

Report to:	Planning Committee
Date of Meeting:	3rd November 2009
Report by:	Executive Director (Enterprise Resources)

Application No	CL/09/0086
Planning Proposal:	Extension to quarry to allow continued extraction and processing of hard rock aggregates by quarrying methods, creation of new access road, continued operation of asphalt and concrete plants and final restoration of site.

1 Summary Application Information

- Application Type : Mineral Application
- Applicant : Cloburn Quarry Company Ltd
- Location : Cloburn Quarry
Lanark
ML11 8SR

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

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Should Committee agree to grant consent the decision notice should not be issued until the following matters are concluded;
 - A Section 75 Legal Agreement to revoke consent 01/95/0481
 - A Restoration Guarantee Bond to cover the full costs of restoring the site
 - The responsibility of the applicant to meet the Council's legal costs associated with the S75 and other agreements

3 Other Information

- ◆ Applicant's Agent: Dalgleish Associates
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): SPP Parts 1 & 2
SPP 4 – Planning for Minerals
PAN 50 – Controlling the Environmental Effects of Surface Mineral Workings (Annex A to D)
PAN 64 – Reclamation of Surface Mineral

Workings
 Glasgow & Clyde Valley Structure Plan –
 Strategic Policy 8 “Sustainable Development
 of Natural Resources”
 Strategic Policy 9 “Assessment of
 Development Proposals”
 South Lanarkshire Minerals Local Plan
 (Adopted 2002)
 MP1: General Protection of the Environment
 MP3: Protection of Areas with
 National/Regional Environmental Designations
 MP5: Visual Intrusion and Landscape Impact
 MP7: Watercourses, Surface and
 Groundwater
 MP9: Archaeological Sites
 MP11: Buffer Zones
 MP12: Impact on Communities
 MP13: Benefits from Mineral Workings
 MP14: Contributions
 MP15: Concentration of Mineral Operations
 MP17: Property Surveys
 MP18: Transportation of Minerals
 MP19: Restoration and Aftercare Provision
 MP20: Restoration Guarantee Bonds
 MP21: Suitability of After-use Schemes
 MP29: Assessment of Environmental Impact
 MP30: Protection of Landscape Features
 MP32: Noise Survey and Limits
 MP33: Dust Assessment Study
 MP34: Tourism and Recreation
 MP37: Legal Agreements
 MP38: Monitoring of Mineral Workings
 MP39: Annual Progress Plan
 The adopted South Lanarkshire Local Plan
 2009:
 Policy STRAT5: Rural Investment Area
 Policy DM1: Development Management

◆ Representation(s):

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Scottish Executive Development Department

Environmental Services

Scottish Wildlife Trust

Glasgow & Clyde Valley Structure Plan Joint Committee

RSPB Scotland

Roads & Transportation Services H.Q. (Flooding)

Economic Development (Business Development & Projects)

Scottish Water

West of Scotland Archaeology Service

Power Systems

Roads and Transportation Services (South Division)

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

Roads & Transportation Services H.Q.(Transportation)

TRANSCO (Plant Location)

Transport Scotland

Historic Scotland

Scottish Natural Heritage

Pettinain Community Council

Planning Application Report

1 Application Site

- 1.1 The application site relates to an existing quarry, accessed via a 650m private access road from the A73. The site is located 750m to the south of the village of Pettinain and 5km to the south-east of Lanark. The closest residential dwelling is Glentisset, located 515m to the north of the site.
- 1.2 The site lies within a rural area, characterised by farmed lowland. An area of commercial forestry is located immediately to the north and west of the extraction area. Rough agricultural grazing is located to the south and east of the quarry.
- 1.3 The application site extends to 83.8ha, of which 56.8ha is used for the existing quarrying operation.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the continued operation of the hard rock quarry, extending its extraction lifespan for a further 20 years with 2 years for restoration. It is estimated by the quarry operator that the proposed operation will yield a further 28 million tonnes of hard rock over the 20 year period, averaging 1.4 million tonnes of hard rock per annum. The hard rock won from Cloburn Quarry is currently used as railway, concrete, construction and surfacing aggregate and also for Sustainable Urban Drainage Schemes (SUDS) and as decorative stone.
- 2.2 The proposed excavation of hard rock would be undertaken in 8 phases, excavating deeper into the rock and to the north of the existing excavation area. The additional excavation area will cover 10ha and will result in a void approximately 60m deep, once complete. The overall site phasing and production are described in the table below.

Phasing	Tonnes (millions)	Cumulative Tonnage	Duration (years)	Cumulative Duration
Phase 1	5.25	5.25	3 yrs 9 mths	3 yrs 9 mths
Phase 2	2.10	7.35	1 yr 6 mths	5 yrs 3 mths
Phase 3	4.20	11.55	3 yrs	8 yrs 3 mths
Phase 4	1.63	13.18	1 yrs 2 mths	9 yrs 5 mths
Phase 5	4.55	17.73	3 yrs 3 mths	12 yrs 8 mths
Phase 6	3.27	21.00	2 yrs 4 mths	15 yrs
Phase 7	5.72	26.72	4 yrs 1 mth	19 yrs 1 mths
Phase 8	1.28	28.00	11 mths	20 yrs
Restoration			2 yrs	22 yrs

- 2.3 The existing processing plant and concrete batching plant will be moved into the void during phase 3 of the excavation, once the void is approximately 40m deep.
- 2.4 The application also seeks permission for the construction of an additional section of the access road, as it enters the quarry. The new access road would follow the southern boundary of the application site, before turning north towards the centre of the site and the excavation area.
- 2.5 The application includes restoration proposals for the quarry, following the completion of excavation. The progressive restoration would take 2 years to complete and would involve the creation of habitats present within the surrounding

area, including grassland, heath and woodland. The main excavation area would be developed into a water body.

- 2.6 The quarry currently operates 24 hours a day throughout the week, with dispatching operations being undertaken between 07.00 hours to 19.00 hours and processing operations being undertaken between 06.30 hours and 03.00. The applicant seeks to continue the operation on a 24 hour basis.
- 2.7 The quarrying operation currently employs 43 full time staff, of which 86% reside within South Lanarkshire. This application, if approved, will sustain these jobs by extending the life of this quarry.

3 Background

- 3.1 Scottish Planning Policy Parts 1 & 2 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.
- 3.2 SPP4 (Planning for Minerals) provides the policy framework for planning authorities when preparing development plans and when determining planning applications for mineral development.
- 3.3 PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings) with Annex A (Noise), B (Dust), C (Traffic) and D (Blasting) provides advice on these issues and how they should be addressed when assessing mineral applications.
- 3.4 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.
- 3.5 All national policy and advice is considered in detail in the assessment section of this report.

Development Plan Status

- 3.6 The Glasgow & Clyde Valley Structure Plan contains policies which are relevant to the consideration of this application. Strategic Policy 8 – Sustainable Development of Natural Resources supports developments which: extend the supply of mineral workings at existing operational sites or in locations identified in Local Plans which are within the Structure Plan search areas for minerals; safeguard and enhance the strategic environmental resource. In order to accord with the Structure Plan, all development proposals require to satisfy the criteria set out in Strategic Policy 9.
- 3.7 The adopted South Lanarkshire Minerals Local Plan 2002 contains the following policies against which the proposal should be assessed:
- Minerals Policy 1 (MP1) “General Protection of the Environment”.
 - Minerals Policy 3 (MP3) “Protection of Areas with National/Regional Environmental Designations”.
 - Minerals Policy 5 (MP5) “Visual Intrusion and Landscape Impact”.
 - Minerals Policy 7 (MP7) “Watercourses, Surface and Groundwater”.
 - Minerals Policy 9 (MP9) “Archaeological Sites”.
 - 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 17 (MP17) “Property Surveys”.
- Minerals Policy 18 (MP18) “Transportation of Minerals”.
- Minerals Policy 19 (MP19) “Restoration and After-care Provision”.
- Minerals Policy 20 (MP20) “Restoration Guarantee Bonds”.
- Minerals Policy 21 (MP21) “Suitability of After-use Schemes”.
- Minerals Policy 29 (MP29) “Assessment of Environmental Impact”.
- Minerals Policy 30 (MP30) “Protection of Landscape Features”.
- Minerals Policy 32 (MP32) “Noise Surveys and Limits”.
- Minerals Policy 33 (MP33) “Dust Assessment Study”.
- Minerals Policy 34 (MP34) “Tourism and Recreation”.
- Minerals Policy 37 (MP37) “Legal Agreements”.
- Minerals Policy 38 (MP38) “Monitoring of Mineral Workings”.
- Minerals Policy 39 (MP39) “Annual Progress Plan”.

3.8 The adopted South Lanarkshire Local Plan 2009 identifies the site as being within the rural investment area and policy STRAT5 therefore applies. Policies DM1: Development Management is also relevant to the determination of this application.

3.9 All of these policies are examined in detail in the assessment and conclusions section of this report.

Planning History

3.10 The site has been operated for quarrying since 1896. Originally the site accommodated two quarries: Cairngryffe Quarry and Cloburn Quarry. These quarries were both acquired by the current owner by 1987 and were thereafter worked as a single unit.

3.11 Planning permission was granted for the ‘Continuation of Existing Quarrying’ on the 21st April 1998 (01/95/0481). More recently, planning permission was granted for the installation of a new asphalt plant on the 12th December 2008 (CL/08/0548).

4 Consultations

4.1 **Scottish Water**: raise no objection to the proposed development
Response: Noted.

4.2 **West of Scotland Archaeology Service**: raise no objection to the proposed development subject to the imposition of a condition requiring the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be agreed by WoSAS.
Response: Noted. A suitable condition will be attached to any permission granted.

4.3 **Roads and Transportation**: Raise no objection to the proposed development.
Response: Noted.

4.4 **Glasgow and the Clyde Valley Strategic Development Planning Authority**: notes that the proposed development accords with the Glasgow and Clyde Valley Structure Plan.
Response: Noted.

4.5 **Historic Scotland**: raise no objection to the proposed development.
Response: Noted.

4.6 **Scottish Gas Networks**: raise no objections to the proposed development.
Response: Noted.

- 4.7 **Scottish Power Energy Networks**: raise no objections to the proposed development, but note that they have apparatus within the area which may require alteration or protection.
Response: Noted.
- 4.8 **Transport Scotland**: raise no objections to the proposed development and note that the proposed development will cause minimal environmental impact on the trunk road network.
Response: Noted.
- 4.9 **Environmental Services**: raise no objections to the proposed development, subject to conditions relating to noise, vibration and dust.
Response: Noted. These comments can be addressed through the use of planning conditions.
- 4.10 **Scottish Natural Heritage**: initially objected to the proposed development but withdrew their objection following discussions with the applicant's agent. SNH request conditions are attached to the consent, if granted, to minimise impact on the natural environment.
Response: Noted. These comments can be addressed through the use of planning conditions.
- 4.11 **Scottish Environmental Protection Agency (SEPA)**: raise no objections to the proposed development and request to be consulted in relation to the preparation of the final restoration plan.
Response: Noted. A condition is attached to ensure further detail is provided in relation to the restoration proposals.
- 4.12 **Roads and Transportation – Flood Prevention Unit**: raised no objection to the proposed development, and noted that the information contained within the ES sufficiently addressed the issues of flood risk.
Response: Noted.
- 4.13 **Scottish Executive Development Department**: raised no objections to the proposed development.
Response: Noted.
- 4.14 **Pettinain Community Council**: the Community Council have made no response to this consultation.

5 Representations

- 5.1 The application was advertised in accordance with Article 12(5) (Application Requiring Advertisement due to Scale or Nature of Operation), in accordance with the Environmental Impact Assessment Regulations and as being potentially contrary to the Development Plan. Neighbour notification was also carried out. No letters of representation were received as a result of this publicity.

6 Assessment and Conclusions

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, 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, the adopted South Lanarkshire Minerals Local Plan 2002 and the adopted South Lanarkshire Local Plan 2009.
- 6.2 In assessing any application for mineral extraction it is also necessary to evaluate the proposals against the most up to date policies and criteria contained in the relevant national planning policy. There is specific national planning policy guidance and advice for mineral workings contained within SPP4, PAN 50 (together with its various annexes), and PAN 64.
- 6.3 SPP4 recognises that minerals are an important national resource which can only be worked where they are found. It 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, traffic, and blasting.
- 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, agreements and after care schemes. These issues have been considered, where appropriate, in the processing of this 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, PAN 50 or PAN 64.
- 6.7 In relation to Structure Plan Policy, the relevant policy is Strategic Policy 8 – Sustainable Development of Natural Resources. Strategic Policy 8 (c) supports developments that extend the supply of minerals at existing operational sites, or in the locations identified in diagram 23 and Schedule 8. The policy relates to all mineral types including hard rock, sand and gravel and opencast coal. With regard to aggregate minerals, the Structure Plan requires that a 10 year supply of effective mineral operations is maintained. The supply and demand analysis was based on a survey of operations undertaken in 1997, which concluded there should be sufficient supply of hard rock aggregate to meet demand until 2012. This appeared to assume that the supply would be maintained in part through extensions to existing quarries. No additions to supply, other than extensions to existing quarries, would therefore be required and no search areas for hard rock are identified in the key diagram or schedule 8.
- 6.8 Whilst the surrounding site is not identified within diagram 23 or Schedule 8 for mineral development, the current application involves the extension of extraction operations of hard rock aggregate from within an existing quarry. It is therefore considered to be in accordance with Strategic Policy 8 as it constitutes an addition to the supply that is associated with an existing quarry operation.
- 6.9 In order to accord with the Structure Plan, development proposals require to satisfy the criteria in Strategic Policy 9. Strategic Policy 9A relates to the need for the development in terms of the relevant demand assessment, 9B relates to the location

of the development and its impact on strategic resources and 9C relates to provision by the developer in relation to infrastructure and remedial action required.

- 6.10 Strategic Policy 9A(v) requires any significant aggregates development (except extensions to existing workings) to be assessed against the 10 year supply and demand within the Structure Plan Area. As the proposal relates to an extension, this requirement does not therefore apply.
- 6.11 Strategic Policy 9B(iv) seeks to safeguard environmental resources, including landscape character and quality. Visual and landscape impact has been assessed within the ES and SNH were consulted. SNH did not object in relation to landscape and visual impact of the proposed quarry. The proposed development is therefore considered to accord with the Strategic Policy 9B.
- 6.12 Strategic Policy 9C(iii) requires remedial environmental action and maintenance to be provided. The proposed restoration plan addresses the issue of restoration and I am satisfied that the development accords with Strategic Policy 9C.
- 6.13 It is therefore concluded that the proposal is not a departure from Structure Plan policy.
- 6.12 At a local level, the application requires to be considered against the policies within the South Lanarkshire Minerals Local Plan (adopted 2002). This provides a range of detailed policies against which mineral applications are to be assessed. The issues raised by the specific policies are highlighted below:

Policy MP1: General Protection of the Environment seeks to minimise the impact on the environment and communities whilst ensuring that sufficient supplies of minerals are available to meet society's needs. No objections from the local community have been received and it is considered that through the imposition and effective monitoring of appropriate conditions which seek to safeguard the environment and amenity of surrounding communities, that the proposal will comply with this policy.

Policy MP3: Protection of Areas with National/Regional Environmental Designations (Category 2 areas). The only category 2 designation relevant to this application are Scheduled Ancient Monuments (SAMs) and their settings. Whilst there are no SAMs within the application site, there are three SAMs located in the wider vicinity at a distance of approximately 2km. Given the locations and distances between the SAMs and the application site, it is considered that any potential impact on their setting will be low. Historic Scotland and the West of Scotland Archaeology Service raise no objections in this regard. The proposal therefore complies with this policy.

Policy MP5: Visual Intrusion and Landscape Impact sets a presumption against development which is visually intrusive and seeks to ensure that visual impact is reduced to an acceptable level (this refers to siting, screening and restoration). The proposal has been the subject of a landscape and visual impact assessment which concludes that the impact of the proposed extension of the quarry will not create a significant adverse landscape and visual impact. Furthermore, SNH were consulted and have not objected to the proposed development. The ES acknowledges that the proposed design, phasing and advance planting will contribute to minimising landscape and visual impact. It is therefore considered that the proposal complies with the provisions of policy MP5.

Policy MP7: Watercourses, Surface and Groundwater sets a presumption against proposals which have a detrimental impact on watercourses, surface or groundwater.

Both SEPA and the Council's Flood Prevention Unit have raised no objections to the proposal and as such, it is considered that the proposal complies with policy.

Policy MP9: Archaeological Sites seeks to safeguard potential archaeological reserves. The West of Scotland Archaeology Service has advised that no development should take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation. This is to ensure the recording and recovery of any archaeological resources within the application site. This requirement will be a condition of any approval granted.

Policy MP11: Buffer Zones set acceptable distances between excavation activities, which involve blasting and non-blasting activities and sensitive land uses such as residential properties. There are no residential properties within 500m of the application site. The closest occupied property from the proposed excavation area is Glentisset, which is located 515m north of the proposed extension area. The proposal therefore complies with policy.

Policy MP12: Impact on Communities seeks applications for mineral extraction to be assessed with respect to the impact of the operation in relation to traffic, roads, noise, dust, visual impact, etc. It is considered that through the imposition and effective monitoring of appropriate conditions that there will be no significant impact on local communities, individual dwellings or the environment as a result of this proposal. Furthermore, Environmental Services have raised no objection to the proposal. The proposal therefore complies with policy.

Policy MP13: Benefits from Mineral Workings seeks applications for mineral development to demonstrate local community benefit and that no permanent environmental effects will occur as a result of the operation. The applicant has advised that 43 full time staff will continue to be employed as a direct result of the quarrying operation and that 86% of these staff reside within South Lanarkshire. Furthermore, the applicant has estimated that £4.7 million was generated for local companies within South Lanarkshire as a result of quarrying operations. In addition, planning permission will not be issued until the applicant has provided a restoration guarantee bond to ensure the satisfactory reinstatement of the site. The applicant has however refused to enter into a legal agreement to provide contributions to the Rural Communities Trust Fund, which was set up for the benefit of the local communities. This issue is discussed further in relation to Policy MP14 below. It is considered that the proposal complies with this policy.

Policy MP14: Contributions encourages mineral operators to contribute to the South Lanarkshire Rural Communities Trust. The applicant has considered this matter and has chosen not to enter into a legal agreement to provide contributions to the Rural Communities Trust Fund. The applicant's position is that the proposal will not have an adverse impact on the environment of communities. Furthermore, the applicant notes that the quarry operator currently pays an environmental tax, the Aggregates Levy, which is currently set at £2 per tonne. The contributions are collected by the UK Government and were, until 2008, administered via the Sustainable Action Fund and made available for community projects via the Community Environmental Renewal Grants Scheme. However, since 2008 the Scottish share of these contributions is now incorporated into the Scottish Government's overall spending and is no longer available as grants for particular community schemes. The applicant considers that Cloburn Quarry already makes an adequate contribution to countering any potential environmental or community impacts and that further contribution is inequitable. In addition, given the current economic circumstances,

the contribution would be a further burden on the operation. Furthermore, Cloburn Quarry does not currently provide contributions into the South Lanarkshire Rural Communities Trust Fund.

Policy MP14 states that the Council will '*encourage*' applicants to contribute to the South Lanarkshire Rural Communities Trust, at a rate of 5p per tonne for hard rock aggregate. Whilst refusal to enter into such agreement is not consistent with the spirit of Policy MP14, it is considered that granting permission for this proposal without such an agreement would not constitute development contrary to the development plan. Nonetheless, it is my intention to request the applicant to consider making contributions to local projects on a voluntary basis.

Policy MP15: Concentration of Mineral Workings requires cumulative impact that a concentration of mineral developments may have on a particular area or on existing road networks. Consideration has been given to existing and potential mineral developments in this area, having regard to the advice set out within SPP4 on cumulative impacts. In this respect, there are a number of other mineral extraction quarries within proximity of this site which primarily relate to the extraction of sand and gravel. This proposal involves the extension to an existing quarry and will not result in a significant intensification of the extraction rate. In this context, it is considered that granting permission for this proposal will not raise cumulative impact issues.

With regard to the impact on the local road networks, consultations with the Council's Roads and Transportation Service and with the Scottish Government (Trunks Roads), indicate that the works will have limited impact on the road network. As such, it is considered that the proposal does not conflict with policy. Through legal agreements already in place, the developer will require to make a contribution to the maintenance of local roads.

Policy MP17: Property Surveys requires surveys of properties which lie close to the site and which may be adversely affected through blasting or movement of heavy haulage. No such properties have been identified in the assessment of the application and the quarry has operated for some time without the Council receiving complaint in relation to vibration and structural problems.

Policy MP18: Transportation of Minerals seeks a Traffic Impact Assessment (TIA) to be submitted to support applications for mineral developments. A TIA has been provided which concludes that the proposed impacts from transportation are limited. As stated above, neither SLC Roads nor the Scottish Government's Roads Departments have any objections to the proposal. An agreement for a contribution to road maintenance is already in place.

Policy MP19: Restoration and After-care Provision seeks proper provision for the treatment of the site following completion of mineral extraction. The broad restoration concept contained within the Environmental Statement (ES) is acceptable. In addition, the applicant has confirmed willingness to provide a restoration bond to safeguard the reinstatement of the site.

Policy MP20: Restoration guarantee bonds. As stated above, the applicant has confirmed willingness to enter into a restoration bond agreement.

Policy MP21: Suitability of After-use Schemes encourages operators to consider innovative proposals for after use schemes. It is proposed that the site be restored to a nature conservation afteruse incorporating a water feature in the base of the

void, with the quarry faces and benches restored and planted where possible. As stated previously, the broad restoration concept contained within the ES is deemed acceptable and appropriate conditions will be attached to any planning permission to secure the implementation of the approved final scheme.

Policy MP29: Assessment of Environmental Impact requires the submission of an appropriately scoped Environmental Statement for every proposal which constitutes EIA development in terms of the EIA (Scotland) Regulations 1999. A scoping exercise was undertaken and a full ES accompanied the application in accordance with mineral plan policy requirements and the EIA (Scotland) Regulations 1999.

Policy MP30: Protection of Landscape Features seeks to protect distinctive local landscape characteristics. It is acknowledged that the nature of hard rock extraction results in an irreversible change to physical landscape. However, given the scale of the landscape setting of this site and having regard to the working method and mitigation measures proposed, it is considered that the proposal satisfactorily minimises the impact of the operations on the wider landscape. In addition, the restoration proposals seek to ensure that the site is restored to comply with Mineral Plan Policy.

Policy MP32: Noise Survey and Limits requires a survey to be carried out to determine existing background noise levels and an estimate of the likely future noise which would arise from the proposed development. A Noise Assessment has been submitted in support of the planning application as part of the ES. This demonstrates that predicted noise levels would be within the limits recommended in PAN50 (Annex A). It is noted that Environmental Services have confirmed their acceptance of the assessment.

Policy MP33: Dust Assessment Study requires a dust assessment to be undertaken for all mineral development which should affect dust sensitive properties. A dust assessment has been undertaken and submitted as part of the Environmental Statement. This addresses the issues identified in Policy MP33 and outlines the measures proposed for dust suppression. Furthermore, Environmental Services confirm that they are satisfied with the assessment and mitigation measures.

Policy MP34: Tourism and Recreation notes the Council will consider the potential impact on tourism and recreation: three areas of possible concern are highlighted in the policy: (1) main tourist routes (2) areas used for recreational purposes and (3) public rights of way. The quarry is an existing operation which does not currently adversely affect tourism and recreation within the area. Furthermore, a combination of the natural topography of the area and the advanced screening proposed ensures that views into the operational area will be both limited and restricted from the visual receptors within the surrounding area. Views into the site are possible from surrounding hills which are used for recreational access purposes. However, given that these hills are located some distance from the site and that the character of the surrounding landscape is generally large scale and expansive, it is considered that the level of visual impact during operations will not significantly detract from the amenity experienced by people using the area for countryside recreation. It is therefore considered that this proposal will not have a significant impact on tourism or recreation.

Policy MP37: Legal Agreements seeks the use of legal agreements, where appropriate, to control aspects of the development which cannot be adequately controlled through the use of planning conditions. The applicant has confirmed their

agreement to enter into a legal agreement in relation to the provision of a restoration bond, should planning permission be granted.

Policy MP38: Monitoring of mineral workings notes that the Council monitor the site to ensure the highest standards of environmental practice is adopted. Should planning permission be granted, then appropriate monitoring procedures will be put in place.

Policy MP39: Annual progress plans notes that the Council will require to provision of a progress plan to be provided annual basis. The requirement to provide an appropriate annual progress plan (including site survey) will be secured by condition of any planning approval.

- 6.13 In light of the above assessment, the proposal accords with the Minerals Plan.
- 6.15 The adopted South Lanarkshire Local Plan 2009 (SLLP) 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. Whilst this policy is not focused on mineral developments, it is clear from the detailed assessment of Mineral Plan policies that the environmental impacts of the proposal can be satisfactorily mitigated and that the proposal will result in the retention of existing employment within the rural investment area. Therefore, the proposal complies with policy STRAT5.
- 6.18 Finally, the SLLP contains a general development management policy, DM1 (Development Management) which requires all development to take fully into account the local context and built form. From the above assessment I am satisfied that the proposal will not unduly impact upon any residential properties or settlements and that the other environmental impacts of the proposal can be satisfactorily mitigated. Therefore, it is considered that the proposal is consistent with policy.
- 6.19 In light of the above, it is considered that the proposal is consistent with the policy aims of the adopted South Lanarkshire Local Plan 2009.
- 6.20 In summary, the following points are noted. The application was accompanied by an Environmental Statement, as required by the Environmental Impact Assessment (Scotland) Regulations 1999 which has fully assessed the likely environmental impacts of the proposal. Through the detailed assessment above, it is clear that the environmental impacts of the proposal can be satisfactorily mitigated. In addition, responses from statutory consultees indicate that the proposed impacts from noise, dust, blasting and traffic movements are not likely to significantly affect nearby residents. Further, it is noted that there have been no objections to the application from the local community.
- 6.21 This proposal is for a specific type of hard rock that is rare and of particular high quality. The application seeks permission to extend an existing operation, which currently operates without complaint from members of the public. This site represents an opportunity to continue the provision of high quality materials to the various industries both in South Lanarkshire and beyond, without significant impact on communities or individual residents, being remote from the nearest settlement and at least 515m from a habitable residential property.

- 6.22 I therefore recommend that planning permission be granted 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 national planning policy and advice, the adopted South Lanarkshire Minerals Local Plan 2002 and the adopted South Lanarkshire Local Plan 2009. 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 environment or 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.

Colin McDowall
Executive Director (Enterprise Resources)

26 October 2009

Previous References

- ◆ 01/95/0481

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Glasgow & Clyde Valley Structure Plan Joint Committee 16/04/2009
 - Roads & Transportation Services H.Q.(Transportation) 26/03/2009
 - Roads and Transportation Services (South Division) 27/03/2009
 - Scottish Water 20/03/2009
 - West of Scotland Archaeology Service 27/03/2009
 - Transport Scotland 07/04/2009
 - Scottish Executive Development Department 08/04/2009
 - Historic Scotland 30/03/2009
 - Environmental Services 15/04/2009
 - Scottish Natural Heritage 06/05/2009
 - TRANSCO (Plant Location) 28/04/2009
- ▶ Representations
 - None

Contact for Further Information

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

Donald Wilkins

Tel: 01698 455903

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

CONDITIONS

- 1 The development hereby permitted shall be started within three years of the date of this permission.
- 2 Unless otherwise directed by conditions attached to this consent, this decision relates to the Planning and Environmental Statement dated February 2009 for the Proposed Extension for Cloburn Quarry, which includes drawing numbers:
 - Figure 1.1 - General Site Location plan
 - Figure 1.2 - Site Location Plan
 - Figure 2.1 - Existing Topography Plan
 - Figure 2.2 - Services Plan
 - Figure 2.3 - Geological Interpretation Plan
 - Figure 3.1 - Development Programme Phase 1
 - Figure 3.2 - Development Programme Phase 2
 - Figure 3.3 - Development Programme Phase 3
 - Figure 3.4 - Development Programme Phase 4
 - Figure 3.5 - Development Programme Phase 5
 - Figure 3.6 - Development Programme Phase 6
 - Figure 3.7 - Development Programme Phase 7
 - Figure 3.8 - Development Programme Phase 8
 - Figure 3.9 - Cross Sections
 - Figure 3.10 - Restoration Plan
 - Figure 6.1 - Landscape Context Plan and viewpoint Location Plan
 - Figure 6.2-6.2ii - Theoretical Zones of Visual Influence
 - Figure 6.3 Consideration of Alternative Access
 - Figure 6.4-6.14 - Viewpoints
 - Figure 7.1 - Existing Hydrology
 - Figure 7.2 - Phase 7 Hydrology
 - Figure 7.3 - Restoration hydrology
 - Figure 8.1 - Phase 1 habitat Survey
 - Figure 10.1 - Background Monitoring and Potential Noise Sensitive Locations
 - Figure 11.1 - Potential Dust Sensitive Locations
 - Figure 12.1 - Potential Blast Sensitive Locationsand the associated Technical Appendices dated February 2009, which include:
 - Ornithological Assessment
 - Noise Assessment
 - Assessment of Blast Vibration
 - Archaeological Assessment
- 3 The Council shall be notified in writing by the applicant of the intended date for the commencement of development on site of the works for which planning permission has been granted.
- 4 The Council shall be notified in writing by the applicant on completion of the works for which planning permission has been granted.

- 5 That all extraction operations on the site shall be discontinued not later than 20 years from the date of commencement (as notified to the Council in respect of condition 2) and that, within a period of 2 years from this discontinuance date, the entire site shall be restored in accordance with the approved restoration scheme to the satisfaction of the Council as 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 Council as Planning Authority, an amended application and statement of intent: the developer shall adhere to the approved plans until such time as an amended application may be approved by the Council as Planning Authority.
- 7 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 available for inspection in the site offices during approved working hours.
- 8 That the operator shall at all times abide by the terms of the noise management programme contained within section 10 of the Planning and Environmental Statement dated February 2009, unless otherwise controlled through conditions of this consent.
- 9 That with respect to the control of noise resulting from the operations at this site the developer shall comply with the following:
 - (a) that between 07.00hrs and 19.00hrs, the nominal noise limit attributable to 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;
 - (b) that between 19.00hrs and 07.00hrs the nominal noise limit attributable to site operations at the noise sensitive properties in the vicinity of the site shall not exceed 42 dB(A) LAeq, over any one hour period;
 - (c) Notwithstanding the terms of (b) above, the nominal noise limit attributable to site operations between 06.30hrs and 07.00hrs at Glenbow Cottage shall not exceed 45db(A) LAeq, over the 30 minute period.
- 10 Efficient silencers shall be fitted to, used and maintained in accordance with manufacturer's instructions on all vehicles, plant and machinery used on the site. With the exception of maintenance, no machinery shall be operated with the covers open or removed.
- 11 That reversing alarms used on plant and vehicles shall be either non-audible, ambient related, or low tone devices.
- 12 That no blasting shall take place on site outwith the hours of 10.00 hours to 16.00 hours Monday to Friday.
- 13 That ground vibration, as a result of blasting operations, shall not exceed a peak particle velocity of 6mm per second in 95% of each block of 20 consecutively numbered blasts and no individual blast shall exceed a peak particle velocity of 12mms⁻¹ as measured at any residential premises in the vicinity of the site.
- 14 That prior to the commencement of development hereby approved, a vibration monitoring programme shall be submitted for the Council as Planning Authority.

- 15 That the developer shall, at all times, adopt good blasting practice and so far as is reasonably practicable shall not carry out blasting operations in adverse weather conditions.
- 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 That the developer shall ensure that sufficient water is maintained at all times on site, to address the requirements for dust suppression.
- 18 That at all times during operations, water bowzers and sprayers, whether fixed or mobile, shall be used to minimise the emission of dust from the site. If the prevention of dust nuisance by these means is not possible, then the movement of soils, vehicles, etc. shall temporarily cease until such time as the weather conditions improve.
- 19 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 contained within section 11 of the Planning and Environmental Statement dated February 2009.
- 20 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 shall be erected or installed within the site, without the prior written approval of the Council as Planning Authority.
- 21 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, to the satisfaction of the Council and Planning Authority.
- 22 That all laden lorries leaving the site shall be sheeted before entering the public highway.
- 23 That if the quarrying operation results in mud or other material being deposited onto the public highway, the Council reserves the right to request the installation of a wheel wash facility. Where such a request is made by the Council, the applicant or operator shall submit details of the facility and installation timescales to be approved in writing by the Council as Planning Authority.
- 24 All vehicles entering or leaving the site shall use the access road to and from the A73. No vehicles are permitted to use any other form of access to the site unless in an emergency or if otherwise agreed in writing by the Council as Planning Authority.
- 25 The access road shall be maintained in such a condition as to prevent ruts, potholes and ponding of water and shall be kept clear of mud and dirt at all times, the satisfaction of the Council as Planning Authority.

- 26 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 Council as Planning Authority prior to the commencement of any period of soil movements and the Council as 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.
- 27 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.
- 28 No operations involving soil lifting/replacement shall take place between the months of October to March inclusive except with the prior approval of the Council as Planning Authority.
- 29 That no development hereby approved shall take place within the application site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved in writing by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority, in consultation with the West of Scotland Archaeological Service.
- 30 That no soil shall be removed from the site.
- 31 That unless otherwise approved in writing by the Council as Planning Authority, or through other provisions of this consent, at the completion of final restoration the remaining access roads and hardstandings are to be removed and the ground restored in accordance with the approved scheme.
- 32 That within one year of the date of commencement (and on that date each year thereafter), the operator shall submit to the Council as Planning Authority, an annual progress plan detailing:
- * The extent of extraction operations undertaken that year;
 - * 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;
 - * Recent site survey;
 - * Current and anticipated production figures;
 - * Remaining reserves;
 - * Compliance with statutory permissions;
 - * Site complaint logs and actions taken.
- 33 That, in the event of extraction operations on site ceasing for a period of 12 months or more, the Council as Planning Authority shall deem operations on site to have permanently ceased, and shall require immediate implementation of the approved restoration scheme, unless otherwise agreed in writing with the Council as Planning Authority.
- 34 That unless otherwise approved in writing by the Council as Planning Authority, no

material shall be imported to or deposited at the site, other than that necessary for asphalt and concrete production.

- 35 That all soil storage mounds (temporary and permanent) shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during site restoration. They shall be graded and seeded with a suitable low maintenance grass seed mixture immediately following their formation. The sward shall be managed in accordance with the appropriate agricultural management techniques throughout the period of storage.
- 36 That where the outer operational boundary does not coincide with an existing suitable stockproof fence the operator shall provide and erect a stockproof fence, to the satisfaction of the Council as Planning Authority, prior to the commencement of work on the site. The fencing shall thereafter be maintained in good condition until final restoration is completed.
- 37 That prior, but not more than 6 months prior, to the commencement of development hereby approved, updated protected species surveys shall be undertaken and submitted to the Council as Planning Authority, in consultation with Scottish Natural Heritage.
- 38 Pre-felling checks shall be undertaken on trees which have been assessed as having a high or medium potential to support bat roosts and felling of these trees shall take place during the months of September and October. Trees which have been assessed as having a high or medium potential to support bat roosts shall be soft felled in the presence of a suitably qualified ecologist.
- 39 The removal of any trees that could provide habitat for nesting birds, the soil stripping for the approved access road will take place outside the bird breeding season (March to August inclusive), unless a survey to establish the presence or otherwise of nesting birds has been undertaken and, where required, appropriate mitigating measures have been carried out to the satisfaction of the Planning Authority.
- 40 Prior to the development commencing, a sand martin protection plan shall be submitted to and approved by the Council as Planning Authority, in consultation with Scottish Natural Heritage.
- 41 All containers being used to store liquids (which have the potential to cause pollution) 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.

REASONS

- 1 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 3 To enable the Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 4 To allow inspection of the finished work.
- 5 To ensure that the site is satisfactorily restored within an acceptable timeframe.
- 6 In order that the terms of consent may be reconsidered should a change in operation become necessary.
- 7 To ensure the site operator and visiting officials are aware of the approved details.
- 8 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 9 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 10 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 11 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 12 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 13 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 14 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 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 To ensure that sufficient water is retained on site at all times for the purposes of dust suppression.
- 18 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 19 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 20 To ensure control over such development on the site so as to minimise the potential visual and landscape intrusion.
- 21 In the interests of road safety.
- 22 In the interests of road safety.
- 23 To minimise the chance of any debris from the site being carried onto the public highway; in the interests of road safety.
- 24 In the interests of road safety and to protect the amenity of the surrounding area.
- 25 To minimise the chance of any debris from the site being carried onto the public highway; in the interests of road safety.
- 26 To preserve the quality of the soils.
- 27 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.
- 28 To preserve the quality of the soils.
- 29 To ensure that provision is made to address areas of archaeological interest.
- 30 To ensure that sufficient soils are retained on site for restoration purposes.
- 31 To ensure the satisfactory restoration of the site.

- 32 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.
- 33 To ensure that the Planning Authority retains effective control of the development.
- 34 For the avoidance of any doubt over what is approved.
- 35 To preserve the quality of the soils, and in the interests of the visual appearance of the site.
- 36 To ensure site safety and maintenance of boundary security.
- 37 To ensure that provision is made to safeguard the ecological interest on the site.
- 38 To ensure that provision is made to safeguard the ecological interest on the site.
- 39 To ensure that provision is made to safeguard the ecological interest on the site.
- 40 To ensure that provision is made to safeguard the ecological interest on the site.
- 41 To ensure the safekeeping of such liquids.

For information only

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