Appeal Decision

Inquiry opened on 24 November 2009
Site visit made on 11 February 2010

by Geoffrey Hill **BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date:
19 March 2010

Appeal Ref: APP/H0900/A/09/2108382
Bennett Bank Landfill Site, Thwaite Flat, Barrow-in-Furness, Cumbria LA14 4QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr James Cook *(per Waste Recycling Group)* against the decision of Cumbria County Council.
- The application Ref 6/08/9012, dated 8 October 2008, was refused by notice dated 22 May 2009.
- The development proposed is described as "a proposal for increased landfill capacity through northern and southern extensions to the existing landfill facility, provision of revised restoration including the reprofiling of the western bund, relocation and development of an infrastructure area and ancillary development associated with the landfill operations, and the continued use of the private access road at Bennett Bank Landfill site, Dalton-in-Furness, Cumbria, until 31 December 2017".

Application for costs

1. At the Inquiry an application for costs was made by Mr James Cook against Cumbria County Council. This application is the subject of a separate Decision.

Procedural Matter

2. The inquiry was opened on 24 November 2009 by Inspector David Richards BSocSci DipTP MRTPI, but adjourned the same day, not having heard any of the evidence from any of the parties. The inquiry was resumed by me on 3 February 2010 and sat for three days until Friday 5 February. An accompanied visit of the site and its surroundings was held on 11 February.

Decision

3. I allow the appeal, and grant planning permission for development described as "a proposal for increased landfill capacity through northern and southern extensions to the existing landfill facility, provision of revised restoration including the reprofiling of the western bund, relocation and development of an infrastructure area and ancillary development associated with the landfill operations, and the continued use of the private access road at Bennett Bank Landfill site, Dalton-in-Furness, Cumbria, until 31 December 2017" at Bennett Bank Landfill Site, Thwaite Flat, Barrow-in-Furness, Cumbria LA14 4QH in accordance with the terms of the application, Ref 6/08/9012, dated 8 October 2008 subject to the conditions set out in the annex to this decision.

Main issue

4. The main issue in this appeal is whether the proposed development would unacceptably harm the living conditions of those living close to the site, with particular regard to outlook, wind blown litter, odour, birds and other pests, and general disturbance.

Reasons

Policy context

5. The primary policy context for this appeal comprises the recently approved Cumbria Minerals and Waste Development Framework (CMWDF) Core Strategy (CS) and Generic Development Control Policies (GDCP), and the North West of England Plan Regional Spatial Strategy to 2021 (RSS).

6. Policy EM13 of the RSS is based on the self-sufficiency principle, in that primary residual waste treatment capacity should be located within the waste planning authority areas in which the waste arises. This is taken forward in the CMWDF CS where Policy 1 looks for sites for waste management which will minimise " … waste road miles" and Policy 8 looks to limit cross boundary movements of waste as a sustainable strategic objective.

7. In order to meet the County's projected needs Policy 9 identifies the need for 2 million cubic metres of landfill capacity *in addition to* (my emphasis) the void space remaining in permitted sites. In order to meet this need a Site Allocations DPD [1] is in preparation, which has yet to be scrutinised through an examination in public.

8. Whereas there is a recognised need for additional landfilling space in the south of the County (ie including Barrow-in-Furness), the draft Site Allocations DPD does not have a preferred location for a site to address this need. That is, there is no adopted site specific policy to guide the granting of planning permission for additional landfill capacity in the south of the County.

9. There is no objection in principle to providing additional landfill capacity in the Barrow-in-Furness area. Indeed, a possible site at Goldmire Quarry has been identified in the emerging Site Allocations DPD, albeit not as a preferred site. Policy EM 13 of the RSS indicates that extensions to existing waste management sites might be preferred to entirely new sites, which could include Bennett Bank, but this has to be subject to a site being acceptable against other considerations, which must include the potential impact upon residential and other properties.

10. CWMDF GDCP includes policies which set out criteria which should be met for a site to be regarded as acceptable. These considerations reflect those set out at Annex E of PPS10 [2]. Policies DC2 and DC5 indicate, amongst other matters, that the proximity to sensitive receptors will be a consideration for landfill proposals. Site Location Criteria are set out at Table 7.1 of CMWDF CS, which notes at point 6 that a relevant consideration should be that a site should be

[1] Development Plan Document

[2] PPS10 - Planning Policy Statement 10: *Planning for Sustainable Waste Management*.

more than 250 metres away from houses and that the number of houses affected should be taken into account.

Properties within 250 metres

11. Thwaite House stands to the south of the proposed extension of the landfill area, the enlarged working area coming to within 135 m of the property. This clearly falls within the indicated minimum 250m separation distance.

12. The justification for the 250m separation distance is not set out in the GDCP document. At the inquiry it was said that it may derive from historic guidance relating to the migration of unconfined landfill gas through ground strata and into nearby properties; that is, at sites where there is no impervious liner to the emplaced wastes. It was not argued at the inquiry that it relates to an empirical study of the impacts of activities on a site on the living conditions of nearby residents, and no reference was made to reports which would illustrate or explain the rationale for the figure given. In which case, it is appropriate to give consideration to the possibility, and degree, of harm or disturbance from all potential sources associated with the proposed scheme.

Noise

13. The main source of noise on the site would be the mobile plant or machinery used to move tipped wastes into its disposal location, plant and machinery used during soil stripping and subsequent restoration, plus the general arrival and departure of vehicles on the site, principally refuse collection vehicles delivering wastes for disposal.

14. Guidance is given in PPG24 [3] on how noisy activities should be taken into account in assessing applications for planning permission. Paragraph 4 of Annex 2 of PPG24 notes that below the 55dBA threshold of Noise Exposure Category (NEC) A it is unlikely that there would be any "significant community annoyance" in daytime. The landfill site will not be operating outside daytime hours (ie not after 2300 or before 0700). Furthermore, conditions can be attached to control noise generated on the site from rising above this level, as measured at a noise sensitive property (ie Thwaite House).

15. Soil stripping and subsequent restoration works are likely to involve larger items of earth-moving plant and equipment, which can be noisier. However, this should be for relatively limited and short periods and upper limits on noise from these activities can also be set in planning conditions. Advice on similar activities on minerals sites is given in MPS2 [4] Annex 2 *Noise*. Here the advice is that because these activities would have longer-term environmental benefits, higher noise levels should be acceptable over short periods, and a figure of 70dB(A) is indicated. Again this is a point which can be covered in a planning condition. Indeed, at the inquiry the appellant accepted a short-term upper limit of 65dB(A), which would be well within the limits set out in MPS2.

16. What can be unreasonably disturbing, because of its tonal qualities, is the sound of reversing alarms fitted to mobile equipment operating on the site, and

[3] PPG24 - Planning Policy Guidance 24: *Planning and Noise*

[4] MPS2 – Minerals Policy Statement 2: *Controlling and Mitigating the Environmental Effects of Minerals Extraction in England*

I noted that the compactor presently in use on the site is fitted with an intermittent bleeping alarm. There are alternative alarms which would satisfy the health and safety requirements for operating the site, and which have a reduced tonal quality which can be less disturbing for those living nearby. The appellants accepted that this too could be controlled by planning condition.

17. Given that noise limits and the more disturbing noise characteristics of reversing alarms can be controlled by planning conditions, and that operating hours would be limited to within a normal working day, I consider that the occupants of Thwaite House would not be unreasonably disturbed by noise arising from activities associated with the proposed scheme.

Litter

18. This is an exposed site and, being close to the coast, can be significantly affected by wind. This has been readily acknowledged by the appellant and there is a system of moveable litter fences in use around the site, to trap any wind-blown litter when vehicles tip wastes. I accept that these may not be 100% successful and that occasionally some items do escape beyond the limits of the site and into the wider area. However, Thwaite House is to the south and south-east of the proposed extension area, away from the prevailing south-westerly winds. Whilst I accept that wind-blown litter has been, and may continue to be, a nuisance for the occupants of Thwiate House, I do not consider that the situation has been so bad as to be unreasonable or intolerable, neither do I consider that the situation would become materially worse if the southern extension area were to be developed. Again, conditions can be imposed and subsequently enforced, to control litter and to prevent it from leaving the site boundaries.

Birds / rats/ flies

19. However well managed, waste sites attract vermin, birds and other nuisances. Birds, and particularly gulls, are a problem on waste sites, and especially so here, being close to the coast and known breeding grounds. I would not wish to underplay the disturbance that large flocks of birds can cause by reason of their noise, behaviour and the potential risk to health. The appellant is also clearly aware of the problem and measures to control and discourage birds were discussed at the inquiry.

20. At my site visit I saw that the measures appear to be working in that groups of gulls could be seen in the surrounding area, and notably on the nearby fishing lakes, but few were actually on the waste site. Bringing the site closer to Thwaite House may slightly raise the level of noise and disturbance, but I do not consider that this increase would be so marked as to make living in the house intolerable; the degree of disturbance and possible risk to health from bird droppings and dead birds is likely to be much the same as at present.

21. Waste sites can also attract vermin such as rats, but modern operating practices of ensuring waste is compacted and covered at the end of each day, together with trapping and poisoning can minimise, if not entirely eradicate, the problems. As with the bird problem discussed above, the vermin problem is recognised by the appellant and measures have been in place to control it. I accept that the occupiers of Thwaite House have experienced rats in the outbuildings of the property, particularly around the fodder store for the

horses. Whilst it may reasonable to suspect that this may be at least partially attributable to the proximity to the waste site, rats are a common rural vermin, and particularly in and around places where animal feed is found. Given that the on-site controls will continue to minimise rats being attracted to and colonising the site I do not consider that the proposed extensions scheme would make the present conditions at Thwaite House materially worse.

22. I also acknowledge that flies can be a considerable nuisance, depending on the time of year, the weather and the condition of wastes brought on to the site. I fully recognise the distress large infestations of flies can cause, both as a potential health hazard and as straightforward nuisance for any outdoor activity. The appellant does not seek to ignore the point either, and situations which can give rise to large numbers of flies and the measures to limit or control such situations were discussed.

23. I accept that flies are unlikely to be eliminated from the operations on the site, and that occasionally numbers may rise to disturbingly high levels. But again, I believe that the operator can and does make efforts to minimise the harm to local residents and that, given such controls will continue, conditions at Thwaite House will not be significantly worse that at present. I do not seek to belittle the irritation or even distress that such major events can cause, but I do not consider that the frequency or duration of such events, even allowing for the operating area being brought closer to the house in the southern extension, would be so bad as to make conditions at Thwaite House wholly unacceptable subject to the present management measures being maintained or improved.

Dust

24. Dust arising from operations of the site is acknowledged as a potential nuisance by the operator. Dust is most likely to be a problem during dry weather, when it can be lifted off the surface of the internal circulation areas by vehicles. This can be suppressed by management measures such as spraying with water at times of greatest risk. Whether this of itself would be sufficient, depending on the time of year and nature of operations to be controlled, can be assessed as part of a Dust Action Plan, which would determine the most appropriate monitoring and control actions that should be employed. I do not consider that, with management measures being applied responsibly and in good time, dust need be a significant problem for the occupants of Thwaite House.

25. Soil stripping and subsequent re-spreading is usually done only when the soil is dry and friable, to minimise damage to the soils. However, this also means that it is a time which has a significant potential for the generation of dust. Furthermore, stockpiles of stored soils can also give off dust if not appropriately managed by such measures as planting with grass. The Dust Action Plan should ensure that dust generated at such times is minimised or avoided entirely.[5]

[5] Guidance on dust and its management is given in Annex 1 to MPS2 *Dust* (albeit framed in relation to minerals sites, but parts of the guidance may also be seen to be relevant for waste management sites).

Odours

26. At the inquiry residents of Thwaite House reported that they are disturbed by unpleasant smells from the waste site from time to time, which has significantly harmed their quality of life during such episodes. From the evidence at the inquiry, the odours emanate from a number of possible sources: the tipping operations themselves, the emplaced wastes, and leachate. The Council also raised concerns over the potential for odours to be released when old working areas are uncapped.

27. The prevailing wind direction should carry odours away from Thwaite House, although I acknowledge that winds do at times blow towards Thwaite House, and odours my also be detectable on calm days. Odours are controlled by the Pollution Prevention and Control Permit (PPCP) for operating the waste disposal site, issued by Environment Agency. The PPCP includes a requirement for the operator to have and implement an odour management plan to deal with odours that may give rise to annoyance outside the site. The enforcement of PPCP conditions can be more effective than planning conditions for controlling odours arising from on-site activities which may be detectable outside the site.

28. It is possible that uncovering old deposits of waste could release hydrogen sulphide (H_2S), which has a characteristic 'bad egg' smell. Undoubtedly, should this occur, this would be very unpleasant for those in the vicinity. However, if it happened this would be for relatively short periods and should be controllable through responsible employment of best practice. At the inquiry it was accepted that the present operator had a good record and did use best practice and, indeed, that the incidence of complaints had fallen recently and that matters had improved.

29. Whilst I accept that there may be a risk of the occupiers of Thwaite House being exposed to H_2S when old wastes are uncovered, I believe that this would be something which would be properly controlled by the Environment Agency to keep it within tolerable limits. Breaches of the PPCP conditions can be very speedily enforced against should it be necessary.

30. Landfill gas can also be a cause of odour complaints but, as well as being actively monitored for odour emissions, landfill gas is collected on this site and used to generate electricity. This form of control and management would continue across the extension areas and there is no reason why there should be any general or underlying concern that landfill gas would be a cause for concern under the proposed extension scheme.

31. The appeal scheme proposes to relocate the leachate tanks to the new infrastructure area. The infrastructure area will be surrounded by screening bunds, but it is unlikely that this alone would make much difference to the containment or dispersal of unpleasant odours if there is a spillage of leachate. However, the infrastructure area would be further away from Thwaite House and, should there be any spillages, this greater distance should lead to an improvement in the circumstances for the occupants of Thwaite House. I am sure that any exposure to lechate odours is highly unpleasant and most unwelcome but, in view of the greater distance, the operating practices which seek to minimise or eliminate spillages and the relative rarity of spillage incidents this cannot be regarded as a major or overriding concern.

32. Evidence was presented to the inquiry [6] to demonstrate that the present operators are aware of the potential for odours to be a nuisance and have recently (October 2008) up-dated their odour monitoring regime to recognise Thwaite House and Fairway Hotel as local receptors. The monitoring regime is to be employed in liaison with Environment Agency, with an undertaking to intensify monitoring and control in response to any complaint.

33. Whilst I fully accept that the operator would seek to minimise the risk of odours being detectable outside the site, and that they would respond quickly and responsibly to any complaint, this is not to say that odours would not be detectable from time-to-time at Thwaite House. This would undermine the peaceful enjoyment of that house. However, I do not consider that this would be on a regular or extended basis, or to the point that it would justify dismissing the appeal on this ground alone.

Visual impact

34. Probably the greatest potential change the proposed scheme is likely to bring to the occupants of Thwaite House, both in the short-term whilst operations are carried out and in the longer term following restoration, is to the outlook from the property and its garden.

35. I saw at my site visit that there are few living room windows with a significant view out over the proposed extension area, but there is a patio area which is clearly well used, and from which views can be had out over the garden and the adjacent paddocks towards the extension area.

36. Drawings (notably cross-sections through the site) and photomontages were produced at the inquiry [7], to show the likely impact on Thwaite House. The southern extension area is presently a depression, or valley, lying between Thwaite House and the present operational area of the site, generally to the north-west of the house and its grounds. For the most part, tipping operations in this area would not be visible from Thwaite House as they would take place below the rim of the depression, particularly in the early years of the scheme. During years 6-8 – the final phases of tipping and restoration - some activity would be seen, but the overall height of the landform would not increase over that presently permitted; that is, the 'horizon' would not rise any higher, nor approach any closer to Thwaite House than the present permission.

37. Some activity, such as the passing of plant and vehicles, may be seen at times depending on the progress of the scheme, and I accept that this might be distracting, if not disturbing. Also, litter fencing might be visible as the tipping floor rises towards the rim of the depression. However, the timing of the progress of development would allow for the planting of a tree or shrub screen between the operational area and the land attached to Thwaite House, such that it would have grown in height and mass by the time much of the activity would become apparent, sufficient to give screening. It may be that such screening would only be required for a relatively short time and the landscaping scheme, as required by a planning condition, could make provision for its eventual removal if this was thought to be appropriate.

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[6] Appended to Mr Blake's proof of evidence
[7] Appended to Mr Mason's evidence.

38. Whilst I acknowledge there would be some change to the outlook from Thwaite House, I do not consider that his would be so significant or dramatic as to unacceptably detract from the enjoyment of the house and its garden area. The suggested tree or shrub screen may be a notable new feature in the view, but this could be relatively short-term and is unlikely to grow to a height and mass which would appear overbearing or oppressive. As stated in *The Planning Sytem: General Principles*,[8] the planning system does not exist to protect the private interests of one person against the activities of another. In this context, this means that an individual does not have a right to a view from their property over that of another person and to vistas beyond: what is important is that the living conditions of the individuals are not harmed within their own property.

Other disturbance

39. The proposed scheme would create a new access track to the present gas plant, and vehicles passing along this track may be visible, and audible, from Thwaite House from time-to-time. However, the number of vehicles requiring access to the gas plant is likely to be quite low and hence the degree of disturbance is also likely to be low, and not unacceptably excessive in this largely rural setting.

General conclusion on Thwaite House

40. I acknowledge that the proposed scheme would have consequences for the occupants of Thwaite House. Either the present level of disturbance from noise, dust and birds etc., would continue for a further seven years, or it could, on occasions, actually increase to some degree. Also, there would be some changes to the outlook from the property both in the short-term and following restoration. I also acknowledge that the occupants of this house would prefer the waste tipping activities to cease altogether, thereby possibly leading to an improvement in their standard of amenities.

41. However, I consider that the degree of disturbance would not be so great as to represent unacceptable harm the living conditions of those living at Thwaite House, and that planning in conditions can be put in place to safeguard their amenities and minimise whatever disturbances may arise.

The Moors

42. The Moors (a children's home) is about 220m or so from the Infrastructure Area. At the inquiry no particular harm was identified to those living and working at this property. In my view, and having regard to my views expressed above on the likely impact on the occupants of Thwaite House, I consider The Moors is far enough away so not to be unacceptably troubled by noise, birds, dust or litter, or certainly not to any materially greater degree than at present. An area of trees and shrubs on the opposite side of Hawthwaite Lane would continue to screen activity from views from the house.

[8] Paragraph 29, *The Planning System: General Principles*: ODPM 2005

Other Matters

Fairway Hotel

43. Representations were made at the inquiry arguing that the landfill operation has a detrimental impact upon the hotel and golf centre at the Fairway Hotel. Matters raised include the general incompatibility of the waste site with a tourist location, the visual disturbance of Heavy Goods Vehicles (HGVs) passing along the access road immediately in front of the hotel, the noise of the passing HGVs and dust, mud and litter left by vehicles passing along the access road.

44. Whilst I accept that that the business prospects for the hotel might be enhanced were the landfilling operation to cease, no cogent evidence was brought to the inquiry to demonstrate the extent of the alleged harm which was being experienced at present. Despite the claim that the appeal scheme has significant financial impacts on the business, no accounts were presented to the inquiry to demonstrate the degree of harm. There was no information on cancelled or curtailed bookings, and no documented record of complaints from residents of the hotel or users of the golf centre. It was not contested that there is no history of complaints or adverse comments attributable to the landfill operations on tourist websites such as *TripAdvisor*. It was noted that planning applications had been made for extensions to the hotel, which could be seen as an indication that the business is not unduly constrained by its proximity to the landfill site.

45. On the visual impact of the scheme, I am sure that guests at the hotel may prefer not to see passing lorries but, as noted above, there is no recorded history of customer dissatisfaction identifying this as a problem. The Council's landscape witness noted that the landfill site would be seen from a first floor window of the hotel, but it was established at my site visit that this does not appear to be a window to a guest room or any other kind of residential accommodation. I noted the mud splashed on the verge in front of the hotel but a condition on the planning permission for the landfill operation requires the access road to be kept clean and free of potholes. The problem would therefore seem to be more a matter of compliance with planning conditions.

46. I also noted the somewhat poor growth of the landscape planting in front of the hotel. I am sure that mud and dust have not helped this planting to become established, but I consider that the poor growth cannot be solely attributable to these factors; improved care and protection and, if necessary, a revised planting scheme may lead to greater success for this planted area.

47. The adverse impact of the noise of vehicles passing on the access road was also raised as an issue, but no specific evidence of measured sound levels at the hotel at present was brought to the inquiry to counter the evidence produced by Mr Adams for the appellant. This evidence shows a predicted noise level of $52dB_{LAaeq\ 1hour}$. This would be below the threshold of NEC A which, as noted above under my consideration of the impact upon the occupants of Thwaite House, should not be regarded as unreasonably disturbing during the hours the landfill site would be operating.

48. On behalf of the Fairway Hotel only a conjectured interpretation of what the noise might be generated by passing vehicles was argued, without specific

reference to data or the application of noise measurement protocols. In view of the lack of complaints generally, and in particular the absence of any relating to the noise of passing vehicles, I do not consider that this is a significant point which could be seen to be threatening the success of the hotel business.

49. I also note the comments made about odours and litter, and mud and dust on the access road. Whilst I accept that these can be an occasional nuisance, and that this should not be readily acceptable, conditions can be attached to the planning permission to require such matters to be kept under control. I appreciate that circumstances which would justify a complaint would only arise after an event – that is, after some harm had been caused. However, it would be incumbent upon the site operator to comply with the terms of the planning conditions and I must work on the basis that this will be done in a responsible manner. Supervision and enforcement of the controls imposed in the conditions must be a matter between the Local Planning Authority and the site operator, albeit in consultation with those who may be potentially affected.

50. Drawing these points together, from the evidence given at the inquiry, I fully understand the hotel operator's preference for the landfilling operation to cease and thereby bring an end to lorries passing along the access road in front of the hotel, as well other perceived nuisances, but I do not consider the degree of disturbance arising from the proposed extension scheme would be so great as to represent harm to the amenities of the hotel and golf centre to the point where the viability of the business would be seriously threatened.

Sandscale Hawes

51. Concerns were raised in written representations by the National Trust about the potential impact of the proposed scheme on the Sandscale Haws nature reserve, primarily concerned with the visual impact of the scheme. At my site visit I visited the Sandscale Hawes area and took account of the likely impact. The closest point of Sandscale Hawes is more than 1 km from the appeal site. There are established trees, hedges and natural undulations in the landform between the appeal site and the nature reserve.

52. Viewed from this distance the scheme would not noticeably add to either the height or geographical spread of the landfill operations. In my view, the appeal scheme would represent a negligible change in the views out from the Sandscale Hawes site. The separating distance and the intervening vegetation etc., mean that the appeal site is neither conspicuous nor obtrusive in views from the nature reserve. I do not consider that the appeal scheme would materially harm the public's perception or appreciation of the visual setting of the nature reserve.

53. I appreciate that extending the life of the landfill operations would result in the continuation of other aspects of the site's impact, such as HGVs using the same roads as those which give access to the nature reserve. In the National Trust's submissions it is stated that the landfill site and the nature reserve have operated in the same general area for some 35 years. Whilst removing HGV traffic from the local roads would be seen by some to be beneficial, no substantive evidence has been produced to show that such traffic interferes with or discourages visitors to the nature reserve. From my own observations

it seems that the site is popular and visited by a range of people including school parties, local walkers and those with a specific interest in the nature conservation value of the site.

54. I am sure that matters such as odours and wind-blown litter can be offensive to visitors to the area, but the points raised in the National Trust's letter of 12 December 2008 do not appear to be specific to the interests of the nature reserve; indeed the letter comments on wind-blown litter to the east of the site (that is, in the opposite direction to the nature reserve) and although the writer comments on odours being detectable, it is not said at which locations. In view of the separation distance between the nature reserve and the appeal site I do not consider that odours from such sources as leachate on the appeal site would have a significant impact – if indeed detectable at all – on the nature reserve.

Conclusion

55. The main point of the Council's objection to the scheme is that at least one property would be closer than 250 m to the extended working area and would, therefore, suffer unreasonable harm. However, the basis of using that distance to establish some kind of *cordon sanitaire* is not entirely clear, and neither is it clear whether it stands as an element of the development plan policy, or is simply as an illustrative point in the reasoned justification to a policy. The force of the rule is further confused by the unexplained reference to the number of houses which may be affected; implying that its significance might be greater if there is a greater number of houses within the 250m zone and, conversely, that the force of the 250 m restriction might be reduced if only a small number of houses was affected.

56. In my view, the 250m figure is an illustrative point, drawing attention to the need to pay particular attention to the potential harm to those living near to proposed waste management sites or, as in the present case, the extension of existing sites. What is more important is to make a careful assessment of the actual degree of harm that those living nearby could suffer, and what measures can be put in place to mitigate and minimise that harm to bring it within acceptable limits, if not eliminate it altogether. Having considered all of the evidence given at the inquiry and in the written submissions, I consider that adequate safeguards can be put in place to protect the living conditions of those living at Thwaite House, albeit not overcoming all potential harms or disturbances altogether. Nevertheless, it is my view that the degree of harm which may be experienced by the residents of Thwaite House, subject to the development being operated in accordance with appropriate planning conditions, would not be so great as to justify dismissing this appeal.

57. Other factors must also be brought into the balance before coming to a final conclusion. There is a recognised shortfall in the availability of waste disposal capacity in the south of the County in at least the short-term. A DPD is in preparation to identify sites to meet the anticipated demand, but this is some way off being adopted. RSS Policy EM 13 would, on the face of it, favour extensions to existing sites (ie, in this instance Bennett Bank) where there is no other harm. The evidence at this inquiry did not, in my view, identify unacceptable or insuperable harm, and hence allowing this appeal would be in accordance with the underlying spirit of the RSS policy.

58. I acknowledge that other sites may be identified through the LDF/DPD process, as an alternative to allowing the extensions proposed to Bennett Bank. The alternatives may include Goldmire Quarry. However, even if this was found to be suitable it is unlikely that this would be brought on stream as a waste disposal site for municipal solid wastes for another 3-4 years. In the mean time with the present capacity of Bennett Bank likely to be fully used by the end of 2010, until another site in the Barrow-in-Furness area is identified, granted planning permission and brought into operation, wastes would have to be directed to other sites either within Cumbria or across the county boundary. To transport wastes to other, more distant, locations would be contrary to the sustainability principles set out in both PPS1[9] and PPS10 and in CMWDF CS Policy 8, where the policy is to minimise the unnecessary use of road haulage in order to minimise both the waste of resources and carbon emissions.

59. Reference was made in some of the representations to CMWDF GDCP Policy DC3 and the need to consider cumulative impact. As explained at paragraph 2.10 of GDCP, the extension of the Bennett Bank site as proposed here would not constitute a cumulative impact in that it would not be an additional facility to one already operating – it would be simply the same site operating over a longer period with, in general terms, the harm extending no wider, nor over a greater number of receptors, nor at a more in intensive level than the site at present. The policy does not indicate that cumulative impact has to be regarded as the sum of a number of years over which one particular site has been operating.

60. Drawing these points together, I recognise that the proposed extensions to the waste site would give rise to some harm to those living in Thwaite House, but the degree of harm can be controlled through planning conditions to keep it within acceptable limits. This conclusion, together with the broadly uncontested need to use sites or practices which should not involve otherwise avoidable environmental and sustainability penalties, argues in favour of allowing the development. I do not consider that any of other matters raised at the inquiry and in the written representations can be seen as constituting harm which would outweigh the balance of conclusions I have reached on the main issue. In which case, for the reasons given above, I conclude that the appeal should be allowed, subject to planning conditions.

Conditions

61. As discussed in part above, it is necessary to attach conditions to the planning permission in order to ensure the protection of the living conditions of those who live nearby, the proper control over operations whilst in progress, and to achieve a progressive restoration of the site as tipping operations come to a close. Suggested conditions were discussed at the inquiry.

62. Several of the Council's suggested conditions include a clause which would allow subsequent variation of matters which would have been formally approved through either the permission itself or in compliance with its conditions. Paragraph 32 of the Annex to Circular 11/95 notes that such informal procedures are not acceptable. Section 190 of the Planning Act

[9] PPS1 – Planning Policy Statement 1: *Delivering Sustainable Development*

2008 [10] introduces procedures for the local planning authority to approve non-material amendments to a planning permission.

63. Because the scheme now permitted overlaps with previous permissions on this site, both physically and in terms of duration, it is necessary that the Local Planning Authority is notified when operations under this permission commence, so that it is clear as to which operational controls and restorations are to be implemented. Condition 2 is required to ensure an ordered conclusion to operations on the site to minimise disturbance to local residents and harm to the appearance of the countryside. Conditions 3, 4, 5 and 6 are to ensure that operations on the site are properly managed at, and following, the conclusion of landfilling and restoration.

64. To ensure all with an interest in operating and managing the site, Condition 7 specifies what has been permitted, and Condition 43 is to ensure that those operating the site have ready access to the permitted drawings for compliance purposes. Conditions 8 and 9 clarify what wastes are permitted and where particular wastes can be stored.

65. Conditions 10 and 15-24 are to ensure that the living conditions of those potentially affected by operations on the site are safeguarded by minimising any harm or disturbance by reason of the operating hours, noise, dust, litter vermin and other nuisances and on-site lighting. In the interests of highway safety and the amenity of the surrounding area, Conditions 11-14 are necessary to control access routes and to minimise the possibility of slurry, mud, rubbish or other detritus being deposited on the roads and across the wider area.

66. There is the possibility that the site contains items of archaeological interest. In which case, Conditions 25 and 26 make provision for any potential finds to be properly noted, recorded and recovered.

67. A number of conditions seeking to control the management of the drainage of the site were put forward by the County Council. These conditions duplicate controls which are operated and supervised by the Environment Agency and, following the advice given at paragraphs 22 and 23 of the Annex to Circular 11/95, I consider it is not necessary to attach those suggested conditions. However, monitoring of the groundwater will necessitate installation of equipment which will need the approval of the Local Planning Authority, and this is covered by Condition 27. In order to safeguard groundwater from the risk of pollution, Condition 28 requires the enclosure of tanks within impermeable bunds.

68. Conditions 29-36 and 39-42 are imposed to ensure that the site can be satisfactorily restored on a sustainable, ecologically sound basis, in a condition which can support cultivation and pasture, and that the appearance of the site on restoration is compatible with the surrounding countryside. Condition 39 is structured such that a restoration scheme for the site can be drawn up, possibly in separate sub-documents covering individual phases, on a comprehensive integrated basis. Walls and hedges are part of the character of

[10] Section 190 of the Planning Act 2008 inserts Section 96A into the Town and Country Planning Act 1990. Section 190 was commenced on 1 October 2009.

the countryside and both for landscape and stock protections reasons, Conditions 37 and 38 require these to be maintained during activities on the site and to be replaced on cessation of operations.

69. The Council sought to impose a condition which required the submission and approval of further information on a number of matters, with the provision that, if the information provided showed that aspects of the scheme could not be operated satisfactorily, this would negate the planning permission. A condition framed in such terms is contrary to the guidance given at paragraph 45 of the Annex to Circular 11/95. No evidence was produced at the inquiry to demonstrate that the proposed development would not be acceptable in all other respects.

Conclusion

70. For the reasons given above I conclude that the appeal should be allowed.

Geoffrey Hill

INSPECTOR

ANNEX A

PLANNING CONDITIONS

MANAGEMENT OF OPERATIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision. The date of commencement of operations under the terms of this permission shall be notified in writing to the Local Planning Authority not later than 7 days prior to the commencement together with details of the operations comprising the commencement of the development.

2. This permission shall be for a limited period expiring on 31 December 2017, by which date the use of land for the deposit of waste materials and storage of fridges and clinical waste, shall have ceased and the restoration of the site commenced in accordance with the scheme approved pursuant to Condition 39 of this permission. Thereafter the restoration shall be carried out and completed in accordance with the approved scheme by 31 December 2018.

3. Notwithstanding the requirements of Conditions 1 and 2, the collection and disposal of landfill gas by use for electricity generation for the purposes of this permission shall only continue on the site using the plant and equipment constructed and operated in accordance with and subject to the terms of planning permission 6/05/9014. Thereafter on the expiry of permission 6/05/9014 or expiry of any other approved amended time limit under a subsequent permission, the plant and equipment shall be removed from the site and the land restored (including removal and restoration of the new access road to the gas plant) in accordance with a scheme that has been submitted to and received prior approval in writing from the Local Planning Authority before expiry of planning permission 6/05/9014.

4. Other than for plant and equipment operated under the terms of Conditions 3 and 5, all buildings, plant and machinery, including foundations, hard standings, and access roads shall have been demolished or dismantled and the debris removed from the site, and the site shall have been restored in accordance with the approved scheme pursuant to Condition 39 of this permission within 12 months of the date of cessation of landfill.

5. Not less than six months written notice shall be given to the Local Planning Authority prior to the commencement of tipping operations in the southern extension area. At that time details of a scheme for leachate collection and retention for a defined period after the cessation of landfill operations and restoration of the site shall be submitted to the Local Planning Authority. Tipping in the southern extension area shall not commence until the submitted scheme has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details. Leachate tanks shall be removed after expiry of the permitted period and the land restored in accordance with an approved scheme.

6. If for any reason landfill operations permanently cease prior to the expiry date of this permission or if the final landform is not achieved by the expiry date given in Condition 1, the Local Planning Authority shall be notified in writing of the cessation of landfilling operations and shall, within 3 months of the date of

cessation, submit to the Local Planning Authority for approval in writing a revised scheme for the restoration of the site. The site shall thereafter be restored and all plant equipment and machinery and any other structures removed in accordance with the approved revised restoration scheme which shall be commenced within twelve months of the cessation of landfill operations.

LIMITS OF OPERATIONS

7. Subject to compliance with the requirements of any of the foregoing Conditions 1 to 6 the development shall only be carried out in accordance with the approved documents:

435-01-01	Statutory Plan
435-01-02	General Arrangement
435-01-03	Proposed Pre-Settlement Landform (Top of Soil)
435-01-04	Proposed Post-Settlement Landform
435-01-05	Cross Sections
435-01-06	Restoration Proposals
435-01-07	Welfare Facility Cabin Elevations
435-01-08	Engineering and Staff Cabins Elevations
435-01-09	Electricity Boxes and Pump Control Building Elevations
435-01-10	Weighbridge Elevations
435-01-11	Leachate Tanks Sections
435-01-12	Proposed Infrastructure Area.

8. The activities of fridge and clinical waste storage shall only comprise the contained storage and removal of these waste materials and there shall be no transfer of these wastes into containers retained at the site from delivery vehicles. The activity shall only be carried out within the infrastructure area shown on the approved plans.

9. No waste other than inert, non-hazardous and non-radioactive waste shall be deposited on the site.

HOURS OF WORKING

10. No operations shall take place on site outside the following hours:

    0800 to 1800 Mondays to Fridays

    0800 to 1300 on Saturdays.

    No operations shall take place on Sundays or on Bank or any other Public Holidays.

    Waste materials may be deposited outside these hours only in an emergency the circumstances of which will have been notified to the Local Planning Authority. Wastes shall not be deposited during such emergencies until written approval has been obtained from the Local Planning Authority.

MANAGEMENT OF ACCESS AND VEHICLES

11. There shall be no vehicular access into or egress from the site other than via the existing approved access road which crosses Hawthwaite Lane and joins Oak Lea Road immediately north of its junction with the A590, other than in an emergency which will first have been notified to the Local Planning Authority.

12. The surface of the approved access road shall be retained free from potholes. Road markings and signage, as shown on drawing no 416-01-02 of planning permission 6/07/9002, shall be retained for the life of this permission.

13. No vehicle shall leave the site unless it is in a clean enough condition so as to prevent mud and dirt, including any waste material, being deposited on any part of the public highway, including Hawthwaite Lane.

14. A drainage system shall be maintained for the life of the operations to ensure that no slurry or water from the site or the access road flows onto Hawthwaite Lane.

CONTROL OF NOISE

15. No plant, equipment and machinery including vehicles shall be operated on the site unless equipped with effective silencing equipment that has been installed and is maintained at all times in accordance with the manufacturer's, and/or supplier's instructions.

16. No mobile plant vehicles shall be operated on the site other than those with a 'white noise' type of reversing warning alarm system, or an alternative system approved in writing by the Local Planning Authority. For the avoidance of doubt, this condition shall not apply to vehicles delivering waste to the site.

17. Except for the temporary operations referred to in Condition 18, the equivalent continuous noise level attributable to the approved operations shall not exceed $55dB_{(LAeq\ l\ hour\ free\ field)}$ as measured at any noise sensitive property.

18. The equivalent continuous noise level attributable to the following temporary operations shall not exceed $65dB_{(LAeq\ 1\ hour\ free\ field)}$ as measured at any noise sensitive property:-

    - the construction of access roads;
    - the excavation and replacement of topsoil, subsoil and other materials;
    - the creation of stacks or bunds for the storage of soils;
    - the disposal of any soils or other materials.

19. The cumulative total duration of such temporary operations shall not exceed 8 weeks during any 52 week period.

20. The development hereby permitted shall not commence until a detailed scheme of noise monitoring for all site operations including any temporary operations specified in Condition 19 and the construction and development of

the infrastructure area has been submitted to, and approved in writing by, the Local Planning Authority. The scheme submitted shall make provision for:

i). monitoring to be carried out at intervals of not less than twelve months and for the times when temporary operations are being carried out;

ii). the use of a type 1 integrating sound level meter which fully complies with BS EN61672-1:2003, 'Electroacoustics Sound Level Meter Specifications';

iii). undertaking monitoring in accordance with BS 4142:1997, 'Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas';

iv). the frequency of, and format for, reporting the results of the monitoring to the Local Planning Authority.

The approved scheme shall thereafter be implemented for the duration of the development and the results of the monitoring shall be provided to the Local Planning Authority in accordance with the approved scheme.

CONTROL OF DUST, LITTER AND MUD

21. Before the development hereby permitted is brought into operation, a scheme for the monitoring, management and suppression of litter, mud and dust, including dust which may arise during the soil stripping and restoration phases of the development, such that litter, mud and dust do not constitute a nuisance outside the site (as defined by the red line on Drawing No. 435-01-01), shall be submitted to Local Planning Authority for approval in writing, and the development shall be operated in accordance with the approved scheme.

22. If for any reason, and despite the use of litter, mud and dust suppression techniques, dust or litter emissions attributable to activities on the site are visible outside of the site boundaries (as shown within the red line on Drawing No. 435-01-01), then the operations which give rise to such visible emissions shall cease until such time as weather conditions change or the methods of control and suppression become effective.

CONTROL OF LIGHTING

23. All lighting units installed on the site shall be sited, shielded and directed so that any light source cannot be seen directly from any residential property outside the site.

CONTROL OF BIRDS/VERMIN/PESTS

24. Prior to the deposit of waste in Phases 6 and 7, a scheme detailing bird, vermin and other pest control measures shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include:

i). details of the methods used to deter bird, vermin and other pests from the site including suggested variations to prevent birds, vermin and pests becoming accustomed to particular techniques;

ii). a methodology for assessing the ongoing effectiveness of different bird, vermin and pest deterrent methods;

iii). an objective methodology for assessing when insecticide shall be applied;

iv). details of control measures and ongoing assessment of effectiveness in relation to mammalian pests;

v). provision for submission of records relating to the implementation of the foregoing measures to the Local Planning Authority.

The approved scheme shall thereafter be implemented for the duration of the development hereby permitted.

ARCHAEOLOGY

25. Soil stripping shall not commence until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Local Planning Authority. The scheme will include the following components:

    i). an archaeological evaluation to be undertaken in accordance with the agreed scheme of investigation;

    ii). an archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed scheme of investigation;

    iii). an archaeological post-excavation assessment and analysis.

    Any works required by the scheme shall be carried out in accordance with the approved details.

26. Before the development commences details shall be submitted to the Local Planning Authority for approval in writing for a site archive suitable for the deposition of any archaeological artefacts found on the site. An archive report shall be completed within two years of the date of commencement of soil stripping as permitted in accordance with Condition 25.

MONITORING AND PROTECTION OF GROUND WATER

27. Prior to commencement of the development hereby permitted a scheme shall be submitted to the Local Planning Authority for approval in writing for the extension of the groundwater level monitoring network for the overall site so as to provide an enclosing envelope of groundwater level monitoring in each aquifer potentially affected by the development. The approved scheme shall thereafter be implemented prior to the commencement of the deposit of waste under the terms of this permission.

28. No fuels oils, chemicals or any other potentially polluting liquids shall be stored on the site except in a tank or tanks that are set in a bund with an impervious base and walls with a capacity of not less than 110% of the volume of the tank or combined individual and/or multiple linked tanks. All fill and draw valves shall be located above ground and directed to discharge

downwards into the bund. Any sight glasses must be located above the perimeter of the bund.

STRIPPING, STORAGE AND USE OF SOILS AND OVERBURDEN

29. Prior to the commencement of the development hereby permitted a scheme for the storage of soils suitable for restoration purposes shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include a plan to show the locations and heights of storage mounds, and an assessment of any potential impacts, including amongst other matters, visual impact and ground compaction, and any proposals for mitigation and/or prevention.

30. Not less than 48 hours notice in writing shall be given to the Local Planning Authority of the commencement and estimated duration of each phase of soil stripping. If the boundary of the area to be stripped is not marked by identifiable physical features on the ground it shall be clearly marked with suitable pegs.

31. All topsoil and subsoil shall be separately stripped before any part of the site is excavated or is traversed by heavy vehicles or machinery (except for the purposes of stripping that part or stacking topsoil on that part).

32. Topsoil and subsoil which has been stripped or removed shall be stockpiled separately in accordance with the scheme approved in accordance with Condition 29 and prevented from mixing.

33. The stripping, movement, and re-spreading of soils shall be restricted to occasions when the soil is in a suitably dry and friable condition and the ground is sufficiently dry to allow passage of heavy vehicles and machinery over it without damage to the soils and the topsoil can be separated from the subsoil without difficulty.

34. All topsoil, subsoil and all other excavated materials shall be retained on the site, and none shall be sold off or removed from the site.

LANDSCAPING AND PLANTING

35. Prior to the commencement of the development hereby permitted a landscaping scheme for the site shall be submitted to the Local Planning Authority. Soil stripping or tipping operations shall not commence until the submitted scheme has been approved in writing by the Local Planning Authority. The submitted scheme shall:

    - identify all existing trees and hedges to be retained;
    - set out the measures to be employed for the protection of retained trees and hedges during the course of site preparation, excavation, emplacement of wastes, capping and restoration;
    - identify areas of new tree, shrub or hedge planting to be carried out either during the course of the operations or the subsequent restoration of the site;

- establish a programme and timings when tree, shrub or hedge planting is to be carried out.

The scheme shall be implemented in accordance with the approved details.

36. All trees, shrubs and any other plants planted in accordance with the approved landscaping scheme shall be protected, managed and maintained until the expiry of this permission. Any trees, shrubs or plants which die or become seriously damaged or diseased within five years of planting shall be replaced with plants of the same species or such species as may otherwise be given prior approval in writing by the Local Planning Authority.

CARE OF BOUNDARIES, HEDGES AND WALLS

37. The operator shall maintain and make stock-proof until the restoration is completed all the existing hedges, fences and walls including gates around the perimeter of, and within, the site in the applicant's ownership, throughout the period of operations until the restoration and aftercare of the site has been completed. Where an operational boundary does not coincide with an existing stock-proof hedge or fence the operator shall provide, prior to the commencement of working in that part of the site, stock-proof fencing with gates or cattle grids at every opening and these shall thereafter be maintained until that part of the site has been fully restored. Undisturbed hedgerows shall be maintained, cut and trimmed at the proper season throughout the period of working and restoration of the site.

REPLACEMENT OF HEDGES AND WALLS

38. Any hedges, walls, fences, gates and stiles damaged or destroyed in the course of the approved operations shall be repaired or restored on their original lines. Any alternative alignment for replacement hedges, walls, fences, gates and stiles shall first be agreed in writing by the Local Planning Authority.

RESTORATION AND AFTERCARE

39. Prior to the deposit of wastes on any part of the development hereby approved, a scheme for the restoration and aftercare of Phases 5, 6 and 7 and other remaining areas of the site which have been disturbed as a result of this development, including the infrastructure area and the northern and western stockpile areas as shown on Drawings 435-01-02 and 435-01-12, and in compliance with the intended restoration shown on Drawing 435-01-06, shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include: -

    i). a successive programme for restoration of the working phases and operational areas across the site;

    ii). details of the soil resources available for the restoration of each phase, areas of earlier phases overtipped, and operational area to include material arising on site and accumulated during the operation of each phase;

iii). the depth of subsoil and topsoil to be provided above the landfill cap, together with measures to make it suitable for cultivation, to include ripping to reduce compaction and stone picking if required;

iv). details of the cultivation, including seed mix for land returned to agriculture, or species of trees or shrubs together with details of stock size, density of planting, and method of planting. For the avoidance of doubt any tree, or shrubs shall be maintained in accordance with Condition 36;

v). a scheme of aftercare for a period of 5 years following the restoration of each phase including provision of drainage if required.

The restoration shall be carried out in accordance with the approved scheme.

40. On receipt of written notice from the Local Planning Authority advising the operator that operations of the site are to be formally reviewed, at least 2 weeks before the date of each review the operator shall provide all people attending the meeting, as advised by the Local Planning Authority, with a record of the management and operations carried out on each phase during the period covered by the review, and a proposed programme of management of the site for the following year.

41. Prior to the deposit of waste in Phase 6 an Environmental Action Plan, as outlined in Appendix C of the Environmental Statement, shall be submitted to the Local Planning Authority for approval in writing. The Environmental Action Plan shall be carried out as approved.

42. Subject to compliance with the requirements of Condition 3 of this permission, upon completion of landfill gas and leachate collection, monitoring and testing, the gas flaring system and any other ancillary structures and equipment shall be removed and any boreholes, sumps, piezometers and adits penetrating the site shall be cut off below the ground surface at the level of the cap and made safe from future collapse. The land shall thereafter be restored by the replacement of subsoil and topsoil, and cultivated to conform to the contours and the use of adjoining land.

APPROVED DOCUMENTS

43. From the commencement of the development to its completion a copy of this decision including the approved documents and other documents subsequently approved in accordance with this permission, shall always be available on site, or at such other place as may be approved by the Local Planning Authority, for inspection during normal working hours.

ANNEX B

APPEARANCES

For the Local Planning Authority

Mr J Easton of Counsel	instructed by Cumbria County Council Legal Department
He called:	
Mrs A Moffatt BA CMLI	Principal Environmental Coordinator, Capita Symonds
Mr D Hughes BSc	Senior Monitoring and Enforcement Officer
Mr N Long BSc	Area Team Leader

For the Appellant

Mr A Williamson BA DipTP MRTPI	Partner, Walker Morris Solicitors
He called:	
Mr J Mason BSc(Hons) Dip	Technical Director, Axis
Mr N Blake BSc COTC	Regional Operations Manager, Waste Recycling Group
Mr D Adams MA(Hons) MRTPI	Technical Director (Planning) Axis PED Ltd
Mr J Cook*	Estates Manager, North West Region, Waste Recycling Group

** for discussion of conditions only*

Interested Persons

Mr J L Kelsall BArch DipArch MA RIBA MRTPI FRSA	Phoenix Architecture and Planning
Mr W M Stephens MSc MRTPI MICE CEnv CEng	Stephens Associates
Mr S Jack	Local resident
Mr H S Gass	Local resident

DOCUMENTS

Document	1.1 - 1.4.	Lists of persons present at the inquiry
Document	2.	Letter from North West Evening Mail requesting permission to take photographs at the inquiry

Documents for Cumbria County Council

Document	3.	Cumbria Minerals and Waste Development Framework Core Strategy
Document	4.	Cumbria Minerals and Waste Development Framework Generic Development Control Policies
Document	5.	Review of Environmental Statement appended to Mrs Moffatt's proof of evidence
Document	6.	Independent Landscape and Visual Impact Assessment appended to Mrs Moffatt's proof of evidence
Document	7.	Mr Hughes' proof of evidence and appendices
Document	8.	Appendices to Mr Long's proof of evidence, including schedule of revised conditions
Document	9.	Evaluation of planning applications and EIA appended to Mr Long's proof of evidence
Document	10.	Policy EM13 of North West of England Plan Regional Spatial Strategy to 2021

Documents for the appellants

Document	11.	Mr Adams' proof of evidence and appendices
Document	12.1 – 12.2	Mr Blake's proof of evidence and appendices
Document	13.	Mr Mason's proof of evidence and appendices
Document	14.	Comments on draft suggested conditions
Document	15.	Written response to Mr Kelsall's evidence on noise

Documents for interested persons

Document	16.	Statement from Mr Kelsall
Document	17.	Statement from Mr Stephens
Document	18.1 – 18.2	Photographs put in by Mr Jack

PLANS

	Drawing No.	*Subject/ Description*
Plan A.1	435-01-01	Statutory Plan
Plan A.2	435-01-02	General Arrangement
Plan A.3	435-01-03	Proposed Pre-Settlement Landform (Top of Soil)
Plan A.4	435-01-04	Proposed Post-Settlement Landform
Plan A.5	435-01-05	Cross Sections
Plan A.6	435-01-06	Restoration Proposals

Plan A.7	435-01-07	Welfare Facility Cabin Elevations
Plan A.8	435-01-08	Engineering and Staff Cabins Elevations
Plan A.9	435-01-09	Electricity Boxes and Pump Control Building Elevations
Plan A.10	435-01-10	Weighbridge Elevations
Plan A.11	435-01-11	Leachate Tanks Sections
Plan A.12	435-01-12	Proposed Infrastructure Area