

	<h1>Report</h1>	Agenda Item <h1>13</h1>
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Report to:	Planning Committee
Date of Meeting:	20 March 2007
Report by:	Executive Director (Enterprise Resources)

Application No	CL/06/0267
Planning Proposal:	Extraction of Sand and Gravel

1 Summary Application Information

- Application Type : Mineral Application
- Applicant : Loudounhill Contracts Ltd
- Location : Thirstone,
By Crawfordjohn

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions – based on conditions listed)

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

In addition, if the Committee are minded to grant permission the decision notice should not be issued until the following documents are concluded:

1. A Section 75 Agreement securing:
 - Restoration Guarantee Bond to cover the full costs of restoring the site.
 - Contributions to the South Lanarkshire Rural Communities Trust Fund.

The applicant will be responsible for meeting SLC's reasonably incurred legal fees in respect of the Section 75 and other related agreements.

3 Other Information

- ◆ Applicant's Agent: Graham Jinks Planning and Development
- ◆ Council Area/Ward: 7/Duneaton & Carmichael
- ◆ Policy Reference(s):
 - SPP 1 – The Planning System
 - SPP4 – Planning for Minerals
 - PAN 50 – Controlling the Environmental Effects of Surface Mineral Workings
 - PAN 64 – Reclamation of Surface Mineral

Workings

Glasgow & Clyde Valley Structure Plan
(2000) –
Strategic Policy 8 “Sustainable Development
of Natural Resources”

South Lanarkshire Minerals Local Plan
(Adopted 2002) –
MP1: General Protection of the Environment
MP4: Protection of Areas with Local
Environmental Designations
MP5: Visual Intrusion and Landscape Impact
MP7: Watercourses, Surface and
Groundwater
MP11: Buffer Zones
MP12: Impact on Communities
MP13: Benefits from Mineral Workings
MP14: Contributions
MP15: Concentration of Mineral Operations
MP19: Restoration and Aftercare Provision
MP20: Restoration Guarantee Bonds
MP21: Suitability of After-use Schemes
MP30: Protection of Landscape Features
MP32: Noise Survey and Limits
MP33: Dust Assessment Study
MP37: Legal Agreements
MP39: Annual Progress Reports

Upper Clydesdale Local Plan (adopted 1996)
–
Policy 73: Remoter Rural Area
Policy 76: Scenic Area
Policy 99: Environment

The South Lanarkshire Local Plan (Finalised)
as modified February 2007 –
Policy STRAT5: Rural Investment Area
Policy CRE2: Stimulating the Rural Economy
Policy ENV4: Protection of the Natural and
Built Environment

Policy ENV28: Regional Scenic Area and
Areas of Great Landscape Value

- ◆ Representation(s):
 - ▶ 0 Objection Letters

- ◆ Consultation(s):

Roads and Transportation Services (South Division)

S.E.P.A. (West Region)

Scottish Natural Heritage

Scottish Water

West of Scotland Archaeology Service

Transport Scotland

Planning Application Report

1 Application Site

- 1.1 The application site lies on the northern side of the B7078, opposite the turn off to Crawfordjohn. The site occupies a total area of 6.6 hectares, with access being taken from an existing surfaced entry directly off the B7078.
- 1.2 The site is bounded to the north and east by open farmland, to the west by the access road to Thirstone cottage, and to the south by the B7078. The closest residential property to the site is located approximately 225 metres to the north west of the extraction boundary, with the village of Crawfordjohn lying some 2.3 kilometres to the south west.
- 1.3 Part of the application site was previously worked by Thirstone Quarries in the late 1960s and has since been restored to agriculture. The application site now comprises agricultural grazing land ranging between 279m and 288m AOD. The development site is part of the Netherton Farm landholdings which is located approximately 1.7 kilometres to the east of the site boundary.

2 Proposal(s)

- 2.1 The planning application is for the extraction of sand and gravel from above the water table. The applicant proposes to extract some 300,000 tonnes of sand and gravel from the site over a period of 6 years, with a further 6 months to restore the site.
- 2.2 The working of the site would progress in two main phases with extraction progressing across the site in a northerly direction to a maximum depth of 11 metres. The site would be progressively restored to rough grazing agricultural land.
- 2.4 It is proposed to utilise the existing access to Thirstone Cottage onto the B7078 for the transport of minerals to and from the site. It is estimated that approximately 12 lorries would enter and leave the site daily. The applicant proposes to install a wheel wash close to the site access.
- 2.5 The applicant proposes to construct a 1 metre high soil bund along the boundary of the site with the B7078 with a further bund to the north of the site access road to help screen the site from the B7078.
- 2.6 A 4.5m high mobile crushing/screening plant will be located within the void to process extracted materials.
- 2.7 The site would directly employ 2 people with the ancillary employment of a number of vehicle drivers. The hours of operation proposed are 07.00 to 19.00 Mondays to Fridays, 07.30 to 13.00 on Saturdays with no working on Sundays.

3 Background

- 3.1 Relevant Government Advice / Policy
- 3.2 Scottish Planning Policy 4 'Planning for Minerals' (SPP 4), Scottish Planning Policy 1 'The Planning System' (SPP 1), Planning Advice Note 64 (PAN 64) 'Reclamation of Surface Mineral Workings' and PAN 50 'Controlling the Environmental Effects of Surface Mineral Workings' are of particular relevance to the determination of this application.

- 3.3 SPP 1 (The Planning System) provides policy advice on the processing of applications and states that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.4 SPP4 (Planning for Minerals) recognises that minerals can only be worked where they are found, and provides policy advice on a range of issues including visual impact, noise, dust, transportation, restoration and after care.
- 3.5 PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings) with Annex A (Noise), B (Dust), C (Traffic) and D (Blasting) provides advice on all these issues and how they should be addressed when assessing mineral applications.
- 3.6 PAN 64 (Reclamation of Surface Mineral Workings) provides planning advice on ensuring that satisfactory reclamation procedures are in place before, during and after extraction to bring land back to an acceptable condition.
- 3.7 All the national policy advice has been considered in detail in the assessment section of this report.

3.8 Development Plan Status

- 3.9 The Glasgow & Clyde Valley Structure Plan contains policies which are relevant to the consideration of the current proposals: Strategic Policy 8 – Sustainable Development of Natural Resources highlights that the achievement of sustainable development requires an integrated approach to development which recognises that the environmental, economic and social dimensions of life are intimately related and equally important. The Structure Plan also identifies South Lanarkshire as a search area for sand and gravel.

- 3.10 The South Lanarkshire Minerals Local Plan was adopted in September 2002 and contains the following policies against which the proposal should be assessed:

- Minerals Policy 1 (MP1) “General Protection of the Environment”.
- Minerals Policy 4 (MP4) “Protection of Areas with Local Environmental Designations”.
- Minerals Policy 5 (MP5) “Visual Intrusion and Landscape Impact”.
- Minerals Policy 7 (MP7) “Watercourses, Surface and Groundwater”.
- Minerals Policy 11 (MP11) “Buffer Zone”.
- Minerals Policy 12 (MP12) “Impact on Communities”.
- Minerals Policy 13 (MP13) “Benefits from Mineral Workings”.
- Minerals Policy 14 (MP14) “Contributions”.
- Minerals Policy 15 (MP15) “Concentration of Mineral Operations”.
- Minerals Policy 19 (MP19) “Restoration and After-care Provision”.
- Minerals Policy 20 (MP20) “Restoration Guarantee Bonds”.
- Mineral Policy 21 (MP21) “Suitability of After-use Schemes”.
- Minerals Policy 30 (MP30) “Protection of Landscape Features”.
- Mineral Policy 32 (MP32) “Noise Surveys and Limits”.
- Mineral Policy 33 (MP33) “Dust Assessment Study”.
- Mineral Policy 37 (MP37) “Legal Agreements”.
- Mineral Policy 39 (MP39) “Annual Progress Report”.

- 3.11 The Upper Clydesdale Local Plan (1996) identifies the application site as being within the remoter rural area where policy 73 is applicable. The application site also lies within the Scenic Area where policy 76 applies. Policy 99 – Environment is also relevant to this proposal.
- 3.12 The South Lanarkshire Local Plan (Finalised) as modified February 2007 identifies the site as being within the rural investment area, where policy STRAT5: 'Rural Investment Area' and policy CRE2: 'Stimulating the Rural Economy' apply. Policy ENV4: Protection of the Natural and Built Environment and policy ENV28: Regional Scenic Area and Areas of Great Landscape Value are also applicable.
- 3.13 All these policies are examined in detail in the assessment and conclusions section of this report.
- 3.14 Planning Background
- 3.15 As previously stated, part of the application site was worked during the late 1960s as a borrow pit for materials required for the construction of the M74. These workings have since been restored to agriculture.

4 Consultation(s)

- 4.1 **Transport Scotland:** No objections.
Response: Noted.
- 4.2 **Roads and Transportation:** No objections provided that a nearside taper junction from the B7078 is provided.
Response: Noted. The applicant has control of sufficient land and is willing to provide the taper junction. This can be secured by condition.
- 4.3 **Scottish Environmental Protection Agency (SEPA):** No objections as working will take place above the water table and no discharges to the water environment are proposed.
Response: Noted.
- 4.4 **Scottish Natural Heritage:** No objections, following the submission of a Landscape and Visual Impact Assessment and some alterations to the proposal in respect of soil storage arrangements and restoration proposals.
Response: Noted. Suitable conditions can be attached to any permission granted to ensure that the site is worked in accordance with the amended details submitted.
- 4.5 **West of Scotland Archaeology Service:** No objections subject to an archaeological evaluation of the application site being undertaken prior to work commencing.
Response: Noted. The appropriate level of archaeological works can be secured by a condition of any approval.
- 4.6 **Scottish Water:** No objections.
Response: Noted.

5 Representation(s)

- 5.1 The application was advertised in accordance with Article 12(5) (Application Requiring Advertisement due to Scale or Nature of Operations). No letters of representation regarding this proposal have been received.

6 Assessment and Conclusions

- 6.1 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. In this case, the development plan comprises the Glasgow and Clyde Valley Joint Structure Plan (2000), the Upper Clydesdale Local Plan (1996), and the South Lanarkshire Minerals Local Plan (2002). The South Lanarkshire Local Plan (Finalised) is also a material consideration.
- 6.2 In assessing any application for mineral extraction it is necessary, in the first instance, to evaluate the proposals against the most up to date policies and criteria contained in the relevant Scottish Planning Policies, National Planning Policy Guidelines, Structure Plans and Local Plans. There is specific national planning policy guidance for mineral workings contained within SPP4, PAN 50 (together with its various annexes), and PAN 64.
- 6.3 SPP 4 recognises that minerals are an important national resource which can only be worked where they are found. The SPP therefore outlines the locational considerations and operational issues which are to be considered when assessing any such proposals.
- 6.4 PAN 50 (Controlling the Effects of Surface Mineral Workings) provides advice on best practice with respect to mineral working in relation to the control of noise, dust, and traffic.
- 6.5 PAN 64 provides advice on best practice for reclamation of sites and relates specifically to restoration conditions, after care considerations, various uses of sites, planning conditions and agreements and after care schemes. These issues have been considered, where appropriate, in the processing of the application.
- 6.6 From the information received in respect of these matters it is considered that the proposed works will not cause any significant environmental issues that cannot be addressed through the imposition of appropriate planning conditions and through a Section 75 Agreement. In this respect the proposal does not conflict with the provisions of SPP4.
- 6.7 In relation to Structure Plan Policy the Glasgow and Clyde Valley Joint Structure Plan (2000) Strategic Policy 8 – Sustainable Development of Natural Resources highlights that the achievement of sustainable development requires an integrated approach to development which recognises that the environmental, economic and social dimensions of life are intimately related and equally important. The Structure Plan also identifies South Lanarkshire as being a search area for sand and gravel. It is considered that through the imposition and effective monitoring of appropriate conditions which safeguard the environment and residential amenity that this proposal is in general accord with Structure Plan Policy.
- 6.8 At a local level the application falls to be considered against the policy aims of South Lanarkshire Minerals Local Plan (2002). This document provides a range of policies against which mineral applications should be assessed. The issues raised by the individual policies of the Minerals Local Plan are highlighted below:

MP1: Minimising environmental impact whilst ensuring that sufficient supplies of minerals are made available to meet society's needs: It is considered that through the imposition and effective monitoring of appropriate conditions safeguarding the environment and amenity of surrounding communities that the proposal will comply with this policy.

MP4: Protecting areas with local environmental designations: The applicant has submitted a landscape and visual impact assessment in support of the application, and has made some alterations to the proposal to reduce its visual impact. Although the site is located on the fringe of the Regional Scenic Area it must be borne in mind that mineral extraction is a temporary land use. In this case the applicant proposes to construct temporary soil bunds along the boundary of the site with the B7078 to help screen the working phases of the site from principal views traveling south on the B7078. The applicant has confirmed that the site will be fully restored to agriculture within 6 and a half years of commencement. The restoration levels will be lower than existing however it is considered that the final landform proposed would not be out of place in this location. In summary it is considered that through the mitigation measures proposed the proposal will not have a significant adverse impact upon the Regional Scenic Area, and is therefore not at variance with this policy.

MP5: Ensuring that the proposal is not visually intrusive and /or ensuring that visual impact is reduced to an acceptable level (refers to siting, screening, and restoration in this regard): As stated above the application seeks to ensure that the proposed works will not be visually intrusive. This will largely be achieved through the formation of soil bunds and the progressive restoration of the site. It is considered that the site will not be unduly visually obtrusive, therefore, complying with this policy.

MP7: Ensuring that proposals do not have a detrimental impact on watercourses, surface or groundwater: It is noted that none of the major consultees have raised any objections to the proposal in this regard and it is considered that the proposal complies with policy.

MP11: Relates to the zone of safeguard sensitivity: The only property in relatively close proximity to the application site is Thirstone cottage which lies approximately 225 metres north west of the extraction area. The applicant has concluded a formal agreement with the owner of Netherton Farm who owns both the application site and Thirstone cottage. The cottage is currently occupied by a farm hand employed by Netherton Farm. Given the distance between the extraction boundary and the property and taking into account the circumstances outlined above it is considered that the proposal accords with the general spirit of this policy.

MP12: Impact on local communities in respect of traffic, roads, noise, dust, visual impact, etc: The haul route proposed is along the B7078 to the M74, and therefore not passing through any local communities. Although a small number of individual dwellings would be passed along this route it is considered that due to the standard and capacity of the B7078 there will not be a significantly detrimental impact on local communities or individual dwellings as a result of this proposal.

MP13: Relates to benefits that the proposal will provide to the local community and the permanent environmental effects of the operation: The applicant has indicated that through this proposal 2 full time staff will be employed directly on the site with additional employment of hauliers. In addition, planning permission will not be issued until the applicant has entered into a legal agreement to provide contributions to the

Rural Communities Trust Fund for the benefit of local communities. All the major consultees have indicated satisfaction with the principle of the restoration proposals and, in light of the submitted information, it is contended that the proposal complies with this policy.

MP14: Relates to the provision of financial contributions to the South Lanarkshire Rural Communities Trust Fund: As stated above, planning permission will not be issued until the applicant has entered into a legal agreement to provide contributions to the Trust.

MP15: Cumulative impact that the concentration of developments may have on a particular area or on existing road networks: Consultation with the Council's Roads and Transportation Service indicates that the works will have a minimal impact on the roads network and, therefore, it is contended that the proposals do not conflict with policy.

MP19: Restoration and aftercare treatment of the site: As stated elsewhere in this report there are no objections to the restoration concept from the main relevant consultees. Further detail on the restoration proposals would be required by condition of any approval.

MP20: The provision of a restoration guarantee bond: Planning permission will not be issued until a restoration bond has been provided by the operator.

MP21: Suitability of after-use schemes: It is intended that the site be restored to agricultural rough grazing. As indicated elsewhere there are no objections to these proposals from the relevant consultees and appropriate conditions would be attached to any planning consent requiring the submission of a detailed after care scheme.

MP30: Protection of landscape features: During the extraction process there will be disruption and disturbance to some of the existing landscape features, however, as stated elsewhere in this paper the restoration proposals seek to ensure that the site is fully restored to comply with Mineral Plan policy.

MP32: Noise survey and limits: A condition would be attached to any planning permission granted to ensure that any noise emanating from the site did not exceed the limits contained within PAN50. It is therefore considered that the proposal will comply with this policy.

MP33: Dust assessment study: Conditions would be attached to any planning permission granted requiring the submission of a dust monitoring programme to ensure that the transmission of dust from site operations would be minimised.

MP37: Legal agreements: The requirement for legal agreements (covering issues such as bonds, and trust fund contributions) has been well established by the authority and should it be agreed to grant permission this would form part of the decision papers.

MP39: Annual progress plan: This relates to procedures that have to be in place after work has commenced on site so. Should permission be granted steps will be taken to ensure that the appropriate progress plan is provided on an annual basis.

- 6.9 The Upper Clydesdale Local Plan (1996) identifies the application site as being within the remoter rural area where policy 73 is applicable. This policy is generally focused on residential development, however, does require all proposals to demonstrate that there would be no adverse impact on the amenity of the countryside or natural heritage interests. It has been demonstrated through the detailed assessment of the proposal against Mineral Plan policy that the extraction of sand and gravel at this site would not conflict with the aims of policy 73.
- 6.10 The application site is also identified as being within the Regional Scenic Area in both the Upper Clydesdale Local Plan (UCLP) (1996) and the South Lanarkshire Local Plan (SLLP) (Finalised). In general, policy 76 of the UCLP and policy ENV28 of the SLLP contain a presumption against development within the Scenic Area unless the proposal can demonstrate that it will not have a significantly detrimental impact upon the quality of the Scenic Area. As stated above the application seeks to ensure that the proposed works will not be visually intrusive. This will largely be achieved through the formation of soil bunds and the progressive restoration of the site. Through the detailed assessment of the mineral plan policies it is considered that the site will not have a significantly detrimental impact on the Scenic Area, therefore, complying with these policies.
- 6.11 Policy 99 (Environment) of the Upper Clydesdale Local Plan and policy ENV4 (Protection of the Natural and Built Environment) of the South Lanarkshire Local Plan seek to prevent or minimise damage to the environment. As outlined above, it is considered that the extraction of sand and gravel at this site will not have a significantly detrimental impact on the surrounding environment. It is therefore considered that through appropriate restoration of the site the temporary extraction of aggregates at this site does not conflict with the aims of these policies.
- 6.12 The South Lanarkshire Local Plan (Finalised) identifies the site as being within the rural investment area, where policy STRAT5 applies. This policy seeks to support sustainable communities within this area and states that all development should seek to enhance the environmental quality of the area or, where enhancement is not possible environmental impacts should be mitigated. Policy CRE2: 'Stimulating the Rural Economy' is also applicable. This policy states that the Council will endeavor to maximise job creation in rural areas by encouraging development of an appropriate form and in appropriate locations. Through the detailed assessment of the Minerals Plan policies set out above it is considered that this proposal is acceptable in this location; that the environmental impacts of the proposal can be satisfactorily mitigated; and through the restoration of the site the environmental quality of the area would not be compromised in the longer term. Therefore, the proposal complies with the general aims of policies STRAT5 and CRE2.
- 6.13 Consultations indicate that the proposed impacts from noise, dust and traffic movements generated by this proposal are not likely to significantly affect local residents.
- 6.14 In summary, whilst it is acknowledged that there will be a limited visual impact upon the Regional Scenic Area during the extraction period it is considered that through the mitigation measures proposed this impact will not be significant, and the restoration of the site to agriculture within 6 and a half years of commencement will return the site to a satisfactory landform. It is evident from the detailed assessment above that the proposal will not result in an unacceptable impact on the environment

or the Regional Scenic Area, and it has been demonstrated that the extraction of sand and gravel at this location does not conflict with national or local planning policy

- 6.15 In consideration of all the evidence it is felt appropriate to recommend that the proposed development be approved subject to the imposition of suitable planning conditions, and agreements, to control site operations and restoration works.

7 Reasons for Decision

- 7.1 The proposal complies with the principles of the Structure Plan, and all relevant policies contained within the Minerals Plan, the Upper Clydesdale Local Plan and the South Lanarkshire Local Plan; that the proposal complies with national planning policy and advice; that there are no objections to the proposal from the major consultees; that the proposal will restore the site to an acceptable final landform and after use; that through the imposition and effective monitoring of appropriate planning conditions and agreements it is considered that the proposal will have no significant adverse impact on the amenity of the surrounding area. Consultations indicate that the proposed impacts from noise, dust and traffic movements generated by this proposal are not likely to significantly affect nearby residents.

Iain Urquhart
Executive Director (Enterprise Resources)

7 March 2007

Previous References

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations

Transport Scotland	14/08/2006
Scottish Natural Heritage	21/02/2007
West of Scotland Archaeology Service	25/05/2006
S.E.P.A. (West Region)	09/05/2006
Scottish Water	20/04/2006
Roads and Transportation Services (South Division)	12/10/2006

- ▶ Representations
- None

Contact for Further Information

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

Theo Philip, Planning/Minerals Officer, Montrose House, Hamilton

Tel : Ext 5903 (01698 455903)

E-mail: Enterprise.hq@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be begun no later than five years from the date of this permission.
- 2 That the Planning Authority shall be notified, in writing of the proposed date for starting work on site, at least seven days prior to the commencement of said works.
- 3 That all extraction operations on the site shall be discontinued not later than 6 years from the date of commencement (as notified to the council in respect of condition 2) and, within a period of 6 months from this discontinuance date, the entire site shall be restored in accordance with the approved restoration plan (as required by condition 15) to the satisfaction of the Planning Authority.
- 4 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.
- 5 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.
- 6 That if, due to unforeseen circumstances, it becomes necessary or expedient following commencement of works to materially amend the provisions contained within the approved documents or conditions, the developer shall submit, for the consideration of the authority, an amended application and statement of intent: the developer shall adhere to the approved plans until such time as an amended application is approved by the Planning Authority.
- 7 That no development shall take place within the application site as outlined in red on drawing number FG1124/PA/F/02A until the operator has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Planning Authority in consultation with the West of Scotland Archaeology Service. Thereafter the operator shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the application site is undertaken to the satisfaction of the Planning Authority in consultation with the West of Scotland Archaeology Service.
- 8 Notwithstanding the details shown on the stamped approved plans, that before any work commences on the site (including enabling works), the following details shall be submitted to and approved in writing by the Planning Authority, and such details as may be approved, shall be implemented to the full satisfaction of the Planning Authority prior to the commencement of extraction works:

- (a) A layout plan for the staff parking, site service and mineral processing area (detailing specific areas for the stocking of minerals excavated), and detailed plans and elevations of any buildings, structures and fixed plant to be erected on the site, including the colours and type of external materials to be used;
 - (b) Details of the location, style and height of all new fences, walls and gates to be erected within or around the boundaries of the site;
 - (c) Details of the location and type of wheel washing facilities to be installed, and a system (which shall remain in place for the duration of operations at the site) to ensure that all HGVs using the site (and any other vehicles entering the processing area) have to pass through the operational wheel washing facilities;
 - (d) Details of a site notice board (of durable material and finish) which shall be erected at the site entrance detailing the hours when the site is open and giving the name, address and telephone number of the operator;
 - (e) A dust monitoring and management programme (including details of dust suppression equipment to be used); and,
 - (f) Details of the nearside taper junction to be provided from the B7078 in accordance with 'Guidelines for Development Roads (chapter 3, Figure 3.4)'.
- 9 That before any work commences on the site (including enabling works) the hard surfaced access road entering the site from the B7078 shall be extended by a further 75 metres into the site (as outlined in black on drawing number 6.1) in a surfacing material to be previously agreed in writing by the Planning Authority.
- 10 That any stripping, stacking and replacement of topsoil shall be carried out when conditions are dry enough to avoid unnecessary compaction of the soils at any stage. The applicant shall give at least 7 days notice to the Planning Authority prior to the commencement of any period of soil movements and the Planning Authority reserves the right to suspend operations during adverse weather conditions or to impose such conditions as it sees fit for the safekeeping of the topsoil.
- 11 That the site shall be kept clear of weeds during extraction and restoration works to the satisfaction of the Planning Authority.
- 12 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.
- 13 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.
- 14 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 on the site to have ceased permanently, and shall require immediate implementation of the approved restoration scheme.

- 15 That indicative details only for the final restoration scheme are hereby approved, and that, within 12 months of the commencement of work on the site, a detailed restoration and 5 year aftercare scheme for the entire site shall be submitted for the written approval of the Planning Authority, and that the restoration and 5 year aftercare scheme shall be carried out to the satisfaction of the Planning Authority in accordance with the approved details and within the agreed timescale.
- 16 That the operator shall minimise dust emissions from the site by every practicable means, and shall at all times operate the site in full accordance with the dust monitoring and management plan submitted in terms of condition 8(e) and in accordance with current best practice.
- 17 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.
- 18 The applicant or subsequent operator(s) shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site.
- 19 That all laden lorries leaving the site shall be sheeted before entering the public highway.
- 20 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.
- 21 All vehicles entering or leaving the site shall use the existing access point highlighted in yellow on drawing number FG1124/PA/F/02A.
- 22 The section of the access road between the wheel washing equipment and the B7078 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, to the satisfaction of the Planning Authority.
- 23 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.
- 24 Notwithstanding the provisions of the Town & 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, apart from those approved under the terms of condition 8(a), 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.
- 25 That from the date of commencement of works on the site, 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.

- 26 All containers being used to store liquids within the application site shall be labeled 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.

- 27 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	7.00 am	7.30 am
Time of Closing	7.00 pm	1.00 pm

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.

- 28 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 operational hours, as defined by Condition 27, 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;
 - that during the non-operational hours (in the event of essential maintenance work) the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 35 dB(A) LAeq, over any one hour period;
 - that, for activities such as soil stripping and constructing soil bunds, during operational hours and for no more than 8 weeks in any 12 month period, the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 70 dB(A) LAeq, over any one hour period .
- 29 All topsoil and subsoil shall be retained on site.
- 30 That the soil bunds outlined in green on drawing number 6.1 shall be constructed and graded prior to the commencement of any extraction operations on site. This bund shall be seeded with a suitable low maintenance grass seed mixture in the first available growing season following its construction.
- 31 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.

- 32 No material shall be imported to the site without the prior written permission of the planning authority.
- 33 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.
- 34 That within one year from the date of commencement (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;
 - * Site complaint logs and actions taken.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 To ensure that the Planning Authority retains effective control of the development.
- 3 To ensure that the Planning Authority retains effective control of the development and to ensure that the site is satisfactorily restored.
- 4 To ensure that the site is satisfactorily restored.
- 5 To ensure that the Planning Authority retains effective control of the development.
- 6 In order that the terms of consent may be reconsidered should a change in operation become necessary.
- 7 To safeguard any items of archaeological interest which may exist within the application site.
- 8 These details were not submitted at the time of the application and are required to ensure that the proposal is satisfactory.
- 9 To reduce the risk of carrying mud and dirt onto the public highway; in the interests of road safety.
- 10 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 11 In the interests of visual amenity.
- 12 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.
- 13 To ensure satisfactory reinstatement of the site.
- 14 To ensure the Planning Authority retains effective control of the development.
- 15 To ensure the satisfactory reinstatement of the site.
- 16 To minimise any nuisance; to protect the amenity of nearby properties; and to minimise the chance of dust being transmitted onto the public highway.

- 17 To minimise any nuisance; to protect the amenity of nearby properties; and to minimise the chance of dust being transmitted onto the public highway.
- 18 In the interests of road safety.
- 19 In the interests of road safety.
- 20 To ensure site safety and maintenance of boundary security.
- 21 In the interests of road safety.
- 22 To minimise the chance of any debris from the site being trailed onto the public highway; in the interests of road safety.
- 23 To minimise any nuisance and to protect the amenity of nearby properties.
- 24 To ensure control over such development on the site so as to minimise potential visual and landscape intrusion.
- 25 To ensure the site operator and visiting officials are aware of the approved details.
- 26 To ensure the safekeeping of such liquids.
- 27 To safeguard the amenity of the nearby properties.
- 28 To minimise any nuisance and to protect the amenity of nearby properties.
- 29 To ensure the satisfactory reinstatement of the site.
- 30 To reduce the prominence of the site within the landscape; in the interests of visual amenity.
- 31 In the interests of visual amenity.
- 32 For the avoidance of any doubt that the importation of material is not permitted by this permission.
- 33 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 34 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.