

PLANNING COMMITTEE

Minutes of special meeting held in Committee Room 1, Council Offices, Hamilton on 7 April 2005

Chair:

Councillor Graham Scott

Councillors Present:

David Baillie, Archie Buchanan, Tony Carlin, Sam Casserly, Pam Clearie, Cathie Condie, Gerry Convery, Jim Daisley, Alan Dick, Gerry Docherty, Jim Docherty, Allan Falconer, Tommy Gilligan, James Handibode, Carol Hughes, Hector Macdonald, James Malloy, Billy McCaig, Michael McCann, John McGuinness, Ian McInnes, Denis McKenna (Depute), Mary McNeill, Brian Reilly, Bob Rooney, Jim Wardhaugh

Councillors' Apologies:

Ian Gray, Tom McAlpine, Edward McAvoy, Alex McInnes, Chris Thompson

Attending:

Corporate Resources

L Paterson, Administration Officer; D Wilson, Administration Manager

Enterprise Resources

S Ferrie, Area Manager, Planning and Building Control (Clydesdale); M Little, Operations and Area Manager, Planning and Building Control (Hamilton); C McDowall, Head of Planning and Building Control; J McGuire, Assistant Transportation Engineering Officer; A Montgomery, Minerals Officer; L Murphy, Legal Manager

1 Declaration of Interests

No interests were declared.

2 Application Hearing CL/04/0670 – Northern Extension to Existing Broken Cross Opencast Coal Site Involving Extraction of Coal and Fireclay by Opencast Methods at Land at Auchmeddan and Moatmains Farms, Lesmahagow

A report dated 31 March 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/04/0670 by the Scottish Coal Company Limited for a northern extension to the Broken Cross Opencast Coal Site involving extraction of coal and fireclay by opencast methods at land at Auchmeddan and Moatmains Farms, Lesmahagow. Because of the substantial body of public interest in the proposed development, the opportunity of a hearing had been offered to the objectors to the proposal and the applicant.

The Committee heard:-

- .. C Ortlepp and D Purchase, on behalf of Scottish Coal, applicant
- .. S Samson accompanied by F Farrell, on behalf of Upperward Against Pollution and Douglas Community Council, objectors
- .. J Oliver, on behalf of Residents of Devonburn, objector
- .. A Robinson, objector

It was proposed that the Broken Cross northern extension would operate almost as a stand alone mining operation with separate store soils and overburden and that the interaction with the existing opencast coal site would be mainly confined to shared use of infrastructure and access facilities. The intention was to extract 900,000 tonnes of coal at an average output of 300,000 tonnes per annum and up to 50,000 tonnes of fireclay per annum. The application submission was supported by a full Environmental Statement addressing the potential impact of the proposal on the environment and the local communities.

The application had been assessed against the relevant policies and criteria contained in the Scottish Planning Policies, National Planning Guidelines, Glasgow and Clyde Valley Structure Plan and the Council's Lower Clydesdale Local Plan and Minerals Local Plan. Details of the assessment were provided in the report.

It was considered that the application was consistent with the terms of these documents.

The Committee decided:

- (1) that planning application CL/04/0670 by the Scottish Coal Company Limited for a northern extension to the Broken Cross Opencast Coal Site involving extraction of coal and fireclay by opencast methods at land at Auchmeddan and Moatmains Farms, Lesmahagow be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ the conclusion of a Restoration Guarantee Bond to cover the full costs of restoring the site and completing woodland planting, tree planting and formation of a wetland area
 - ◆ a Section 75 Agreement covering the following issues:-
 - ◆ contributions to the South Lanarkshire Council Rural Communities Trust
 - ◆ contribution to the ongoing employment of a Countryside Access Officer by South Lanarkshire Council
 - ◆ contribution to the ongoing employment of a Mineral Planning, Monitoring and Enforcement Officer by South Lanarkshire Council
 - ◆ tree planting at Devonburn between the site and houses and between houses and the M74
 - ◆ completion of the site restoration of Dalquhandy prior to commencement of works at Broken Cross north
 - ◆ site restoration including habitat creation
 - ◆ a habitat management agreement for the restored site
 - ◆ financial contributions towards site monitoring costs, particularly noise and dust
 - ◆ a Traffic Management Agreement taking account of increased traffic
 - ◆ a Section 48/96 Agreement to ensure that the public roads (B7078 and A70) were maintained to the appropriate standard for the duration of the site operations and to take into account the increased traffic
 - ◆ structural surveys of agreed neighbouring residential properties before, during and after site blasting operations throughout the operational life of the site
 - ◆ incorporation of the site into the existing Broken Cross Liaison Group
 - ◆ a commitment from Scottish Coal that they would not seek approval for further extensions towards Devonburn
 - ◆ the applicant being responsible for meeting South Lanarkshire Council's reasonably incurred legal fees in respect of the Section 75 and other related Agreements
- (2) that the application be referred to the Scottish Executive as the site area was greater than 100 hectares and 2 or more workings already existed or would exist within a time period of more than 2 years in an area within 5 kilometres of the proposed site.

3 Application Hearing CL/04/0827 – Southern Extension to Broken Cross Opencast Coal Site Involving Additional Soil Storage Areas, the Extraction of Coal and Fireclay from an Extended Extraction Area and a Revised Phasing and Restoration Scheme at Broken Cross Opencast Coal Site and Land at Tower Farm, Douglas Water, Lanark

A report dated 1 April 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/04/0827 by the Scottish Coal Company Limited for a southern extension to the Broken Cross Opencast Coal Site involving additional soil storage areas, the extraction of coal and fireclay from an extended extraction area and a revised phasing and restoration scheme at Broken Cross Opencast Coal Site and land at Tower Farm, Douglas Water, Lanark. Because of the substantial body of public interest in the proposed development, the opportunity of a hearing had been offered to the objectors to the proposal and the applicant.

The Committee heard:-

- .. C Ortlepp and D Purchase, on behalf of Scottish Coal, applicant
- .. S Samson accompanied by F Farrell, on behalf of Upperward Against Pollution and Douglas Community Council, objectors
- .. C Tennant, on behalf of objectors
- .. A Robinson, objector

The Head of Planning and Building Control advised in respect of Paragraph 2.6 of the report that the output of the site should show some 700,000 tonnes per annum of coal and that the number of HGV mineral vehicles leaving the site would average at 18 per hour during the working week.

The Broken Cross southern extension would represent a direct extension to the existing operational site both in terms of its physical progression, phasing and timescale and would use most of the existing infrastructure facilities at the site. The application submission had been supported by a full Environmental Statement which addressed the potential impact of the proposal on the environment and local communities.

The application had been assessed against the relevant policies and criteria contained in the Scottish Planning Policies, National Planning Guidelines, Glasgow and Clyde Valley Structure Plan and the Council's Lower Clydesdale Local Plan and Minerals Local Plan. Details of the assessment were provided in the report.

It was considered that the application was consistent with the terms of these documents.

The Committee decided:

- (1) that planning application CL/04/0827 by the Scottish Coal Company Limited for a southern extension to Broken Cross Opencast Coal Site involving additional soil storage areas, the extraction of coal and fireclay from an extended extraction area and a revised phasing and restoration scheme at Broken Cross Opencast Coal Site and land at Tower Farm, Douglas Water, Lanark be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ an amendment to Condition 14 which involved deleting the number "4" and substituting the number "18"
 - ◆ the conclusion of a Restoration Guarantee Bond to cover the full costs of restoring the site and completing woodland planting, tree planting and formation of a wetland area

- ◆ the conclusion of a Section 75 Agreement covering the following issues:-
 - ◆ contribution to the South Lanarkshire Council Rural Communities Trust
 - ◆ contribution to the continued employment of a Countryside Access Officer by South Lanarkshire Council
 - ◆ contribution to the continued employment of a Mineral Planning, Monitoring and Enforcement Officer by South Lanarkshire Council
 - ◆ completion of the site restoration of Dalquhandy prior to commencement of works at Broken Cross south
 - ◆ site restoration including habitat creation
 - ◆ a habitat management agreement for the restored site
 - ◆ financial contributions towards site monitoring costs, particularly noise and dust
 - ◆ a Traffic Management Agreement taking account of increased traffic
 - ◆ a Section 48/96 Agreement to ensure that the public roads (B7078 and A70) were maintained to the appropriate standard for the duration of the site operations and to take into account the increased traffic
 - ◆ structural surveys of agreed neighbouring residential properties before, during and after site blasting operations throughout the operational life of the site
 - ◆ incorporation of the site into the existing Broken Cross Liaison Group
- ◆ the applicant being responsible for meeting South Lanarkshire Council's reasonably incurred legal fees in respect of the Section 75 and other related Agreements

(2) that the application be referred to the Scottish Executive as the site area was greater than 100 hectares and 2 or more workings already existed or would exist within a time period of more than 2 years in an area within 5 kilometres of the proposed site.

4 Application Hearing CL/04/0877 – Extraction of Minerals (Coal and Fireclay) by Opencast Methods and Establishment of Development Platform, Amendment to the Submitted Mineral Extraction Scheme Involving the Deletion of Extraction Areas 2 and 3 and Associated Haul Roads, Soil Storage Areas and Water Treatment Area at Land at Poniel Farm and Adjoining Woodlands, South-west of Junction 11/M74, South Lanarkshire

A report dated 1 April 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/04/0877 by the Scottish Coal Company Limited for the extraction of materials (coal and fireclay) by opencast methods and the establishment of a development platform, amendment to the submitted mineral extraction scheme involving the deletion of extraction areas 2 and 3 and associated haul roads, soil storage areas and water treatment area at land at Poniel Farm and adjoining woodlands, south-west of Junction 11/M74. Because of the substantial body of public interest in the proposed development, the opportunity of a hearing had been offered to the objectors to the proposal and the applicant.

The Committee heard:-

- ◆ C Ortlepp and D Purchase, on behalf of Scottish Coal, applicant
- ◆ S Samson and F Farrell, on behalf of Upperward Against Pollution and Douglas Community Council, objectors
- ◆ S Cox, objector

The application submission was supported by a full Environmental Statement which addressed the potential impact of the proposal on the environment and the local communities.

The application had been assessed against the relevant policies and criteria contained in the Scottish Planning Policies, National Planning Guidelines, Glasgow and Clyde Valley Structure Plan and the Council's Lower Clydesdale Local Plan and Minerals Local Plan. Details of the assessment were provided in the report.

It was considered that the application was consistent with the terms of these documents.

The Committee decided:

- (1) that planning application CL/04/0877 by the Scottish Coal Company Limited for the extraction of minerals (coal and fireclay) by opencast methods and the establishment of a development platform, amendment to the submitted mineral extraction scheme involving the deletion of extraction areas 2 and 3 and associated haul roads, soil storage areas and water treatment area at land at Poniel Farm and adjoining woodlands, south-west of junction 11/M74 be granted subject to:-
 - ◆ the conditions specified in the Executive Director's report
 - ◆ conclusion of a Restoration Guarantee Bond to cover the full costs of restoring the site and completing woodland planting, tree planting, formation of the water body and the site for the built development proposals
 - ◆ the conclusion of a Section 75 Agreement covering the following issues:-
 - ◆ contribution to the South Lanarkshire Council Rural Communities Trust
 - ◆ contribution to the ongoing employment of a Countryside Access Officer by South Lanarkshire Council
 - ◆ contribution to the ongoing employment of a Mineral Planning, Monitoring and Enforcement Officer by South Lanarkshire Council
 - ◆ site restoration including habitat creation
 - ◆ a habitat management agreement for the restored site
 - ◆ financial contributions towards site monitoring costs, particularly noise and dust
 - ◆ a Traffic Management Agreement taking account of increased traffic
 - ◆ a Section 48/96 Agreement to ensure that the public roads (B7078 and A70) were maintained to the appropriate standard for the duration of the site operations and to take into account the increased traffic
 - ◆ structural surveys of agreed neighbouring residential properties before, during and after site blasting operations throughout the operational life of the site
 - ◆ confirmation that no further coal extraction would be sought or permitted within the site boundary area
 - ◆ confirmation that ground work restoration at the Dalquhandy site was largely completed prior to work commencing on the application site
 - ◆ a structural survey of the 'A' listed Hyndford Bridge
 - ◆ the applicant meeting South Lanarkshire Council's reasonably incurred legal fees in respect of the Section 75 and other related Agreements
- (2) that the application be referred to the Scottish Executive as the site area was greater than 100 hectares and 2 or more workings already existed or would exist within a time period of more than 2 years in an area within 5 kilometres of the proposed site.

Councillor Macdonald left during consideration of this item

A report dated 31 March 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/05/0054 by the Scottish Coal Company Limited for a variation to approved working scheme (variation to Conditions 3 and 11 of permission CL/98/0451 and prior consent under Conditions 5 and 6 of permission CL/98/0451) at Broken Cross Opencast Coal Site, near Douglas Water/Rigside.

The Committee decided:

that planning application CL/05/0054 by the Scottish Coal Company Limited for a variation to approved working scheme (variation to Conditions 3 and 11 of permission CL/98/0451 and prior consent under Conditions 5 and 6 of permission CL/98/0451) at Broken Cross Opencast Coal Site, near Douglas Water/Rigside be granted subject to the conditions specified in the Executive Director's report.

6 Application CL/04/0679 – Erection of Industrial Storage and Distribution, Specialised Retail and Office Use, Visitor Related Facilities, Associated Infrastructure and Landscaping (outline) at Poniel Holdings, South West of Junction 11/M74

A report dated 31 March 2005 by the Executive Director (Enterprise Resources) was submitted on planning application CL/04/0679 by the Scottish Coal Company Limited for the erection of industrial storage and distribution, specialised retail and office use, visitor related facilities, associated infrastructure and landscaping (outline) at Poniel Holdings, south west of Junction 11/M74.

The Committee decided:

that planning application CL/04/0679 by the Scottish Coal Company Limited for the erection of industrial storage and distribution, specialised retail and office use, visitor related facilities, associated infrastructure and landscaping (outline) at Poniel Holdings, south west of Junction 11/M74 be granted subject to the conditions specified in the Executive Director's report.

7 Urgent Business

There were no items of urgent business.