

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>12 March 2024</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

<b>Reference no:</b>	P/23/0485
<b>Proposal:</b>	Extraction of sand and gravel with restoration to form balancing pond, wetland, agriculture and grassland (Section 42 application to amend conditions 22 and 23 of CL/17/0092, to permit quarry operations to start at 07:00 hours Monday to Saturday)
<b>Site Address:</b>	Ryeflatt Quarry West End Carnwath ML11 8SA
<b>Applicant:</b>	Tillicoultry Quarries Ltd
<b>Agent:</b>	Abigail Brown - Wardell Armstrong LLP
<b>Ward:</b>	04 – Clydesdale South
<b>Application Type:</b>	Modification, Variation or Removal of Planning Conditions
<b>Advert Type:</b>	Environmental Impact Assessment (EIA) Report submitted - Edinburgh Gazette 18 August 2023  EIA Report submitted - Lanark Gazette 16 August 2023  Non-notification of neighbours - Lanark Gazette 16 August 2023
<b>Development Plan Compliance:</b>	Yes
<b>Departures:</b>	None
<b>Recommendation:</b>	Grant subject to conditions and the modification of the existing section 75 agreement
<b>Legal Agreement:</b>	The Committee should note that the application shall not be granted until the following matters are concluded:-  The modification of the original Legal Agreement attached to the site securing:- <ul style="list-style-type: none"> <li>• A restoration guarantee bond to secure restoration of the site should the applicant not fulfill or be able to fulfill this task;</li> <li>• financial contributions to the South Lanarkshire Rural Communities Trust Fund; and</li> </ul>

	<ul style="list-style-type: none"> <li>the carrying out of hydrological monitoring and water flow equipment maintenance.</li> </ul>
<b>Direction to Scottish Ministers</b>	Not Required

## **1. Reason for Report**

- 1.1. The application is required to be determined by the Planning Committee under Clause 5.1 of the Decision-Making Process 2015 as it constitutes a major planning application.

## **2. Site Description**

- 2.1. The application site lies on the northern side of the A70 Carstairs to Carnwath road approximately 700 metres to the north-west of the village of West End. The site is an active sand and gravel quarry, extending to some 35.5 hectares in area and is served by a vehicular access taken directly from the A70. The A70 runs parallel with the southern boundary of the application site. The site is mainly bounded on all sides by agricultural land, and by Redland Poultry Farm to the immediate south of the extraction area. A water body (the White Loch) is located within the north-east part of the application site but not within any worked extraction area. A further loch (the Red Loch) is located out with the application site, approximately 200m from the northern boundary.
- 2.2. The nearest residential properties to the mineral extraction area are Woodside Cottage (360 metres to the south-west), 2 no dwellings associated with Redland Poultry Farm (160 metres to the south), and Ryeflat Farm (430 metres to the north-west). A further dwelling occupied by the operator of a plant hire business that currently operates from associated premises is located approximately 400 metres to the east of the extraction area.

## **3. Description of Proposed Development**

- 3.1. The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 as the applicant wishes to vary a number of conditions attached to a previous Section 42 application for the site, ref: CL/17/0092 and granted on 18 January 2019, (hereon referred to as the original permission). That approval granted consent to extend the original approved period of consent for the extraction of sand and gravel and site restoration by a further 5 years, to 01 July 2026. The current submitted application seeks consent to extend the operating hours of the quarry, to permit the commencement of operations at 07.00, rather than 08.00 hours, on weekdays and on Saturdays.
- 3.2. Condition 22 of the original permission states:-  
That, without the prior written approval of the Planning Authority, the site shall not operate outwith the hours stated below, and during these hours the site shall be adequately manned and supervised.

	Weekdays	Saturdays
Time of Opening	8.00am	8.00am
Time of Closing	7.00pm	1.00pm

There shall be no working on Sundays or local bank holidays (with the exception of essential maintenance work), unless otherwise agreed in writing with the Planning Authority.

The applicant has requested that condition 22 be varied to read:-

That, without the prior written approval of the Planning Authority, the site shall not operate outwith the hours stated below, and during these hours the site shall be adequately manned and supervised.

	Weekdays	Saturdays
Time of Opening	7.00am	7.00am
Time of Closing	7.00pm	1.00pm

There shall be no working on Sundays or local bank holidays (with the exception of essential maintenance work), unless otherwise agreed in writing with the Planning Authority.

3.3. Condition 23 of the original permission states:-

That with respect to the control of noise resulting from the operations at this site, the developer shall comply with the following:-

- that during the working week (08.00 to 19.00 hours Monday to Friday inclusive and 08.00 to 13.00 hours on Saturday) the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 55 dB(A) LAeq, over any one hour period,
- as the site is only to be operational during day time there shall be no audible noise, from the site at noise sensitive properties, between the hours of 19.00 hours and 08.00 hours
- between Saturdays (from 13.00 hours) and Mondays (to 08.00 hours), there shall be no audible noise from the site at noise sensitive properties in the vicinity of the site.

The applicant has requested that condition 23 be varied to read:-

That with respect to the control of noise resulting from the operations at this site, the developer shall comply with the following:-

- that during the working week (07.00 to 19.00 hours Monday to Friday inclusive and 07.00 to 13.00 hours on Saturday) the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 55 dB(A) LAeq, over any one hour period,
- as the site is only to be operational during day time there shall be no audible noise, from the site at noise sensitive properties, between the hours of 19.00 hours and 07.00 hours
- between Saturdays (from 13.00 hours) and Mondays (to 07.00 hours), there shall be no audible noise from the site at noise sensitive properties in the vicinity of the site.

- 3.4. If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

#### 4. **Relevant Planning History**

- 4.1. The extraction of sand and gravel has taken place throughout parts of the application site for in excess of 70 years. Planning applications PM/52/388, P/LK/76/23 and P/LK/84/515 all allowed sand and gravel extraction within the application site.
- 4.2. Planning application CL/05/0806 granted permission for the further extraction of sand and gravel and the associated restoration of the site. This permission was granted subject to a Section 75 legal agreement to secure a restoration guarantee bond to

secure restoration of the site should the applicant not fulfill or be able to fulfill this task; financial contributions to the South Lanarkshire Rural Communities Trust Fund; and for hydrological monitoring and water flow equipment maintenance.

- 4.3. A further Section 42 planning application, CL/17/0092, was submitted in 2017 to amend condition 2 of CL/05/0806, to permit an additional period of 5 years to extract sand and gravel and to fully restore the site. Consent was granted for this in August 2017, with the consent being issued on 18 January 2019, following the conclusion of a Section 75 agreement to address the issues described in 4.2 above.

## **5. Supporting Information**

- 5.1. The applicant has submitted a detailed supporting statement with the application. A number of previously submitted supporting documents for earlier approved applications at the site have also been submitted.

## **6. Consultations**

- 6.1. Health and Safety Executive – no objections, noting that the application will not increase the number of people at the development site and will not involve the construction of floorspace for an industrial process.

Response: Noted

- 6.2. Environmental Services – no objection, subject to the attachment of a planning condition requiring the applicant to investigate any reasonable complaints received, and the carrying out of any required mitigation measures to remediate the complaint.

Response: Noted

## **7. Representations**

- 7.1. Following the statutory period of neighbour notification and advertisement in the local paper and the Edinburgh Gazette, one representation (objection) has been received. The issues raised are summarised as follows:-

- ◆ The proposed restoration scheme, in particular the positioning of the water features, will potentially adversely affect the objector's adjacent poultry farm, by encouraging wild birds to the area, significantly increasing the risk of Avian Influenza bird flu.

The above issue will be considered in the assessment below and full copies are available to view on the planning portal.

## **8. Development Plan**

- 8.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the adopted National Planning Framework 4 and the adopted South Lanarkshire Local Development Plan 2.

- 8.2. National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

#### National Planning Framework 4 Policies

- ◆ Policy 1 - Tackling the climate and nature crisis
- ◆ Policy 2 - Climate mitigation and adaptation
- ◆ Policy 3 - Biodiversity
- ◆ Policy 4 - Natural Places
- ◆ Policy 5 - Soils
- ◆ Policy 29 - Rural Development
- ◆ Policy 33 - Minerals

#### 8.3. South Lanarkshire Local Development Plan 2 (2021)

The application site and associated proposals are affected by the following policies contained in the South Lanarkshire Local Development Plan 2 (SLLDP2):-

#### SLLDP2 Policies

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 - Climate Change
- ◆ Policy 4 - Green Belt and Rural Area
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 13 - Green Network and Greenspace
- ◆ Policy 14 - Natural and Historic Environment
- ◆ Policy 15 - Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding
- ◆ Policy 19 - Minerals Development
- ◆ Policy DM1 - New Development Design
- ◆ Policy GBRA2 - Business Proposals within Green Belt and Rural Area
- ◆ SDCC3 - Sustainable Drainage Systems
- ◆ MIN1 - Settlements
- ◆ MIN2 - Cumulative Impact
- ◆ MIN3 - Restoration
- ◆ MIN5 - Controlling Impacts from Extraction Sites
- ◆ MIN6 - Community Benefit

#### **9. Guidance**

- 9.1. Planning Advice Note 50 – Controlling the environmental effects of surface mineral workings and its associated Annex A: The control of noise at surface mineral workings are considered to be of relevance in the assessment of the application.

#### **10. Assessment and Discussion**

- 10.1. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within National Planning Framework 4 and the South Lanarkshire Local Development Plan 2 are the main consideration in this case, together with an assessment of any other material planning considerations.
- 10.2. In this case the application is made under section 42 of the Act to vary conditions attached to a planning permission for an operational sand and gravel quarry near the village of West End, by Carnwath. As the proposals involve an amendment to an existing live consent, there is no opportunity for the Council to revisit the principle of the development, or any facets of the original permission that do not form part of the proposed amendments. Therefore, in this instance, the assessment of the proposals relates solely to consideration of any impacts that may arise from an earlier permitted start time at the quarry. The main matters for the Council's consideration are therefore

whether the proposed changes to the existing hours of operations at the quarry would continue to comply with the Development Plan and Government advice.

- 10.3. Planning Advice Note 50 – Controlling the environmental effects of surface mineral workings and its associated Annex A. The control of noise at surface mineral workings gives advice on how to consider the main impacts that may arise from proposals for surface mineral extraction and suggests ways in which these impacts can be controlled or minimised. It states that definitions of daytime and night-time may depend on local circumstances. Daytime should normally be defined as 0700-1900 hours, and night-time as 1900-0700 hours. In some areas 0800 hours may be more appropriate than 0700 hours. The working week should generally be regarded as Monday to Friday, and Saturday morning, while Saturday afternoons, Sundays and Public/Bank Holidays would normally be regarded as periods of rest. A noise survey submitted with the application has established that the background noise levels during the period between 07:00 – 08:00 do not differ significantly from the representative level over the whole day period. In the case of the weekdays, the background noise levels between 07:00 and 08:00 are actually higher than the representative day period.
- 10.4. The supporting statement also refers to the potential impacts of traffic movements associated with the quarry as a result of the proposed change of hours of operation. A traffic survey carried out for a 12 hour period between 06.00 and 18.00 hours concludes that a small number of quarry vehicles are likely to arrive at the site up to an hour earlier than in the existing situation. The recorded data collected for the quarry access/A70 Main Street junction shows that the level of traffic during the hours of 0700 - 0800 is lower than 0800 - 0900 hours and the AM peak hour. The cumulative level of traffic generated by the quarry and the existing traffic on A70 is therefore predicted to be lower during the proposed additional hour of operation than during the current permitted first hour of operation at the quarry.
- 10.5. A single letter of representation to the application has been submitted, stating that the proposed restoration scheme, in particular the positioning of the water features, will potentially adversely affect the objector's adjacent poultry farm, by encouraging wild birds to the area, significantly increasing the risk of Avian Influenza bird flu. Discussions have taken place with the agent acting for the objector, clarifying that the submitted application only seeks to amend the hours of operation of the quarry, and that no changes to any of the previously approved restoration plans are under consideration. Despite the agent confirming verbally that his clients have misunderstood the reason for the submission of the Section 42 application, and that he would discuss this matter with them further to explain that the details of the previously submitted restoration plans are not being considered, the original letter of representation remains on the application file.
- 10.6. Overall, it is considered that the proposed change to the hours of working will not have an adverse impact on the amenity of the surrounding area particularly in terms of the effect on residential amenity due to an increase in noise or traffic generation. As a result, it is concluded that the proposals comply with relevant policy in the adopted National Planning Framework 4 and the South Lanarkshire Local Development Plan 2.
- 10.7. Conclusion  
It is considered that the changes to the conditions to accommodate an earlier start time at the quarry are acceptable and it is recommended that the Planning Committee grant the application subject to the conclusion of a modification of the original Section 75 legal agreement to secure a restoration guarantee bond to secure restoration of the site should the applicant not fulfill or be able to fulfill this task; financial contributions

to the South Lanarkshire Rural Communities Trust Fund; and the carrying out of hydrological monitoring and water flow equipment maintenance.

## **11. Recommendation and Conditions**

11.1. The Committee is asked to agree the following recommendation:-

**Grant consent subject to the conditions listed below and the conclusion of the modification of the original legal agreement to secure the following:-**

- ◆ A restoration guarantee bond to secure restoration of the site should the applicant not fulfill or be able to fulfill this task;
- ◆ financial contributions to the South Lanarkshire Rural Communities Trust Fund; and
- ◆ the carrying out of hydrological monitoring and water flow equipment maintenance.

The applicant will be responsible for meeting the Council's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum. In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Legal Agreement. If granted the planning permission shall not be released until the Legal Agreement has been concluded.

01. That all extraction operations on the site shall be discontinued and the entire site shall be restored in accordance with the restoration plan approved by the Council, as Planning Authority (as required by condition 2) not later than 1st July 2026.

Reason: To ensure that the Planning Authority retains effective control of the development.

02. That indicative details only for the final restoration scheme are hereby approved, and that, within 12 months of the date of this permission, a detailed restoration, habitat/wetland management and aftercare scheme for the entire site shall be submitted for the written approval of the Council as Planning Authority and the restoration, habitat/wetland management and aftercare of the site shall thereafter be carried out in accordance with the approved scheme including timescales.

Reason: To ensure the satisfactory reinstatement of the site.

03. That upon the termination of extraction operations, all plant, machinery, buildings and the foundations thereof, shall be removed from the site, and the areas so occupied restored in accordance with the approved restoration plan to the satisfaction of the Planning Authority.

Reason: To ensure that the site is satisfactorily restored.



04. That the applicant shall at all times deal with the areas forming the subject of this consent in accordance with the provisions of this application, statement of intentions and plans submitted except as otherwise provided for by this consent, and shall omit no part of the operations provided for therein except with the prior written consent of the Planning Authority.

Reason: To ensure that the Planning Authority retains effective control of the development.

05. That reversing alarms used on plant and vehicles shall be either non-audible, ambient related, or low tone devices.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

06. That the movement of plant, vehicles and machinery on the site shall be carried out in such a manner as to avoid, as far as possible, the crossing of undisturbed, reclaimed or restored land.

Reason: To avoid any unnecessary incursion onto parts of the site which are undisturbed or have been restored; in the interests of the general amenity of the site.

07. That all hardcore material used to form hardstandings shall be removed prior to subsoil replacement, and all roadways, storage sites and other areas of compaction shall be sub-soiled prior to restoration, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure satisfactory reinstatement of the site.

08. That, in the event of extraction operations on the site ceasing for a period of 12 months or more, the Planning Authority shall deem operations to have ceased permanently and shall require immediate implementation of the approved restoration scheme, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the Planning Authority retains effective control of the development.

09. That the developer shall ensure that sufficient water is maintained on site, at all times, to address the requirements for dust suppression.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

10. That the operator shall minimise dust emissions from the site by every practicable means, in accordance with current best practice.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

11. That, in the event of dust nuisance problems being created by operations on site, the operator shall take all reasonable remedial measures to minimise the transmissions of dust, to the satisfaction of the Council as Planning Authority.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

12. The applicant or subsequent operator(s) shall prevent mud, deleterious material and surface water from being deposited/flowing onto the public highway for the duration of operations.  
  
Reason: In the interests of road safety.
13. That all laden lorries leaving the site shall be sheeted before entering the public highway.  
  
Reason: In the interests of road safety.
14. That visibility splays of 2.5m by 215m shall be maintained on both sides of the existing access point onto the A70, and shall be retained for the duration of works on the site. For the avoidance of doubt, this shall be the only vehicular access for the entering and egress of the site.  
  
Reason: In the interests of road safety.
15. Except where otherwise agreed in writing by the Planning Authority, the applicants shall make stockproof and maintain until restoration of the site is complete all the existing perimeter hedges and fences, and shall protect the same from damage.  
  
Reason: To ensure site safety and maintenance of boundary security.
16. The hard surfaced access road entering the site from the A70, extending 100 metres into the site, shall be maintained as such for the lifetime of the development, hereby approved.  
  
Reason: To minimise the chance of any debris from the site being trailed onto the public highway; in the interests of road safety.
17. The section of the access road between the wheel washing equipment and the A70 shall be maintained in such a condition as to prevent ruts, potholes and ponding of water and kept clear of mud and dirt at all times, for the lifetime of the development, hereby approved.  
  
Reason: To minimise the chance of any debris from the site being carried onto the public highway; in the interests of road safety.
18. Efficient silencers shall be fitted to and used and maintained in accordance with manufacturer's instructions on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.  
  
Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or of any order revoking, amending or re-enacting that Order), no buildings, structures or fixed plant, including that required for lighting the site, shall be erected or installed within the site, unless details of their location and appearance have received the prior written approval of the Planning Authority.

Reason: To ensure control over such development on the site so as to minimise the potential visual and landscape intrusion.

20. That from the date of this permission, until completion of the final restoration, a copy of this permission, and all approved documents and subsequently approved documents, shall be kept available for inspection in the site offices during the approved working hours.

Reason: To ensure the site operator and visiting officials are aware of the approved details.

21. That all containers being used to store liquids within the application site shall be labelled clearly to show their contents, and located in a bund which shall be at least 110% of the capacity of the largest container stored within it. Bunds shall conform to the following standards:-

- ◆ The walls and base of the bund shall be impermeable
- ◆ The base shall drain to a sump
- ◆ All valves, taps, pipes and every part of each container shall be located within the area served by the bund when not in use;
- ◆ Vent pipes shall be directed down into the bund;
- ◆ No part of the bund shall be within 10 metres of a watercourse;
- ◆ Any accumulation of any matter within the bund shall be removed as necessary to maintain its effectiveness.

Reason: To ensure the safekeeping of such liquids.

22. That, without the prior written approval of the Planning Authority, the site shall not operate outwith the hours stated below, and during these hours the site shall be adequately manned and supervised.

	Weekdays	Saturdays
Time of Opening	7.00am	7.00am
Time of Closing	7.00pm	1.00pm

There shall be no working on Sundays or local bank holidays (with the exception of essential maintenance work), unless otherwise agreed in writing with the Planning Authority.

Reason: To safeguard the residential amenity of the area.

23. That with respect to the control of noise resulting from the operations at this site the developer shall comply with the following:-

- that during the working week (07.00 to 19.00 hours Monday to Friday inclusive and 07.00 to 13.00 hours on Saturday) the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 55 dB(A) LAeq, over any one hour period
- as the site is only to be operational during day time there shall be no audible noise, from the site at noise sensitive properties, between the hours of 19.00 hours and 07.00 hours
- between Saturdays (from 13.00 hours) and Mondays (to 07.00 hours), there shall be no audible noise from the site at noise sensitive properties in the vicinity of the site.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

24. That the operator shall at all times abide by the terms of the noise and dust monitoring and management programmes submitted and approved as part of planning permission CL/05/0806 for the lifetime of the development, hereby approved.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

25. That all topsoil and subsoil shall be retained on site and shall be used for the restoration scheme as required by condition 2.

Reason: To ensure the satisfactory reinstatement of the site.

26. All soil storage bunds shall be kept free of weeds and the sward shall be managed in accordance with agricultural management techniques throughout the period of storage; all to the satisfaction of the Planning Authority.

Reason: In the interests of visual amenity.

27. That the stand off areas identified and then fenced off as required under planning permission CL/05/0806 for the protection of badgers and otters shall be fully maintained as undisturbed areas for the lifetime of the development, hereby approved.

Reason: To safeguard ecological resources within the site.

28. That no material shall be deposited within the White Loch.

Reason: To safeguard the quality of the White Loch.

29. That no other material shall be imported to the site without the prior written permission of the Planning Authority.

Reason: To ensure the Planning Authority retains effective control over the importation of materials to the site.

30. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive except with the prior written approval of the Planning Authority.

Reason: To preserve the quality of the soils and to secure the eventual restoration of the site.

31. That within one year from the date of this permission (and each year thereafter) the operator shall submit to the Planning Authority an annual progress plan detailing:-

- ◆ The extent of ongoing extraction operations;
- ◆ Areas prepared for extraction;
- ◆ The extent of backfilling or restoration operations carried out;
- ◆ The extent of landscaping, nature conservation and agricultural works that have been implemented;
- ◆ Current and anticipated production figures;

- ◆ Remaining reserves;
- ◆ Compliance with statutory permissions; and
- ◆ Site complaint logs and actions taken.

Reason: To ensure that the Planning Authority is informed at regular intervals of the progress of the site; to assist with site monitoring; and to help inform development plan production.

32. That all mitigation measures required for Otter and Badger protection, as approved by planning permission CL/05/0806, shall be maintained for the lifetime of the development, hereby approved.

Reason: To safeguard ecological resources within the site.

33. That no trees within the application site shall be felled without the prior written approval of the Planning Authority and trees that are to be felled must be surveyed to determine the presence of breeding birds.

Reason: To safeguard ecological resources within the site.

34. That no later than 3 months from the date of decision, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise approved in writing by the Council as Planning Authority:-

- i) be granted in favour of the Council as Planning Authority
- ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the Planning Authority at the commencement of development
- iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by on or behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
- v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period unless other suitable multiple guarantee arrangements are agreed in writing by the Council as Planning Authority. For the avoidance of doubt, more than one guarantee may be agreed but any multiple guarantees shall cover the period from on or before commencement and to 12 months after the end of the aftercare period without any break in cover.

No works shall begin at the site until (1) written approval of the Council as Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the Council as Planning Authority.

Reason: To ensure that provision is made for the restoration and aftercare of the site.

35. That the operator shall at all times abide by the terms of the wheel washing facilities, detailed drainage system, and culvert clearing scheme approved under planning permission CL/05/0806 for the duration of the lifetime of the development, hereby approved.

Reason: In the interests of road safety and drainage.

36. That the operator shall at all times abide by the terms of the monitoring regime and the dewatering scheme for the White Loch Road approved under planning permission CL/05/0806 for the duration of the lifetime of the development, hereby approved.

Reason: In the interests of local hydrology.

37. That the operator shall abide by the final ground levels as proscribed within the contour plans approved under planning permission CL/05/0806 unless otherwise agreed under condition 2.

Reason: In the interests of suitable restoration.

38. At the reasonable request of the Planning Authority and following a complaint to it relating to noise or dust emissions arising from the operation of the Quarry the operator shall investigate the complaint using suitably competent persons as appropriate. Where an assessment of any noise impact or dust emissions/accumulations are, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits or to cause nuisance the Quarry operator shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required shall be, on request, submitted to the Planning Authority for prior approval.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

## **12 Reason for Decision**

- 12.1. The proposals to vary conditions 22 and 23 to permit a change to the start of works time at the quarry by an extra hour, from 08.00 to 07.00 hours weekdays and Saturdays, are considered acceptable, subject to the imposition of the previous suite of applicable environmental conditions. The proposals are therefore considered to accord with policies 1, 2, 3, 4, 5, 29 and 33 of the National Planning Framework 4, and with policies 1, 2, 4, 5, 13, 14, 15, 16, 19, DM1, GBRA2, SDCC3, MIN1, MIN2, MIN3, MIN5 and MIN6 of the adopted South Lanarkshire Local Development Plan 2.

**David Booth**  
**Executive Director (Community and Enterprise Resources)**

**Date: 1 March 2024**

## **Background Papers**

Further information relating to the application can be found online: -

[P/23/0485 | Extraction of sand and gravel with restoration to form balancing pond, wetland, agriculture, and grassland \(Section 42 application to amend conditions 22 and 23 of CL/17/0092, to permit quarry operations to start at 07:00 hours Monday to Saturday\) | Ryeflatt Quarry Carnwath ML11 8SA \(southlanarkshire.gov.uk\)](#)

**Corporate Considerations**

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

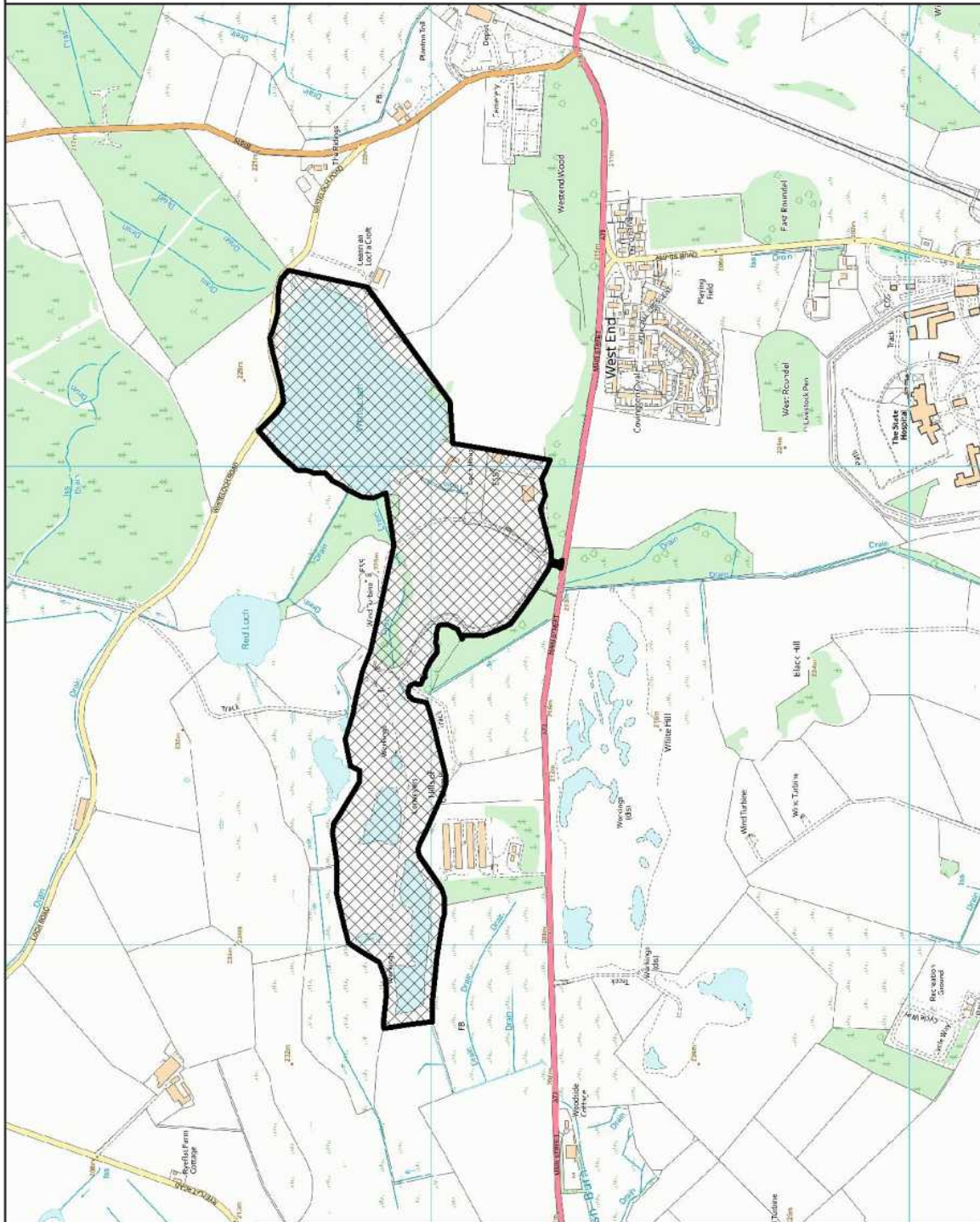
**Contact for Further Information**

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

Tel: 01698 454867

E-mail: [planning@southlanarkshire.gov.uk](mailto:planning@southlanarkshire.gov.uk)

**P/23/0485 Ryeflatt Quarry, West End, Carstairs**



© Crown copyright and database rights 2023 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:  
1:11,000  
Date:  
08/02/2024



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Regulatory Services