Heavy Goods Vehicles (HGVs) which service the site to rigid axle vehicles. The applicant wishes to remove this restriction and allow articulated vehicles to access the site. The use of articulated HGVs has been taking place for some time now and the application is made retrospectively to regularise the situation. This requirement was originally required due to the internal haul road arrangement at the site and its orientation with the junction on to the A689 and also arose out of concerns raised regarding the route from the site to the A69 through a number of villages. The access on to the A689 has since been revised and the access is more suitable for articulated vehicles to manoeuvre. This variation to the permission would remove current condition 21 relating to the type of vehicles which could serve the site.
- 2.4 The extant planning permission for the site is for the extraction of 140,000 tonnes of coal with restoration to a mix of agricultural and equestrian use,

woodlands, ponds and wetlands. The application site covers an area of 29 hectares.

- 2.5 The application site is located at Halton Lea Gate Surface Mine and lies to the north of the A689. The North Pennines Area of Outstanding Natural Beauty (AONB) lies adjacent to the south of the A689, approximately 200 metres away from the proposed site boundary at its nearest point.

3. Planning History

Planning Applications

Reference Number: C/08/00117/CCMEIA

Description: Extraction of 140,000 tonnes of coal by surface mining with restoration to agricultural and equestrian use, woodland, ponds and wetland

Status: Refused

Reference Number: C/10/00267/CCMEIA

Description: Extraction of 140,000 tonnes of coal by opencast methods with subsequent restoration to agricultural and equestrian use, woodlands, ponds and wetland.

Status: Refused

Reference Number: 13/01492/VARCCM

Description: Variation to condition 2 of ref C/10/00267/CCMEIA

Status: Permitted

Reference Number: 15/00725/DISCON

Description: Discharge of conditions 5, 6, 9, 12, 15, 16, 18, 20, 22, 28, 29, 30, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 48, 72 and 73 from planning approval 13/01492/VARCCM (Variation to condition 2 of ref C/10/00267/CCMEIA -Extraction of coal with restoration of the land to the purpose of which it was normally sent prior to extraction, and for this restoration to include woodlands, ponds and wetlands.)

Status: Permitted

Reference Number: 15/04023/DISCON

Description: Discharge of condition 35 (Surface Water Management Scheme) from 13/01492/VARCCM - Variation to condition 2 of ref C/10/00267/CCMEIA

Status: Permitted

Reference Number: 16/01751/CCM

Description: Construction of new access road serving the approved surface mine development, via a modification of the existing access

Status: Permitted

Reference Number: 16/03003/DISCON

Description: Discharge of condition 5 (wheel washing) of approved planning application 16/01751/CCM

Status: Permitted

Reference Number: 17/02548/LBC

Description: Listed Building Consent for demolition of listed farmhouse at Halton Lea.

Status: Refused

Reference Number: 17/02550/LBC

Description: Listed Building Consent for demolition of listed barns at Halton Lea.

Status: Refused

Reference Number: 18/04490/NONMAT

Description: Non-material amendment (revised phasing plans showing additional working areas in relation to condition 2) on approved planning application 13/01492/VARCCM.

Status: Pending consideration

Planning Appeals

Reference Number: 11/00020/REFUSE

Description: Extraction of 140,000 tonnes of coal by opencast methods with subsequent restoration to agricultural and equestrian use, woodlands, ponds and wetland.

Status: Appeal allowed

4. Consultee Responses

Hartleyburn Parish Council	No response received
Highways	The use of articulated vehicles would not have an adverse impact on the safety of all users of the highways or on the highway network in Northumberland.
Cumbria County Council	<p>There has been some concerns raised by residents on the Cumbria side of the routing for this application.</p> <p>Considering the road type as well as the overall performance of Articulated HGV's compared to Rigid HGV's, it is our view that the impact on the local network might in fact be reduced by allowing this condition to be varied.</p> <p>The Highway Authority for the local Roads in Cumbria does not have any objection to the variation of this condition.</p>

	<p>It is noted that the maximum numbers of HGVs is not affected by this application and will remain as is.</p> <p>In light of local concerns, ask that a timing condition is imposed on the application thereby not allowing vehicles over 7.5t to pass a school during muster times.</p>
Public Protection	The application is seeking to vary Condition 15 and makes reference to information submitted on connection with Condition 37 on noise for the site which was discharged in November 2017. Public Protection objected to the discharge of condition 37 and as such cannot comment on the proposed variation such as it related to the discharged noise condition.
County Ecologist	No response received.
Environment Agency	No objection

5. Public Responses
Neighbour Notification

Number of Neighbours Notified	170
Number of Objections	23
Number of Support	0
Number of General Comments	1

Notices

A site notice (LBC, EIA and PROW) was posted on site on 10 February 2017
A press notice was placed in the Northumberland Gazette on 2 February 2017

Summary of Responses:

A total of 23 letters of objection have been received.

Objections have raised the following issues:

- highway safety particularly through villages and at school drop off and pick up times.
- CO² emissions from the vehicles.

A further letter of representation has been received from William Howard School in Brampton has been received which raises concerns regarding school students travelling to and from school including walking to bus stops along the A689.

6. Planning Policy

6.1 Development Plan Policy

Northumberland Minerals Local Plan (2000)

EP18: Transport considerations

EP19: Protection of local communities

SM1: Water management

Tynedale Core Strategy (2007)

Policy NE1: Principles for the natural environment

Northumberland Local Plan Publication Draft Plan (Regulation 19)

TRA2 The effect of development on the transport network

POL2 Pollution and air, soil and water quality

6.2 National Planning Policy

National Planning Policy Framework (2018)

National Planning Policy Guidance (2014, as updated)

7. **Appraisal**

Principle of the Development

- 7.1 The principle of extraction of coal in this location has been established by previous permissions granted for the site. The overall principle of the operation therefore cannot be considered at this time. The proposal is to retrospectively amend the approved plant equipment being used on the site and the approved plans for the site required as a result and also to vary the condition on the permission which relates to the type of vehicles which are permitted to serve the site.
- 7.2 The current planning permission for the site was implemented in 2016 and coal extraction commenced on 29 August 2016. The site has permission to extract coal for 36 months from that date. The operator estimates that coaling will cease on the site in approximately 3 to 4 months time.

Variation to Conditions 2 & 15 - Coal Wash Facility

- 7.3 The operations at the site currently include a coal wash facility which was brought on to the site during 2016. This process enables extracted coal to be washed to remove impurities on site prior to exporting the coal to the intended destination. The coal wash facility is on site and is operational and has been operating on the site in contravention of Condition 15 of the planning permission for the site (13/01492/VARCCM).
- 7.4 The coal wash facility is small scale industrial fixed plant equipment and as such has the potential to cause adverse effects on landscape and visual receptors. The facility is located close to the centre of the site and the topography of the significantly reduces the ability to observe the plant equipment and associated lagoons from outside the site. The equipment is not visible from the A689 or closest properties on Leaside or Clover Hill Farm to the east. It may be visible from the public footpath which runs to the north

of the site and distantly from the unclassified road which runs north-south to the east of the site.

- 7.5 There are limited views of the plant equipment, furthermore the plant equipment is centrally located within an operational surface mine and observed within a commercial / industrial landscape character. The siting of the coal wash facility is therefore considered to be acceptable and forms an intrinsic function to the surface mine. The equipment would be removed at the end of the extraction operations of the site prior to restoration of this part of the site occurring.
- 7.6 In terms of safeguarding watercourses, specifically the Hartley Burn from potential pollution, the operator has constructed a series of three lagoons close to the coal washing plant which hold used water from the coal washing plant prior to being drained to a further lagoon which holds the water before it is pumped back to be used in the coal washing plant again. It is alleged that coal slurry was washed in to the Hartley Burn during the autumn of 2018 as a result of poor water management at the site. Since that time remedial work has taken place and the drainage gullies are checked on a regular basis to prevent a further incident occurring. The operator is in discussions with the Environment Agency to update the Environmental Permit which controls water management in more detail on the site.
- 7.7 The operation of the coal washing plant has been observed on site. The operation of the equipment does not raise concerns over additional noise from the site. It is not audible from within the site when other operations are occurring and is therefore not likely to cause any additional noise impacts at properties beyond the boundary. The nature of the operation using water means that no dust occurs as a result of the operation of the machinery and therefore it can be operated on site without impact on the existing noise and dust conditions imposed on the operations.
- 7.8 The coal washing facility is considered to be acceptable in terms of both visual impact and environmental impact as proposed by the lagoon system. The variation is therefore considered to accord with Policies EP19 and SM1 of the Northumberland Minerals Local Plan and Policy NE1 of the Tynedale Core Strategy.

Variation to Condition 21 - Use of Articulated HGVs

- 7.9 The original planning permission for the site and the Section 106 agreement attached to that permission restricted the type of vehicles which could serve the site to rigid axle HGVs rather than larger articulated HGVs which commonly serve this type of site. This was due to the orientation and location of the original access point which was proposed from the site onto the A689 and also through concerns raised by communities on the A689 through which the vehicles would pass.
- 7.10 Since that time the access from the site on to the A689 has been relocated further east and is better located in terms of visibility and turning. In terms of accessibility to the site the proposal to allow articulated HGVs to serve the site

is acceptable and the Northumberland Highways Authority have raised no objection to the proposal.

- 7.11 The site is located close to the border with Cumbria and the routing of vehicles is such that all HGVs must turn right out of the site and travel through a number of villages in Cumbria to access the A69 at Brampton. Concern was raised at the time of the original application that the use of articulated vehicles through these villages would be dangerous. Cumbria Highways Authority have been consulted on this application and have not objected to the proposal but have requested that a restriction be put in place to restrict the timing of vehicles travelling through villages on the route at school drop off and pick up times.
- 7.12 It is understood that articulated vehicles have, in fact, been used for some time in connection with the site, with little complaint arising from the movements and no reported incidents occurring involving vehicles from this site. However, it is a reasonable request that these times of day are avoided in order to avoid conflict within the highway. The Section 106 agreement would need to be amended to reflect this as this could not be covered by planning condition as the villages in question are located in Cumbria and therefore Northumberland County Council would be able to enforce a condition outside the authority boundary.
- 7.13 The daily vehicle limit was set at 12 per day at that time (12 in and 12 out). The site currently operates well below this limit with some days as low as 2 HGVs leaving the site. Given the larger capacity of the vehicles it would also be appropriate to lower this limit to 10 per day (10 in and 10 out) (and 5 on Saturdays).
- 7.14 Given that the site is due to cease coaling in the coming months and the site operating well below the limit it would be reasonable to allow the site to be served by articulated HGVs as requested. This will however require amendment to the Section 106 agreement for the site as this is covered by a clause in the agreement.
- 7.15 A number of the objections received raise issues of CO² emissions from vehicles arising from this proposal. It must be borne in mind that the proposal is only to change the type of vehicle which can serve the site. The proposed amendment would not significantly alter the emissions from vehicles and cannot be reasonably be controlled by the planning regime in this instance.
- 7.16 The variation to the condition (removal of the condition) to allow articulated vehicles is considered to be acceptable in terms of highways safety and is therefore considered to accord with Policy EP18 and EP19 of the Northumberland Minerals Local Plan and Policy NE1 of the Tynedale Core Strategy.

Other Matters

Equality Duty

- 7.17 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 7.18 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

- 7.19 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.20 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.21 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The appraisal of the proposals to vary the consented development has shown that the effects on landscape and visual impact, impacts on ecology (including watercourses) and highway safety would be either acceptable or can be made so through a planning conditions.

- 8.2 The variation would not result in unacceptable adverse effects on local communities and the environment arising from the working and restoration of the site and it is considered that the variation of Conditions 2, 15 and 21 of planning permission 13/01492/VARCCM satisfy the tests set out in the NPPF and accords with Policy EP3, EP19 and Policy EP22 of the Northumberland Minerals Local Plan and Policy NE1 of the Tynedale Core Strategy.

9. Recommendation

That Members authorise the Interim Director of Planning to GRANT permission subject to:

- i) The recommended conditions appended to this report;
- ii) The satisfactory variation of the existing planning obligation under Section 106 of the Town & Country Planning Act 1990 to amend the references to the use of rigid axle vehicles in the current agreement to allow articulated vehicles to access the site and restrict movements through appropriate settlements in Cumbria between 8.00 and 9.00 and 3.00 and 4.30 Monday to Friday.

Conditions/Reason

- 1) Unless amended by other conditions attached to this permission the development hereby permitted shall be carried out in accordance with the following approved plans:
 - a) Site Location Plan: NT10659 Figure 1.1
 - b) Planning Application Boundary: NT10659-002A
 - c) Phase 1: NT10659-040A
 - d) Phase 2: NT10659-041A
 - e) Phase 3: NT10659-042A
 - f) Phase 4: NT10659-043A
 - g) Site Support Area: NT10659-044A
 - h) Detailed Restoration Planting Plan: NT10659-045
 - i) Final Restoration: NT10659-049
 - j) Phase 4 Junction Access Arrangements: NT10659-051
 - k) Footpath and Diversions: NT10659-052
 - l) Revised Site Infrastructure Plan: HLG-20-15 dated 29/11/18

Reason: In the interests of proper planning and to ensure that the site operates in accordance with approved plans.

- 2) The extraction of coal shall cease no later than 36 months from the commencement of extraction as notified to the Mineral Planning Authority.

Reason: To ensure that the site is correctly operated and restored (Policy SM1 of the Northumberland Minerals Local Plan)

- 3) The whole of the site shall be restored in full accordance with the site restoration plans listed in condition no.1, no later than 6 months after the cessation of mineral extraction of development and in accordance with the

detailed programme for the phased development and progressive restoration programme approved by condition no.4.

Reason: To ensure that the site is correctly operated and restored (Policy SM1 of the Northumberland Minerals Local Plan)

- 4) The development shall take place in accordance with details and plans received on 05.03.2015 in respect of the the phased development and progressive restoration of the site. Development shall be carried out in accordance with the approved detailed phasing programme.

Reason: To ensure that the site is correctly operated and restored (Policy SM1 of the Northumberland Minerals Local Plan)

- 5) In the event of production ceasing or significantly reducing, for a period of 6 months, from that specified in the approved detailed phasing programme, the Mineral Planning Authority shall be notified in writing within one further month of the date of cessation or reduction of site operations. Within 3 months of the site's cessation or significant reduction in production a revised scheme for the restoration of the site or modification of the detailed phasing programme for the site, including timescales for completion, shall be submitted to and approved in writing by the Mineral Planning Authority. The revised scheme shall be implemented in accordance with the approved timescales.

Reason: To ensure that the site is correctly operated and restored (Policy SM1 of the Northumberland Minerals Local Plan)

- 6) The site shall not be operated, including for HGVs leaving or entering the site, outside the following hours:
- 0700 - 1900hrs Monday-Friday; and
- 0700 - 1200hrs on Saturdays.
No operations shall take place outside these hours or on Sundays or Bank Holidays except for pumping, plant maintenance and emergency operations.

Reason: In the interests of the amenity in the area (Policy SM1 and S6 of the Northumberland Minerals Local Plan)

- 7) The development shall take place in accordance with the plan and details set out in Section 3.1.1 of the Non-Technical Summary Report Ref: NT10659/ES/NTS (Dated: November 2010) as revised May 2012 in relation to the areas in the southern area of the site closest to Leaside residential estate and Halton Lea Gate Village that are subject to restricted working hours during soil stripping operations.

The working period for this area shall be:

- 09:00 – 16:30hrs Monday to Friday and
- 09:00 - 12:00hrs on Saturdays

As set out in Section 3.1.1 of the Non-Technical Summary Report Ref: NT10659/ES/NTS (Dated: November 2010) as revised May 2012.

The site operations shall be implemented in accordance with the approved plan.

Reason: In the interests of the amenity in the area (Policy SM1 and S6 of the Northumberland Minerals Local Plan)

- 8) At all times a notice board shall be displayed at the entrance to the site indicating the name, address and telephone number of:
- (i) A representative of the operator who would be available to deal promptly with any complaints;
 - (ii) The telephone number of the Mineral Planning Authority in respect of any queries regarding the working of the site.

The notice board shall be retained in a sound and legible condition for the duration of the development hereby permitted. The notice board shall be removed upon completion of works to restore the site.

Reason: In the interests of the amenity in the area (Policy SM1 and S6 of the Northumberland Minerals Local Plan)

- 9) Until the completion of site restoration a copy of this notice of decision, the Environmental Statement, Non-Technical Summary, together with copies of the plans referred to in condition no.2, and any subsequent amendments, shall be retained in the site office and made available at all times the site is in operation.

Reason: In the interests of the amenity in the area (Policy SM1 and S6 of the Northumberland Minerals Local Plan)

- 10) Site Liaison Committee meetings shall take place throughout the lifetime of the development as established on 21.05.2015. The Site Liaison Committee shall meet on a quarterly basis as agreed with the Mineral Planning Authority to discuss all aspects of the site and site working until the completion of site restoration.

Reason: In the interests of the amenity in the area (Policy SM1 and S6 of the Northumberland Minerals Local Plan)

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no plant or machinery, buildings or structures shall be placed or erected on the site other than those expressly authorised by this permission.

Reason: In the interests of the amenity in the area (Policy SM1 and S6 of the Northumberland Minerals Local Plan)

- 12) All buildings, fixed plant and machinery shall be painted grey (BS 18 B 25) or green (BS12 B 25) before being brought into use and shall be retained in that colour thereafter.

Reason: In the interests of the amenity in the area (Policy SM1 and S6 of the Northumberland Minerals Local Plan)

- 13) The specification of mobile and fixed plant and vehicles to be used within the area of the site hereby permitted together with details of noise attenuation measures shall be as set out in Section 6 (6.1.1 and 6.1.2) of Report No. 001 - Job No. NT10659 (February 2015) and Letter dated 06 February 2017 submitted under planning application 16/03931/VARCCM. The development shall be carried out in full accordance with the approved scheme.

Reason: In the interests of highway safety (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

Highways

- 14) Within 3 months of the completion and cessation of the extraction works hereby permitted the vehicular access to the site from the A689 shall be stopped up and the highway verge and boundary reinstated in accordance with a scheme that has been submitted to and approved in writing by the Mineral Planning Authority.

Reason: In the interests of highway safety (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

- 15) The development shall be carried out in accordance with details received on 27.10.2015, drawing title - Junction Access Arrangements for Appeal Decision APP/P2935/A/11/2164056; Dwg No. NT10659/051 (Rev C) relating to a detailed traffic scheme, incorporating warning signs, carriageway markings and anti-skid surfacing. Development shall be carried out in accordance with the approved detailed traffic scheme.

Reason: In the interests of highway safety (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

- 16) Notwithstanding the details approved in condition 1, the development shall be carried out in accordance with the details submitted entitled Halton Lea Gate - Discharge of Condition 20 (NT10659/11/ES/Appendix 20 February 2015 which include a scheme for the off-loading and storage of all plant and materials (including any facilities for the storage of oils, fuels or chemicals), and the parking and turning of all operatives and visitors vehicles within the site. The scheme shall include a compound and shall be implemented and maintained as approved and the storage and parking areas shall be kept available for these purposes for the duration of the development hereby permitted.

Reason: In the interests of highway safety (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

- 17) Not more than 10 (10 HGVs in and 10 out) loaded HGVs shall leave the site on any working day, Monday to Friday, and not more than 5 (5 HGVs in and 5 out) on any working Saturday.

Reason: In the interests of highway safety (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

- 18) No HGV traffic shall turn left out of the site access onto the A689.

Reason: In the interests of highway safety (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

- 19) The wheel/chassis washing facility at the site shall be used by all construction traffic and HGVs leaving the site and the facility shall be retained until the opencast operations and any reinstatement works have ceased.

Reason: In the interests of highway safety (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

- 20) No HGV laden with coal shall exit the site onto the public highway until its load is sheeted to prevent the release of coal and associated dust from the HGV while it is on the highway.

Reason: In the interests of highway safety (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

- 21) A road sweeper shall be provided as necessary to clear the public highway of any mud, dust, or other debris that may be deposited on the A689 by vehicles associated with the opencast works.

Reason: In the interests of highway safety (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

- 22) A record shall be kept at the site of the number and weight of each lorry load leaving the site and the records shall be retained and kept available for inspection by the Mineral Planning Authority for the duration of the development hereby permitted and for a minimum of 3 years after.

Reason: In the interests of highway safety (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

Cultural Heritage

- 23) The development shall be carried out in accordance with the details submitted and approved by 15/00725/DISCON including "Appendix 28 Scheme To Discharge Condition 28 Of Planning Permission 13/01492/VARCCM (February 2015)". The scheme of investigation shall be implemented in accordance with the approved details.

Reason: In the interests of archaeology on the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

- 24) The development shall be carried out in accordance with the details submitted and approved by 15/00725/DISCON including Dwg No.NT10659/046 (November 2012) for the erection of fencing to protect the parts of the deer park boundary not affected by the creation of the site access, and other archaeological features, from the effects of site works and traffic. The fencing scheme shall be implemented and maintained in accordance with the approved details.

Reason: In the interests of archaeology on the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

Water

- 25) The development shall be carried out in accordance with the details submitted and approved by 15/00725/DISCON including details received on 05.03.2015, including Report Ref:NT10659/11/0001- Section 13 (Paragraphs 13.1.1 - 13.1.7 inclusive) and Appendix 30. The approved scheme shall be implemented and the boreholes shall be retained in accordance with the timing / phasing arrangements within the scheme.

Reason: In the interests of the water environment and to prevent pollution of the watercourses (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

- 26) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank it contains plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. The bund shall be sealed with no drain for removal of contained liquids. Any bund contents shall be bailed or pumped out under manual control and disposed of safely. A mobile spill drip tray shall be made available throughout the duration of the development.

Reason: In the interests of the water environment and to prevent pollution of the watercourses (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

- 27) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Appendix 7.1 written by Scott Doherty Associates.

Reason: To prevent flooding or pollution by ensuring the satisfactory storage of/disposal of surface water from the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

- 28) The development shall be carried out in accordance with the details submitted and approved by 15/00725/DISCON including details of the buffer zone is set out within the following plans and details:
- NT10659-040B Phase 1 Detailed Design 2015-06-10-11-053
 - NT10659-040B Phase 1 Detailed Design 2015-06-10-11-054
 - NT10659-040B Phase 1 Detailed Design 2015-06-10-11-055
 - NT10659-040B Phase 1 Detailed Design 2015-06-10-11-056
 - Bufferzone Fence GPS Datasheet (emailed to Agent on 27.10.2015)

The development shall be carried out and maintained in accordance with the approved scheme.

Reason: In the interests of the water environment and to prevent pollution of the watercourses (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

- 29) Notwithstanding the details submitted within one month of the date of this permission details of water management including temporary lagoons in connection with the operation of the coal washing plant shall be submitted to and agreed by the Minerals Planning Authority. The agreed scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the water environment and to prevent pollution of the watercourses (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

- 30) The development shall be carried out in accordance with the surface water management scheme submitted and approved by 15/04023/DISCON including:

- a) Report - Halton Lea Development; Ref DAB/DAB/07090/13; (29 November 2015; DAB Geotechnics Ltd)
- b) Halton Lea Ground Remediation Scheme; Dwg Title. Surface Drainage Plan; Dwg No. NT10659/057 (9 March 2016)
- c) Halton Lea Ground Remediation Scheme; Dwg Title. Site Support Area; Dwg No. NT10659/044 Rev B (February 2016)
- d) Halton Lea Gate Method Statement For Lagoon Observation And Protection From Flooding v2 (Revised 16 March 2016)
- e) Lagoon Construction Report - Halton Lea Development; Ref DAB/DAB/07090/11 (15th October 2015; DAB Geotechnics Ltd)

The scheme shall be implemented and maintained as approved.

Reason: To prevent flooding or pollution by ensuring the satisfactory storage of/disposal of surface water from the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

Noise and Dust

- 31) The development shall be carried out in accordance with the details submitted and approved by 15/00725/DISCON including details received on 29.10.2015, including Appendix 36 Scheme to discharge Condition 36 of planning permission 13/01492/VARCCM (Dust Action Plan) Rev A.

The Dust Action Plan shall be implemented as approved, and shall be updated as necessary for the lifetime of the development and shall be reviewed at the commencement of each phase of the development and annually to ensure that it is still appropriate. The Dust Action Plan shall include a provision for the investigation of all justified off site complaints and the investigation, mitigation and outcome shall be recorded.

Reason: In the interests of the amenity in the area (Policy SM1 and S6 of the Northumberland Minerals Local Plan)

- 32) The development shall be carried out in accordance with the details submitted and approved by 15/00725/DISCON including details received (Appendix 37 Scheme to Discharge Condition 37 of Planning Permission 13/01492/VARCCM (Noise Action Plan). The Noise Action Plan shall ensure that noise levels do not exceed the predicted levels for each location and phase identified within Tables 5a and 5b (also annotated as Tables 9.5 and 9.6)

Table 5a

Table 9.5 Summary of predicted noise levels (Temporary Operations)						
Phase	Predicted $L_{Aeq,1hr}$ (Freefield) at each location					
	Low Midgeholme	High Midgeholme	Leaside	Clover Hill	Byers Hall	Haining House
Phase 1	43	48	47	43	38	35
Phase 2	37	39	66	44	36	33
Phase 3/4	36	34	67	65	37	32
<i>Assessment Criteria</i>						
$L_{Aeq} < 70dB$	70	70	70	70	70	70

Table 5b

Table 9.6 Summary of predicted noise levels (Long-term Operations)						
Phase	Predicted $L_{Aeq,1hr}$ (Freefield) at each location					
	Low Midgeholme	High Midgeholme	Leaside	Clover Hill	Byers Hall	Haining House
Phase 1	36	38	41	46	37	38
Phase 2	40	40	49	40	36	33
Phase 3	39	37	51	45	36	35
Phase 4	37	39	49	48	36	35
<i>Assessment Criteria</i>						
$L_{A90} + 5dB$	48	45	39	35	43	33
$L_{A90} + 10dB$	53	50	44	40	48	38
$L_{Aeq} \leq 55dB$	55	55	55	55	55	55

The Noise Action Plan shall be implemented in accordance with the approved details.

Reason: In the interests of the amenity in the area (Policy SM1 and S6 of the Northumberland Minerals Local Plan)

Stythe Gas

- 33) The development shall be carried out in accordance with the details submitted and approved by 15/00725/DISCON including Appendix 38 Scheme to Discharge Condition 38 of Planning Permission Mine Gas Monitoring Scheme. for the monitoring for, and the mitigation of any identified, stythe gas migration from the site. The scheme shall be implemented in accordance with the

approved details for the duration of the development. All stythe gas monitoring records shall be retained and kept available for inspection by the mineral planning authority for the duration of the development hereby permitted.

Reason: In the interests of the amenity of the area (Saved policy SM1 and S6 of the Northumberland Minerals Local Plan)

Lighting

- 34) The development shall be carried out in accordance with the details submitted and approved by 15/00725/DISCON received on 05.03.2015 and additional updated information received on 06.05.2015 including:
- Scheme to Discharge Condition 39: Lighting Strategy - NT10659/11/ES/Appendix 39 - Rev.A;
 - TL-90 Mobile Lighting Tower.

All lighting used on the site must be of a type and in a position that is not obtrusive beyond the site boundary. The scheme of lighting shall be implemented and maintained as approved.

Reason: In the interests of the amenity in the area (Policy SM1 and S6 of the Northumberland Minerals Local Plan).

Ecology

- 35) The development shall be carried out in accordance with the details submitted and approved by 15/00725/DISCON received on 27.10.2015, including Appendix 40 Rev.A - Scheme to Discharge Condition 40 Wader Mitigation. The detailed mitigation plan shall be implemented as approved.

Reason: To maintain and enhance the favourable conservation status of the site and the surrounding areas (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

- 36) Notwithstanding the details approved in condition 1, the development shall be carried out in accordance with the details for the protection and enhancement of the woodland between the development site and the Hartley Burn submitted and approved by 15/00725/DISCON including:
- NT10659-040B Phase 1 Detailed Design 2015-06-10-11-053
 - NT10659-040B Phase 1 Detailed Design 2015-06-10-11-054
 - NT10659-040B Phase 1 Detailed Design 2015-06-10-11-055
 - NT10659-040B Phase 1 Detailed Design 2015-06-10-11-056
 - Bufferzone Fence GPS Datasheet (emailed to Agent on 27.10.2015)
 - Additional Stock Fencing (Stock Fence to Exclude Cattle from Woodland); Received by email 11.09.2015.

The scheme shall be fully implemented and maintained as approved.

Reason: To maintain and enhance the favourable conservation status of the site and the surrounding areas (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

- 37) Notwithstanding the details approved in condition 1, the development shall be carried out in accordance with the details submitted and approved by 15/00725/DISCON including the details received on 27.10.2015, including the Method Statement for Hartley Burn and Lagoon Water Sampling Procedure (Rev.A), for the protection of the ecology of the Hartley Burn. The scheme shall be implemented and maintained as approved.

Reason: To maintain and enhance the favourable conservation status of the site and the surrounding areas (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

- 38) The development shall be carried out in accordance with the details submitted and approved by 15/00725/DISCON including details received on 05.03.2015 including the Halton Lea Farm, Halton-Lea-Gate Bat Risk Assessment Report (Argus Ecology - 18th October 2010) and additional information received by email on 02.09.2015 for the implementation of the mitigation strategy within Section E of the report entitled Bat Activity Survey Report (Argus Ecology, September 2011). Development shall be carried out in accordance with the approved scheme.

Reason: To maintain and enhance the favourable conservation status of protected species together with the landscape of the site and the surrounding areas (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

Soil Management

- 39) The development shall be carried out in accordance with the soil handling scheme submitted and approved by 15/00725/DISCON including Appendix 48 Soil Handling Strategy (NT10659/11/ES/Appendix 48; February 2015). All soil stripping, handling and storage shall be carried out in accordance with the approved soils handling scheme.

Reason: To maintain and enhance the favourable conservation status of the site and the surrounding areas (Policy SM1 and EP19 of the Northumberland Minerals Local Plan).

Restoration and Aftercare

- 40) The development shall be carried out in accordance with the detailed Restoration Plan submitted and approved by 15/00725/DISCON including details received on 05.03.2015, and additional details received by email on 27.10.2015. The detailed restoration plan shall be implemented as approved.

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

- 41) The development shall be carried out in accordance with the Aftercare Scheme submitted and approved by 15/00725/DISCON including the

information and details received on 05.03.2015 The Aftercare Scheme shall be implemented as approved.

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

- 42) The aftercare period for areas intended for agricultural use shall be for 5 years effective management from the date of final top soil restoration of the land. The aftercare period for all other areas with hedge and woodland and all new woodland and hedge planting, grassland, proposed ecological area and ponds shall be extended to 15 years from the planting of the new woodland and hedges and the seeding of these areas. The aftercare scheme shall include an annual meeting in October or November of each year during the aftercare period that shall be attended by the Mineral Planning Authority to appraise the effectiveness of aftercare and to assess any further measures which may be required in the following year.

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

- 43) The aftercare scheme shall provide for the production of an annual aftercare report not less than 4 weeks prior to the annual meeting, that shall record the aftercare operations carried out on the land since the aftercare period began, and setting out the intended operations for the next 12 months.

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

- 44) Within one month of the date of this permission a scheme shall be submitted to and agreed in writing by the Mineral Planning Authority regarding the investigation and resolution of complaints made about activities in relation to the development hereby permitted. Any complaints made shall be investigated and dealt with in accordance with the approved scheme.

Reason: In the interests of the satisfactory restoration and aftercare of the site (Policy SM1 and EP19 of the Northumberland Minerals Local Plan)

Date of Report: 21 January 2019

Background Papers: 16/03931/VARCCM