

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 10 SEPTEMBER 2004**

**04/0150/FL: PROPOSED VARIATION OF CONDITIONS 1, 13, 17, 32, 35 AND 43 OF PLANNING CONSENT 00/0526/FL DUE TO ALTERATION OF SITE OPERATOR AND AMENDMENTS TO THE OPERATION OF THE SITE, GARLEFFAN II OCCS, NEW CUMNOCK.**

**APPLICATION BY ATH RESOURCES**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 In order to address a number of issues relating to the current ownership and the regularisation of operational matters associated with the Garleffan II site, permission is sought for the amendment of a number of conditions attached to consent 00/0526/FL as follows:

1.2 Condition 1 relate to timescales and personal consent and states:

*'The development hereby permitted shall enure for the benefit of the applicant only, and the approved operations shall be completed within 11 years of the commencement date of the existing operations at Garleffan or within such other time as may be agreed with the Planning Authority.'*

*REASON: To ensure that the development, which is temporary in nature, is commenced and completed within an acceptable timescale. The development is acceptable only because of the individual circumstances pertaining to the applicant and on a temporary basis.'*

The applicant in terms of the consent is L.A.W. Mining Limited and therefore the condition requires to be amended to reflect the change in operator of the site i.e. ATH Resources.

1.3 Condition 17 relates to soil storage and states:

*'Topsoil, sub-soil and overburden shall be carefully stored in separate dumps and prevented from mixing. Topsoil dumps shall not exceed 5 metres in height. Topsoil dumps and sub-soil dumps shall be evenly graded and tops shaped to prevent water ponding. Sub-soil dumps shall not exceed 8 metres in height and overburden dumps shall not exceed 25 metres in height.'*

*REASON: In the interests of visual amenity.'*

The current situation within the Garleffan II site is that the height of the overburden mound exceeds the 25 metres limit as indicated within condition 17. The present maximum height is 30 metres and this has resulted due to the method of working undertaken by the former operator L.A.W. Mining Limited.

The mound is at its maximum height and will remain at this level until overburden is replaced as part of site restoration works. The applicant is seeking to regularise the position inherited on acquisition of L.A.W. Mining's interests within the site.

1.4 Condition 13 relates to soil stripping and method of site working and states:

*'Topsoil and sub-soil shall only be stripped when the soils are sufficiently dry so that when moved, no damage will be done to the structure of the soils. Apart from the works required to enclose the site, no operations shall be carried out until the top soil is fully stripped and stored in the designated areas within the site, in accordance with the phased programme of extraction as described in the Project Description which forms part of the planning application.'*

*REASON: To ensure that the top soil and sub-soil will be suitable for the restoration of the site following storage.'*

The method of site working undertaken by L.A.W. Mining was not in accordance with the Project Description approved as part of application 00/0526/FL. The current method of operation has been ongoing for some time and with around 2 years of production left and a remaining reserve of around 1.5 million tonnes, the only viable production option is to continue in the current direction of working and the amendment to the condition seeks to regularise this position.

1.5 Condition 32 relates to the method of site working and states:

*'The operational conduct of the site shall be generally in accordance with the Project Description which forms part of the approved details of the application.'*

*REASON: To ensure that the development is undertaken in accordance with the details approved.'*

As part of this current application, the applicant seeks to extend the limit of the excavation area within the existing consented site to include a narrow strip of land at the south western boundary of the site. The inclusion of this small strip of land will not extend the site boundary, nor extend the life of the site as some of the original tonnage anticipated has remained unworked for geotechnical and operational reasons.

1.6 In the approval of the Garleffan II site, L.A.W. Mining proposed that coal production from the site would be directed towards the dedicated railhead at Crowbandsgate, New Cumnock (50%) and overland via a new haul road towards the proposed new railhead at Powharnal (50%). The Section 75 Agreement currently in place for the Garleffan site restricts production through Crowbandsgate until the Powharnal railhead is in place. For a number of reasons the Powharnal project has not yet been implemented and in essence all coals produced from Garleffan II are loaded to train at Crowbandsgate

railhead. The approval of this application will therefore require an amendment to the existing Section 75 Agreement to reflect the current position.

1.7 Condition 35 relates to dispatch of coal from the site and states:

*'Except in cases of emergency, the dispatch of coal from the site to the proposed rail freight facility shall be confined between 0800 hours and 1600 hours Mondays to Fridays with dispatch of coal by road to local domestic markets being confined to between 0800 hours and 1800 hours Mondays to Fridays. There shall be no dispatch of coal on Saturdays and Sundays.'*

*REASON: In the interests of the amenity of the area.'*

The applicant seeks to amend this condition to allow for the greater than anticipated use of Crowbandsgate railhead and to better reflect the day shift working hours of the Garleffan II site. The applicant seeks to extend the dispatch of coal from the Garleffan II site to Crowbandsgate to 1800 hours Mondays to Fridays.

1.8 Condition 43 relates to restoration of the site and states:

*'The site shall be progressively restored generally in accordance with the scheme submitted with the planning application as may be amended in consultation with the Technical Support Group for the site. This scheme shall be finalised and submitted to the Planning Authority for approval within six months of the commencement of coaling operations on site. The details shall include provision for the coal preparation area to be restored to a suitable condition, the restoration of the remaining area of the site for agricultural or forestry or nature conservancy or natural and man-made heritage interpretation or other appropriate uses as approved by the Planning Authority. The scheme shall also include the re-instatement of any access roads/rights of way at present in existence. The procedures for replacement of overburden, sub-soil and topsoil shall generally accord with those indicated in the Project Description and to the satisfaction of the Planning Authority.'*

*REASON: To ensure appropriate restoration of the site.'*

In order to ensure compliance with this condition, it is necessary to take account of the method of working implemented by L.A.W. Mining. The applicant has submitted appropriate plans to reflect the current site position and proposed position following site restoration.

1.9 The present application in summary seeks to regularise unauthorised deviations from the approved scheme for Garleffan II undertaken by the previous operator of the site and reflects the position on site that has prevailed now for some time.

## **2. RECOMMENDATION**

**2.1 It is recommended the application be approved subject to the conditions on the relevant attached sheet, but that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a Section 75 Agreement with the applicants regarding the obligations referred to in Section 2.8 of this report.**

### **3. SUMMARY OF ANALYSIS**

3.1 As indicated in Section 5 of the report, the proposed development is considered to be in accordance with the Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 of the report, there are material considerations relevant to this application, but in this regard, these are generally supportive of the proposed development.

3.2 The present application seeks firstly to regularise the method of site operations carried out by the former site operator that were not in accordance with the planning consent for the Garleffan II site. This necessitates amendments to various conditions of the existing consent.

3.3 While the implications of these amendments in the main have no significant additional impacts given the remote location of the Garleffan II site, the increased overburden height has landscape and visual impact. However operations at Garleffan II have a limited timescale with expectations that works will cease in approximately two years and therefore the impact from the overburden mound is temporary in nature.

3.4 The extension of the coal dispatch hours to allow delivery to the Crowbandsgate railhead will not result in any significant impact on communities or road infrastructure. The proposal is in line with a separate application to be considered by this Committee to extend the operational hours of Crowbandsgate railhead. However, the extension of the dispatch hours is in line with those for road haulage of coal and does not breach the standard road haulage hours applied across the opencast industry within East Ayrshire.

3.5 Secondly, the application seeks to promote a small extension to the current limit of excavation that lies wholly within the existing consented Garleffan II site. This will be undertaken as part of the existing phased operations and will have no additional implications for either the timescale of operations or overall output of coal from the site as this will replace coals which have not been extracted within the site due to geotechnical difficulties.

3.6 In respect of all relevant matters and material considerations to be taken into account, it is considered that the proposed development is consistent with policy and that there are environmental and community benefits which would outweigh any temporary adverse impacts. Consequently it is considered that the application should be approved.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee because this would not result in a significant departure from the development plan.

**Alan Neish**

**Head of Planning, Development and Building Standards**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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SOUTHERN LOCAL PLANNING COMMITTEE: 10 SEPTEMBER 2004

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### APPLICATION BY ATH RESOURCES

#### Report by Head of Planning, Development and Building Standards

## 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application, which is to be considered by the Local Planning Committee under the scheme of delegation because it represents an extension to an existing opencast site which is in accordance with the Opencast Coal Subject Plan.

## 2. APPLICATION DETAILS

2.1 **Site Description:** The proposed development site lies about 3.5km east of Cumnock and 3.5km north of New Cumnock. The application site extends to approximately 116 hectares and comprises land associated with the farm steadings at Avisyard, High Garleffan and High Polquheys that now form the Garleffan II opencast coal site.

2.2 The proposed development site is remote and distant from any surrounding development and there are few isolated residential properties in the vicinity of the site. Planning permission was granted for the Garleffan II opencast site on 05 October 2001(Ref. No. 00/0526/FL), permission having been previously granted for the original Garleffan site on: on 09 September 1999 (Ref. No. 98/0539/FL). These consents were granted to L.A.W. Mining Limited which operated the site until 28 November 2003 at which time its interests in the Garleffan site was acquired by ATH Resources.

2.3 **Proposed Development:** In order to address a number of issues relating to the current ownership and the regularisation of operational matters associated with the Garleffan II site, permission is sought for the amendment of a number of conditions attached to consent 00/0526/FL as follows:

2.4 Condition 1 relate to timescales and personal consent and states:

*'The development hereby permitted shall enure for the benefit of the applicant only, and the approved operations shall be completed within 11 years of the*

*commencement date of the existing operations at Garleffan or within such other time as may be agreed with the Planning Authority.*

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current direction of working and the amendment to the condition seeks to regularise this position.

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*be finalised and submitted to the Planning Authority for approval within six months of the commencement of coaling operations on site. The details shall include provision for the coal preparation area to be restored to a suitable condition, the restoration of the remaining area of the site for agricultural or forestry or nature conservancy or natural and man-made heritage interpretation or other appropriate uses as approved by the Planning Authority. The scheme shall also include the re-instatement of any access roads/rights of way at present in existence. The procedures for replacement of overburden, sub-soil and topsoil shall generally accord with those indicated in the Project Description and to the satisfaction of the Planning Authority.*

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In order to ensure compliance with this condition, it is necessary to take account of the method of working implemented by L.A.W. Mining. The applicant has submitted appropriate plans to reflect the current site position and proposed position following site restoration.

2.11 The present application in summary seeks to regularise unauthorised deviations from the approved scheme for Garleffan II undertaken by the previous operator of the site and reflects the position on site that has prevailed now for some time.

### **3. CONSULTATIONS AND ISSUES RAISED**

3.1 East Ayrshire Council's Roads and Transportation Division has no objections to the proposed development.

***Noted.***

3.2 Cumnock Landward and New Cumnock Community Councils have not responded to the consultation letters.

***Noted.***

3.3 The Coal Authority has not responded to the consultation letter.

***Noted.***

3.4 The Scottish Environment Protection Agency has no objections to the variation of conditions. The discharges from the site will continue to be subject to the terms and conditions of SEPA discharge consents and the authorised coal handling process.

***Noted.***

3.5 The Royal Society for the Protection of Birds does not object to the application but highlights its concerns regarding the Section 75 Agreement for the site. During the period when L.A.W. Mining operated this site concerns

were raised that the Section 75 Agreement was not being implemented. In particular, management agreed for the site and the Technical Support Group meeting were not held. The habitat quality of the mitigation area has degenerated and cannot be considered effective mitigation for operations at Garleffan II. The previous operator has therefore failed to comply with the conditions of the consent. As this new consent will destroy another small area of moorland, it is vital that the mitigation area is brought into good conservation status. The monitoring and surveying that has been commissioned must also continue. RSPB requests that consent is therefore conditional on the Section 75 Agreement for Garleffan II being fully implemented with appropriate management work beginning on site this year and that a Technical Support Group meeting be held within one month of the date of consent being granted.

***It is recognised that the previous operator of the Garleffan II site failed to meet obligations both in terms of site operation and the Section 75 Agreement for the site. However, the new operator of the site is committed to ensure that such matters are appropriately addressed. The request by the RSPB can be accommodated within the terms of the current Section 75 Agreement for the site.***

3.6 Scottish Natural Heritage has no objection to the amendments as proposed although the request to increase the height of the overburden mound is noted. SNH raises an issue regarding the precise alignment of the site boundary around the Grieve Hill site. The site boundary in the planning application appears to overlap with the boundary of the Muirkirk Uplands Nature Conservation (No.2) Order 2001 and the boundaries of the Muirkirk and North Lowther Uplands Special Protection Area and the Muirkirk Uplands Site of Special Scientific Interest.

***The reference to the Grieve Hill site relates to a proposal that is the subject of a separate planning application for opencast development lying adjacent to the Garleffan II site and the current application will have no affect on these natural heritage sites.***

#### **4. REPRESENTATIONS**

4.1 None.

#### **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Opencast Coal Subject Plan (2003).

## Ayrshire Joint Structure Plan

5.2 With regard to the small extension proposed under the current application, the Approved Ayrshire Joint Structure Plan indicates in its Key Diagram that the Garleffan II development site lies within a Preferred Area of Search which represents an area which has few environmental constraints, is isolated from most local communities and is close to existing railheads. The proposed development requires to be assessed against Policy E14 which states: -

*Development opportunities for opencast coal working shall be directed to Preferred Areas of Search in East Ayrshire identified on the Key Diagram. Local Plans shall bring forward detailed policies and proposals for opencast working within these areas.*

***The proposed extension site falls within a Preferred Area of Search.***

5.3 Policy E13 states that proposals to extend the supply of land with planning consent for the winning and working of minerals shall be considered against the following criteria:

- (i) impact on the countryside, landscape character, visual amenity and the natural and built environment.
- (ii) the impact caused by noise, dust and the contamination of ground and surface water.
- (iii) any adverse effect on communities within Ayrshire.
- (iv) opportunity to maximise transport by rail or sea.
- (v) extent of directly related community benefit derived such as enhancement and creation of landscapes and habitats, and removal of dereliction.
- (vi) cumulative impact of proposals in one area and the extraction period.

***The application for the Garleffan II opencast site (Ref. No.00/0526/FL) was assessed and determined against the stated criteria. The proposals promoted by the current application will be implemented under the existing planning controls within the existing consent and Section 75 Agreement and subject to amendments referred to elsewhere in this report. It is considered that the proposed small extension would not conflict with the stated criteria in terms of its operational conduct.***

***The current application is therefore considered to be in accordance with the Structure Plan.***

## East Ayrshire Opencast Coal Subject Plan

5.4 The only element of this present application which has any possible policy implications relates to the proposed amendments to conditions 13 and

17 brought about by the proposal to create a small additional area of coal extraction within the current consented site. The proposal therefore requires to be assessed against Policy MIN3, the policy stating that, subject to detailed consideration, the Council will generally be supportive of any proposal to extend an existing operative opencast site within the Potential Coal Extraction Areas provided that all of the following criteria are met:

- (i) *that the proposed extraction operations are carried out as a sequential phase of development and not independently or in isolation from the extraction programme of the original approved site.*

***Extraction will be carried out as a sequential phase of development of the overall site.***

- (ii) *that the extended operations utilise fully the facilities and site infrastructure serving the original opencast site.*

***The development will utilise existing site facilities and infrastructure.***

- (iii) *That the scale of operations, rate of extraction and number of vehicle movements generated by the extended site are commensurate with those as existing on the original site.*

***The scale of operations, rate of extraction and number of vehicle movements generated by the extended site are commensurate with those as existing on the original site.***

- (iv) *That the proposed extension does not significantly prejudice plans for the restoration of the existing site.*

***The proposed extension will not significantly prejudice plans for the restoration of the existing site.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are NPPG 16 – ‘Opencast Coal and Related Minerals’, appropriate Planning Advice Notes, consultation responses and relevant planning history.

### National Planning Policy Guidelines

6.2 Recent guidance on opencast coal extraction has been given in National Planning Policy Guideline 16: Opencast Coal and Related Minerals. Consistent with putting concern for the environment at the heart of policy, the Government seeks to apply a sustainable approach in determining where opencast coaling may take place. Many of the provisions of NPPG 16 are addressed within the EAOCSP with regard to the proximity to local

communities, repeated extensions, cumulative impact, natural and built heritage and the preference for rail transport. The proposal is thus considered to be consistent with NPPG 16.

### Planning Advice Notes

6.3 Notwithstanding the amendments required to regularise the current operational status of the Garleffan II site, the proposed operations are still in compliance with the advice contained within Planning Advice Note 50: Controlling the Environmental Effects of Surface Mineral Workings, Annexes A, B, C and D.

### Planning History

6.4 The more relevant planning history of the Garleffan site and other relevant information is as follows:

- (i) Planning permission was granted for the Garleffan II opencast site on 05 October 2001(Ref. No. 00/0526/FL), permission having been previously granted for the original Garleffan site on: on 09 September 1999 (Ref. No. 98/0539/FL). These consents were granted to L.A.W. Mining Limited which operated the site until 28 November 2003 at which time its interest in the Garleffan site was acquired by ATH Resources.
- (ii) Planning permission for the Crowbandsgate Railhead was granted on 29 October 1999 under application 98/0762/FL with the facility having been in operation since 2000. The facility was set up as a dedicated rail facility to serve the Garleffan sites and was previously operated by L.A.W. Mining Limited but is now operated by its new owner ATH Resources.
- (iii) The alterations to the Garleffan II scheme undertaken by L.A.W. Mining without the prior consent of the Planning Authority had been the subject of ongoing discussion and monitoring with the operator with a view to resolving these matters without recourse to formal enforcement action. These matters have now been taken up for resolution with the new operator of the site, ATH Resources and this has resulted in the submission of the current application.

### Consultation Responses

6.5 There are no consultation responses that would suggest refusal of the application is appropriate.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council associated with the determination of this application. It is considered that the proposed

development will necessitate an amendment to the existing Section 75 Agreement relating to the Garleffan II site should the application be approved. This amendment would relate to the matter raised in section 2.8 above.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report, the proposed development is considered to be in accordance with the Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 above, there are material considerations relevant to this application, but in this regard, these are generally supportive of the proposed development.

8.2 The present application seeks firstly to regularise the method of site operations carried out by the former site operator that were not in accordance with the planning consent for the Garleffan II site. This necessitates amendments to various conditions of the existing consent.

8.3 While the implications of these amendments in the main have no significant additional impacts given the remote location of the Garleffan II site, the increased overburden height has landscape and visual impact. However operations at Garleffan II have a limited timescale with expectations that works will cease in approximately two years and therefore the impact from the overburden mound is temporary in nature.

8.4 The extension of the coal dispatch hours to allow delivery to the Crowbandsgate railhead will not result in any significant impact on communities or road infrastructure. The proposal is in line with a separate application to be considered by this Committee to extend the operational hours of Crowbandsgate railhead. However, the extension of the dispatch hours is in line with those for road haulage of coal and does not breach the standard road haulage hours applied across the opencast industry within East Ayrshire.

8.5 Secondly, the application seeks to promote a small extension to the current limit of excavation that lies wholly within the existing consented Garleffan II site. This will be undertaken as part of the existing phased operations and will have no additional implications for either the timescale of operations or overall output of coal from the site as this will replace coals which have not been extracted within the site due to geotechnical difficulties.

8.6 In respect of all relevant matters and material considerations to be taken into account, it is considered that the proposed development is consistent with policy and that there are environmental and community benefits which would outweigh any temporary adverse impacts. Consequently it is considered that the application should be approved.

## **9. RECOMMENDATION**

**9.1 It is recommended the application be approved subject to the conditions on the relevant attached sheet, but that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a Section 75 Agreement with the applicants regarding the obligations referred to in Section 2.8 of this report.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee because this would not result in a significant departure from the development plan.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

31 August 2004  
HM/HM  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application form and plans.
2. Statutory notices and certificates.
3. Consultation responses.
4. Adopted East Ayrshire Opencast Coal Subject Plan (2003).
5. Approved Ayrshire Joint Structure Plan (1999).
6. Previous application 98/0539/FL.
7. Previous application 0/0526/FL.
8. Previous application 98/0762/FL.
9. NPPG 16: Opencast Coal and Related Minerals.
10. PAN 50, Annexes A, B, C and D.

Any person wishing to inspect the background papers listed above should contact Mr Hugh Melvin on 01563 555481.

**Implementation Officer: Dave Morris**



Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 04/0150/FL

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Location	Garleffan II OCCS New Cumnock
Nature of Proposal:	Proposed variation of conditions 1, 13, 17, 32, 35 and 43 of planning consent 00/0526/FL due to alteration of site operator and amendments to the operation of the site
Name and Address of Applicant:	ATH Resources Richmonds House White Rose Way Doncaster DN4 5JH
Name and Address of Agent	N/A

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DPO's Ref: [                    ]  
PPO's Ref: [Hugh Melvin ]

The above FULL application should be granted subject to the following condition:-

1. Condition 1 of planning consent 00/0526/FL dated 05 October 2001 shall be amended to read as follows:

*'The development hereby permitted shall enure for the benefit of ATH Resources only, and the approved operations shall be completed within 11 years of the commencement date of the existing operations at Garleffan or within such other time as may be agreed with the Planning Authority.'*

*REASON: To ensure that the development, which is temporary in nature, is commenced and completed within an acceptable timescale. The development is acceptable only because of the individual circumstances pertaining to the applicant and on a temporary basis.'*

2. Condition 13 of planning consent 00/0526/FL dated 05 October 2001 shall be amended to read as follows:

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*REASON: To ensure that the top soil and sub-soil will be suitable for the restoration of the site following storage.'*

3. Condition 17 of planning consent 00/0526/FL dated 05 October 2001 shall be amended to read as follows:

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*REASON: To ensure that the development is undertaken in accordance with the details approved.'*

5. Condition 35 of planning consent 00/0526/FL dated 05 October 2001 shall be amended to read as follows:

*'Except in cases of emergency, the dispatch of coal from the site shall be confined between 0800 hours and 1800 hours Mondays to Fridays. There shall be no dispatch of coal on Saturdays and Sundays.'*

*REASON: In the interests of the amenity of the area.'*

6. Condition 43 of planning consent 00/0526/FL dated 05 October 2001 shall be amended to read as follows:

*'The site shall be progressively restored generally in accordance with the scheme submitted with the planning application as may be amended in consultation with the Technical Support Group for the site. This scheme shall be finalised and submitted to the Planning Authority for approval within six months of the commencement of coaling operations on site. The details shall include provision for the coal preparation area to be restored to a suitable condition, the restoration of the remaining area of the site for agricultural or forestry or nature conservancy or natural and man-made heritage interpretation or other appropriate uses as approved by the Planning Authority. The scheme shall also include the re-instatement of any access roads/rights of way at present in existence. The procedures for replacement of overburden, sub-soil and topsoil shall generally accord with those indicated in the Project Description, as amended by Drawing Nos. GL3A and GL4A dated February 2004, and to the satisfaction of the Planning Authority.'*

*REASON: To ensure appropriate restoration of the site.'*

7. Notwithstanding the conditions listed above, the proposed working of the small extension area shall otherwise be carried out in accordance with planning consent 00/0526/FL dated 05 October 2001.

*REASON: To ensure continuity and consistency in operations carried out on site in terms of the consent granted for the Garleffan II development.*

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