

	<h1>Report</h1>	Agenda Item <h2>3</h2>
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Report to: **Planning Committee**
 Date of Meeting: **1 December 2009**
 Report by: **Executive Director (Enterprise Resources)**

Application No EK/07/0169
 Planning Proposal: Extraction of sand and gravel

1 **Summary Application Information**

- Application Type : Mineral Application
- Applicant : David Gilliland
- Location : Greenfields of Avondale
Drumclog
Strathaven
ML10 6QF

2 **Recommendation(s)**

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

- (1) Refuse minerals planning permission (for the reasons listed below)

2.2 **Other Actions/Notes**

The Planning Committee has delegated powers to determine this application

3 **Other Information**

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ 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

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
 MP18: Transportation of Minerals
 MP19: Restoration and Aftercare Provision
 MP20: Restoration Guarantee Bonds
 MP21: Suitability of After-use Schemes
 MP28: Supporting Information
 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):

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

◆ Consultation(s):

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

West of Scotland Archaeology Service

British Telecom

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

Scottish Natural Heritage

Roads and Transportation Services (East Kilbride)

Planning Application Report

1 Application Site

- 1.1 The application site is located to the north east of Drumclog, accessed from, and immediately adjacent to the A71. The site is in agricultural use and is also used for an associated equestrian business.
- 1.2 Snabe sand and gravel quarry is located to the south of the application site, on the opposite side of the A71. A number of residential properties are located within proximity of the site, most notably 'Avonmhor' to the east and 'The Pleasance' and 'Snabe Farm' to the south. The area to the north, east and west of the application site is primarily used for agriculture purposes. The settlement of Drumclog is located 100m to the south west of the site.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the extraction of sand and gravel and the subsequent reinstatement to the existing use. It is estimated that the quarry would result in the extraction of 1,375,000 tonnes of sand and gravel, which would be extracted over a 5 year period (resulting in 275,000 tonnes per annum).
- 2.2 The site would be worked from west to east direction across the width of the site, excavating to a depth of 6.5m below the existing ground level. The development would also involve the construction of a compound, including site office and welfare facilities, weighbridge, car parking and settlement lagoons. The operation would be undertaken with mobile plant, including rinsing plant, separator, stockpiler, dewaterer, pumps, generator, wheeled shovels, tractor excavators and two dump tractor and trailers. The applicant proposes to invest the money generated by the development in further developing the equestrian business on the site.

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 Joint Structure Plan 2006 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 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 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 28 (MP28) "Supporting Information".
- 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. Policy 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 An equestrian reception and training building was approved in the north eastern corner of the application site through application EK/08/0061.

4 Consultation(s)

4.2 **West of Scotland Archaeology Service**: note one recorded site of possible significance directly affected by the proposal. Furthermore, the surrounding area is rich with remains for archaeological remains of pre-historic and later date. It would therefore not be unexpected to find further remains within the site. WOSAS therefore recommend that a prior archaeological evaluation of the proposal is undertaken prior to the determination of the application. However, should this not be possible, WOSAS recommend the use of a condition to control this.

Response: Noted. It is considered that this issue could be satisfactorily controlled through the use of condition, if planning permission was granted.

- 4.3 **Roads and Transportation (R&T):** note the lack of information submitted. R&T note that 100 lorry movements are anticipated each day over a 5 year period. A Transport Assessment is therefore requested to identify and quantify the impacts of the proposed development. Amendments to the proposal are also requested in relation to visibility splays, junction spacing, acceleration and deceleration facilities, and wheel wash facilities. As a result, R&T defer their position in relation to the application until these matters are addressed.

Response: Noted. Further information has been requested by the Council in relation to the impact of the proposed development; however this information has not been forthcoming.

- 4.4 **Environmental Services:** reserved their judgment of the application due to insufficient information. Environmental Services request a full comprehensive environmental impact assessment which covers issues such as noise, dust vibration and air quality.

Response: Noted. As noted in 4.3 above, further information has been requested but has not been forthcoming.

- 4.5 **Scottish Natural Heritage:** objects to the proposed development for the following reasons;

- *The potential impacts on natural heritage interests have not been fully assessed. Consequently, the proposal is at variance with the requirements of local planning policy in this regard*
- *The proposed development is likely to have adverse landscape and visual impacts*

The following information was deemed necessary by SNH to assess the application

- assessment of the potential ecological impacts
- assessment of the potential landscape and visual impacts, including cumulative impact

Response: Noted. As noted in 4.3 above, further information has been requested but has not been forthcoming.

- 4.6 **Scottish Environmental Protection Agency (SEPA):** raise no objections to the proposed development in principle, but raise concern with the lack of information submitted in support of the application. SEPA suggest that the following information should be provided to support the application;

- Mitigation and management plans with a full site specific method statement on construction methodology, site drainage and work practice
- Geological hydrological or hydro-geological information
- Assessment of potential risks to groundwater receptors
- Details of mitigation measures to protect the water environment
- Air quality assessment
- Details of waste implications of the site

Response: Noted. As noted in 4.3 above, further information has been requested but has not been forthcoming.

- 4.7 **Roads and Transportation Flood Prevention Unit:** note that details are required to detail measures to protect water courses affected by the proposed works. The FPU recommend that further details are submitted in relation to flood prevention works.

Response: Noted. As noted in 4.3 above, further information has been requested but has not been forthcoming.

- 4.8 **British Telecom:** raised no comments pertinent to the determination of the application.

Response: Noted.

5 Representation(s)

- 5.1 The application was advertised in accordance with Article 12(5) (Application Requiring Advertisement due to Scale or Nature of Operation). Neighbour notification was also carried out.

- 5.2 As a result of this publicity, 11 representations were received and the concerns raised are summarised below:

- a) **The proposed sand and gravel extraction would create a dust, noise and vibration nuisance. No assessment of these issues has been submitted.**

Response: The extraction of sand and gravel and the subsequent processing and distribution of the aggregate has the potential to cause nuisance in the surrounding area through noise, dust and vibration. An assessment of these potential impacts of the quarry was requested by the Council to inform a proper assessment of the application; however this has not been forthcoming. Mitigation measures can be employed on extraction site such as the proposed to minimise the impact of noise, dust and vibration on surrounding landuses, however no measures have been put forward by the applicant for the Council to consider.

- b) **Traffic to/from the site would be disruptive, causing noise, vibration etc. Traffic would also increase the potential for accidents on the A71.**

Response: A Traffic Impact Assessment (TIA), which would assess the capacity of the local road network and potential traffic impact of the development, was requested by the Council at the pre-application stage and again during the processing of the application. No TIA was however forthcoming from the applicant to enable the Council to properly assess the impact of the associated traffic.

- c) **The plant associated with the quarry would be unsightly, causing a visual impact.**

Response: As a result of topography and the orientation of the site in relation to the A71, the processing plant has the potential to be prominent in relation to the main road running through the area. No proposals have been put forward to screen or otherwise reduce the visual impact of the proposed quarry or associated plant, nor have the applicant submitted a landscape and visual assessment to estimate the potential impact within the surrounding area. Nevertheless, based on the information submitted and having regard to the presence of the neighbouring Snabe sand and gravel quarry, it would appear that the development might have the potential to have an adverse landscape and visual impact on the area.

- d) **The development would create a negative impact on the physical environment.**

Response: The application has not been submitted with sufficient information to assess the potential impact of the quarry operation on the environment. This issue is discussed further in Section 6 below.

- e) **The proposed development falls with Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 1999, and as such has the potential to comprise EIA development.**
Response: Environmental Impact Assessments are required to be undertaken for certain development which fall within either Schedule 1 of the EIA Regulations or Schedule 2 development which is likely to have significant effects on the environment by virtue of factors such as nature, size or location. The proposed quarry would be located within a site extending to 9.9 ha and therefore falls within Schedule 2. Consideration was given to the proposed development at a pre-application stage and it was considered that the development would not require an 'EIA', providing it was supported by information assessing the development's impact in relation to issues such as noise, dust, vibration, visual and transportation.
- f) **The proposed mineral extraction is within 250m of my house. This is not consistent with Policy MP11 of the adopted South Lanarkshire Minerals Local Plan 2002.**
Response: This issue is discussed within paragraph 6.14 below in relation to Policy MP11: Buffer Zones of the adopted South Lanarkshire Council Minerals Local Plan.
- g) **The operation is landlocked and runs the risk of flooding. The excavation is close to and below the level of the Snabe Stream. This could be detrimental to the flow of the water.**
Response: Snabe stream runs along the south west of the application site, through a culvert under the A71 to the south. The Council's Flood Prevention Unit and SEPA were consulted and both noted the lack of supporting information in relation to flooding issues. On the information submitted, SEPA note that the potential for flooding is small but the Flood Prevention Unit recommend SUDS is employed on site to mitigate against flooding. On this basis, whilst insufficient information is submitted to properly assess the potential for flooding, it may be possible to address flooding through mitigation measures.
- h) **The proposed development would create, in conjunction with the existing Snabe Quarry, a cumulative impact on the immediate area.**
Response: This issue is discussed within paragraph 6.14 below in relation to Policy MP15: Concentration of Mineral Workings of the adopted South Lanarkshire Council Minerals Local Plan.
- i) **There are no restoration plans submitted for the site.**
Response: The applicant proposes to re-establish grasslands, to be used for equestrian purposes. These restoration proposals are discussed in Section 6 below.
- j) **The proposed hours of operations are unacceptable. Operations should not be permitted on weekends nor as early as 7am on weekdays.**
Response: The applicant has proposed the following hours of operation; 7am to 5pm weekdays and 7am to 12noon on Saturdays. These hours of operation are consistent with other mineral extraction operations within South Lanarkshire, however an assessment of the potential noise generated by the proposed operation, in conjunction with other noise sources within the area, is required to make a proper assessment of these hours of operation. A noise assessment has been requested by the Council but has not been forthcoming from the applicant.

- k) **The proposed development would create a negative impact on water quality as a result of siltation. This will have a knock on effect on the river ecosystem.**

Response: As a result of the lack of information submitted with the application, it has not been possible to properly assess the impact of the development on the water quality of nearby watercourses and groundwater.

These letters have been copied and are available for inspection in the usual manner.

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 not possible to make a full and proper assessment of the proposed works in relation to its environmental impacts. In this respect, it has not been possible to fully assess the proposal against 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. Schedule 8 lists South Lanarkshire as a search area for sand and gravel extraction sites.
- 6.8 The application site is located within South Lanarkshire, and is therefore considered to be in accordance with the broad terms of Strategic Policy 8.
- 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 relates to development which exceeds the thresholds set out in Schedule 9. Schedule 9 notes that significant mineral extraction proposals are those over 2 hectares or 50,000 tonnes in locations outwith the search areas identified in Schedule 8. Schedule 8 notes the sand and gravel search area as South Lanarkshire. In that regard, the development of sand and gravel quarries within South Lanarkshire are not considered to be significant, in a strategic sense, and do not therefore require to be assessed in relation to part 9A.
- 6.11 Strategic Policy 9B(iv) seeks to safeguard environmental resources, including landscapes and ecological resources. No landscape and visual impact assessment has been provided. SNH object to the proposed development, citing potential landscape and visual impact and cumulative impact as a reason. Furthermore, no ecological impact appraisal was submitted by the applicant. The proposed development is therefore considered to be contrary to Strategic Policy 9B.
- 6.12 Strategic Policy 9C(iii) requires remedial environmental action and maintenance to be provided. The proposed restoration plan sets out basic restoration proposals, which consists of reinstating soils over the excavation areas. The restored landform would result in three 'bowls' which are approximately 6m deeper than the existing ground level. It is considered that the proposals would result in an unacceptable landform and is contrary to Strategic Policy 9C.
- 6.13 It is therefore concluded that the proposal is a departure from Structure Plan policy.
- 6.14 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. Insufficient information has been submitted in support of the application to allow a full assessment of the development.

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 application does not contain any assessment or conclusion in relation to the potential impact of the development on the landscape or visual amenity. Furthermore, SNH raise concern with regards to the potential landscape and visual impact of the proposed quarry, with particular reference to cumulative impact with the existing Snabe, Loudon Hill, Roughhazie / Roughdiamond quarries.

Whilst inadequate information has been submitted by the applicant in relation to the developments landscape and visual impact, on the information submitted it is considered that the proposed operation has the potential to create an unacceptable visual and landscape impact. It is therefore considered that the proposal is contrary to 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. As a result of lack of information, it is not possible to assess the proposed

development in terms of its impact on the water environment. Further information has been requested to address the requirements of this policy; however this information has not been forthcoming.

Policy MP9: Archaeological Sites seeks to safeguard potential archaeological reserves. The West of Scotland Archaeology Service note that the general area is rich with archaeological 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 could be conditioned, if the application was to be approved.

Policy MP11: Buffer Zones set acceptable distances between excavation activities, which involve blasting and non-blasting activities and sensitive landuses such as residential properties. Non-blasting quarrying activities should be located at least 250m from the nearest occupied dwelling. The initial plans put forward by the applicant did not include the necessary buffer zones. A further plan was however submitted demonstrating buffer zones round Drumclog to the west and Avonmhor Cottage to the east. No buffer was however provided between the extractive operation and 'The Pleasance' or 'Snabe Farm', as this would sterilise a significant area of the sand and gravel deposit. The applicant justified this by noting the existing Snabe Quarry is located within 250m of occupied dwellings, and therefore has set a precedent. Snabe Quarry was however granted planning permission prior to the adoption of the MLP, and no requirement for buffer zones were in place at that time. The submitted justification for the relaxation of this policy is not therefore accepted and the development is considered to be contrary to policy MP11.

Policy MP12: Impact on Communities seeks applications for mineral extraction to be assessed with respect the impact of the operation in relation to traffic, roads, noise, dust, visual impact, etc. Insufficient information has been submitted to enable the Council to fully assess the potential impacts of the proposed operation in relation to noise, dust, traffic and roads. On the information supporting the application, and as a result of the existing topography of the site, it is considered that the proposed operation could create an adverse landscape and visual impact, and, in conjunction with other operational quarries, a cumulative impact.

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. No information has been submitted to demonstrate a local community benefit from the proposed quarrying operation. Furthermore, insufficient information has been submitted to demonstrate that the development would not create a permanent effect on the environment. As a result, the application fails to demonstrate the benefits of the mineral workings and is therefore contrary to Policy MP13.

Policy MP14: Contributions encourages mineral operators to contribute 5p per tonne for sand and gravel to the South Lanarkshire Rural Communities Trust. The Council would seek to enter into a legal agreement with the operator if planning permission was approved.

Policy MP15: Concentration of Mineral Workings requires the cumulative impact of a concentration of mineral developments may have on a particular area or on existing road networks to be assessed. The application site is located within an area which accommodates a number of operational or consented sand and gravel quarries, located within both South Lanarkshire and East Ayrshire. Of particular note is the

operational Snabe Quarry, located on the opposite side of the A71. Insufficient information has been submitted in support of the application to address the potential cumulative impact of the proposed quarry. Notwithstanding this, the cumulative landscape and visual impact of the two adjacent quarries is considered likely to be unacceptable and the development is considered to be contrary to this policy.

Policy MP18: Transportation of Minerals seeks a Traffic Impact Assessment (TIA) to be submitted to support applications for mineral developments. A TIA was requested at the pre-application stage, and subsequently during the pressing of the planning application. No TIA was submitted in support of the application. As a result, the impact of the proposed operation on the environment and local road network could not be properly assessed and the application is contrary to Policy MP18.

Policy MP19: Restoration and After-care Provision seeks proper provision for the treatment of the site following completion of mineral extraction. The restoration proposals consist of the re-soiling and seeding of the excavation areas, to be used for equestrian purposes. However, the proposals will result in an engineered landform, out of keeping with the surrounding topography. The proposals are therefore contrary to this policy.

Policy MP20: Restoration guarantee bonds. If planning permission was to be granted, the Council would seek to enter into a restoration bond agreement with the operator.

Policy MP21: Suitability of After-use Schemes encourages operators to consider innovative proposals for after use schemes. The restoration proposal for equestrian use is considered appropriate, in principle, for the location.

Policy MP28: Supporting Information requires application for proposals which are not considered to constitute EIA development to be accompanied by a key issues statement on potential environmental impacts and detailed information relating to site geology and mineral interest, methods of working, layout of development, economic justification of the development, economic and employment implications of the proposals, measures to protect the local amenity, assessment of the potential impacts of the development and details of the restoration and aftercare of the site.

The applicant was requested by the Council on a number of occasions during the processing of this application to provide additional information to support the application. Insufficient information has been provided to comply with this policy, particularly in relation to existing environmental conditions, potential environmental impacts and mitigation measures to minimise these impacts. As a result, the proposed development put forward in this application is considered to be contrary to this policy.

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. Environmental Impact Assessments are required to be undertaken for certain development which fall within either Schedule 1 of the EIA Regulations or Schedule 2 development which is likely to have significant effects on the environment by virtue of factors such as nature, size or location. The proposed quarry would be located within a site extending to 9.9 ha and therefore falls within Schedule 2. Consideration was given to the proposed development at a pre-application stage and it was considered that the development would not require 'EIA', providing it was supported by information

assessing the developments impact in relation to issues such as noise, dust, vibration, visual and transportation.

Policy MP30: Protection of Landscape Features seeks to protect distinctive local landscape characteristics. The site does not accommodate any distinctive local landscape characteristics.

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 not been submitted in support of the planning application. An environmental report/survey was requested by the Council; however no report addressing the issue of noise has been forthcoming. As a result, the proposed development put forward in this application is considered to be contrary to this policy.

Policy MP33: Dust Assessment Study requires a dust assessment to be undertaken for all mineral development which should affect dust sensitive properties. An environmental report/survey was requested by the Council; however no report addressing the issue of dust has been forthcoming. As a result, the proposed development put forward in this application is considered to be contrary to this policy.

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 application is located adjacent to the A71, a main road running through the area. The potential visual intrusion created by the operation, particularly the cumulative impact in conjunction with other mineral workings in the area, could have an adverse impact on the A71, a main tourist route in the area.

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. If the planning application was approved, the Council would seek a legal agreement in relation to the provision of a restoration bond and contributions to the South Lanarkshire Quarries fund.

Policy MP38: Monitoring of mineral workings notes that the Council monitors the site to ensure the highest standards of environmental practice is adopted. If planning permission were granted, then appropriate monitoring procedures would 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. If planning permission were granted, then appropriate conditions could be put in place requiring the submission of an annual progress plan.

- 6.15 In light of the above assessment, the proposal is contrary to Policies MP5, MP11, MP13, MP15, MP18, MP19, MP28, MP32 and MP33 of the Minerals Plan.
- 6.16 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

cannot be fully established due to the lack of information submitted in support of the planning application.

- 6.17 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. As discussed above, there is insufficient information to enable a proper assessment of the development on neighbouring properties or settlements and the environment.
- 6.18 In light of the above, it is considered that the proposal cannot be fully assessed against the policy aims of the adopted South Lanarkshire Local Plan 2009.
- 6.19 In summary, insufficient information has been submitted to properly and fully assess the potential environmental impact of the proposed development. This includes its impact on sensitive properties and its potential to generate a cumulative environmental impact as a result of similar operations within the vicinity of the application site. The Council does seek to work with applicants during the assessment process. In this case, however, in view of the continued absence of information essential to that process, I recommend that planning permission be refused for the reasons detailed below.

7 Reasons for Decision

- 7.1 The proposal cannot be assessed favourably against the provisions of SPP4, PAN 50 or PAN 56. The proposal is also contrary to the terms of the Structure Plan and is contrary to Policies MP5, MP11, MP13, MP15, MP18, MP19, MP28, MP32 and MP33 of the adopted South Lanarkshire Minerals Local Plan 2002. In addition, the proposal cannot be assessed favourably against the policy aims of the adopted South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

24 November 2009

Previous References

- ◆ EK/08/0061

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
 - GRE/06/001
 - GRE/06/002
 - GRE/06/101
 - GRE/06/102
 - GRE/06/103
 - GRE/06/104
 - GRE/06/105
 - GRE/06/201
 - GRE/06/202
 - GRE/06/203
 - GRE/06/301

- GRE/06/302
- GRE/06/303
- GRE/06/401
- GRE/06/601

► Consultations

British Telecom	28/03/2007
Roads and Transportation Services (East Kilbride)	24/04/2007
West of Scotland Archaeology Service	01/05/2007
Roads & Transportation Services H.Q. (Flooding)	14/05/2007
Environmental Services	24/05/2007
S.E.P.A. (West Region)	25/05/2007
Scottish Natural Heritage	25/05/2007

► Representations

Representation from :	C F Brown, Ferguslea Drumclog ML10 6QF, DATED 20/12/2006
Representation from :	Mr. Stephen Davies, "Hillview" Drumclog Strathaven ML10 6QF, DATED 18/12/2006
Representation from :	William Filshie, Pleasance Drumclog Strathaven ML10 6QF, DATED 11/04/2007
Representation from :	Gillian Dunbar, Springholm Drumclog Strathaven ML10 6QJ, DATED 08/04/2007
Representation from :	Angela McLean & Martin Mitchell, Avonmhor Cottage Drumclog Strathaven ML10 6QF, DATED 08/04/2007
Representation from :	Stephen Davies, Hillview Drumclog Strathaven ML10 6QF, DATED 12/05/2007
Representation from :	Mono Consultants Limited, 48 St Vincent Street Glasgow G2 5TS, DATED 14/05/2007

Representation from : William Filshie, Pleasance
Drumclog
Strathaven
ML10 6QF, DATED 02/05/2007

Representation from : Gillian Dunbar, Springholm
Drumclog
Strathaven
ML10 6QJ, DATED 12/04/2007

Representation from : Mr. & Mrs. Cameron Brown, Ferguslea
Drumclog
Strathaven
Lanarkshire
ML10 6QF, DATED 12/04/2007

Representation from : John Limerick, Secretary
Avon Angling Club
20 Whinriggs
Stonehouse
ML9 3QX, DATED 12/06/2007

Contact for Further Information

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

Donald Wilkins
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REASONS FOR REFUSAL

- 1 The planning application is contrary to the terms of Policy MP5 of the adopted South Lanarkshire Minerals Local Plan (2002) in that based on the information submitted in support of the application; the development would create an unacceptable visual intrusion and landscape impact.
- 2 The planning application is contrary to the terms of Policies MP13, MP18, MP28, MP32, and MP33 of the adopted South Lanarkshire Minerals Local Plan (2002) in that it is not accompanied by adequate supporting information to allow for a full and proper assessment of the impacts of the proposal on the environment and the amenity of the surrounding area.
- 3 The planning application is contrary to the terms of Policy MP11 of the adopted South Lanarkshire Minerals Local Plan (2002) in that the proposed extraction area is located within 250m of existing occupied dwellings.
- 4 The planning application is contrary to the terms of Policy MP15 of the adopted South Lanarkshire Minerals Local Plan (2002) in that, based on the information submitted, it creates an unacceptable concentration of mineral operations.
- 5 The planning application is contrary to the terms of Policy MP19 of the adopted South Lanarkshire Minerals Local Plan (2002) in that the restoration and aftercare proposals would result in an inappropriate landform and are supported by insufficient information.
- 6 The planning application is contrary to the terms of Strategic Policy 9b of the approved Glasgow and Clyde Valley Joint Structure Plan 2006 in that inadequate information has been submitted to inform the full and proper assessment of the proposed extraction operation on the environment.
- 7 The planning application is contrary to the terms of Strategic Policy 9c of the approved Glasgow and Clyde Valley Joint Structure Plan 2006 in that the restoration proposals put forward would result in an unacceptable landform.
- 8 This decision relates to the following plans;
 - GRE/06/001
 - GRE/06/002
 - GRE/06/101
 - GRE/06/102
 - GRE/06/103
 - GRE/06/104
 - GRE/06/105
 - GRE/06/201
 - GRE/06/202
 - GRE/06/203
 - GRE/06/301
 - GRE/06/302
 - GRE/06/303
 - GRE/06/401
 - GRE/06/601

For information only

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