

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 February 2020</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	HM/16/0541
Planning proposal:	Importation of inert waste to restore former reservoir to agricultural land and the temporary operation of an inert construction waste recycling facility

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Advance Construction
Location:	Wellbrae Reservoir Muttonhole Road Hamilton ML3 8RT

## 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 attached

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:

A Legal Agreement securing:

- A mechanism for financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.
- Provision of the road widening measures identified and proposed within the document titled 'Sydes Brae, South Lanarkshire – Review of Road Layout and Geometry – Nov 2019 (Transport Planning)

The applicant will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/ developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable.

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

### 3 Other information

- ◆ Applicant's Agent: Cirrus Environmental & Planning Consultancy Ltd
- ◆ Council Area/Ward: 18 Hamilton West And Earnock
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**  
Policy 1 Spatial Strategy  
Policy 3 Green Belt and Rural Area  
Policy 4 Development Management and Placemaking  
Policy 15 Natural and Historic Environment  
Policy 16 Travel and Transport  
Policy 17 Water Environment and Flooding  
Policy 18 Waste

#### **Supplementary Guidance**

- 1: Sustainable Development and Climate Change
- 3: Development Management, Placemaking and Design
- 9: Natural and Historic Environment

#### **Minerals Non Statutory Planning Guidance 2017**

- Policy MIN 10 Aggregate Recycling

#### **Proposed South Lanarkshire Local Development Plan 2 (2018)**

- Policy 1 Spatial Strategy
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

#### ◆ **Representation(s):**

- |   |    |                   |
|---|----|-------------------|
| ▶ | 15 | Objection Letters |
| ▶ | 0  | Support Letters   |
| ▶ | 3  | Comment Letters   |

#### ◆ **Consultation(s):**

Roads Development Management Team

SEPA West Region

SP Energy Network

Environmental Services

RT Flood Risk Management Section

Scottish Natural Heritage

West of Scotland Archaeology Service

The Coal Authority Planning and Local Authority Liaison Dept.

British Telecom

Countryside and Greenspace

Amey Highways Ltd

National Grid UK

## **Planning Application Report**

### **1 Application Site**

- 1.1 The site is the former Wellbrae Reservoir located between Muttonhole Road and Newhousemill Road located approximately 4km south west of Hamilton and 2.2km east of East Kilbride. The site boundary extends to 13.3 hectares and comprises the former, now drained, reservoir and agricultural land. The reservoir has been drained since before the 1970s and currently sits as a bowl shaped depression within the site. Remnants of the reservoir remain and there are areas of concrete and hard standing on site. The site reservoir area is now overgrown with grasses, shrubs and windblown small trees.
- 1.2 The Earnock Burn and Cadzow Burn run through the site in an easterly direction. Blantyre Muir Site of Special Scientific Interest (SSSI) is located 1.4km to the west of the application site and Waukenwae Moss SSSI and Special Area of Conservation (SAC) are located 1.8km to the south of the site. The closest individual residential properties are Laigh Muirhouses, located 150m to the west of the application site, Muirmains, located 300m to the northeast of the application site and Stewartfield Farm, located 390m to the west of the application site.

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

- 2.1 Planning permission is sought for the restoration of the reservoir bowl through the importation of inert construction waste to be used for infilling to allow the site to be graded and levelled off in line with the surrounding farmland. It is also proposed to sort the imported material once on site to allow recycling of construction aggregate to be exported for reuse within the construction industry. It is proposed to import a maximum of 300,000 tonnes of inert material into the site per annum with approximately 40% of this material being able to be reused and exported from the site. It is expected that the restoration of the site in this manner would take up to 8 years. The proposed restoration is in 4 phases working from west to east through the reservoir. Once a phase is complete, it will be soiled and then seeded to allow it to be used for agriculture.
- 2.2 Temporary landscape bunds are proposed within the site while the reservoir is being restored to screen the operations from view and to minimise any noise emissions. The hours of operation proposed are 7am to 6pm Monday to Friday and 7am to 1pm on a Saturday with no operations proposed outwith these times.
- 2.3 The inert material will be imported by lorry and the maximum number of vehicles proposed on any one day is 60. Originally, it was proposed to take direct access to the site from Muttonhole Road but this has since been amended with access now proposed from Newhousemill Road. A separate planning application P/19/1038 has been lodged for this access and is subject of a separate report on the agenda for this Planning Committee meeting. In detail, vehicles will enter the site from the northwest via an internal haul road, cross a weighbridge and then offload within a proposed area of hardstanding for sorting for reusable material. The reusable material will then be exported via lorry with the remaining non-reusable material being used for the infilling of the reservoir. The material used for the restoration shall be handled by a digger and bulldozer. Only inert construction waste is proposed to be imported to the site and, separate to any planning permission, the applicant will also require to obtain a Waste Management Licence from SEPA for the proposed operations.

- 2.4 Members will recall that this application, together with that relating to the access to the site, was originally reported to the Planning Committee meeting of the 8 October 2019 with a recommendation to grant consent. Following discussion on the proposals, during which concerns were raised by members about the impact on road safety on the local road network, the application was deferred to allow further information to be submitted on the routing of HGV traffic on Sydes Brae to the A725, proposals to prevent mud being deposited on the road and traffic management issues. Members also requested further information regarding potential leaching from the site into the surrounding water table and water courses. The further information has been submitted and is described and assessed elsewhere in the report.

### **3 Background**

#### **3.1 National Policy**

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 recognizes that waste can be considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralized network of waste processing facilities and, through effective waste management, create a sustainable legacy for future generations.
- 3.1.2 Scottish Planning Policy sets out a series of policy principles for achieving the zero waste policy Scotland has adopted through the National Zero Waste Plan 2010 (ZWP). SPP promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal.
- 3.1.3 The proposals are for the management of inert building waste either to be reused within the construction industry or to be recycled as infill material for the restoration of a former reservoir and, therefore, it is considered that the proposals meet the waste strategy set at a national level through SPP and NPF3. It is, therefore, considered that, at a national level, the proposals comply with waste policy and, therefore, do not require to be further assessed within this high level context.

#### **3.2 Development Plan Status**

- 3.2.1 The approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth. It has a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 11 reiterates the Scottish Government's waste hierarchy of prevention, reuse, recycling, energy recovery and waste disposal.
- 3.2.2 Again, as with para 3.1.3 above, it is considered that the proposals are in line with the GCVSDP's strategic level waste policy and, therefore, there is no further requirement to be assessed against the GCVSDP.

- 3.2.3 The South Lanarkshire Local Development Plan (SLLDP) was adopted on 29 June 2015 and contains the following policies against which the proposal should be assessed:
- Policy 1 Spatial Strategy
  - Policy 3 Green Belt and Rural Area
  - Policy 4 Development Management and Placemaking
  - Policy 15 Natural and Historic Environment
  - Policy 16 Travel and Transport
  - Policy 17 Water Environment and Flooding
  - Policy 18 Waste
- 3.2.4 The following approved Supplementary Guidance and Non Statutory Planning Guidance documents support the policies in the SLLDP and also require assessment:
- Supplementary Guidance 1: Sustainable Development and Climate Change
  - Supplementary Guidance 3: Development Management, Placemaking and Design
  - Supplementary Guidance 9: Natural and Historic Environment
  - Minerals Non Statutory Planning Guidance 2017
- 3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report.
- 3.2.6 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In this instance, the following policies are relevant:
- Volume 1
- Policy 1 Spatial Strategy
  - Policy 4 Green Belt and Rural Area
  - Policy 5 Development Management and Placemaking
  - Policy 14 Natural and Historic Environment
  - Policy 15 Travel and Transport
  - Policy 16 Water Environment and Flooding
  - Policy 17 Waste
- 3.2.7 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.
- 3.3 Planning Background**
- 3.3.1 The reservoir was originally constructed circa the 1850s to serve Hamilton District but after the district's water supply was upgraded it became redundant and it has not been used for that purpose since before the 1970's. In the 1970's Strathclyde Regional Council used the site for the deposition of materials from work arising from further upgrades of the surrounding water supply system. Following this, the site has lain vacant.
- 3.3.2 In 2009, planning permission (HM/09/0009) for the restoration of the former reservoir to provide rough grazing land with associated ecological improvements through the

formation of earthworks by placement, processing and grading of imported materials was refused due to a lack of information on the proposals' impact in terms of noise and the road network as well as the lack of provision of a restoration bond. This application was submitted by a waste disposal company that has since entered administration (circa 2014) and the current applicant has purchased the site from the administrators.

- 3.3.3 As part of this current application, access to the site was proposed from Muttonhole Road. Following discussions with the Council's Roads Development Management Team and the carrying out of a road safety audit, access is now proposed via Newhousemill Road. As a result, a separate associated planning application (P/19/1038) was required for this new access into the site from Newhousemill Road (as it is outwith the current planning application boundary). This 'access' application requires to be assessed in conjunction with this 'main application'.
- 3.3.4 As the proposals constitute a major application the applicant was required to carry out statutory pre-application consultation (PAC). The applicant has submitted a statement setting out the publicity that was carried which included a public event at Hilhouse and Earnock Community Centre on 13 October 2016 and the responses that were received in response to the publicity.

## **4 Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – had concerns regarding the proposed access from Muttonhole Road. Following discussions and the subsequent submission of a stage 1 Road Safety Audit (RSA) with a new proposed access and haul road from Newhousemill Road, Roads and Transportation Services are now content with the proposals subject to the proposed new access being created in line with the RSA. Conditions should also be imposed to control access drainage, maintenance of visibility splays and a Construction Traffic Management Plan. A legal agreement is also required to ensure that financial compensation is provided for any additional wear and tear of the public road network associated with these proposals. A condition for the installation of an automatic traffic counter on the access road is also required in relation to the financial contribution.
- Response:** Noted. A separate associated planning application has been submitted seeking consent for the new access (P/19/1038). As these applications are linked, they require to be assessed in tandem to ensure the development can be effectively controlled. Conditions relating to the provisions of the RSA, access drainage, Construction Traffic Management Plan, visibility splays and traffic counters are, therefore, recommended for both applications. The legal agreement would also require to be attached to both planning applications.

Following the deferral of the report at the earlier Planning Committee, the applicant has carried out a full review of the existing road layout and geometry of Sydes Brae. Swept path analysis demonstrates that the full section of Sydes Brae between its junction with the A725 and the access to South Lanarkshire crematorium is able to accommodate two way HGV traffic. A similar access for the stretch of road between the crematorium access and the access to the application site identified two bends and a further pinch point where there is currently potential that HGVs could not pass each other. Proposals have been submitted showing road surface widening. Roads and Transportation Services are content that the road widening would ensure that the full length of Sydes Brae would be capable of allowing 2 HGVs to pass each other. The road widening works would form part of the obligations within the required legal agreement if planning permission were to be approved.

With regard to addressing concerns about the deposit of mud on the public road, condition 13 on the paper apart requires details of wheel cleaning facilities to be agreed before work starts on site. The applicant has confirmed that they would provide adequate wheel cleaning facilities within the site to ensure that vehicles' wheels would be cleaned before exiting the site. Condition 15 requires the applicant to ensure that mud would not be deposited on the public road. The applicant has confirmed that, as well as the wheel cleaning required under condition 13, they would ensure all laden lorries are sheeted when travelling to or from the site. The applicant has also confirmed they would employ a road sweeper, if required. Condition 10 requires the submission of a Traffic Management Plan for approval before the site becomes operational. This can cover a range of matters including the above. The applicants have advised that all the vehicles have tracking systems and cameras to provide information on loads, routing and speeds. In addition, the TMP will include a commitment to liaise with the manager of the crematorium in order to discuss details of traffic management. In view of this, Roads and Transportation Services are content with these proposals subject to them being incorporated within the information required by conditions 10, 13 and 15.

- 4.2 **Environmental Services** – have no objections subject to conditions relating to the implementation of the mitigation contained within the submitted Noise Impact Assessment and the provision of a dust management scheme.

**Response:** Noted. Conditions relating to the implementation of the mitigation recommended within the submitted Noise Impact Assessment and the provision of a dust management scheme are included within the recommendation.

- 4.3 **SEPA** – originally objected on a lack of information relating to flood risk. Following the submission of a Flood Risk Assessment (FRA), SEPA have removed their objection and are content with the findings of the FRA. SEPA have requested that a condition is imposed on any permission requiring the submission of an infill strategy for the site in relation to the hydrology of the site and surrounding area.

**Response:** Noted. The applicant has discussed the required infill strategy with SEPA and note this would be a condition of any permission. This requirement forms part of the recommendation.

- 4.4 **The Coal Authority** – notes that part of the site is within a Coal Authority High Risk area and a Coal Risk Assessment (CRA) was submitted as part of the application. The Coal Authority is content with the findings of the CRA and has no objections or conditions to recommend.

**Response:** Noted.

- 4.5 **SNH** - No comments to make.

**Response:** Noted.

- 4.6 **WOSAS** – note that, in archaeological terms, the reservoir was constructed in fairly recent times (1850s) and, therefore, it is unlikely that the site will hold any archaeology of significance. As such, WOSAS have no further comments or recommendations to make.

**Response:** Noted.

- 4.7 **Roads and Transportation (Flood Risk Unit)** – no objections subject to the imposition of conditions to comply with the Council's Design Criteria, complete the necessary forms and provide the required information prior to commencement on site.



**Response:** Noted. The required conditions form part of this recommendation.

- 4.8 **SP Energy Networks** - have held discussions with the applicant and can confirm that the proposals do not affect any of their infrastructure. Therefore, they have no further comments to make.

**Response:** Noted.

- 4.9 **Countryside and Greenspace** - No comments to make.

**Response:** Noted.

- 4.10 The following consultees had no comments to make on the proposed amendments:

British Telecom  
Amey Highways Ltd  
National Grid UK

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised under Schedule 3 – nature or scale of development and for the non-notification of neighbours in the Hamilton Advertiser on 12 January 2017. Following this advertisement 18 letters of representation have been received from 15 separate parties, including Councillor Graeme Horne and the Earnock Residents' Association with the following concerns:-

### **a) The suitability of the surrounding public road network for HGV Traffic.**

**Response:** The proposals originally involved the formation of an access from Muttonhole Road. Following the carrying out of a Road Safety Audit (RSA), the proposed new access is proposed to be from Newhousemill Road. Roads and Transportation Services (Development Management) are content with the findings of the RSA and that the public road network is suitable for the proposed use. A separate planning application has been submitted and will be considered elsewhere on the agenda. If planning permission for the infilling and material recovery is approved, the Council would seek to enter into a legal agreement to ensure that the applicant contributed towards the extraordinary wear and tear on the local road network as a result of the proposed development.

### **b) Road Safety.**

**Response:** As referenced in a) above a Road Safety Audit has been carried out and Roads and Transportation Services are content with its findings in relation to the proposals. It is also noted that the concerns were raised in relation to an access being taken from Muttonhole Road. Following discussions with Roads and Transportation Services, it was considered, on road safety grounds, that an access from Newhousemill Road was more suitable for the traffic generated by these proposals and this is subject to a separate planning application. In addition, further analysis of the ability for HGVs to pass each other on Sydes Brae has been carried out. This has shown that localised road widening is required to ensure this is the case.

### **c) The development has the potential to result in mud and debris being carried out onto the public road, causing road safety issues.**

**Response:** Noted. If planning permission were granted, planning conditions would be imposed to ensure the applicant installed appropriate measures, such as wheel cleaning facilities, to ensure mud and debris is not carried out onto the public road.

**d) Noise, dust and odour.**

**Response:** A Noise Impact Assessment (NIA) was submitted as part of the planning application. Environmental Services were content with the potential noise levels that would be generated from the development and, subject to the mitigation proposed within the NIA (involving the creation no noise bunds), considered that the proposals would not have a detrimental impact upon the amenity of the area. A dust management scheme would be required to be approved and implemented as such for the lifetime of the operations proposed and a condition requiring this is attached to the recommendation below. The application is for the importation of inert, construction waste (aggregate, stone etc.) and there is no odour associated with this type of waste.

**e) Potential contamination of surrounding water courses and water tables.**

**Response:** A hydrological assessment and Flood Risk Assessment formed part of the planning submission. SEPA and the Council's Flooding Team both have no objections on hydrological grounds subject to the use of appropriate conditions relating to drainage.

**f) The timing of the application being submitted during a holiday period.**

**Response:** The timing of a planning submission is not a material consideration in the assessment of an application, however, the Council did not advertise the application until almost 2 weeks after the holiday period in order to make allowances for these holidays and accepted representations received after the statutory expiry date. The applicant did not object to the Council doing this.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

## **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 approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance. Whilst not part of the development plan, the Non-statutory Planning Guidance on Minerals, 2017 also has policies that are a material consideration in the assessment of this application.
- 6.2 As noted in 3.2.2 above, the proposed changes are not of a strategic significance that requires any further assessment under the GCVSP. Also, as noted in 3.2.5 above, on 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. In terms of assessment, LDP2 is only referenced below if there is a change in policy context from the adopted SLLDP.
- 6.3 The SLLDP's overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' SLLDP Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The

application is located within land designated as Green Belt within the SLLDP and is, therefore, required to be assessed against Policy 3 'Green Belt and Rural Area'. Policy 3 states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. It is considered that, whilst waste management would not normally be considered a rural industry, in this instance, as it relates to the restoration of a former reservoir, it is an acceptable use in this instance given the temporary nature of the works and that the site will be restored to agricultural land. It is, therefore, considered that the principle of the development meets with the relevant criteria of this policy without undermining the strategy of the Green Belt and Rural area. The proposals, therefore, comply with Policies 1 and 3 of the SLLDP subject to meeting other development management criteria as assessed below.

- 6.4 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should, among other things, have no significant adverse impacts on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development proposals should take account of and be integrated within the local context and landscape character and, where possible, should include measures to enhance the environment. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.5 The application submission contained a noise impact assessment demonstrating that the proposals would not create noise levels that would be considered detrimental to any neighbouring receptor. The rural location of the site and the nature of the reservoir being a low lying bowl would mitigate any potential noise or visual impact of the proposals. Additional screening bunds are proposed to further minimise any noise or visual impact that could be created by the proposals. Environmental Services agree with the findings of the noise impact assessment subject to the mitigation measures (screening bunds) being implemented. In addition to providing noise screening, the bunds will be seeded to ensure they also screen the proposals from view and are not visually intrusive on the surrounding landscape. The restoration proposals to infill the reservoir bowl and create agricultural grazing land are considered to be suitable in the surrounding landscape context where agriculture is the prevalent use. The proposed restoration contours have been designed to fit in with the surrounding topography to ensure the completed scheme does not look artificial within the landscape. It is considered that, as with other projects of this nature, a restoration bond or other financial guarantee should be conditioned to any permission to ensure that the proposed restoration can be completed as approved. It is, therefore, considered that, subject to the recommended mitigation conditions attached to this report, the proposals accord with the development plan criteria in this instance.
- 6.6 SLLDP Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected designations. Table 6.1 of the SLLDP defines the designations within each category but they can generally be summarised as Category 1 (International), Category 2 (National) and Category 3 (Local). SLLDP Policy 15 states that development within or likely to affect the integrity of Category 1 sites will not be permitted. Development which will have an adverse effect on Category 2 sites or a significant adverse effect on Category 3 sites will only be permitted where it adheres to a number of tests.
- 6.7 As noted in 1.4 above, the nearest designated sites are over 1.4km and 1.8km away from the application site and it is considered that the proposals would have no effect on their designations. An ecological survey was carried out and submitted as part of the planning application. No protected species were found on site and, given the

previous use of the site as a reservoir and then its use for inert waste disposal by Strathclyde Regional Council, the ecological value of the site was considered to be low. Following a review of the findings of the ecological surveys, SNH stated that they were content with the surveys and had no further comment on the proposals. It is, therefore, considered that in relation to natural and ecological designations, including protected species, the proposals would not have any detrimental effect and accord with the relevant criteria of the development plan in this regard.

- 6.8 SLLDP Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's 'Guidelines for Development Roads'. It is proposed to import a maximum of 300,000 tonnes of inert material into the site per annum with approximately 40% of this material estimated to be reused and exported from the site. A Transport Assessment was submitted based on this maximum importation rate. However, it should be noted the importation rate is based on the applicant being able to source this amount of inert construction material every year and it is considered unlikely that this would be sourced at this level every year. Notwithstanding, all assessments have been made based on this maximum capacity. The original proposals involved an access coming off Muttonhole Road. Following discussions with Roads and Transportation Services, a local road survey and a Stage 1 Road Safety Audit being carried out, it was considered that the proposed access off Muttonhole Road was unsuitable in terms of road safety. The applicant then proposed taking access from the other side of the reservoir site, off Newhousemill Road with a 'ghost' right hand junction for vehicles turning into the site. As this access is outwith the current application site, a separate associated planning application (P/19/1038) has been submitted and an assessment of both applications has been carried out in tandem. A report on that application is on the agenda for this Planning Committee. A full assessment of the road safety implications of those proposals is made in that report. Overall it concludes that, subject to localised road widening on Sydes Brae and the use appropriate conditions, there are no road safety concerns.
- 6.9 SLLDP Policy 17 'Water Environment and Flooding' states that, in relation to the water environment, development proposals outwith flood risk areas must accord with supplementary guidance. Supplementary Guidance 1: 'Sustainable Development and Climate Change' (SG1) supports the objectives of SLLDP Policy 2 and provides further guidance on a number of environmental issues, including the water environment, flooding and drainage. Policy SDCC2 Flood Risk states that, in accordance with the precautionary principle and the risk framework set out within the SPP, South Lanarkshire Council will seek to prevent any increase in the level of flood risk by refusing permission for new development where it would be at risk from flooding or increase the risk of flooding elsewhere. Policy SDCC3, Sustainable Drainage Systems, states that any new development should be drained by an appropriately designed sustainable drainage system.
- 6.10 The application site is not on a known flood plain and SEPA have not raised any objection in relation to flooding following the submission of a Flood Risk Assessment. The Council's Flooding Team has no objections to the proposals subject to the use of sustainable drainage on site for surface water and that their documentation required under the terms of their design criteria guidance is completed and submitted. In terms of groundwater, SEPA are content that the infill proposals can be worked without creating any potential material infiltration of the water table and have requested an infill strategy to ensure that the full details of the progress of the infill are set out to ensure that there are no deviations to the proposals that could potentially affect groundwater. It is considered that, subject to the imposition of the aforementioned conditions, the proposals comply with the criteria of the development plan in this instance.

- 6.11 SLLDP Policy 18 'Waste' states that, in general, waste management facilities and transfer stations will be directed to employment land unless other material considerations indicate otherwise. As referenced in paragraphs 6.2.1 and 6.2.2, the proposals are related to the restoration of a former reservoir and, therefore, are location dependent rather than being able to be located elsewhere. It is, therefore, considered that the location of the site is considered acceptable under these terms and, as such, is not in conflict with Policy 18.
- 6.12 Policies SDCC11 and SDCC12 provide further guidance in support of SLLDP Policy 18. SDCC12, in particular, sets buffer zones for specific types of waste management facilities. In this instance, it is considered that the closest type of waste management facility these proposals relate to in the SDCC12 criteria is for recycling which sets a minimum distance of a 100m from the site to any sensitive receptor. In this instance, the nearest sensitive receptor is 150m from the site boundary and, therefore, the buffer zone criterion is not breached in this instance.
- 6.13 Whilst not part of the development plan, the Council's Non-Statutory Planning Guidance on Minerals (NSPGM) is a material consideration in the assessment of this application. The policies in the NSPGM specifically relate to minerals development, which these proposals are not, but there is also a specific NSPGM policy (MIN 10) that relates to aggregate recycling and re-use and is, therefore, relevant to these proposals. MIN 10 states that the Council will support proposals for the recycling and re-use of, among other things, mineral, demolition and construction material providing that the operations do not prejudice the reclamation or improvement of the site; there would be no significant adverse effect on local communities or the environment; the site is not too remote from the source of the material and that the proposals will not have an adverse impact on the local road network.
- 6.14 As outlined in section 6.2 above, it is considered that the proposals to re-use construction aggregate from the inert waste brought into site would not prejudice the infill and restoration of the reservoir and there would be a 40% success rate in re-use of materials during the restoration phasing. The site is not considered too remote in terms of being near settlements where demolition and other construction projects would exist to provide material for the site works and, as demonstrated within section 6.2, it is considered that the proposals would also not be detrimental to local communities, the environment or the local road network.
- 6.15 Finally, the proposed development has also been considered against the relevant policies in the proposed South Lanarkshire Local Development Plan 2 and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan. It is considered that the proposal also accords with the policies of the proposed plan.
- 6.16 In conclusion, it is considered that the proposed infill proposals are a positive enhancement on the landscape given that they would involve the reclamation of a former reservoir and create additional agricultural land with a suitable topography within the surrounding landscape. The on-site sorting and re-use of construction materials complies with national waste policy. Given the location of the site and the proposed screen bunding, it is considered that the operations will not have a detrimental impact upon the surrounding landscape nor affect the amenity of any sensitive receptors. Extensive survey work and discussions with the Council as Roads Authority have resulted in a suitable access arrangement being found that will not be to the detriment of road safety. It is, therefore, considered that the proposals, subject to the approval of the associated planning application P/19/1038, comply with the

development plan and other material considerations and, as such, it is recommended that planning permission be granted subject to conditions and a legal agreement.

## **7 Reasons for Decision**

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment or road safety subject to the attached conditions. It complies with Policies 1, 3, 4, 15, 16, 17 and 18 of the adopted South Lanarkshire Local Development Plan 2015, Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design, Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change and Policy MIN 10 of South Lanarkshire Council's Non-statutory Planning Guidance. Minerals 2017.

**Michael McGlynn**

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

Date: 22 January 2020

### **Previous references**

- ◆ HM/09/0009
- ◆ P/19/1038

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert 12<sup>th</sup> January 2017

### **▶ Consultations**

Roads Development Management Team

SEPA West Region 06.03.2017  
and  
01.12.2017  
SP Energy Network 26.01.2017

Environmental Services 09.09.2019

RT Flood Risk Management Section 25.01.2017

Scottish Natural Heritage 21.12.2016

West Of Scotland Archaeology Service 22.12.2016

The Coal Authority Planning And Local Authority Liaison  
Dept. 16.01.2017

- ▶ Representations Dated:  
Mr & Mrs CK McGowan, 11 Dalton Hill, Earnock Estate,  
Hamilton, ML3 9DQ 06.01.2017

Margaret Clark, 3 Swift Bank, Earnock, Hamilton, ML3 8PX 08.01.2017

Margaret Clark, 3 Swift Bank, Earnock, Hamilton, ML3 8PX 08.01.2017

Brian J Wilshire, 15 Dalmellington Court, Earnock, Hamilton, ML3 9DA	09.01.2017
Norman and Helen Millard,	09.01.2017
Earnock Residents Association, 17 Durisdeer Drive, Hamilton, ML3 8XB	09.01.2017
Ms Gwen Moir, 5 Dalry Gardens, Hamilton, ML3 9ES	09.01.2017
James Pollock,	09.01.2017
Brian J Willshire, 15 Dalmellington Court, Earnock, Hamilton, ML3	09.01.2017
Jim Pollock, 142 Wellhall Road, Hamilton, ML3 9XW	09.01.2017
Cllr Graeme Horne, Hamilton West And Earnock	10.01.2017
John Clark, 3 Swift Bank, Hamilton, ML3 8PX	10.01.2017
Lynn Graham, 1 Aqua Avenue, Hamilton ML3 9BA	10.01.2017
Chris Bonnington, Earnock Builders	10.01.2017
K Nieson, 4 Swift Bank, Hamilton, ML3 8PX	10.01.2017
Earnock Residents Association, Margaret Clark (Secretary), 3 Swift Bank, Hamilton, ML3 8PX	10.01.2017
Isobel Ritchie, 5 Aqua Court, Hamilton, ML3 9BB	11.01.2017
Patricia and James Allan, 34 Dalton Hill, High Earnock, Hamilton, ML3 9DQ	25.01.2017

### **Contact for further information**

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455903

Email: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk)

### Conditions and reasons

01. That no vehicular access shall be taken from Muttonhole Road.

Reason: In the interests of road safety.

02. That all operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures and buildings shall be removed and the site restored in accordance with the conditions of this permission no later than 10 years from the date of this permission, unless otherwise approved in writing by the Council as Planning Authority.

Reason: In order to define the terms of the consent.

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

	Weekdays	Saturdays
Time of Opening	7.00 am	7.00 am
Time of Closing	6.00 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 by the Council as Planning Authority.

04. That no later than 3 months from the date of decision, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise approved in writing by the Council as Planning Authority;
- i) be granted in favour of the Council as Planning Authority
  - ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
  - iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
  - iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by on or behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
  - v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period unless other suitable multiple guarantee arrangements are agreed in writing by the Council as Planning Authority. For the avoidance of doubt, more than one guarantee may be agreed but any multiple guarantees shall cover the period from on or before



commencement and to 12 months after the end of the aftercare period without any break in cover.

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

Reason: In order to ensure satisfactory restoration

05. That before any material is imported into the site, an Infill Strategy shall be submitted for the written approval of the Council, as Planning Authority in conjunction with SEPA. Once approved, the Infill Strategy shall be implemented as such and maintained for the lifetime of the operations, hereby approved. For the avoidance of doubt the Infill Strategy will detail all infill on the site and demonstrate that the infill shall not be detrimental to the water environment and in particular the groundwater regime.

Reason: In the interests of Hydrology.

06. That no more than 300,000 tonnes of material shall be imported in any one year. For the avoidance of doubt the date of commencement shall constitute the start of the first year and each subsequent year shall recur from this date.

Reason: In order to control the importation rate.

07. That before any material is imported into the site a Stage 2 Road Safety Audit shall be carried out and submitted to the Council, as Planning Authority for further approval. Once approved all details within this Stage 2 Road Safety Audit shall be implemented in full and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

08. That automatic traffic counters shall be installed within the site to ensure all vehicle movements are captured. The information gained from these traffic counters shall be made available within 2 weeks of any request for them by the Council as Planning Authority. For the avoidance of doubt weighbridge records shall also be made available within 2 weeks of any request by the Council, as Planning Authority.

Reason: In the interests of road safety.

09. That before any work is carried out on site a Construction Traffic Management Plan shall be carried out and submitted to the Council, as Planning Authority for further approval. Once approved all details within this Construction Traffic Management Plan shall be implemented in full and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of road safety.

10. Prior to development commencing on site, a dust management and monitoring scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority. Monitoring results shall be readily available to Officers of the Council investigation adverse comments.

Reason: In the interests of amenity and air quality.

11. That before any work starts on site details of wheel wash facilities at the site to be provided for the duration of the infill and restoration activities shall be submitted to the Council as Planning Authority for approval. Thereafter all HGV's departing the site shall pass through the approved wheel wash facilities and shall be clear of mud and debris at all times before entering onto the public road network.

Reason: In the interests of road safety.

12. That the approved scheme for the mitigation of noise shown in the approved Noise Impact Assessment shall be implemented prior to the development being brought into use and where appropriate, shall be maintained in accordance with the approved scheme and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of amenity.

13. That before any work starts on site the operator shall submit details for the approval of the Council of measures to address the deposit of mud and debris on the public road. Thereafter, those measures shall be implemented in full following the written approval of the Council, as Planning Authority, and maintained as such for the lifetime of the development hereby approved.

Reason: In the interests of road safety.

14. That before any work starts on site, compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5 shall be submitted for the written approval of the Council, as Planning Authority and thereafter be carried out as approved for the lifetime of the development, hereby approved.

Reason: In the interests of drainage

15. The removal of any trees and the cutting of rough grasslands that could provide habitat for nesting birds will take place outside the bird breeding season (March to July 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 written approval of the Council as Planning Authority.

Reason: In the interests of protected species.

16. That within 5 years of the date of this permission, a final, full restoration and aftercare plan shall be submitted for the written approval of the Council as Planning Authority and thereafter the site shall be restored within the timescales as approved.

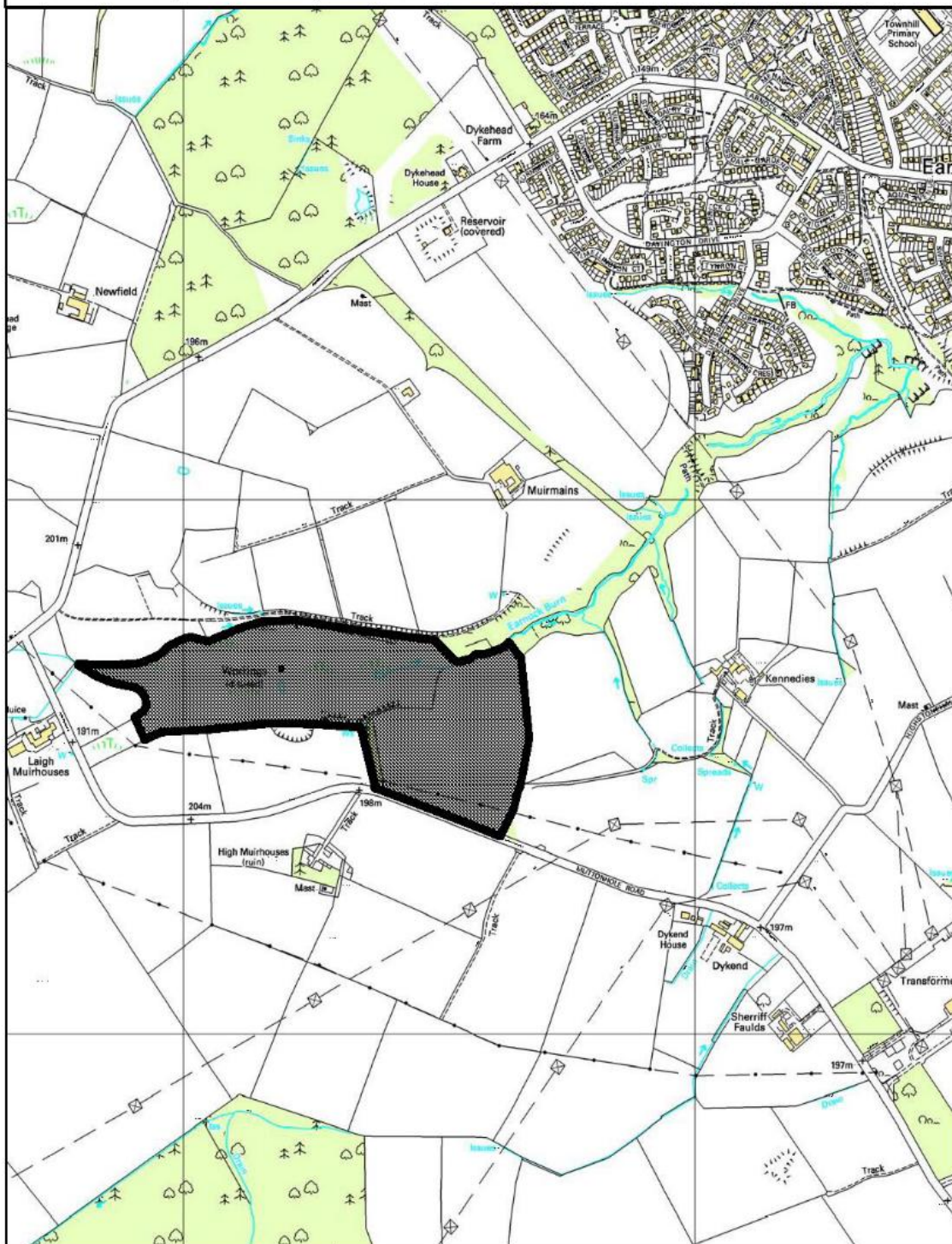
Reason: In order to define the terms of the consent.

17. That before any material is imported to the site, all screening bunds shall be formed as per the approved Noise Impact Assessment (December 2016) and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of controlling noise.

HM/16/0541

Wilbrae Reservoir, Muttonhole Road, Hamilton



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Scale:  
1:10,000  
Date:  
09/09/2019



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development