

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>10</h1>
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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>10 October 2006</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/05/0238
Planning Proposal:	Extraction of Sand and Gravel from Below Water Table with Restoration of the Site to a Landscaped Loch for Angling and Nature Conservation Purposes

## 1 Summary Application Information

- Application Type : Mineral Application
- Applicant : RMC (UK) Limited
- Location : Land at Westend Wood Quarry  
Carstairs

## 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 Restoration Guarantee Bond to cover the full costs of restoring the site, which shall be provided by a recognised financial institution or by a recognised industry guarantee fund (if considered appropriate).
2. A Section 75 Agreement securing 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: John O' Sullivan
- ◆ Council Area/Ward: 08 Carstairs/Carnwath
- ◆ 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  
MP5: Visual Intrusion and Landscape Impact  
MP7: Watercourses, Surface and Groundwater  
MP8: Public Access to the Countryside  
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 84: Extraction of Sand and Gravel and  
Hard Rock

The South Lanarkshire Local Plan (Finalised Draft  
2006) –  
Policy STRAT4: Accessible Rural Area  
Policy CRE2: Stimulating the Rural Economy

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

- ◆ Consultation(s):

Environmental Services

Roads and Transportation Services (South Division)

RSPB Scotland

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

Scottish Natural Heritage

Scottish Wildlife Trust

Carnwath Community Council

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site lies on the southern side of the A70 Carstairs – Carnwath road, and to the west of the village of West End. The site occupies a total area of 15.96 hectares, with access being taken directly from the A70.
- 1.2 The site is bounded to the north by the A70, and by farmland to all other sides. The closest residential property to the site is located approximately 140 metres from the extraction boundary but is separated from the working area by a fairly dense wooded plantation, the A70, and an existing soil bund. The only other residential property in relatively close proximity to the site is located approximately 180 metres (at its closest point) to the north west of the extraction boundary, with Carstairs village lying some 420 metres to the south west.
- 1.3 The eastern part of the application site has been largely worked in accordance with an existing planning permission for the extraction of sand and gravel at this location. This area of the site lies at a level varying between 208m and 212m AOD. The western section of the site has been partly worked and contains a hillock (known as 'The Roundel') which rises from a level of around 208m to a summit height of around 225m AOD. The areas of the site which were previously worked have not yet been restored, therefore, the site is currently in a partially worked state.

### **2 Proposal(s)**

- 2.1 The planning application is for the extraction of sand and gravel from above and below the water table. The applicant proposes to extract some 1.263 million tonnes of sand and gravel (predominantly sand) from the site, at a rate of 100,000 tonnes per annum, over a period of 13 years.
- 2.2 The working of the site would progress in two main stages: the first stage mainly involving the dry excavation from above the water table of the hillock known as 'The Roundel' with the workings progressing across the site in a south westerly direction. Following the completion of the dry working stage, a phase of wet working would be carried out, beginning in the south west of the extraction area and progressing across the site in a north easterly direction. Wet working will require the deposit of the wet mineral in a temporary stockpile on the shore of the extraction area to dry out.
- 2.3 The applicant also proposes to import around 50,000 tonnes of crushed rock fines to the site per year to blend with the fine sand on the site to produce a saleable concreting sand.
- 2.4 It is proposed to utilise the existing site access onto the A70 for the transport of minerals to and from the site. It is estimated that a maximum of 40 lorries would enter and leave the site daily. The applicant proposes to install a wheel wash close to the site access.
- 2.5 A 3 metre high soil bund is currently in situ along the boundary of the site with the A70 to the east of the site access. The proposal is to retain this bund and form an additional bund to the west of the site access along the A70 to both screen operations and protect the amenity of a nearby residential property.

- 2.6 It is proposed to install a processing plant at a central location within the site which will have a maximum height of 10.2 metres. In addition to the processing plant, ancillary structures and buildings at the plant site are proposed including a weighbridge, weighbridge office, toilet building and a fuel tank with a bunded enclosure.
- 2.7 The site would directly employ 3 people with the ancillary employment of a number of vehicle drivers. The hours of operation proposed are 07.00 to 19.00 Mondays to Saturdays, with no working on Sundays.
- 2.8 It is proposed to progressively restore the site to a landscaped loch for angling and nature conservation purposes, with areas of damp grassland, dry acidic grassland and associated tree and shrub planting.
- 2.9 The application submitted is supported by a full Environmental Statement that addresses the potential impact of the proposal on the environment and local communities.

### **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 5 (MP5) “Visual Intrusion and Landscape Impact”.
- Minerals Policy 7 (MP7) “Watercourses, Surface and Groundwater”.
- Minerals Policy 8 (MP8) “Public Access to the Countryside”.
- 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 was adopted in 1996. The application site is identified as being within a preferred area for the extraction of sand and gravel where Policy 84 – ‘Extraction of Sand and Gravel and Hard Rock’ applies.

3.12 The South Lanarkshire Local Plan (Finalised Draft 2006) identifies the site as being within the accessible rural area, where policy STRAT4: ‘Accessible Rural Area’ and policy CRE2: ‘Stimulating the Rural Economy’ apply.

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 stated previously, a large part of the application site has been worked and not yet restored. The bulk of the application site was the subject of a previous planning permission (ref. P/LK/84/515) granted in 1986 which allowed the extraction of sand and gravel from above the water table on areas of land to the north and south of the A70. Of the total workable reserve within the current application site, the extraction of approximately 787,000 tonnes of sand and gravel from above the water table remains consented until October 2006.

3.16 As well as the excavation of minerals from below the water table, the present application proposals seek an extension of time for part of the dry excavation of mineral provided for by permission ref. P/LK/84/515 and seek to alter the restoration proposals of the earlier permission (which were restore to agriculture) in relation to the land to the south of the A70 only.

## **4 Consultation(s)**

- 4.1 **Environmental Health Services:** No objections subject to conditions restricting hours of operation to 8am – 7pm (Mondays to Fridays) and 8am – 1pm (Saturdays) only; day time noise limits; and dust suppression.  
**Response:** Noted. Suitable conditions can be attached to any permission granted to address these issues.
- 4.2 **Roads and Transportation:** No objections provided that visibility splays of 4.5m by 215m are provided and maintained in both directions where the site access meets the A70.  
**Response:** Noted. This issue can be addressed through conditions.
- 4.3 **Scottish Environmental Protection Agency (SEPA):** No objections provided that full details of the proposal to abstract groundwater for use in the processing plant and a Site Management Plan (SMP) are submitted prior to work commencing on site.  
**Response:** Noted. Suitable conditions can be attached to any permission granted to require further details of the proposal to abstract groundwater for use in the processing plant, and the applicant is aware of the requirement to submit a SMP direct to SEPA.
- 4.4 **Scottish Natural Heritage:** No objections provided that conditions are attached to any permission granted requiring: the submission of a detailed restoration and after care scheme for the site; and, that the peat body within the site be fenced off from the remainder of the site prior to any works commencing.  
**Response:** Noted. Suitable conditions can be attached to any permission granted to address these issues.
- 4.5 **Scottish Wildlife Trust:** Objected to the application on the basis that it did not provide a clear and objective perspective of the ecological status of the site.  
**Response:** Noted. In response to this objection the applicant submitted an Ecological Expert Eye Walkover Survey of the site identifying any species or habitats of conservation importance and any mitigation measures or further work required in this regard. No response has been received from SWT since this document was submitted, however, SNH are content with the findings of the survey subject to the condition noted above.
- 4.6 **Carnwath Community Council:** No response received at time of writing this report.  
**Response:** Noted.
- 4.7 **RSPB:** No response received at time of writing this report.  
**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 Operation) and the Environmental Assessment Regulations. 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), the South Lanarkshire Minerals Local Plan (2002), and the South Lanarkshire Local Plan (Finalised 2006).

- 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 and, therefore, in some locations strong conflicts of interest and controversy may arise. 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 appears 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 amenity of surrounding communities 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.



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): The application seeks to ensure that the proposed works will not be visually intrusive. This will largely be achieved through the retention of existing, and the formation new, soil bunds and the progressive restoration of the site. Due to the general topography of the surrounding area 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.

MP8: Promoting increased public access to the countryside through restoration proposals: It is proposed to restore this site to a landscaped loch for angling and nature conservation purposes which in itself will encourage greater public use of this part of the countryside, therefore, complying with the aims of this policy.

MP11: Relates to the zone of safeguard sensitivity: The nearest property to the extraction area lies approximately 140 metres due north of the extraction area. Given that the property is separated from the working area by a fairly dense wooded plantation, the A70, and an existing soil bund it is considered that the proposal will not have a significantly adverse impact upon the residential amenity of this property. The only other residential property in relatively close proximity to the site is located approximately 180 metres (at its closet point) to the north west of the extraction boundary. The applicant has proposed to erect a 3m high bund close to this property to safeguard residential amenity, and it has also been confirmed that extraction operations will only take place within 250m of the property for a approximately 2 years of the 13 year working duration proposed. The current consent permits the extraction of sand and gravel closer to this property than this application seeks permission for. It is noted that no objections have been received from nearby residents in relation to this application or in relation to previous operations at the site. All other houses in the general locality lie well beyond the 250m zone. Given the above, and provided that the bund proposed is extended (this can be required by condition) to afford even greater protection to this property 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: It is considered that through the imposition and effective monitoring of appropriate conditions that 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 3 staff will be employed directly on the site with additional indirect or induced jobs created. 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 the 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 environmental 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 restoration concept from the main relevant consultees such as Scottish Natural Heritage, Scottish Wildlife Trust, and SEPA. 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 a recognised financial institution or by a recognised industry guarantee fund (if considered appropriate).

MP21: Suitability of after-use schemes: It is intended that the site be restored to a landscaped loch with areas of damp grassland, dry acidic grassland and associated tree and shrub planting. 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: Conditions would be attached to any planning permission granted requiring the submission of a noise monitoring programme. A condition would also be attached 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. The Council's Environmental Health Service have raised no noise issues with respect to the application.

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 application site is identified as being within a preferred area for the extraction of sand and gravel within the Upper Clydesdale Local Plan. The site is covered by policy 84 - 'Extraction of Sand and Gravel and Hard Rock' which states that the Council shall give favourable consideration to proposals for the extraction of sand and gravel only in areas physically related to existing areas of working where consolidation or rationalisation of workings can be achieved. As this application is a consolidation and extension of existing workings, the proposal does not conflict with this policy.
- 6.10 The South Lanarkshire Local Plan (Finalised 2006) identifies the site as being within the accessible rural area, where policy STRAT4 applies. This policy 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 be enhanced. Therefore, the proposal complies with the general aims of policies STRAT4 and CRE2.
- 6.11 The application was accompanied by an Environmental Statement, as required by the Environmental Impact Assessment (Scotland) Regulations 1999 and the advice provided by Circular 15/1999. None of the major consultees raised any major concerns regarding the content of the ES itself or, indeed the application. The document was thoroughly researched and presented with no major weaknesses, although additional information and clarification was sought, and received from, the developer in a number of areas.
- 6.12 Consultations indicate that the proposed impacts from noise, dust and traffic movements generated by this proposal are not likely to significantly affect nearby residents.
- 6.13 In conclusion, it is considered that the continuation of mineral working at this site for a further 13 years does not conflict with national or local planning policy, and will not result in any overall increase in environmental impact of the currently consented workings. Furthermore, the restoration proposals will see the site restored to a beneficial after use, enhancing nature conservation and public access to the countryside.
- 6.14 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 a beneficial 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)**

**27 September 2006**

#### **Previous References**

- ◆ P/LK/84/515

#### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Scottish Wildlife Trust 31/05/2005
  - Scottish Natural Heritage 13/06/2005
  - Environmental Services 06/06/2005
  - S.E.P.A. (West Region) 23/06/2005
- ▶ Representations

#### **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 to which this permission relates shall be begun not later than the expiration of 36 months beginning with the date of this permission and that 7 days notice shall be given to the Planning Authority of the date of commencement of the development hereby permitted.
- 2 That all extraction operations on the site shall be discontinued not later than 13 years from the date of commencement (as notified to the council in respect of condition 1) and, within a period of 12 months from this discontinuance date, the entire site shall be restored in accordance with the approved restoration plan (as required by condition 12) to the satisfaction of the Planning Authority.
- 3 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.
- 4 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.
- 5 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.
- 6 Notwithstanding 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 from and imported to the site by virtue of condition 35), and detailed plans and elevations of all 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);
- (f) A noise monitoring and management programme (to include provisions relating to equipment used, competence of monitoring personnel, periods of measurement, action to be taken when non-compliance is detected, parameters to be recorded and monitoring locations, a plan identifying noise sensitive properties surrounding the site);
- (g) Full details of the proposals to abstract groundwater for use in the processing plant; and,
- (h) A revised plan showing an extension of the new soil bund proposed as outlined in black on drawing number PI/1844/3.

- 7 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 he sees fit for the safekeeping of the topsoil.
- 8 That the site shall be kept clear of weeds during extraction and restoration works to the satisfaction of the Planning Authority.
- 9 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.
- 10 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.
- 11 That, in the event of extraction operations on any phase of the site ceasing for a period of 12 months or more, the Planning Authority shall deem operations on that phase to have ceased permanently, and shall require immediate implementation of the approved restoration scheme.
- 12 That indicative details only for the final restoration scheme are hereby approved, and that, within 12 months of the commencement of work on any phase of extraction or any other works on the site, a detailed restoration scheme for the entire site shall be submitted for the written approval of the Planning Authority, and that the restoration scheme shall be carried out to the satisfaction of the Planning Authority in accordance with the approved restoration plan and within the agreed timescale.
- 13 That aftercare schemes requiring such steps as may be necessary to bring each phase of the site after restoration to the required standard shall be submitted for the approval of the Planning Authority within one year from the commencement of work on each phase of operations.

- 14 That the aftercare scheme submitted under condition (13) above, shall be fully implemented to the satisfaction of the Council as Planning Authority.
- 15 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 6(e) and in accordance with current best practice.
- 16 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.
- 17 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.
- 18 That all laden lorries leaving the site shall be sheeted before entering the public highway.
- 19 That visibility splays of 4.5m by 215m shall be provided and maintained on both sides of the access point highlighted in yellow on drawing number PI/1844/3 before the development hereby authorised is commenced, and shall be retained for the duration of works on the site.
- 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 PI/1844/3.
- 22 That prior to the commencement of any work on the site (including enabling works) the hard surfaced access road entering the site from the A70 shall be extended by a further 100 metres into the site (as outlined in black on drawing number) in a surfacing material to be previously agreed in writing with the Planning Authority.
- 23 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, to the satisfaction of the Planning Authority.
- 24 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.
- 25 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 6(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.

- 26 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.
- 27 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.

- 28 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	8.00 am	8.00 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.

- 29 That with respect to the control of noise resulting from the operations at this site the developer shall, subject to condition 6 (f), 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 (13.00 hours) and Mondays (08.00 hours), there shall be no audible noise from the site at noise sensitive properties in the vicinity of the site.
- 30 That the operator shall at all times abide by the terms of the noise monitoring and management programme submitted in terms of condition 6(f).
- 31 All topsoil and subsoil shall be retained on site.



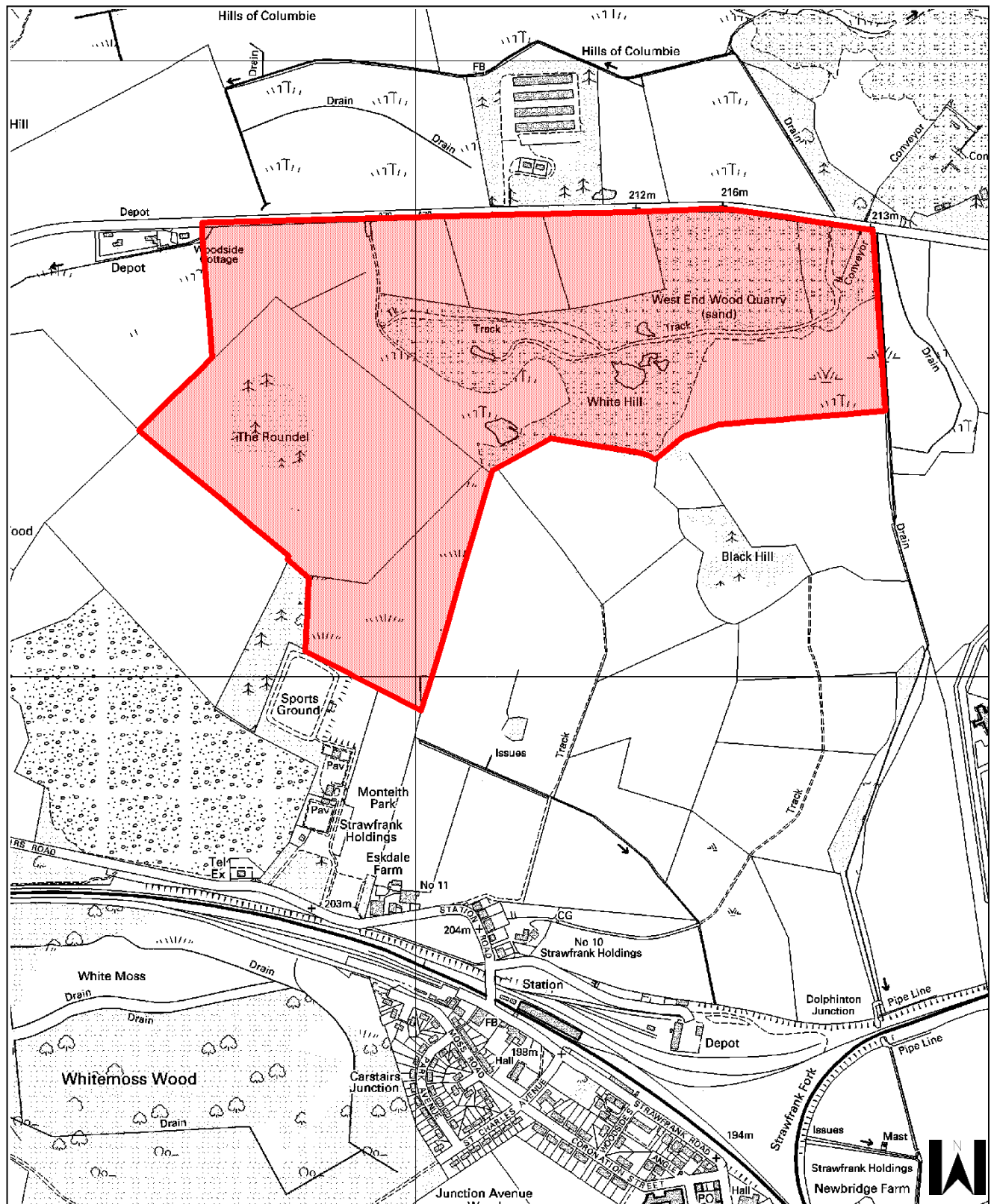
- 32 That the soil bund outlined in green on drawing number PI/1844/3 (including the extension to this bund required by condition 6h) shall be constructed and graded prior to the commencement of any extraction operations on site. This bund shall be seeded with a suitable low maintenance grass seed mixture in the first available growing season following its construction.
- 33 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.
- 34 That prior to the commencement of any works on the site (including enabling works) the area of peat highlighted in brown on drawing number PI/1844/3 shall be fenced from the remainder of the site (by a fence type approved in terms of condition 6(b) for the duration of the works, unless otherwise approved in writing by the Planning Authority.
- 35 That no more than 50,000 tonnes of crushed rock fines, solely for the purposes of product blending, shall be imported to the site in any one calendar year. The operator shall submit to the Planning Authority, on a 4 monthly basis for the duration of the operation, a statement of quantities of crushed rock fines imported to the site during that period.
- 36 Other than the importation of crushed rock fines permitted under the terms of condition 35, no other material shall be imported to the site without the prior written permission of the planning authority.
- 37 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.
- 38 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 site is satisfactorily restored.
- 4 To ensure that the Planning Authority retains effective control of the development.

- 5 In order that the terms of consent may be reconsidered should a change in operation become necessary.
- 6 These details were not submitted at the time of the application and are required to ensure that the proposal is satisfactory.
- 7 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 8 In the interests of visual amenity.
- 9 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.
- 10 To ensure satisfactory reinstatement of the site.
- 11 To ensure the Planning Authority retains effective control of the development.
- 12 To ensure the satisfactory reinstatement of the site.
- 13 To ensure the satisfactory reinstatement of the site.
- 14 To ensure the satisfactory reinstatement of the site.
- 15 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 16 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 17 In the interests of road safety.
- 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 traikled onto the public highway; in the interests of road safety.
- 23 To minimise tha chance of any debris from the site being carried onto the public highway; in the interests of road safety.
- 24 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 25 To ensure control over such development on the site so as to minimise the potential visual and landscape intrusion.
- 26 To ensure the site operator and visiting officials are aware of the approved details.
- 27 To ensure the safekeeping of such liquids.
- 28 To safeguard the residential amenity of the area.
- 29 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 30 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 31 To ensure the satisfactory reinstatement of the site.
- 32 To safeguard the residential amenity of the nearby dwellinghouse, and in the interests of visual amenity.
- 33 In the interests of visual amenity.
- 34 To prevent personnel or vehichles from the site damaging this area of peat.
- 35 To ensure the Planning Authority retains effective control over the importation of materials to the site.
- 36 To ensure the Planning Authority retains effective control over the importation of materials to the site.
- 37 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 38 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.

## Planning and Building Standards Services



For information only

For information only

