

Report

Report to:	Planning Committee
Date of Meeting:	1 May 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application No	CL/16/0170
Planning Proposal:	Phased Extraction of Sand and Gravel by Quarrying Methods, Erection of Associated Plant Site and Access Road

1 Summary Application Information

Application Type :	Mineral Application
Applicant :	Patersons of Greenoakhill Limited
Location :	Overburns Farm Lamington Biggar ML12 6HP

2 Recommendation(s)

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

- (1) Approve the planning application subject to Conditions (based on the conditions overleaf)

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:

- the establishment of a Technical Working Group (TWG) for the site

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: Pleydell Smithyman Limited
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 - Policy 1 - Spatial Strategy
 - Policy 2 - Climate Change
 - 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

Supplementary Guidance 1: Sustainable Development and Climate Change

SDCC 2 - Flood risk
SDCC 3 - Sustainable drainage systems
SDCC 4 - Water supply
SDCC 6 - Air quality

Supplementary Guidance 2: Green Belt and Rural Area

GBRA 1 - Economy/business related developments

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design

Non-Statutory Planning Guidance for Minerals

MIN 1- Spatial framework
MIN 2 - Environmental protection hierarchy - Category 1, 2 and 3 sites
MIN 3 - Cumulative impacts
MIN 4 - Restoration
MIN 5 - Water environment
MIN 7 - Controlling impacts from extraction sites
MIN 8 – Community benefit
MIN 11 - Supporting information
MIN 12 - Transport
MIN 13 - Legal agreements
MIN 15 - Site monitoring and enforcement

- ◆ Representation(s):
 - ▶ 295 Objection Letters
 - ▶ 1 Support Letters
 - ▶ 0 Comments Letters

◆ Consultation(s):

Scottish Government

Clydeplan Strategic Development Plan Authority

Countryside & Greenspace

Network Rail

RSPB Scotland

Roads & Transportation Services (Flood Risk Management Section)

Scottish Water

West of Scotland Archaeology Service

Scottish Tourist Board

SP Energy Network

S.E.P.A.

Transport Scotland

Symington Community Council

National Grid UK Transmission

Scottish Wildlife Trust

Environmental Services

River Clyde Fisheries Management Trust

Historic Environment Scotland

Scottish Natural Heritage

Roads Development Management Team

Estates Services

Duneaton Community Council

British Telecom

Planning Application Report

1 Application Site

- 1.1 The application site is located along the southern bank of the River Clyde, approximately 500m to the south of Symington, 1.3km to the west of Coulter and 2km to the north east of Lamington. The M74 motorway is located 11km to the west of the application site and Biggar is located 4.5km to the north east.
- 1.2 The site is located wholly in land designated as rural within the adopted South Lanarkshire Local Development Plan 2015 (SLLDP). The application site is also located within the Upper Clyde Valley and Tinto Special Landscape Area (SLA) and is designated as Prime Agricultural Land (PAL). The Tinto Site of Scientific Interest (SSSI) is located approximately 2km to the north of the site and an area of woodland classified under the Ancient Woodlands Inventory is located approximately 225m to the east of the application site.
- 1.3 The application site extends to approximately 60 hectares and is currently, predominantly in agriculture use. Access is proposed from the A702 Trunk Road, with a proposed access track leading from the road in a north, western direction before turning east into the full portion of the application site. The proposed access road is approximately 1.75 km in length and would require the formation of a new access point onto the A702. The application site extends in a north eastern direction with a meander of the River Clyde forming the northern boundary of the site. The eastern boundary and parts of the southern boundary of the site roughly follow the course of the Easterton Burn.
- 1.4 The majority of the application site is relatively flat and is located within the River Clyde's flood plain. The site rises slightly as the proposed access road meets the A702.
- 1.5 The closest individual residential properties are Langholm Farm, located 690m to the west of the application site, Broadfield Farm, located 660m to the west of the application site, Symington Mains, located 400m to the north of the application site, Nether Hangingshaw, located 600m to the east of the application site and Overburn Cottages, located immediately south of the new access road junction, on the other side of the A702.

2 Proposal(s)

- 2.1 The applicant seeks planning permission for the extraction of approximately 3,175,000 tonnes of sand and gravel from an extraction area of circa 34ha of the application site. It is proposed to extract the sand over a 10 and a half year period. A pre-extraction site set up period of circa 9 months and a final restoration period of around 12 months would result in a full development time period of approximately 12 and a half years. It is proposed to screen, wash and sort the sand and gravel on site for onwards distribution via the public road network.
- 2.2 It is proposed that the sand and gravel extraction would be worked in eight distinct phases. As each phase is exhausted, it is proposed to start soil stripping and overburden removal of the subsequent phase to be then used to back fill the previous phase. This allows for progressive restoration of the site and limits the area of land open to excavations at any one time. The sand and gravel proposed to be extracted extends below the natural water table within the site. It is the intention to 'wet' work the site rather than pump it dry and that groundwater encountered through the extractions would remain in situ as the excavations progress. The restoration

proposed is to create a land form that is naturally filled by ground water to create a water body over the majority of the excavation area. The average extraction depth throughout the site is approximately 8 metres which would also result in the proposed water body having the same average depth once filled with water.

2.3 The proposed phasing for the quarry is as follows:

- Site Preparation Phase – would last approximately 9 months and would include;
 - formation of a new access road and junction onto the A702,
 - establishment of the Plant Site, formed over an area of approximately 1.2ha in the southern part of the application site and would consist of:
 - Processing plant for crushing, screening, washing and sorting sand and gravel;
 - On site water management facilities for processing plant;
 - A stockpile area for sorted sand and gravel;
 - Portable building to provide office and staff welfare facilities;
 - Weighbridge and wheel cleaning facilities;
 - provision of electricity and other services to the operation;
 - initial soil strip and overburden removed from Phase 1 extraction,
 - establishment of advance screening bunds using stripped soil and overburden,
 - advance screen planting throughout application site,
 - installation of a field conveyor to transport sand and gravel from extraction areas to processing plant,
 - installation of stock proof fence adjacent to River Clyde,
 - advance works on the banks of the River Clyde, including, planting between the extraction area and the River Clyde of riverside flora to provide strength and stability to the bank and to reduce the risk of erosion and stabilize and strengthen areas of current, local bank erosion.
- Phase 1 (Extraction and progressive restoration) – involves an extraction area of 6.2 ha and works eastwards from the western boundary of the application site. It is proposed to win some 335,000 tonnes of sand and gravel from this phase over a 15 month period.
- Phase 2 (Extraction and progressive restoration) – involves an extraction area of 3.6ha and works east, along the southern boundary of the extraction area, from Phase 1. It is proposed to win some 240,000 tonnes of sand and gravel from this phase over a 9 month period. It is proposed to utilise this phase's soil and overburden on restoration levels for Phase 1.
- Phase 3 (Extraction and progressive restoration) – involves an extraction area of 5.2ha and continues to work east, along the southern boundary of the extraction area, from Phase 2. It is proposed to win some 300,000 tonnes of sand and gravel from this phase over a 12 month period. It is proposed to utilise this phase's soil and overburden on final restoration levels for Phase 1 and backfilling Phase 2.
- Phase 4 (Extraction and progressive restoration) – involves an extraction area of 5.1ha and continues from Phase 3 to the north to create an extraction area that covers the full north eastern tip of the extraction area. It is proposed to win some 470,000 tonnes of sand and gravel from this phase over an 18 month period. It is proposed to maintain this phase's soil and overburden to achieve this phase's restoration levels.

- Phase 5 (Extraction and progressive restoration) – involves an extraction area of 4.7ha and is a portion of land in the north, west of the extraction area adjacent to Phase 1. It is proposed to win some 535,000 tonnes of sand and gravel over a 21 month period. It is proposed to utilise this phase's soil and overburden on further restoration levels for Phase 3 as well as restoration levels within the phase.
- Phase 6 (Extraction and progressive restoration) – involves an extraction area of 4.8ha and works east, along the northern boundary of the extraction area, from Phase 5. It is proposed to win some 580,000 tonnes of sand and gravel from this phase over a 24 month period. It is proposed to utilise this phase's soil and overburden on further restoration levels for Phase 3 as well as restoration within the phase.
- Phase 7 (Extraction and progressive restoration) – involves an extraction area of 2.9ha and continues east from Phase 6 to the extent of the Phase 4 extraction works. It is proposed to win some 400,000 tonnes of sand and gravel from this phase over a 15 month period. It is proposed to utilise this phase's soil and overburden on further restoration of Phase 3 as well as restoration within the phase.
- Phase 8 (Extraction and progressive restoration) – involves an extraction area of 1.7ha and involves the removal of the extraction site's central field conveyor and working the underlying reserves through the 'spine' of the site. It is proposed to win some 315,000 tonnes of sand and gravel from this phase over a 12 month period. It is proposed to utilise this phase's soil and overburden on final restoration of Phase 3.

Final Restoration – involves final restoration of the site and is expected to last a further year following completion of phase 8. The proposed restoration is to create a naturally filled water body some 19.5ha in area. It is proposed to have several shallow, shingle bed areas along the southern shore of the water body with small islets and islands dotted also throughout the southern shore with 2 small islets also proposed on the northern shore. A 30m stand-off between the water body and the River Clyde is proposed as part of the restoration of the site. The stand-off will be vegetated with grass, shrubs and tree planting. The proposed stand-off land is to sit at 202.0m above Ordnance Datum (AOD) which is 0.5m higher than the proposed water level of the water body which is proposed to sit at 201.5m AOD. A footpath with viewpoints is envisaged to follow the full circumference of the water body and it will link into an access track in the southern corner of what would have been the extraction area which would link the site to the A702. Visitor car parking facilities are proposed within the Plant Site area. The restoration strategy proposed is to create a wetland habitat to encourage biodiversity and provide access opportunities for a community wildlife area. A 5 year aftercare period is proposed following final restoration of the site. It is proposed that a TWG would be established to take forward the ongoing consultation and reiteration of the restoration concept. Successful establishment of the restoration habitats would also be monitored through the TWG and adjustments to the proposals would be made where necessary.

Post restoration - It is proposed that following the aftercare period the site shall be designed as a recreational area providing picnic opportunities and areas for wildlife observation with the creation of additional habitats. It is proposed that a Technical Working Group be established for the restoration scheme. Successful establishment of the restoration habitats would also be monitored through the TWG and adjustments to the proposals would be made where necessary. It is proposed that members of interested conservation bodies and regulators would be invited to the TWG including representatives of SLC, SEPA, SNH, RSPB and the SWT. The applicant has noted a

desire for the site to come under the eventual management of a wildlife body such as the RSPB or SWT.

- 2.4 It is proposed that the site be worked between the hours of 07.00 – 19.00 hours, Monday to Friday and 07.00 – 13.00 hours on Saturday, with no working on Sunday. Exportation of material is proposed between 07.00 – 17.00 hours, Monday to Friday and 07.00 – 13.00 hours on Saturday. The applicant has stated that it is estimated that the quarry would provide employment for 15 full time employees over the 12.5 year lifetime of the site works, 7 quarry based staff (site management, mineral production and processing and office support) and 8 HGV drivers involved in the haulage of the minerals to the market place. Whilst not quantified, it is also stated that the quarry could create indirect employment in terms of goods and service supply.
- 2.5 As noted above, access and egress for the quarry would be via a new access road onto the A702 Trunk Road. It is proposed to extract a maximum of 320,000 tonnes per annum from the quarry which would result in 12,524 heavy goods vehicle trips (25,048 two way trips in and out of the site for each vehicle) each year. This would result in a daily trip generation of 44 (88 two way trips) over a working year. It is estimated that 60% of these vehicles would travel to/from the south of the Site (turning right onto the A702) for market areas connected via the M74. The remaining 40% are predicted to travel to/from the north of the site (turning left onto the A702) for Market Areas in central and eastern Scotland.

3 Background

3.1 National Policy and Guidance

- 3.1.1 Scotland's Third National Planning Framework (NPF3) states that minerals make an important contribution to the economy, provide construction materials, energy supply as well as supporting employment. NPF3 recognises that the rural landscape is not just a recreational resource but also has a vital role to play in providing minerals as construction materials.
- 3.1.2 Scottish Planning Policy 2014 (SPP), Planning Advice Note 64 (PAN 64) 'Reclamation of Surface Mineral Workings' and PAN 50 'Controlling the Environmental Effects of Surface Mineral Workings' are of particular relevance to the determination of this application. PAN 1/2011 'Planning and Noise' also provides additional advice on best practice for developments that may generate noise but should be read in tandem with PAN 50 for mineral developments.
- 3.1.3 Scottish Planning Policy (SPP) states that when assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration, and potential pollution of land, air and water.
- 3.1.3 PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings) with Annex A (Noise), B (Dust), C (Traffic) and D (Blasting) provides advice on all these issues and how they should be addressed when assessing mineral applications.
- 3.1.4 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.
- 3.1.5 PAN 1/2011 also establishes best practice, and the planning considerations that should be taken into account with regard to developments that may generate noise or developments that may be subject to noise.

3.1.6 All the national policy advice has been considered in the assessment section of this report.

3.2 **Development Plan**

3.2.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (Clydeplan) is the strategic development plan and has a strong focus on future growth and a broad spatial framework. Policy 15 Natural Resource Planning: Mineral Resources Spatial Framework states that an adequate and steady supply of minerals will be maintained, including a 10 year landbank of construction aggregates. In addition minerals development will be supported where they are in accordance with Clydeplan's Vision and Spatial Development Strategy and individual proposals balance economic benefit against the protection of the environment and local communities from potential impacts.

3.2.2 The adopted South Lanarkshire Local Development Plan 2015 (SLLDP) contains the following policies against which the proposal should be assessed:

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 3 Greenbelt 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

3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design

3.2.4 The approved Non-statutory Planning Guidance – Minerals (2017) contains the following policies against which the proposal should be assessed:

- Policy MIN1 – Spatial framework
- Policy MIN2 – Environmental protection hierarchy
- Policy MIN3 – Cumulative impacts
- Policy MIN4 – Restoration
- Policy MIN5 – Water environment
- Policy MIN7 – Controlling impacts from extraction sites
- Policy MIN 8 – Community benefit
- Policy MIN11 – Supporting Information
- Policy MIN12 – Transport
- Policy MIN13 – Legal agreements
- Policy MIN15 – Site monitoring and enforcement

3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report.

3.3 **Planning History**

3.3.1 The County Council of Lanark granted planning permission (P/M/60/980) for the extraction of sand and gravel for a portion of the application site in January 1961. At that time, the River Clyde had a substantial meander and followed the eastern boundary of the application site. The 1961 permission was connected to Symington Mains Farm. The works granted by this permission were completed in the 1960's. In

addition, the dredging of a stretch of the River Clyde immediately upstream of the application site was also undertaken during the late 1960's and early 1970's, under planning permission P/65/1070.

- 3.3.2 With regard to the current planning application boundary, this has been subject to previous applications and an appeal. A planning application for a sand and gravel quarry was first submitted in July 2009 (CL/09/0318). This application was refused as a result of insufficient information being submitted in support of the proposal to allow for its proper assessment. On the basis of the information submitted it was considered that the development was likely to cause an unacceptable landscape and visual impact, detrimentally impact on the River Clyde, through pollution and potential effects on the morphology of the water course, create an adverse impact on the local road network, create an adverse impact on tourism and recreation, and result in a permanent and irreversible loss of Prime Agricultural Land. It was also concluded that positive benefits to the local community would not be provided and that it would result in limited ecological benefits following restoration and aftercare. On this basis, the planning application was refused on 8th July 2010.
- 3.3.3 Following the refusal of the previous application, the applicant submitted a revised application (Ref: CL/11/0305) seeking to address the previous reasons for refusal. The revised application proposed to extract 3.3 million tonnes of sand and gravel over an 11 year period.
- 3.3.4 The planning application was refused at Planning Committee on the 27 March 2012. The reasons for refusal were;
1. Adverse impact on otters (a European Protected Species),
 2. Adverse landscape and visual impact
 3. Adverse impact on Water Environment, particularly the River Clyde
 4. Inappropriate final landform
 5. Loss of Prime Quality Agricultural Land (PQAL)
 6. Adverse impact on tourism and recreation
 7. Adverse impact on the environment and local communities
 8. Adverse impact on river morphology and inability to secure maintenance of river bank engineering solution.

In addition to the reasons for refusal, the Council took the view that there was a sand and gravel landbank of more than 10 years in South Lanarkshire.

- 3.3.5 The applicant appealed this refusal (DPEA Ref: PPA-380-2021) and after a Public Local Inquiry and Hearing the Reporter dismissed the appeal on 9 January 2013. The Reporter dismissed many of the Council's reasons for refusal: the Reporter, however, upheld that the proposed development would create an unacceptable landscape and visual impact. This was largely based on concerns over the unnatural, man-made appearance of the loch that would be left, adjacent to the River Clyde, following completion of the quarry operations.
- 3.3.6 In his decision the Reporter consequently dismissed refusal reasons 1, 3, 5, 6, 7 and 8 referred to above. The Reporter also concluded that there was not an identified land bank of permitted quarries within South Lanarkshire that were capable of meeting the identified need for sand and gravel over the next ten years.
- 3.3.7 Section 39 of the Town and Country Planning (Scotland) Act 1997 (as amended by Part 3, 15 of the Planning etc. (Scotland) Act 2006) precludes any 'similar application' being submitted to a Planning Authority within 2 years of any appeal decision.

- 3.3.8 This application, however, was not only submitted after the expiry of the 2 year period but also incorporates revised proposals for the restoration of the site specifically intended to address the concerns noted by the reporter over the appearance of the loch, following restoration, which formed the basis for the decision to dismiss the previous appeal.
- 3.3.9 Due to its nature and scale, the current planning application falls within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant has carried out the statutory Pre-Application Consultation (PAC) with the local community.
- 3.3.10 In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The following measures were taken by the applicant;
- 16/04/2015 – A copy of the Proposal of Application Notice was sent to South Lanarkshire Council, Duneaton Community Council, Biggar Community Council, Libberton, Quothquan and Thankerton Community Council and Symington Community Council,
 - 13/05/2015 and 20/05/2015 – A notice was displayed in the Lanark Gazette advertising the intention to hold a public event on 26th May 2015,
 - 26/05/2015 – A public event was held in the Symington Hall. Approximately 30 individuals attended the event, and 8 consultation responses were received by the applicant from attendees.
- 3.3.11 Having regard to the above, it is considered the applicant has met the statutory, legislative requirements for pre-application consultation with the community.
- 3.3.12 The application, by nature of its size (over 25 hectares), falls within the threshold of Schedule 1 of the Environmental Impact Assessment (EIA) regulations. Submission of an Environmental Statement (ES) is mandatory for all Schedule 1 developments. The applicant has therefore submitted a statement in tandem with this application, which expressly states that it is an Environmental Statement for the purposes of the EIA Regulations. The application was also advertised as an EIA development within the Lanark Gazette and the Edinburgh Gazette as required by The (then) Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2011. Whilst not affecting the processing of this application, it is worth noting that the 2011 Regulations have been superseded by The Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2017.
- 3.3.13 Whilst again an application for sand and gravel extraction, the applicant has stated throughout this planning submission that the design iteration, especially the restoration proposals takes cognizance of the Appeal Decision and that the proposal is therefore materially different from what was previously submitted.

3.4 Management of Extractive Waste

- 3.4.1 The Management of Waste from Extractive Industries (Scotland) Regulations 2010 (Waste Regs) require that all proposed mineral planning applications/ decisions must include a Waste Management Plan (WMP) or request for a waiver. The Waste Regs define 'extractive waste' as 'waste produced from an extractive industry and resulting from prospecting, extraction, treatment and storage of mineral resources and working of quarries'. Therefore in the case of this planning application the 'extractive waste' would constitute the overburden and soils dug out to extract the sand and gravel and the silts created from the washing of the sand and gravel. The proposals do not

involve the chemical processing of any minerals and therefore the silt is natural following the washing process.

- 3.4.2 In this instance the applicant is proposing to use silt and overburden to part fill the void from the sand and gravel extraction to create the restoration profile. The soil will then be utilised for the restoration of the dry area of the site. Regulation 8 of the Waste Regs states that the Planning Authority may, in granting planning permission, 'waive any further requirements of these Regulations' if the Planning Authority is 'satisfied that the extractive waste will be managed without endangering human health and without using processes or methods which could harm the environment'.
- 3.4.3 Taking account of the above and having reviewed the operational methods proposed the use of silt and the re-use of the over burden and soils for restoration is considered to allow for the suitable management of all on site extractive waste without endangering human health and without using processes or methods which could harm the environment (chemical washing). In addition as there are no other wastes that would require to be controlled by the Regulations, it is appropriate in this instance to allow a waiver from the WMP, should planning permission be granted.

3.5 Update

- 3.5.1 Members will recall that a report on this application was on the Agenda for the Planning Committee on 13 February 2018. A late representation was submitted asserting that the planning application was not in accordance with the Environmental Impact Assessment Regulations (as outlined in para 3.3.12 above) due to a perceived lack of details of a 'barrier' as required by Regulation 16 of The Quarries Regulations 1999. The late representation noted that if the application was approved at the Planning Committee of the 13 of February it would be likely that that a petition for Judicial Review would be raised. It also noted that if the 'barrier' requirement of the application was addressed the threat of Judicial Review would be withdrawn.
- 3.5.2 Following sight of this late representation the day before the Planning Committee meeting, the applicant, due to the threat of Judicial Review, requested that the application not be determined to allow them to address the late representation in relation to the 'barrier' requirement. Committee agreed to continue the application until a future meeting.
- 3.5.3 The applicant has now clarified that the 'barrier' for the quarry would comprise existing field fencing with signage, apart from on the boundary with the River Clyde, where the 'barrier' would comprise of a new, agricultural style fence, similar in style and height to the existing fencing, as described within the 'greenbank engineering' proposals within the Environmental Statement and Supplementary Environmental Information. Overall it is considered that the Environmental Statement has addressed the impact of the 'barrier' and, therefore, the application is in accordance with the relevant regulations.
- 3.5.4 It should also be noted that SEPA were re-consulted regarding the 'barrier' provision and reiterated that they had no objection to the proposals.

3.6 The Quarries Regulations 1999

- 3.6.1 The Quarries Regulations 1999 (Quarries Regs.) are the Health and Safety legislation that govern the operation of quarries within Scotland. Regulation 16 'Barriers' of the Quarries Regs. states that:

'The operator shall ensure that, where appropriate, a barrier suitable for the purpose of discouraging trespass is placed around the boundary of the quarry and is properly maintained.'

- 3.6.2 Regulation 16 states that the type of barrier required depends on the risks and that in a rural area where the risk of public access is low, hedges, trenches and mounds may be enough. Regulation 16 does not specifically define a 'barrier' within the Quarries Regs. Further guidance on 'barriers' surrounding 'danger areas' within quarries is provided within Regulation 22 'Danger Areas'. This regulation (175) notes that:
'No barrier can totally prevent access by a determined person, but barriers must:
a) clearly identify the boundary of the danger area;
b) make entry impossible without a conscious effort.'
- 3.6.3 The administration of these Regulations are the responsibility of the Health and Safety Executive (HSE) and not the Council, and therefore whether the proposed barrier is acceptable is a matter for HSE. Nevertheless it is considered that agricultural fencing with appropriate warning signage would appear to be an appropriate 'barrier' at this location in terms of the Quarries Regs.
- 3.6.4 As the proposals involve utilising existing agricultural fences it is considered that there could be no additional landscape or visual impact in relation to providing a barrier. With regard the proposed fencing on the boundary with the River Clyde, this has been an intrinsic part of the proposals (para 2.3 above) and therefore has been included within the landscape and visual assessment. The proposed fence would again be agricultural in nature to ensure it was typical of the rural setting of the area.

4 Consultation(s)

- 4.1 **Environmental Services** – provided comments with regards to the impact of the development in relation to issues of noise, dust/air quality and lighting. Environmental Services have stated that due to the rural nature of the site restricting operating hours to 7am to 6pm weekdays and 8am to 1pm on Saturdays are more suitable hours of operation. They raise no objections to the proposals, including the additional environmental information, subject to the use of conditions controlling noise limits and provision and maintenance of noise and dust management schemes.
Response: Noted. Conditions relating to noise limits and noise and dust management schemes form part of this recommendation, should planning permission be granted. It is also considered that the restriction on operating times proposed by Environmental Services is reasonable and further minimises any impact the proposals may have on the amenity of the surrounding area.
- 4.2 **Roads and Transportation Services** – note that the proposed access would be onto the A702 which is a Trunk Road and not therefore within the remit of South Lanarkshire Council but instead administered by AMEY South East Unit on behalf of Transport Scotland.
Response: Noted. Transport Scotland were consulted as part of this application and their comments are below.
- 4.3 **Transport Scotland** – have no objections to the proposals subject to the use of appropriate conditions regarding the proposed access being built to a specific standard and design and details of the construction phasing for the access and any temporary traffic management for the access works being submitted before any work starts on site.
Response: Noted. The conditions requested by Transport Scotland form part of the recommendation of approval.

- 4.4 **Roads and Transportation (Flood Risk Management Services)** – no objection subject to conditions to comply with the Council’s Design Criteria and to complete the necessary forms and provide required information prior to commencement on site.
Response: Noted. If planning permission is granted, a condition to address this matter shall be attached
- 4.5 **Scottish Environmental Protection Agency (SEPA)** – originally objected to the application on the grounds of flood risk and potential impact upon the morphology of the River Clyde. Following meetings with the applicant and the submission of additional environmental information relating to flooding and morphology, SEPA have removed their objection on both grounds. SEPA have further confirmed that the ‘barrier’ required under the Quarries Regs would not raise any concerns regarding flooding. SEPA have confirmed that the proposals do not raise any concerns regarding North American Signal Crayfish.
Response: Noted. The additional environmental information submitted included a ‘Water Environment Adaptive Management Plan’ (WEAMP) which details proposed mitigation and management measures to address the impact of the quarry on the water environment, including flooding and morphology. The recommendation of approval, therefore, includes a condition requiring all mitigation and management measures within the WEAMP be carried out as part of the development if approved.
- 4.6 **Scottish Natural Heritage (SNH)** – do not formally object to the application proposals but advise that they consider the restoration scheme would be an uncharacteristic feature within the surrounding area and therefore result in a significant adverse impact on landscape character as well as on views and visual amenity. SNH are content with the protected species studies carried out and are content with the proposed mitigation subject to conditions requiring final details of the mitigation to be approved before any development starts on site.
Response: Noted. Conditions relating to protected species form part of the recommendation. With regard to landscape and visual impact these concerns are assessed within Section 6 of this report.
- 4.7 **Network Rail** – originally objected to the application on lack of information relating to the morphology of the River Clyde and any potential impact this could have on railway infrastructure (mainly Lamington Viaduct). Following the submission of additional environmental information relating to morphology of the River Clyde, Network Rail have removed their objection to the proposals and have no further comments to make.
Response: Noted.
- 4.8 **Royal Society for the Protection of Birds (RSPB)** – have no objections to the proposals subject to a requirement for the establishment of a Technical Working Group (TWG) for the site, approval of a restoration management plan by the established TWG and provision of a restoration bond for the site. The RSPB also request the use of a condition to ensure that all vegetation clearance of the site takes place outwith the bird nesting season, which is between the end of March and mid July.
Response: Noted. The recommendation requires the formation of a TWG, further approval of a final restoration scheme, including after care management and the provision of an adequate financial guarantee to ensure the site can be restored. In addition the avoidance of the bird breeding season for vegetation clearance is included as a condition forming part of this recommendation.
- 4.9 **Countryside and Greenspace** – comments that the proposed landscaping appears acceptable in principle but require further information on landscaping to ensure any planting used is suitable and enhances biodiversity.

Response: Noted. Conditions requiring further approval of all landscaping and planting form part of this recommendation.

- 4.10 **Historic Environment Scotland** – state that the proposals do not raise historic environmental issues of national significance and therefore do not object.

Response: Noted.

- 4.11 **West of Scotland Archaeological Service** – state that the proposed development falls within an area of archaeological significance and therefore a programme of archaeological works is carried out prior to any mineral extraction commencing.

Response: Noted. A condition requiring the approval and then completion of a programme of archaeological works, prior to any mineral extraction, forms part of this recommendation.

- 4.12 **Scottish Government** – no comments to make.

Response: Noted.

- 4.13 **Duneaton Community Council** – object to the proposed development. Duneaton Community Council states that the site is located in an area well used for recreation and noted for its high quality scenery. They go on to state that they have concerns with regards to pollution and noise and dust for the local community. The Community Council refers to the potential impact on wildlife, impact of flooding and potential impact on tourism and rural jobs as other areas of concern.

Response: Noted. These issues are considered in the assessment section of the report in paragraphs 6.5.2 to 6.5.7, 6.5.18 to 6.5.31, 6.6.13 to 6.5.39, 6.5.32 to 6.5.36, 6.5.40 to 6.5.53 and again 6.5.2 to 6.5.7 respectively.

- 4.14 **Symington Community Council (SCC)** - whose boundary is shared with the development site, object to the proposed development. SCC state that their main areas of concern are noise and air pollution, Road Safety with HGVs using the A702, landscape and visual impact within an area of scenic value and impact on wildlife. Although SCC object to the proposed development they have stated that if approved they would wish hours of operation restrictions to be improved to 8am to 5pm Weekdays, 8am to 12pm Saturdays and no working on Sundays to ensure traffic does not travel through Symington and that a restoration bond is provided.

Response: Noted. These issues are considered in the assessment section of the report in paragraphs 6.6.13 to 6.6.21, 6.5.37 to 6.5.39, 6.5.18 to 6.5.31 and 6.5.32 to 6.5.36 respectively.

- 4.15 **Estate Services** – have no objections to the application as there are no Council assets affected.

Response: Noted

- 4.16 **Scottish Water** – No objections.

Response: Noted.

- 4.17 **SP Energy Networks** – No objections but note that they have infrastructure within the vicinity of the proposals and reserve the right to protect and/ or deviate cable/ apparatus at the applicant's expense.

Response: Noted. This is a civil matter that is outwith the remit of the Planning Authority.

- 4.18 The following consultees made no comments in relation to this planning application:

Scottish Tourist Board
Scottish Wildlife Trust

5 Representation(s)

- 5.1 The application was advertised as both a Schedule 3 and EIA development as well as for non-notification of neighbours in accordance with Regulation 20 of the Development Management Regulations, within the Lanark Gazette on 11 May 2016 and the Edinburgh Gazette on 13 May 2016. Four Mineral site notices were also posted on 6 May, 2016.
- 5.2 Following the receipt of additional environmental information, further advertisement was carried out on the 4 October 2017 (Lanark Gazette) and 6 October 2017 (Edinburgh Gazette).
- 5.3 Following this publicity 295 letters of objection have been received from 281 separate third parties and 1 letter of support. Included within the letters of objection are 1 from David Mundell MP, 1 from Aileen Campbell MSP and 3 from Claudia Beamish MSP. Bruce Crawford MSP has also submitted an objection on behalf of a constituent. Biggar and District Civic Society have submitted an objection letter and 4 letters, including a request for a Hearing, have been submitted by The Clyde River Action Group (CRAG). One of these letters was submitted after the continuing of the application was agreed at the Planning Committee in February and the points raised in that letter are summarised in (f) to (l) below.
- 5.4 The points raised in the objection letters are summarised below.

Objection from Savilles on behalf of Clyde River Action Group (CRAG) (4)

(a) No material change from previous applications.

Response: It is considered that the current proposals are a further iteration of a previous scheme that was refused by South Lanarkshire Council and subsequently dismissed at appeal. The Appeal Decision refuted several refusal reasons and based the appeal's dismissal on landscape and visual reasons. The applicant considers that these current proposals address the landscape and visual issues deliberated in the Appeal Decision. A full assessment of the proposals is contained within Section 6 of this report below.

(b) The site is not designated within the Development Plan for mineral extraction.

Response: SPP directs Mineral LDP's to identify "Areas of Search". However, due to the extensive range and geographical location of potentially economically viable mineral resources within South Lanarkshire, the Council considers that within this guidance the whole area should be treated as an "Area of Search". However, within this area of search there are areas which are either unsuitable for minerals development, or suitable for only limited minerals development, because of their environmental sensitivity. The application site is not located within an area designated as being unsuitable for minerals development. A full assessment of the merits of the proposal is contained within Section 6 of the report below.

(c) The development includes the loss of prime agricultural land.

Response: The Appeal Decision concluded that the application could not be considered to meet the relevant criteria for Prime Agricultural Land and was

designated in name only. Paragraph 6.5.13 considers this issue in further detail below.

(c) Long term adverse visual impact upon the landscape and Special Landscape Area (SLA).

Response: This is assessed in detail in paragraphs 6.5.18 to 6.5.31 below.

(d) Involves development within a flood plain, loss of flood plain, flood impact on River Clyde and Easterton Burn and increases flood risk.

Response: This is assessed in detail in paragraphs 6.5.40 to 6.5.53 below.

(e) Lack of need for minerals within South Lanarkshire aggregate landbank.

Response: SPP states that Local Authorities are required to maintain a landbank of construction aggregates equivalent to a minimum of at least ten years supply. An updated calculation of the current South Lanarkshire landbank was carried out in September 2017 which noted that the Landbank was at 10.1 years supply. This is assessed in further detail in paragraphs 6.6.2 to 6.6.6 below.

(f) The proposals would have an inappropriate impact in relation to Air Quality (Dust), Noise and Light pollution.

Response: Noise and dust have been assessed as part of these proposals in line with PAN50 and are assessed in detail in paragraphs 6.6.12 to 6.6.21 below. Paragraphs 6.6.19 to 6.6.20 assess the development in relation to Light Pollution.

(g) Lack of information on the 'barrier' required under the Quarries Regs.

Response: As stated above in Sections 3.5 and 3.6, the applicant is intending to utilise existing field fencing for the majority of the 'barrier' required under the Quarries Regs. The additional fencing proposed (bordering the River Clyde) forms part of the applicant's 'Green Engineering' proposals. It is therefore considered that adequate information on this matter has been provided.

(h) Agricultural fencing would not be an appropriate 'barrier' to secure the quarry form trespass.

Response: As described in paragraphs 3.6.1 to 3.6.4, the Health and Safety Executive (HSE) (through the Quarries Regs.) are the controlling Authority for Health and Safety at mines and quarries. The Quarries Regs. do not prescribe the exact type of 'barriers' required for quarries but state that they should 'make entry impossible without a conscious effort' and that they should be 'a barrier suitable for the purpose of discouraging trespass'. It is considered that agricultural fencing with appropriate warning signage would appear to meet the 'barrier' requirements of the HSE at this location. In the event that the 'barrier' proposals are not considered acceptable by HSE, any changes in the scheme may require to be subject of a further planning application and possibly an amendment to the Environmental Statement.

(i) The required 'barrier' increases flood risk, including collecting debris, and may be uprooted and cause damage in a flood event.

Response: SEPA have confirmed that they have no objections to the existing fencing and proposed fencing in relation to flood risk. The Quarries Regs. (Regulation 12 Inspection) requires the quarry operator to routinely inspect, inter alia, 'any barriers around the quarry required under regulation 16.' (95)(I). There is therefore a duty on the operator to ensure the 'barrier' is inspected and free of debris for the lifetime of the quarry. It is considered the existing fencing has proved robust enough in previous flood events and should continue to do so. The proposed fencing will be of a similar nature and is again considered to be capable of being robust in relation to flooding events. The required inspection and maintenance regime required by the HSE will ensure the fencing shall continue to be robust in relation to potential flooding.

(j) A licence under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 as amended (CARS Licence) will be required for the development.

Response: CARS Licensing is outwith the remit of the Planning System and SEPA are the Regulatory Authority for CARS Licensing and have been consulted throughout the planning process.

(k) Increase the population of the North American Signal Crayfish (NASC) within the River Clyde. The impact this increase in species numbers will have on the indigenous, aquatic species within the Clyde (including Salmon and Brown Trout) as well as river bank erosion from crayfish's burrowing nature.

Response: The Environmental Statement noted the presence of NASC within the River Clyde. SEPA and SNH have not raised concerns regarding the proposals in relation to potentially increasing NASC numbers. The Adaptive Management Plan (AMP) is designed to cover all river bank erosion and therefore non fluvial erosion would also be included in this strategy. This issue is further assessed in paragraph 6.5.34. It is noted that in relation to NASC colonising the water body following restoration, the Appeal Decision stated that 'there is no reason why the creation of the lochans would increase the risk of this occurring and it is predicted that of all parts of the River Clyde are likely to be colonized in any event'.

(l) The land boundary of the application site at the Easterton Burn may be outwith the ownership/ control of the applicant.

Response: The applicant has signed a land ownership form as part of the application submission stating that they own/ control all the land within the planning application site. Matters of land ownership are civil matters and are outwith the remit of the Planning Authority. If planning permission is granted, a development can only proceed if the applicant has a legal right to the application site. It should be noted that no further details or plans have been provided by CRAG in relation to this ownership dispute.

Letters from elected representatives (6)

(m) David Mundell MP objects to the application and states that the reasons for objecting are (1) nothing has changed since the original application in 2009 (2) the proposed development could result in an increase in flood risk within the area (3) the A702 is in a poor condition which would worsen if additional HGV traffic increases its use (4) the cumulative impact of another quarry in an area with 2 working quarries within 8 miles of the application site (5) the cumulative impact of the proposals adjacent to the Clyde Wind Farm and the further industrialization of a rural area (6) previous history of the applicant, specifically in relation to a restoration project at Moffat.

Response: Noted. The issues raised are discussed in section 6 of the report. It should be noted that the previous history of the applicant is not a planning matter.

(n) Three letters have been received from Claudia Beamish MSP (first on receipt of the application, second on receipt of the additional environmental information and third following SEPA's comments on the additional environmental information). The letters object to the application and state previous concerns have not been addressed, namely (1) the landscape and visual impact of the development (2) the impact on the River Clyde, (3) the impact on the local road network, (4) the restoration proposals would result in an inappropriate landform, (5) it would create a permanent adverse effect on the local environment, and (6) it would not provide benefits to the local economy.

Response: Noted. The issues raised are discussed in section 6 of the report.

(o) Aileen Campbell MSP objects to the application and states that the MSP conducted a survey with constituents in which, amongst other questions, 82 respondents stated they disagreed with the application site being developed as a quarry with 4 agreeing that it should be developed. Respondents to the MSP's survey also raised several areas of concern with the proposal including (1) Increase in traffic and Road Safety (2) the environmental impact of the quarry (3) the repeated nature of application submissions (4) dust and noise (5) impact on protected species, namely otters (6) impact on local tourism and subsequently the local economy (7) previous history of the applicant. A further letter of objection was submitted following publication of February's Planning Committee Agenda stating constituents concerns that there have been no significant changes in the application as well as concerns regarding flooding, visual impact, pollution, incongruous nature of the restoration scheme as well as having a detrimental impact upon tourism and leisure within the area. It is also noted that the Clyde River Action Group have spent over £123,000 of their own funding opposing the development.

Response: Noted. The issues raised are discussed in section 6 of the report. As noted above, however, it should be noted that the previous history of the applicant and amount of any funds used opposing a planning application are not planning matters.

(p) Bruce Campbell MSP objects to the proposals on behalf of one of his constituents and states that the constituent's reasons for objecting are (1) damage to wildlife (2) impact on river (3) loss of views (4) traffic in a rural area (5) noise and dirt will spoil the area for locals and visitors.

Response: Noted. The issues raised are discussed in section 6 of the report.

Biggar and District Civic Society - object to the proposed development on the grounds that the application is similar to the 2 previous applications, landscape and visual impact on the SLA, impact on the water environment, including the pollution of the water environment and loss of flood plain, development would adversely affect wildlife, particularly wintering birds, noise pollution, impact on recreation and tourism, increased vehicle movements on local road network and the lack of need for a quarry at this location.

Response: Noted. The history of the application site and previous applications is detailed in section 3.3 above. The other issues raised are considered in the assessment section of the report in paragraphs 6.5.18 to 6.5.31, 6.5.40 to 6.5.53, 6.5.32 to 6.5.36, 6.5.2 to 6.5.7, 6.5.37 to 6.5.39 and 6.6.1 to 6.6.6 respectively.

Individual letters of representation (281)

The points raised in the individual letters, which have not been summarised within points a) to p) above, are summarised below.

(q) The proposed development would result in damage to the local road network.

Response: The development would result in, on average, 44 trips (88 two-way movements) of additional HGV traffic using the road network on a daily basis. This would be an additional 1% over that currently experienced on the A702. Transport Scotland does not object to the proposed development. Paragraphs 6.5.37 to 6.5.39 further assess this issue in more detail below.

(r) The proposals would have an impact on Road Safety in the area.

Response: As with k) above this is assessed further in paragraphs 6.5.37 to 6.5.39.

(s) The proposals would have a detrimental impact upon the ecology of the area.

Response: The impact of the proposed development in relation to Ecology is considered in detail within paragraphs 6.5.30 to 6.5.36 below.

(t) The proposals are within an area designated for its scenic value and will have an unacceptable visual impact.

Response: The impact of the proposed development in relation to Landscape and Visual Impact is considered in detail within paragraphs 6.5.18 to 6.5.31 below.

(u) Erosion of the river into the quarry and subsequent silting and pollution of the river.

Response: A Morphological Assessment has been submitted as part of the planning application to assess the potential for the River Clyde to erode the standoff area between its bank and the quarry. This is considered in detail within paragraphs 6.5.40 to 6.5.53 below.

(v) Impact on amenity in terms of noise, dust and light pollution.

Response: Issues of amenity, including noise, dust, air and light pollution have been assessed as part of these proposals and are assessed in detail in paragraphs 6.6.12 to 6.6.21 below.

(w) Requirement to fence the site and the potential environmental effects the fencing could have.

Response: Regulation 16 of The Quarries Regulations 1999 requires a “*barrier suitable for the purpose of discouraging trespass*” to be “*placed around the boundary of the quarry*”. The Quarries Regulations 1999 fall within the remit of the Health and Safety Executive. In this instance, the applicant proposes to utilise existing agricultural fencing on 3 sides of the site and an agricultural fence is proposed within the ‘green engineering’ along the site’s boundary with the River Clyde. Normally fencing of this type could be erected around the site, under Class 56 of *The Town and Country Planning (General Permitted Development) (Scotland) Order 1992* and an application for planning permission would not therefore be required. In order, however, to control permitted development at minerals sites in these instances, should planning permission be granted, a condition removing these rights regarding fencing shall be attached to ensure further assessment is required should the applicant wish to vary the fencing as proposed (Section 3.5 above).

(x) The proposed development could pose a danger to Lamington Viaduct in terms of flooding.

Response: Paragraphs 6.5.40 to 6.5.53 assess the proposals impact on the water environment, including flooding. A Flood Risk Assessment was submitted as part of the application and SEPA are satisfied, following receipt of additional information, that the proposals are acceptable in relation to flooding issues. In addition, Network Rail does not object to the application.

(y) The impact on trout and salmon fishing.

Response: The impact of the development on the ecology and rural recreation of the area is assessed throughout Section 6 of the report below.

(z) The impact on tourism and loss of jobs.

Response: The impact of the development on tourism is assessed throughout Section 6 of the report below.

(aa) The applicant’s previous history with other sites.

Response: This is not a material consideration for the assessment of a planning application. If planning consent is granted appropriate planning conditions, legal agreement including restoration bond shall be put in place to ensure that this development is appropriately controlled and monitored.

(bb) Financial interest between the applicant and the water environment consultant they've employed.

Response: The Environmental Statement submitted (including water environment assessments) have been assessed by independent, statutory consultees as part of the consideration of this planning application.

(cc) Affect on property prices in the area/ increase in house insurance premiums.

Response: This is not a material consideration for the assessment of a planning application.

(dd) Cost to taxpayer due to multiple applications.

Response: This is not a material consideration for the assessment of a planning application. As set out in paragraphs 3.3.7 to 3.3.12 the applicant's submission is in accordance with planning legislation.

- 5.3 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 The applicant seeks planning permission for the phased extraction of sand and gravel by quarrying methods, the erection of associated plant, and the formation of a site and access road at Overburns Farm, Lamington. The main determining issues in assessing this proposal are whether it accords with the development plan, the site history, including the past Appeal Decision (as detailed in paragraphs 3.3.5 and 3.3.6 above), its landscape and visual impact, impact on the water environment, including flooding, impact on the natural environment, including prime agricultural land, impact on the local community, including tourism and recreation, and impact on the road network, and the supply of sand and gravel available to meet the Council's required 10 year construction aggregate landbank.

- 6.2 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 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and its associated Supplementary Guidance and the approved Non- Statutory Planning Guidance on Minerals.

6.3 National Planning Policy

- 6.3.1 Scotland's Third National Planning Framework (NPF3) states that Scotland's rural environment is more than a recreational resource and has a role to play in fulfilling the need for construction materials as well as supporting Scotland's ambition for diversification of the energy mix.
- 6.3.2 The Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act.

- 6.3.3 SPP also states the need for an adequate and steady supply on minerals to be available to meet the needs of the construction, energy and other sectors. It also states that Local Development Plans should maintain a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas. SPP continues that extraction should only be permitted where impacts on local communities and other isolated receptors, local landscape character and the natural and water environment can be adequately controlled or mitigated. SPP does not prescribe a set separation distance between settlements and quarries. It states that the specific circumstances of individual proposals, including size, duration, location, method of working, topography and the characteristics of the various environmental effects likely to arise should be taken account of.
- 6.3.4 Scottish Planning Policy (SPP) states that when assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration, and potential pollution of land, air and water as well as securing the sustainable restoration of sites to beneficial after-use following extraction.
- 6.3.5 PAN 50 'Controlling the environmental effects of surface mineral workings' provides detailed advice relevant to this application. PAN 50 takes a prescriptive approach in suggesting best practice for controlling such environmental effects. Accordingly, PAN 50 sets out an agenda for the most important issues that need to be satisfactorily addressed. These are: road traffic; blasting; noise; dust; visual impact and water contamination. It sets out quantitative and methodological requirements in terms of: noise, dust, road traffic impact and blasting within its respective Appendices.
- 6.3.6 PAN50 (Annex A) provides advice and guidance on the control of noise at minerals sites. PAN 50 Annex B advises on the control of dust at such sites and Annex C advises on the control of traffic at surface mineral sites. Annex D advises on the control of blasting at surface mineral sites which is not relevant to the assessment of this proposal as blasting is not required as part of the proposals.
- 6.3.7 PAN 1/2011 'Planning and Noise' also establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. It provides further detailed guidance, to be read in tandem with PAN 50, on noise assessments and noise mitigation measures.
- 6.3.8 PAN64 advises that Planning Authorities ensure that mineral operators treat reclamation of sites as an integral part of the overall planning process to be addressed comprehensively through a planning application submission.
- 6.3.9 It is therefore considered that the proposal, in principle, complies with National Planning Policy, in terms of being a development that could provide a supply of aggregates (sand and gravel) to the local construction market which would contribute to the SPP's aim of supporting the maintenance of a 10 year landbank of permitted reserves. The SPP defers to the Development Plan in terms of being the appropriate mechanism for assessment of a minimum ten year landbank and therefore further assessment of the current landbank is found in section 6.5 below. The overall acceptability of such a development must however also meet the other detailed policy and advice within SPP, PANs 50, 64 and 1/2011 as well as other Policy and Development Management criteria. These issues are considered in further detail in the report below.

6.4 Strategic Development Plan

- 6.4.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan and has a strong focus on future growth with 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 15 Natural Resource Planning: Mineral Resources Spatial Framework states that an adequate and steady supply of minerals will be maintained and minerals development will be supported where they are in accordance with, inter alia, Local Development Plans. The GCVSDP is a strategic document and apart from supporting delivery of sustainable mineral extraction, it does not provide a level of detail for the assessment of a specific site of this nature and location but instead defers to the Local Development Plan in this respect.
- 6.4.2 Policy 15 also states that a landbank for construction aggregates equivalent to at least 10 years extraction shall form part of the required adequate and steady supply of minerals. Policy 15 states that Supplementary Guidance shall be published to set out how this landbank is to be achieved. Currently there is no available Supplementary Guidance prepared by the GCVSDP at this time.

6.5 South Lanarkshire Local Development Plan

- 6.5.1 At a local level the application requires to be assessed against the policy aims of the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and its associated Supplementary Guidance. In addition as the adopted South Lanarkshire Minerals Local Development Plan (SLMLDP) 2012 is over 5 years old and the adopted South Lanarkshire Local Development Plan 2015 and associated Supplementary Guidance do not include mineral policies the proposed development will also be required to be assessed against the policies of the Council's approved Non-Statutory Planning Guidance – Minerals (2017) (NSPG). The NSPG has been prepared to be used as a material consideration in the determination of mineral proposals until the proposed South Lanarkshire Local Development Plan 2 is approved and mineral guidance can be incorporated within the local development plan.
- 6.5.2 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 for development within the Rural Area as designated within the SLLDP and is therefore required to be assessed against Policy 3 below.
- 6.5.3 SLLDP Policy 3 'Green Belt and Rural Area' states that support will not be given for development proposals within the Rural Area, unless they relate to uses which must have a countryside location. Supplementary Guidance 2: 'Green Belt and Rural Area' (SG2) further expands and supports the objectives of SLLDP Policy 3. SG2 Policy GBRA1 'Economy/ Business Related Developments' states that the Council will seek to support the rural economy by promoting rural diversification and facilitating job creation by encouraging development of an appropriate type and scale.
- 6.5.4 Minerals can only be worked where they are found and are therefore location specific. Evidence has been shown within the submitted Environmental Statement that there are sand and gravel deposits located within the application site and therefore the rural location for mineral extraction has been justified.
- 6.5.5 The ES has a chapter assessing the socio-economic aspect of the proposals. It is stated that the development would create 15 full time direct jobs (7 on site personnel and 8 drivers). It is also expected that indirect jobs would be created or maintained by local businesses supplying services to the quarry and potential, additional spend within the area. The socio-economic assessment has not identified any significant

effects upon local tourism and recreation. The Appeal Decision noted that agriculture was the most significant employer to the local area and the quarry would not have an impact on agriculture within the area. It further concluded that whilst the quarry (during operations and post operations) would have an impact on the landscape, that 'during operations the proposal would not have a significant harmful impact on tourism and that following restoration there would be a slight benefit'.

- 6.5.6 Tourism and recreation are also important employers within the local area. In general, it is considered that there are no tangible indicators that quarrying can have a direct, significant negative impact upon tourism and recreation interests within an area. In addition, in terms of this particular proposal, the development would have no direct impact on recreational facilities as it does not interrupt any paths, equestrian bridle ways or water ways. The A702, as well as being a direct route between the M74 and Edinburgh, is promoted as the Clyde Valley Tourist Route' and any development on this route does therefore have the potential to impact upon this tourist designation. It is considered however, that only the site access would have a visual impact upon road users. The access is of a standard design to meet road requirements and is therefore not considered to be of a scale or nature that would detract from the visitor experience of the tourist route. In addition, the proposed restoration scheme incorporates a visitor car park, footpath network and opportunities for recreational use, including wildlife observation. These would have a more positive impact upon the tourist economy of the area than the site as it sits at present. The location of the site with direct access from the A702 tourist route further enhances its potential as a recreational location when restored. The development's impact upon the visual landscape and any consequent negative impact on tourism is considered further below.
- 6.5.7 In this instance the principle of the proposal is considered acceptable as there is a demonstrable locational need due to the presence of deposits of sand and gravel within the site and minerals can only be worked where they are found. In line with the Appeal Decision it is considered that these proposals would not significantly discourage recreational use within the area or have a significant negative impact upon the local economy of the area; whereas there are tangible economic benefits such as the employment of 7 direct jobs on site, 8 direct driving jobs and a restoration scheme designed to add a further recreational opportunity into the area. The overall requirement and acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 6.5.8 SLLDP Policy 2 'Climate Change' states that new developments should minimise and mitigate against the effects of climate change by being sustainably located, having no significant adverse impacts on the water and soils environments, air quality and Biodiversity (including Natura 2000 sites and protected species).
- 6.5.9 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.5.10 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 affect on Category 2 sites or a significant adverse affect on Category 3 sites will only be permitted where it adheres to a number of tests.

- 6.5.11 Given the inter-relationship between Policies 2, 4 and 15 it is considered appropriate to assess the proposals collectively in relation to their criteria. The criteria of these policies are protected designations, Built Heritage/ archaeology, Visual and Landscape Impact and Natural Heritage/ Ecology. With regard to impacts on amenity (noise, dust etc.) this criteria is assessed under Policy MIN7 of the NSPG below (paragraphs 6.6.12 to 6.6.21).
- 6.5.12 In relation to the category of protected designations, there are no category 1 sites within the application site or within close proximity of the application site. The following category 2 designations are found within or in the vicinity of the site and the proposal's impact upon these is assessed in the following paragraphs.
- 6.5.13 The application site is on land designated as Prime Agricultural Land (PAL) which is a category 2 designation within the hierarchy. The proposed restoration of the site does not result in returning the land to agriculture and would therefore result in the loss of prime agricultural land which is considered an adverse affect on a category 2 designation and as such would not normally be supported. The application site is, however, on land that is susceptible to flooding. It is noted that the Appeal Decision stated that the broad-based classification of agricultural land does not take into account site specific factors such as susceptibility to flooding, as is the case here. The Appeal Decision concluded that although the application site was on land broadly classified as PAL, given it had been affected by temporary flooding as often as five times a year and on average suffered damage from severe winter flooding every five years, the land could serve little agricultural purpose other than to provide grazing land. The Appeal Decision therefore ruled that the classification did not take into account the site's specific circumstances and that the application site was only PAL in name, and therefore its retention was not to be considered of national importance. It is therefore considered that the application site's susceptibility to flooding does render it less productive agricultural land than the PAL classification. Whilst the permanent loss of Prime Agricultural Land is contrary to Policy 15 it is considered acceptable given it is not of the quality and usability normally associated with land designated as Prime Agricultural Land.
- 6.5.14 There is one Category A listed building (Symington House) within 2 kilometres of the site and 5 scheduled monuments (Castle Hill earthwork, Lamington Tower, Culterpark Hill, Baitlaws Cairn and a fifth untitled earth works some 820 metres south-west of Castle Hill). It is considered that distance, topography and screening provided by vegetation protect all these heritage assets from having their setting materially impinged upon by the proposed developments at both the operational stage and following restoration of the site. Historic Environment Scotland have been consulted as part of the application process and are in agreement that the setting of the Category A listed building and the scheduled monuments will not be adversely affected by the development proposals. West of Scotland Archaeological Service (WOSAS) also shares this opinion which was mirrored in the Appeal Decision. It is therefore considered that the proposals meet with the relevant policy criteria in this instance.
- 6.5.15 The application site is located some 1.7 kilometres from the nearest boundary of the Tinto Hills Site of Special Scientific Interest (SSI). The SSSI is designated for its examples of periglacial (edge of glacier) geology as well as its dry upland habitat. It is

considered that the geological and upland habitat features, as well as it being over 1.7 kilometres from the application site, would not result in the qualifying interests of this SSSI being affected by the proposals. SNH have raised no objections in relation to the SSSI. It is therefore considered that the proposals meet with the relevant policy criteria in this instance.

- 6.5.16 There are no other category 2 sites that would be affected by the proposals. With regard to category 3 sites, there are 23 Category B and 25 Category C listed buildings within 2 kilometres of the application site. All are a minimum of 0.9 kilometres from the application site and it is considered that this distance ensures that there is no material impact upon the setting of any listed building. Lamington Conservation Area lies approximately 0.9 kilometres from the application site but it is considered that this distance, surrounding topography and existing vegetation ensures the Character of the Conservation Area is not adversely affected by the proposals. This view is also held for Coulter Conservation Area which lies some 1.8 kilometres from the site boundary. It is also noted that both Conservation Areas are designated for their buildings' character and historic inter-relationship and not due to their wider setting within the countryside.
- 6.5.17 Whilst there are no other designated cultural or archaeological sites within the application site, it is located within an area of archaeological sensitivity based on the density of sites and finds of prehistoric and medieval date in the surrounding landscape. The Environmental Statement that forms part of the application submission states that in order to mitigate and ensure that there are no adverse impacts upon the archaeological sensitivity of the site a programme of archaeological site investigation is proposed prior to any sand and gravel extraction. This programme of works would accurately establish the nature and survival of archaeological remains within the site. WOSAS agree that the implementation of this programme would mitigate any impacts on potential archaeological features the development may create. Again this is in line with the Appeal Decision. It is therefore considered that the proposals can meet with the relevant policy criteria in this instance. Should planning permission be granted an appropriate planning condition shall be imposed to control this matter.
- 6.5.18 The application site is within the Upper Clyde Valley and Tinto Special Landscape Area (SLA). An SLA is a Category 3 designation within the protection hierarchy of SLLDP Policy 15. The Policy states that in Category 3 areas, development will only be permitted where there is no significant adverse impact upon the designation following mitigation. Whilst landscape in general is a planning consideration when assessing development proposals, SLA's are specifically designated to ensure that these landscapes in particular are not damaged by inappropriate development and to encourage positive landscape management.
- 6.5.19 As well as being within an SLA the majority of the application site is located within the Broad Valley Upland Landscape Character Area (LCA). The characteristics of the Broad Valley Upland landscape are its broad, flat bottomed valley enclosed by rounded foothills and rolling farmlands to the north with the Southern Uplands to the south. The general openness of the valley is noted as having the potential for significant visual impacts. The main guidelines for mineral developments for this LCA state that large scale mineral sites should be discouraged as they would be particularly visible within this landscape. Undulating ground and close proximity to shelterbelts offer the best opportunities for screening in the area and advance planting and restoration should be utilised to ensure there is no loss of landscape quality or character.

- 6.5.20 The remainder of the application site (proposed access and a short section of the access track into the site) is within the Southern Uplands LCA. It is considered that a new access on a busy Trunk Road (A702) and its associated single track access road would not be of a scale that would have a significant visual impact or affect the landscape character of the surrounding area. It is therefore considered that the access proposals would be acceptable as proposed and no further assessment of this small part of the application site is required. The following landscape and visual assessment below therefore concerns the majority of the application site that is located within the Broad Valley Uplands LCA.
- 6.5.21 Whilst inter-related, landscape impacts and visual impacts are separate. Landscape impact relates to changes in the characteristics, character and qualities of the landscape whilst visual impact relates to the appearance of these changes. A landscape change is the physical effect a proposal has on the landscape whilst visual amenity relates to the perception of the change. A landscape impact has no visual impact effect if there are no views of the development. For the purposes of this assessment, the 2 issues are collectively examined as they are inter-related in terms of the proposed development and the criteria of the Development Plan. The proposals are to extract sand and gravel and then create a water body with wetland habitat rather than return the land to farmland. Given the proposals are not to return the land back to its previous state any landscape and visual impact therefore must also consider the new land use proposals post extraction. The following assessment is therefore two fold and separated into the extraction period and then the restoration period.
- 6.5.22 As noted the general openness of the valley in which the application sits renders any proposed development likely to have the potential to have a significant visual impact, and affect landscape character. Due to the nature of the valley being enclosed by uplands, there is also potential for the visual impact to extend to these uplands as the application site would feature in these elevated views from surrounding hills such as Tinto. Therefore it is considered that the proposals for a 60 hectare sand and gravel quarry would have the potential to have a significant landscape and visual impact upon the surrounding area. A Landscape and Visual Impact Assessment (LVIA) formed part of the ES submission. The LVIA baseline study notes that the application site is located within a 'strongly settled landscape with many manmade elements present within the landscape' and that 'these physical characteristics and contrasting patterns within this area of the Upper Clyde Valley help define this area as a large-scale landscape dominated by the distinct outlines of Tinto, Scaur and Dungavel Hills.' The LVIA concludes that the extraction period would have notable to substantial adverse visual impact with the level of the notable to adverse impact being dependent on what phase of the extraction was underway, but all within this degree of impact. The LVIA concluded that the restoration phase of the proposals would vary between having a neutral to minimal, to very slight to slight beneficial landscape and visual impacts, with the beneficial aspect increasing the further afield the restoration was viewed.
- 6.5.23 The planning submission proposes mitigation to minimise the impact. During the operational phase of the proposals only 11 hectares of the 60 hectare site would be developed at any one time with the remainder either restored or awaiting extraction to commence. This progressive restoration of the site minimises its visual impact by a reduction in scale. The Appeal Decision noted that phasing of extraction works would initially minimise the quarry's landscape impact as the extraction was to be progressive, with the site area increasing exponentially as extraction increased through the site. The Appeal Decision did note however that as only the extraction was progressive, with no progressive restoration, the visual impact increased as the site was worked. By amending the scheme to include progressive restoration in

tandem with progressive extraction the landscape impact of the extraction is minimised to only 11 hectares of the 60 hectare site at any one time. Landscaped bunds are proposed to screen the on-site equipment from the surrounding area and these will be grassed to ensure they appear natural. Screen planting around the site is designed to complement the bunding and again aid screening as well as soften the proposals appearance in the landscape. It is considered that this screening would be an effective way of shielding the site from immediate views. Whilst it would not reduce the site's visual impact from higher views given the site sits in the middle of a flat valley it is considered that it would be a measure that would materially soften its impact in the wider uplands. It is further considered that these are proven effective methods of screening at mineral sites. It is also noted that the operational lifetime of the site is approximately 12.5 years which limits the visual impact the operational phase would have on the surrounding area to this period. It is considered that 12.5 years can be considered short term, in terms of landscape change although it is noted that it is not viewed as short term in terms of visual impact.

6.5.24 SNH have carried out a review of the LVIA and ES and state that the proposals would result in significant adverse impacts upon the landscape. SNH do also note that 'the 'softening' of the edges of the restored lagoon and the peripheral planting' has improved its appearance and SNH therefore consider 'that the post-restoration water body would be likely to look less engineered than the previous proposal' (the 2011 application). However SNH conclude that the current proposal 'would still be likely to give rise to adverse landscape and visual impacts given:

- Its uncharacteristic nature and scale would be out of keeping with the local and wider landscape character of the 'Broad Valley Upland' landscape character type (LCT).
- The proposal would not restore the land to its current land use and thus is contrary to the advice in the South Lanarkshire Landscape Character Assessment in respect of restoring the grain and character of the site's former appearance.
- It would be centrally located in the Upper Clyde Valley and Tinto Special Landscape Area (SLA) - an area of highest landscape quality and value in South Lanarkshire.
- It would be a new and incongruous focal point in elevated views from surrounding hills.
- It would be likely to be an uncharacteristic feature in views from the West Coast Mainline – a key tourist route through the Clyde Valley.

6.5.25 Whilst concluding that the proposals are likely to 'give rise to adverse landscape and visual impacts', it is noted that SNH have not objected to the proposals on these, or any other grounds. SNH also state that the proposals would not be likely to affect the overall integrity of the SLA but would adversely change the character of the southern part of the SLA.

6.5.26 It is considered that the operational phase of the development shall have a visual and landscape impact upon the surrounding area. The progressive restoration, planting and screening does nevertheless afford an opportunity to minimise the visual impact of the development within the immediate area and it is considered that the visual impact within the immediate area would be acceptable due to these mitigation methods. As noted, these mitigation methods would soften the site's visual and landscape impact. They would not however totally remove the site from view, specifically from the higher levels on either side, as the valley rises. Consideration therefore has to be given to the level of impact the operational phases would have on these higher slopes. It is considered that the working of the site in phases does

reduce the scale of the development considerably from 60 hectares to 11 hectares at any one time. It is considered that this results in a smaller scale development within a large scale landscape. Given the reduction in site footprint and the distance the site is from the views from the uplands (over 2.5km away) it is considered that the landscape and visual impact of the operational phase is reduced from these elevated viewpoints. However it is noted that the operational phase will still have a visual impact and would introduce a new feature into an established landscape. Therefore on balance it is considered that the operational phase of the proposals would result in a neutral visual impact (in the immediate environs) at best and a slightly adverse impact in the wider area.

6.5.27 As noted previously and by SNH, if the site was returned back to agriculture following extraction it could be considered that there was no long term visual and landscape impact for the site. The LCA advice to restore a site to its previous use is solely based on visual and landscape practice and doesn't take account of any other aspect of restoration proposals. In this instance returning the site to agriculture would not be as beneficial in biodiversity terms as the proposed wetland habitat and water body. It is therefore considered that an assessment of the visual impact of the proposed restoration proposals needs to be taken into account given it would not revert back to its previous land use.

6.5.28 With regard to the Landscape and Visual Impact of the restoration phase of the proposals, it is considered that these would have a permanent effect upon the landscape as they are not temporary in nature. It is acknowledged that water bodies adjacent to meanders of the River Clyde within this valley are not typical with the landscape character. It is therefore considered that the proposed water body will have an impact upon the character and visual landscape of the area. Consideration must therefore be given to what impact the water body would have on the landscape. The LVIA states that the levels of effect in visual impact terms was deemed to be not significant mainly through tree planting which is expected to screen the water body from view so that it is viewed as grassland within the pastoral valley floor. SNH disagree with the LVIA and state that the waterbody would be visible over a considerable distance due to the flatness of the floodplain/ valley floor, and that from upland areas such as Tinto the water body would be widely visible, especially as the viewer's eye is naturally drawn to the River Clyde from these viewpoints. The introduction of a new water body would draw the eye and detract from existing views. SNH state that it would be unlikely for the water body to be mistaken as an ox bow lake or natural lochan.

6.5.29 Consideration must therefore be given to the level of impact the introduction of a water body would have on the visual aspect of the area as well as the landscape. It is considered that due to the broad valley with uplands on either side the water body would always have a visual impact from these uplands, even with screening. Consequently consideration needs to be given to the scale of the impact. The water body has been designed to appear as natural and unengineered feature. This does lessen its visual impact, especially given its location adjacent to a meander of the River Clyde and on land susceptible to flooding several times a year. Whilst it may not be mistaken as an ox bow lake, a water body with wetland habitat having its location adjacent to a large river such as the Clyde on a flood plain can be perceived to be compatible to the reading of the valley landscape. Although it is noted that there are no other water bodies of this type or scale along this stretch of the Clyde valley, taking account of its scale, location and design the water body can also sit within a large scale valley dominated by open, pasture land. It is therefore considered that the water body would read as a feature within the pasture rather than a feature dominating the pasture land and valley. Furthermore the proposed water body would have islets, shallow shingle areas and promontories which would help break up the mass of water

and together with the proposed planting would provide further softening of the water body with in views from the immediate environs.

6.5.30 In relation to the view points on the elevated sides of the valleys it is considered that the water body would be visible and introduce a new feature into the landscape. The assessment is whether this new feature on its own would be materially detrimental to the character of the landscape as a whole. The upland views are some 2km at the closest and stretch to over 6km away. It is noted that these distances may blur the visual distinctions between the islets etc. and therefore the mass of water may appear more solid form these views. It is nevertheless considered that whilst it may draw the eye, the water body is not of a scale that it would dominate the scene and therefore harm the character and visual aspect of the landscape. It is also considered that the scale and design of the water body are such that whilst introducing a new feature into the landscape the impact would not be significantly or materially adverse to the intrinsic nature and character of such a large, broad valley. Whilst it is considered to not have an adverse impact it is difficult to consider the introduction of the water body as having a beneficial effect to the landscape and visual character of the area. Whilst softened as previously stated, it is still an uncharacteristic feature within the valley. Therefore its introduction can be seen as having a neutral impact.

6.5.31 It is therefore considered that the proposals would have at best a neutral effect in terms of landscape and visual impact and at worst a slight adverse impact. As with all development the assessment of its acceptability has to be based on a fact and degree consideration of the benefits and adverse impacts of a scheme to form a reasoned, balanced view. In this instance it is considered that the benefits of the scheme in terms of mineral supply and habitat creation, with additional biodiversity, and the mitigation provided through the progressive restoration plan minimises the proposals impact on the landscape to a degree that is sufficient to outweigh the residual landscape and visual impacts identified. . The restoration scheme itself also presents a more natural solution than that previously assessed by earlier applications and the Appeal Decision. It is therefore considered that the design of the proposals significantly minimises landscape character and visual impacts to a degree, which when combined with the benefits of the scheme in terms of mineral supply and habitat creation with additional biodiversity outweigh the adverse impacts identified.

6.5.32 SLLDP Policy 15 also notes that development which will have significant, adverse impacts on international and national protected species will not be permitted. As noted there is one statutorily designated site within 2km of the application boundary (Tinto SSSI), although it's qualifying designation is not on the basis of being a wildlife habitat but instead for its geology and flora. There are no non-statutory designated sites within 2km of the application boundary. The site mostly comprises improved grassland which is poor in terms of providing quality habitat land for wildlife. Whilst not providing quality habitat land, the rural setting of the application site does, however, naturally lend itself to be a potential habitat for wildlife as well as providing foraging land. In this regard, as part of an Ecological Impact Assessment within the ES, the applicant has carried out desk top and site surveys that conclude the site is considered to provide suitable foraging and potential breeding habitat for protected species (namely otters, badgers, bats and barn owls).

6.5.33 Through the phased extraction proposed, the development will result in the loss of only a small area of agricultural land at any one time, and therefore, there will be a negligible adverse impact on the habitat resource of the site due to the widespread availability of similar habitat in the surrounding area. The restoration proposals involve the creation of new habitat in the form of a lochan with aquatic vegetation and wetland shallows which it is considered would result in the provision of better quality habitat than currently provided by the existing species poor, agricultural land. The restoration

proposals include the creation of artificial otter holts, a badger sett and installation of bat boxes and osprey nesting platforms to provide habitat opportunities for species known to be in the locale. Additional planting is proposed to introduce additional habitat into the area that is more suitable for bird roosting and foraging than is presently found on site. It is therefore considered that the proposed restoration of the site provides a long term positive impact in that there will be a net increase in the availability of suitable habitat for wildlife, including for mammals, birds and invertebrates as well as aquatic.

6.5.34 The Ecological Impact Assessment also found evidence of signal crayfish and therefore there is a likelihood that there are crayfish within the stretch of the Clyde adjacent to the application site. Signal Crayfish are a non-indigenous and invasive North American species. SNH and SEPA have not raised any concerns that the wet working of the site and proposed water body following restoration would increase the likelihood of signal crayfish numbers. It is expected however, that the introduction of additional habitat for otters and bird species will increase crayfish predator numbers within the immediate area thus aiding biological control of this invasive species. SEPA have produced best practice for all users, including workers, in and around water to encourage good bio-security to prevent the transfer and spread of non-native species in and out of water. Best practice measures include the 'Check Clean Dry' system which requires clothing and equipment to be inspected for animals and river debris, then cleaned on site and then dried if being taken off site. It is considered that a bio-security management plan for invasive species could be employed on site to utilise SEPA's best practice and a condition reflecting this forms part of the recommendation. Objections have also referred to the potential for Crayfish to destabilise the river bank through burrowing. River erosion assessed in detail in paragraphs 6.5.40 to 6.5.53 and it should be noted that all types of erosion and destabilisation are assessed whether fluvial or related to flora and fauna.

6.5.35 The Ecological Impact Assessment within the submitted ES contains mitigation measures to minimise any negative effects the proposals may have on protected species. As well as the erection of bat boxes, a badger sett and otter holts these also include timing of works outside bird breeding season, employing an ecological clerk of works, an otter protection plan, bat surveys and a badger protection plan. SNH are content with the proposed mitigation subject to planning conditions being put in place to control this mitigation and conditions requiring further details being included within the otter and badger protection plans. If planning permission is granted appropriate planning conditions to control these matters shall be imposed.

6.5.36 It is therefore considered that, in this instance, the proposals are considered acceptable as they would not significantly impact on the ecology of the area within the long term, propose suitable mitigation methods for protected species and propose a restoration scheme that would provide a higher standard of natural environment and habitat in the long term than that currently in evidence on the application site. It is therefore considered that the proposals meet with the relevant policy criteria in this instance.

6.5.37 SLLDP Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's 'Guidelines for Development Roads'. A Transport Assessment forms part of the ES submission which calculates that the proposed development would result in an increase of traffic equating to an additional 1% on the A702 at the maximum annual extraction rate of 320,000 tonnes a year. The Transport Assessment states that the maximum exportation of 320,000 tonnes would result in 44 one way (88 two way) daily HGV movements.

- 6.5.38 As the proposed access is taken directly onto the A702 Trunk Road it is not within the remit of South Lanarkshire Council. It is maintained by Transport Scotland and they have been consulted as part of the assessment of this planning application. Transport Scotland are content with the findings of the Transport Assessment and have no objections to the proposals subject to the use of appropriate conditions regarding the proposed access being built to a specific standard and design and details of the construction phasing for the access and any temporary traffic management for the access works being appropriately controlled. Transport Scotland's conditions form part of the recommendation for approval. Should planning consent be granted it is also recommended that a condition limiting the maximum extraction and exportation rate of sand and gravel from the site to 320,000 tonnes is imposed to ensure the site is managed in the manner stated within the Transport Assessment submitted.
- 6.5.39 It is therefore considered that the proposals comply with the relevant criteria of the Development Plan in this regard.
- 6.5.40 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, drainage and air quality. Policies SDCC 2 Flood Risk, SDCC 3 Sustainable Drainage Systems, SDCC 4 Water Supply and SDCC 6 Air Quality are considered relevant in relation to this proposal.
- 6.5.41 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.
- 6.5.42 Policy SDCC3 Sustainable Drainage Systems states that any new development should be drained by an appropriately designed sustainable drainage system.
- 6.5.43 Issues of water management are separated into two types. The first is hydrology which solely deals with the management of surface water, including ground water and watercourses. The second is hydrogeology which relates to subterranean water and the inter-relationship of rock strata and underground water resources. For the purposes of this assessment the two issues are collectively examined as they are inter-related in terms of the proposed development and the criteria of the Development Plan.
- 6.5.44 A hydrological and hydrogeological assessment have been carried out and submitted as part of the ES submission. As noted, the application site is located on the southern bank of the River Clyde and therefore the majority of the site is designated as being at a high risk of river flooding. As stated, development within a high risk flood area would generally not be supported. In this instance, however, the proposals are for mineral extraction where there is little harm should the site be flooded. The mineral extraction depths are below the water table and therefore involve 'wet working' throughout most of the site. Unlike residential or other development projects, there would be no attempt to prevent floodwater entering the site in a flood event through the use of barriers etc. This would therefore ensure that the development proposals would not further exacerbate flooding within the area or divert flooding elsewhere. Mineral extraction is therefore considered a water compatible use and is acceptable within a flood risk location.

- 6.5.45 In its current form the application site provides capacity to cope with flood waters from the River Clyde when it breeches its banks, and is of an adequate size and gradient to contain water and prevent flood water extending further away from the River Clyde resulting in properties being vulnerable from the risk. The introduction of the plant areas and screening bunds that form part of this proposal would see a reduction in this floodplain storage during a flood event. The proposals involve the loss of approximately 9,000 metres cubed of floodplain storage. Following discussions with SEPA and a reconfiguration of the site screening and infrastructure this has been reduced to a loss of approximately 3,404 metres cubed of floodplain storage. To account for this loss of floodplain storage, compensatory floodplain storage forms part of the proposed extraction design. Following discussions with SEPA the applicant has redesigned internal screening bunds to provide approximately 12,473 metres cubed of additional, compensatory floodplain storage. SEPA are therefore content that there is adequate compensatory floodplain storage created as part of the proposals to ensure any existing floodplain storage that is removed as part of these proposals is compensated for. To ensure that there is not a loss of floodplain storage prior to the compensatory storage being created, should planning permission be granted, a condition is recommended to ensure the compensatory floodplain storage land is created at commencement of the works. As restoration proceeds further areas of floodplain storage would be created and SEPA are content that the restoration plan proposed provides additional floodplain storage. SEPA are content that the compensatory floodplain storage will offset the temporary loss of any floodplain storage during the extraction period.
- 6.5.46 In terms of subterranean water, the restoration plan of the site proposes to create a water feature by allowing the natural groundwater to flood the extraction void. This proposed restoration plan therefore allows the lochan to be filled naturally with water.
- 6.5.47 As well as assessing flooding and groundwater, due to the application site's proximity to the River Clyde, river morphology must be assessed. Consideration therefore requires to be given to the interaction of the river and the quarry both during extraction operations and in the long term once the site is restored. River morphology describes the shapes of rivers and how they change in shape and direction over time. A 30m stand-off between the water body and the River Clyde is proposed as part of the restoration of the site. The stand-off will be vegetated with grass, shrubs and tree planting. The planting has been designed to further protect the integrity of the banking/standoff between the site and the River Clyde with specific vegetation being used to further bind the soils and strengthen the standoff area.
- 6.5.48 A Morphological Assessment was submitted as part of the ES and following further discussions with SEPA it was updated in 2016 and a new Morphological Assessment was submitted. The Morphological Assessment originally submitted with the planning application was based on the information provided within the 2011 submission and it is noted that SEPA did not object to that application. This view was also supported in the Appeal Decision.
- 6.5.49 The updated Morphological Assessment provided outlines previous bank erosion of this part of the River Clyde in tandem with current river energy rates which allow a prediction to be carried out of the likelihood of the river eroding the standoff area and enveloping the quarry within its channel. The Assessment also includes predictions of water quality levels, in terms of potential effects on sediment transport (silt) if the river widens and therefore its energy (flow) rate decreases at the widened points. The predictions show a timescale in excess of 130-150 years before the River Clyde would erode the standoff area and incorporate the quarry within its channel (if erosion is unchecked). SEPA agree with the methodology and predictions set out within the

updated Morphological Assessment. It can therefore be considered that there is no issue regarding the River Clyde breaching the quarry during the extraction phases and the 30m standoff is considered acceptable to safeguard this happening.

6.5.50 With regard to the potential breaching of the River Clyde, the updated Morphological Assessment proposes, as mentioned above, that riparian planting is proposed as part of this application to strengthen the banking and standoff between the River Clyde. An Adaptive Management Plan (AMP) is proposed as part of the longer term management of the site following restoration. The AMP proposes continual monitoring of the interaction between the River Clyde and the site with hard engineered bank stabilization being proposed, if required. The AMP notes that the morphology of the River Clyde is not wholly predictable as the river may change dynamics due to other changes along its full course that cannot be predicted. The river cannot therefore be guaranteed to behave in a set manner. The AMP also notes that the timescales for river morphology changes are long term - over 150 years - and therefore any solutions must be capable of being adapted to suit future occurrences. By being adaptable, the AMP is able to take into account real time changes in the river's morphology and ensure that through the management of the site it continues to meet the European Union Water Framework Directive (or any future replacement legislation within the UK) which sets out, inter alia, river water and river basin management requirements. Again the proposed adaptability of the AMP is also designed to ensure that the applicant, as riparian (river bank) owner on this section of the river, meets their legal requirement of providing an undiminished water flow, in terms of quality and quantity, to downstream riparian owners, by real time monitoring of the river's morphology.

6.5.51 SEPA note and appreciate the timescales and variable nature of river morphology but are content that the updated Morphological Assessment predictions for the working life of the quarry are reasoned and that the standoff is adequate to ensure the River Clyde does not erode the 30m banking in the extraction period of the quarry. SEPA are also content that the longer term management of the site will be informed by the on-going review of channel conditions that will be undertaken through the AMP, and note that additional mitigation may be required such as hard engineered solutions for bank protection in order to reduce the risk of migration into the water body, over longer timescales. SEPA agreed with the methodology, assessment and predictions in relation to sediment transport. Therefore, SEPA have no objections to the application subject to a condition requiring the submission and further approval of an AMP. A condition requiring this forms part of this recommendation should planning consent be granted. As part of their assessment, SEPA have taken account of the plant and machinery to be used on site and are content that they would not have an impact in relation to flood risk.

6.5.52 South Lanarkshire Council's Flooding Team have 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. Should planning consent be granted appropriate conditions shall be imposed to control this matter.

6.5.53 It is therefore considered, having taken account of SEPA's assessment of the proposals and the measures set out in the application in regard to flooding and morphology changes that, subject to the imposition of appropriate conditions, the proposals comply with the relevant criteria of the Development Plan in this regard.

6.6 Non-Statutory Planning Guidance – Minerals 2017

6.6.1 SPP directs Local Authorities to identify "Areas of Search" for minerals. However, due to the extensive range and geographical location of potentially economically viable mineral resources within South Lanarkshire, the Council considered that within the

Non-Statutory Planning Guidance – Minerals 2017 (NSPG) the whole Local Authority area should be treated as an "Area of Search". However, within this area of search there are areas which are either unsuitable for minerals development, or suitable for only limited minerals development, because of their environmental sensitivity. All minerals development must be environmentally acceptable and must also accord with the provisions of Policy MIN 2 "protecting the environment". Policy MIN 2, Table 3.1 and the environmental constraints map set out the relevant categories of environmental protection to which Policy MIN 2 applies. As referenced above, SLLDP Policy 15 sets out the assessment in relation to Environmental Protection in relation to SLLDP Policy and it is considered that in this instance the assessment to be carried out is largely the same within the NSPG. It is therefore considered that for the reasons detailed above in paragraphs 6.5.12 to 6.5.25 the proposed development would not affect any Category 1 site or adversely affect any Category 2 or 3 sites. It is also considered that for the reasons detailed in paragraphs 6.5.32 to 6.5.36 and 6.5.40 to 6.5.53 that the proposed development would not be detrimental to Protected Species or any Flood Risk Area, respectively. In terms of impact upon settlements this matter will be considered in paragraphs 6.6.13 to 6.6.21 below.

- 6.6.2 SPP states "minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment" (paragraph 234). In addition SPP states: "Plans should support the maintenance of a land bank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search" (paragraph 238). The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) Policy 15 also states the need for a construction aggregate landbank equivalent to at least 10 years of extraction. The need to maintain a minimum 10 year landbank of construction aggregate (sand and gravel) is therefore national and strategic policy.
- 6.6.3 In response to this, South Lanarkshire Council seeks through NSPG Policy MIN 1- 'Spatial Strategy' to ensure that a supply of minerals continues to be available to serve local, national and international markets and so contribute to delivering sustainable economic development. In this context, the Council will take into account the need to maintain a land bank at all times within South Lanarkshire equivalent to at least 10 years extraction, based upon the most up to date information available. At the same time, this objective has to be balanced against consideration of environmental issues and the potential effect of mineral extraction on communities.
- 6.6.4 The Appeal Decision stated that a reasonable 10 year landbank of construction aggregate in South Lanarkshire would equate to some 17 million tonnes (1.7 million tonnes per year).
- 6.6.5 In February 2017, South Lanarkshire Council published a Minerals Local Development Plan Monitoring Statement (MS). This document included an estimation of the aggregate landbank within South Lanarkshire which was considered to stand at 10.9 years (18,196,000 tonnes). Since publication in February 2017, several factors have occurred that may impact upon this aggregate landbank. Two sand and gravel sites have been exhausted in the lifetime of the plan (Snabe and Annieston) and have therefore been removed from the addendum figures. Furthermore following the requirement for Scottish Ministers to re-determine planning application CL/12/0525, 1,400,000 tonnes of consented sand and gravel reserves at Hyndford Quarry were removed from the South Lanarkshire Council landbank. Therefore, in August 2017, the Council wrote to all the mineral operators within South Lanarkshire, requesting details of their operations. The survey requested details of annual outputs and remaining mineral reserves from the various quarries across South Lanarkshire. A response was received from 100% of the sand and gravel operators within South Lanarkshire. Following these responses, it was found that consented reserves have

decreased from the MS predictions to 16,680,000 tonnes, following the exhaustion of reserves at Annieston and the removal of the Hyndford planning decision as well as continued extraction by operators. At maximum permitted extraction rates, there is a land bank equivalent to 10.1 years (as at September 2017). No new sand and gravel reserves have been granted planning permission since September 2017 and therefore South Lanarkshire is not currently maintaining the required 10 year landbank. As it is over 6 months since the landbank was estimated at 10.1 years it is now considered to be below the 10 year figure as no additional reserves have been added.

- 6.6.6 It is therefore considered that new aggregate reserves are required within the South Lanarkshire area to add to a depleted landbank and meet the required minimum supply set out within National and Strategic Policy as well as the criteria of NSPG Policy MIN1. The opportunity to provide an additional 3.175 million tonnes of sand and gravel to the aggregate landbank is therefore supported at a national and local level.
- 6.6.7 NSPG Policy MIN3 'Cumulative Impacts' states that in assessing all mineral proposals SLC will consider the cumulative impact that the development may have on communities (and other isolated receptors), natural and built heritage designations, sensitive landscapes, the existing road network and other resources as prescribed within MIN2 in relation to other existing mineral developments and permissions.
- 6.6.8 The application site is located approximately 2.5km to the south of the Anniston Farm sand and gravel quarry, which is located to the north of Symington. The Anniston Farm operation has now exhausted permitted reserves and is entering its after care period following restoration. No other mineral operation is located within 5km of any nearby settlement and it is therefore considered that any cumulative impact is unlikely from mineral development. Whilst not part of the criteria of NSPG Policy MIN3, the Appeal Decision assessed the potential cumulative impact of the proposals in relation to the Clyde Windfarm, which is situated at a high elevation, several kilometres to the south of the site. The Appeal Decision concluded that where the application site and the windfarm could be seen together, there would not be a cumulative visual effect as the wind turbines are very large moving structures which occupy isolated and elevated positions far from the visual context of the Clyde Valley and are seen as a distant backdrop to the valley rather than as a part of it. The circumstances remain the same and taking account of the background outlined above and the nature of this proposed development it is considered that there would not be a cumulative visual effect.
- 6.6.9 NSPG Policy MIN4 'Restoration' states that planning permission will only be granted for mineral extraction where proper provision has been made for the restoration and aftercare of the site, including financial guarantees being put in place to secure restoration. Restoration proposals should not be generic and should relate to the specific characteristics of the site and the locale. Restoration proposals should consider providing opportunities for enhancing biodiversity, community recreation and access where at all possible. The proposed restoration plan for the site is to create a lochan and create new wetland and other habitats. It is considered that the lochan and wetland habitats provide new opportunities for biodiversity within the area. Agriculture land, with its constant cultivation, provides poor habitats for animals and bird species. This proposed restoration scheme is therefore seen as an opportunity to enhance the wildlife potential of the area. The applicant has proposed the creation of a Technical Working Group (TWG) to fully inform the restoration and after use of the site. It is expected that the TWG would comprise of technical professionals such as SEPA and Council Officers. The RSPB have also expressed an interest in being part of any TWG given the opportunities that exist for habitat creation for birds. The setting up of a TWG would be secured via a legal agreement and forms part of this recommendation.

- 6.6.10 Whilst it is proposed that the site will be progressively restored as the extraction is carried out, it is considered prudent to add a condition should consent be granted to ensure a restoration bond is provided by the applicant. The restoration bond quantum would be required to cover full restoration of the site should the site not be completed by the applicant.
- 6.6.11 NSPG Policy MIN 5 'Water Environment' states that mineral proposals which will have a significant adverse impact on the water environment will not be permitted. Consideration should be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. Flood Risk and the Water Environment have been addressed under SLLDP Policy 17 within paragraphs 6.5.40 to 6.5.53 of the report above.
- 6.6.12 NSPG Policy MIN 7 'Controlling Impacts from Extraction Sites' seeks to ensure all mineral development will not create an unacceptable impact through the generation of noise, dust, vibration and air pollution. Mineral Operators are to ensure that appropriate monitoring regimes are proposed and if permitted shall be in place for the lifetime of the mineral operations. As there is no blasting proposed or required on site, vibration does not require to be considered
- 6.6.13 The SPP (para 242) does not impose prescriptive buffer zones between mineral sites and settlements but states that there should be provision of an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals such as topography, location etc. PAN50 (Annex A) provides advice and guidance on the control of noise at minerals sites. PAN 50 Annex B advises on the control of dust at such sites. As with the SPP PAN50 does not have prescriptive advice on distances between quarry sites and residential properties. PAN50 Annex A defines 'daytime' as between the hours of 7am to 7pm with 'night time' as 7pm to 7am. PAN50 does state that in some areas 8am may be a more appropriate start time than 7am for 'daytime' hours, although the PAN does not prescribe in which areas this may refer to. As a general rule, PAN50 defines the working week as Monday to Friday and Saturday morning. PAN50 advises that 'daytime' noise should normally be 55dB (decibel) or under and 'night time' noise should be 42dB or under. The 55dB figure for both 'daytime' and 'night time' is the standard set within the World Health Organisation (WHO) document: Environmental Health Criteria 12; Noise. PAN50 advises that in exceptionally quiet rural areas (where daytime background noise levels are below 35dB) that a more stringent 'daytime' noise level of 45dB should be set. PAN 1/2011 also establishes best practice, and the planning considerations that should be taken into account with regard to developments that may generate noise or developments that may be subject to noise.
- 6.6.14 A noise assessment has been undertaken and submitted as part of this planning application. The noise assessment measured the existing noise levels at residential properties, in close proximity to the development. The background noise levels were not below the 35dB as prescribed in PAN50. Thereafter assessment was made of the sound power output from the types of plant equipment to be used in the proposed development and, using this information; predictions were made of the likely operational noise levels which would be received at the individual properties. Where it was not possible to gain access to residential properties the noise assessment has been based on the lowest daytime noise limit (45dB) set out by PAN50 which ensures the most stringent assessment criterion possible and is therefore considered as good practice. The nearest residential property to the site is Overburns Farm who have an ownership/ financial interest with the applicant and therefore is not classed as a noise sensitive receptor due to this connection. The nearest unconnected, residential properties are Symington Mains (located approximately 350m north of the application

site boundary, across the River Clyde), Nether Hangingshaw (located approximately 650m east of the application site boundary), Langholm (located approximately 500m to the north of the proposed access track and approximately 650m west of the main application (extraction and plant area) boundary) and Overburns Cottages (located directly across the A702 from the proposed access road and approximately 850m south, west from the main application (extraction and plant area) boundary). It should be noted that these distances are to the site boundary and therefore each property will be a minimum of these distances from the extraction area at any one time due to the proposed extraction phasing. It is also noted that the maximum extraction period of any phase is 24 months with most being less. Screening bunds are proposed as part of the application to reduce noise by acting as a buffer for noise and their performance also formed part of the noise predictions.

6.6.15 The noise levels predicted to be generated and the distance of the proposed quarry to adjacent properties are within the derived criteria limits set out within PAN50 in relation to the measured background noise. Environmental Services have advised that they are satisfied with the assessment, findings and mitigation contained within the Environmental Statement and that they are in line with PAN50 (Annex A) as well as best practice as advised in PAN1/2011. It is therefore considered that given the location of the site, in tandem with the proposed noise mitigation (screening bunds), the noise generated by the proposal is within the parameters advised by PAN50. The proposed hours of operation are 7am to 7pm Monday to Friday and 7am to 1pm on a Saturday only. As previously stated, whilst having no prescribed qualification or definition of 'local circumstances', PAN50 does state that definitions of 'daytime' (normally 7am to 7pm) 'may depend on local circumstances' and 'in some areas 8am may be more appropriate than 7am'. Environmental Services consider that the application site is in a location that can be properly defined as rural with the adjacent land comprising non intense agriculture, light rural industry and sporadic settlements. In this instance, Environmental Services are content with the 7am start Monday to Friday but consider that the local circumstances of the area deem a later start on a Saturday being more appropriate and recommend an 8am start on a Saturday. Environmental Services also consider the local circumstances to result in a 7pm finish Monday to Friday as not being in keeping with the level of activity within the adjacent area and therefore recommend that operations shall cease no later than 6pm Monday to Friday. Whilst PAN50 is silent in relation to an earlier than 7pm 'daytime' finish taking account of the local circumstances, it is considered that when considering the appropriateness of this option the principle to be applied would be similar to that used to establish if a 7am/ 8am start as would be appropriate in rural areas. It is therefore considered that whilst the noise levels meet the derived criteria of PAN50, allowing a 7pm finish for operations would be introducing a level of activity within a rural area that it does not normally experience at this time. It is therefore reasonable to limit the end of operations to 6pm Monday to Friday as well as delaying the commencement of operations on a Saturday until 8am. A suitable condition on these amended operating hours therefore forms part of this recommendation, should planning consent be granted. In addition a further condition to ensure the noise mitigation methods within the ES are carried out also forms part of this recommendation to ensure that the noise levels are under that as prescribed within PAN50 and stated within the Noise Assessment. Other mitigation methods proposed in addition to the noise attenuation, screening bunds include maintenance of equipment, white noise reversing signals, internal roads kept in a good state of repair, to minimize any unwanted rattles from plant movements, and minimising drop heights when loading.

6.6.16 Annex B of PAN50 provides advice on keeping dust emissions from surface mineral workings within environmentally acceptable limits. It notes that dust is caused directly by the extraction process but that there are additional indirect causes of dust such as the haulage of minerals and other handling of minerals as well as stripping soils. The

PAN outlines best practice for dust monitoring, mitigation and control. Examples of monitoring methods includes using sticky pads to collect and then gauge air borne dust levels, directional gauges to assess wind direction and basic visual monitoring of the site. The main way to control and mitigate for dust on site is to dampen the surface with water as that minimises dust emissions. Other methods are minimizing drop heights, limiting vehicle speeds, sheeting of vehicles and wheel washing facilities.

- 6.6.17 A dust assessment forms part of the planning application submission, within the Environmental Statement. The dust assessment outlines the dust related issues associated with a site of this nature, mainly fugitive dust (dust that escapes from the site) which is usually airborne but can also be from bad transportation techniques such as unwashed vehicular wheels or lack of sheeting of vehicles. Wind has the main potential to create fugitive dust by lifting dust particles from surfaces. This can depend on the speed of the wind, the condition of the surface and the size of particle. The nuisance effects of dust are usually measured with reference to dust deposition or soiling.
- 6.6.18 The dust mitigation within the dust assessment proposes to use dust suppression measures that are successfully employed within other sand and gravel quarries and are in line with those advised by PAN50. The dust suppression/ mitigation measures include the use of water bowzers to wet the site, reduced drop heights from excavators to dump trucks, sheeting of laden lorries and operation of a covered field conveyor reducing the number of dump truck movements within the site. As with the noise assessment, the location of the nearest sensitive residential receptor is approximately 350 metres from the site boundary. As referenced within PAN50, this distance is in line with the DoE Report 'The Environmental Effects of Dust from Surface Mineral Workings' (1995) which advises that the majority of dust particles fall within a 100 metre radius of mineral extraction sites. Environmental Services are content with the dust assessment and mitigation measures as proposed subject to a dust management condition. A condition forms part of this recommendation to ensure that the dust management and mitigation techniques are employed throughout the lifetime of the site, should planning consent be granted.
- 6.6.19 The Scottish Government's Guidance Note 'Controlling Light Pollution and Reducing Energy Consumption' (March 2007) states, inter alia, that lighting should be carefully directed where needed only and be designed to minimise light pollution. The over use of lighting is also to be avoided.
- 6.6.20 No night time working is proposed yet the early morning and late afternoon periods during winter will require artificial lighting to be employed. Lighting is proposed as part of the application for these winter periods. In order to minimise the impact of any lighting within the surrounding area it is proposed to use down lighters to shine into the site only and timers to ensure the lighting is only on during operational times. Environmental Services have raised no concerns regarding the lighting proposals. An appropriate condition forms part of this recommendation requiring a lighting plan to be submitted for approval to ensure full control of all lighting, should planning consent be granted. The majority of on-site lighting will through vehicle headlights and lights fixed to on-site equipment within the processing area. It is considered that the installation of permanent, fixed floodlights would not be appropriate within this rural location and therefore the proposed lighting plan would comprise temporary lighting solutions only. There is no lighting proposed as part of the permanent use of the site following restoration. Overall it is considered that lighting associated with the proposal will not have a visual impact on the wider area nor will it impact on wildlife.

- 6.6.21 It is therefore considered that the proposals are in accordance with National Policy and the Development Plan in this regard.
- 6.6.22 NSPG Policy MIN 8 'Community Benefit' states that SLC will encourage operators to contribute to the South Lanarkshire Rural Communities Trust (SLRCT), Quarry Fund or the Council's Renewable Energy Fund or similar mechanism. Contributions or lack of contributions are not taken into account when assessing the acceptability or otherwise of proposals in relation to planning terms. This matter can only be noted. The applicant has not stated any proposals to contribute to any form of community trust. As previously stated this is not a material consideration when assessing this planning application.
- 6.6.23 NSPG Policy MIN 11 'Supporting Information' states that planning application submissions shall be accompanied by sufficient information and supporting documents to enable an application to be assessed and determined. This information should include, but not be limited to, a statement of intent, a method of working, measures to protect local amenity, landscape and visual impact assessment, details of restoration and aftercare and any ecological surveys necessary. The application submission included a Planning Statement, an Environmental Statement and phasing plans as part of the suite of documents forming the application submission. The application submission therefore meets the NSPG criteria in this regard.
- 6.6.24 NSPG Policy MIN 12 'Transport' requires an assessment of potential traffic and transportation impacts of any new proposal to accompany the application for planning permission, including any cumulative impact. Proposals will not be supported by SLC if they are considered to create significant adverse traffic and transportation impacts. This assessment has been carried out under Policy 16 of the SLLDP within paragraphs 6.5.37 to 6.5.39 above and the proposals are also in compliance with this policy subject to the conditions required by Transport Scotland. It is considered that other appropriate conditions relating to wheel washing etc. are necessary to ensure that the proposals do not lead to additional mud or other debris being dropped on the public road network. Should planning consent be granted appropriate conditions shall be attached.
- 6.6.25 NSPG Policy MIN 13 '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. It is considered that a legal agreement is the most appropriate method of securing a Technical Working Group for the duration of the extraction, restoration and after care periods for the site.
- 6.6.26 NSPG Policy MIN 15 'Site Monitoring and Enforcement' states that SLC will monitor minerals sites to ensure that they are carried out in accordance with planning legislation, approved plans, conditions and where appropriate, legal agreements. If planning permission is granted, appropriate monitoring procedures would be put in place to ensure this is carried out.

6.7 Conclusion

- 6.7.1 In conclusion, it is considered that a comprehensive Environmental Statement with supporting information has been provided to allow a full assessment of the application. All relevant planning matters have been fully addressed and all the procedures within the remit of the Council, as Planning Authority have been followed.
- 6.7.2 The proposal is considered acceptable in meeting the relevant criteria of the Development Plan and national guidance in relation to minerals supply. The proposal would not cause any detrimental impacts in terms of road safety and proposes appropriate mitigation measures and phasing to minimise any potential impacts upon

residential amenity. The proposed working methodology and mitigation measures in relation to flooding and water environment issues are considered robust and satisfy the requirements of SEPA subject to the further approval of an Adaptive Management Plan which the applicant is agreeable to. The development proposals incorporate appropriate mitigation measures to protect and enhance protected species within the site. The proposed after-use of the site involves the introduction of quality wetland habitat into the area which is considered to enhance biodiversity to a greater degree than currently exists on site. The proposals result in the addition of 12 full time jobs within the rural area for the lifetime of the site. In terms of landscape and visual impact, whilst mitigation is provided, the proposals will have an impact upon the character of the area both during the extraction operations and following restoration of the site. It is considered that whilst the development will have a slight, negative impact upon the visual landscape, it is not to a degree that would materially alter the character of the surrounding area and on balance the merits of the proposal outweigh the visual impact in this instance. On this basis it is therefore considered that the applicant has amended the design of the restoration scheme to result in a recreation facility that addresses the outstanding concern regarding the harmful effect and impact of the previously proposed engineered and artificial water body which was upheld in the site's previous Appeal Decision. Whilst the loss of Prime Agricultural Land is contrary to the protection hierarchy of SLLDP Policy 15, on balance, it is considered acceptable in this instance, given it is not of the quality and usability normally associated with land designated as Prime Agricultural Land.

- 6.7.2 In view of the above and taking account of the particular and unique characteristics of the proposed development and the application site, it is recommended that planning permission be granted subject to the conditions set out in the attached paper.

7 Reasons for Decision

- 7.1 The proposal complies with national planning policy and advice; and with the principles of the approved Glasgow and Clyde Valley Strategic Development Plan 2017, plus the relevant policies contained within the adopted South Lanarkshire Local Development Plan 2015 and the Non-Statutory Planning Guidance on Minerals. The restoration scheme has taken account of and addressed the landscape and visual impact issues raised by the previous DPEA decision.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

13 April 2018

Previous References

- ◆ P/M/60/980
- ◆ P/65/1070
- ◆ CL/09/0318
- ◆ CL/11/0305

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ Supplementary Guidance 1: Sustainable Development and Climate Change

- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Non Statutory Planning Guidance – Minerals (approved 2017)
- Neighbour notification advert dated 11.05.2016

‣ Consultations

Scottish Natural Heritage	03/06/2016
Symington Community Council	06/06/2016
West of Scotland Archaeology Service	23/05/2016
SP Energy Network	12/05/2016
Roads & Transportation Services (Traffic and Transportation Section)	12/07/2016
RSPB Scotland	02/06/2016
S.E.P.A. (West Region)	10/10/2016
Roads and Transportation Services (Clydesdale Area)	16/05/2016
Duneaton Community Council	31/05/2016
Transport Scotland	11/05/2016
Roads & Transportation Services (Flood Risk Management Section)	18/05/2016
Transport Scotland	24/05/2016
Historic Environment Scotland	26/05/2016
S.E.P.A. (West Region)	10/06/2016
Scottish Water	05/10/2017
Roads and Transportation Services (Clydesdale Area)	11/05/2016
S.E.P.A. (West Region)	27/10/2017

► Representations

- Representation from : Sharon Bradley, 5 Colliehill Road
Biggar
ML12 6PN, DATED 26/05/2016
- Representation from : Barbara Foote, 7 Broughton Road
Biggar
ML12 8AN, DATED 26/05/2016
- Representation from : Andy Spence, DATED 09/05/2016
- Representation from : Anthony Bowers, Turret Cottage
Biggar Road
Symington
Biggar
ML12 6LW, DATED 09/05/2016
- Representation from : Ann Dobinson, , DATED 03/06/2016
- Representation from : Mrs. M J Allen, 18 Moss Side Road
Biggar
ML12 6GF DATED 03/06/2016
- Representation from : Frances Erskine, DATED 03/06/2016
- Representation from : Jaco.co, Floor E
Argyle House
38 Castle Terrace
Edinburgh
EH3 9SJ, DATED 03/06/2016
- Representation from : Tom Platt, DATED 03/06/2016
- Representation from : Beatrice Christie, DATED 03/06/2016
- Representation from : H McLachlan, Shuttlefield Cottage
Lamington
ML12 6HW, DATED 03/06/2016
- Representation from : Olivia Kekewich, , DATED 03/06/2016
- Representation from : Scott Macleod, 42 Drymen road
Bearsden
G612RW, DATED 03/06/2016
- Representation from : Biggar and District Civic Society, DATED 03/06/2016
- Representation from : Daniel Gould, DATED 03/06/2016
- Representation from : Alison Paterson, Over Abington Farm
Abington, DATED 03/06/2016
- Representation from : John Robertson, DATED 03/06/2016

Representation from : M Hutchinson, Swinburne House
Skirling
Biggar
ML12 6HB, DATED 03/06/2016

Representation from : Auraengus Kenchington, DATED 03/06/2016

Representation from : Mr and Mrs J Sands, 8 Colliehill Road
Biggar
ML12 6PN, DATED 06/06/2016

Representation from : Lauren Goldthorpe, Received via email, DATED 06/06/2016

Representation from : Nic Goodwin, Springwellbrae Cottage
Broughton
ML12 6HH, DATED 06/06/2016

Representation from : Mr Walter W Laing, 141 Old Manse Road
Netherton
Wishaw, DATED 06/06/2016

Representation from : Anne Mackintosh, Received via email, DATED 06/06/2016

Representation from : Ian Mackintosh, Received via email, DATED 06/06/2016

Representation from : Anne Bartie, 10A Abington Road
Symington
ML12 6JX, DATED 06/06/2016

Representation from : Fiona Richardson, Received via email, DATED 08/06/2016

Representation from : Mrs Mary Moncrieff Morgan, 10 Stanehead park
Biggar
ML12 6PU, DATED 01/06/2016

Representation from : Mrs Ruth Blake, North Cottage
Coulter Mains
Biggar
ML12 6PR, DATED 01/06/2016

Representation from : Douglas Mackenzie, Broadfield Cottage
Symington
Biggar
ML12 6JZ, DATED 01/06/2016

Representation from : John D Middlemise, Lamington & District Angling
Improvement Assoc
25 Cardon Drive
Biggar
ML12 6EZ, DATED 01/06/2016

Representation from : M & O Hunter
67 Main Street
Symington
Biggar
ML12 6LL, DATED 13/05/2016

Representation from : Margaret Robertson
14 Burnside Terrace
Biggar
Biggar
ML12 6by, DATED 17/05/2016

Representation from : Steve Cox
Birkhill House
Coalburn
South Lanarkshire
ML11 0NJ, DATED 01/06/2016

Representation from : Mrs Moira Donoghue,
Bank Cottage
8A Biggar Road
Carnwath
ML11 8LU, DATED 23/05/2016

Representation from : M.H.Cormack, DATED

Representation from : Harry Edward Shields, Philippa Ann Shields
Fenella Kim Shields
Elsbeth Margaret Shields
DATED 23/05/2016

Representation from : Mrs Irene Riddell, Brookside
Lamington
ML12 6HW, DATED 31/05/2016

Representation from : Manorview Hotels,
Bowfield Hotel & Country Club
Bowfield Road
Howwood
PA9 1DZ, DATED 31/05/2016

Representation from : Mrs Carpenter, DATED 31/05/2016

Representation from : Niall and Jean Lyon, Broadfield Farm
Symington
Biggar
Lanarkshire
ML12 6JZ DATED 31/05/2016

Representation from : Simon Butterworth, Luskentyre
Cormiston Road
Biggar
ML12 6NS DATED 31/05/2016

Representation from : Lorna Godfrey, 19 Station Road,
Biggar
ML12 6BW
, DATED 31/05/2016

Representation from : Julie Wight , Townfoot farm
Symington

Biggar
ML12 6LL
, DATED 30/05/2016

Representation from : Ros and Mark Leach , 97 Main Street
Symington
Biggar
South Lanarkshire
ML12 6LL, DATED 26/05/2016 19:22:02

Representation from : Douglas Shaw, 43 Knocklea
Biggar
ML12 6EF, DATED 01/06/2016

Representation from : John Pollock, 3/3 17 Paisley Road
Barrhead
G78 1HG, DATED 01/06/2016

Representation from : Jo MacSween, East Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR, DATED 01/06/2016

Representation from : Calum Lindsay, 2/1 363 Dumbarton Road
Glasgow
G11 6BA, DATED 01/06/2016

Representation from : Tinto Trout Fishery, Loch Lyoch Cottage
Thankerton
Biggar
ML12 6NH, DATED 01/06/2016

Representation from : Andrew Lennox, 50 Meadowpark Road
Bathgate
EH48 2SJ, DATED 01/06/2016

Representation from : Jean Oliver, 43 Knocklea
Biggar
ML12 6EF, DATED 01/06/2016

Representation from : Thomas MacKay, ., DATED 01/06/2016

Representation from : James Horan, ., DATED 01/06/2016

Representation from : Yvonne Laing, 255 Shields Road
Motherwell, DATED 01/06/2016

Representation from : Colin Laing, 255 Shields Road
Motherwell
ML1 2LG, DATED 01/06/2016

Representation from : Maciej Alexander, , DATED 01/06/2016

Representation from : Susan Kekewich, , DATED 02/06/2016

Representation from : Alexander Anderson, Glebe House
Lamington
Biggar
ML12 6HW
, DATED 02/06/2016

Representation from : Harold Harris, DATED 02/06/2016

Representation from : Jon McCosh , received via email , DATED 09/06/2016

Representation from : Drew Burnett, Received via email, DATED 15/04/2016

Representation from : Dale Galloway, Coulter Mains House and Lodge House
Coulter
Biggar
ML12 6PR, DATED 31/05/2016

Representation from : Mrs J E Airlie, 12 Langvout Gate
Biggar
ML12 6UF, DATED 31/05/2016

Representation from : Dr Andrew Highton, Geological Consultant
Border Geo-Science
2 Oxengate Cottages
Elsrickle
Lanarkshire
ML12 6QZ
DATED 31/05/2016

Representation from : Robert Riddell, , DATED 02/06/2016

Representation from : Beth Anderson, Glebe House
Lamington
Biggar
ML12 6HW
DATED 02/06/2016

Representation from : Hugo Kekewich, , DATED 02/06/2016

Representation from : Angus Bell, Newholm of Culter,
Biggar,
ML12 6PZ.
DATED 02/06/2016

Representation from : Charlie Fleetwood, DATED 02/06/2016

Representation from : Dr P Strigner, DATED 02/06/2016

Representation from : Sarah Hebeisen , Auchinleck Cooperative
20 Stanley Road
Edinburgh
EH6 4SG
DATED 02/06/2016

Representation from : Heather Strigner, DATED 02/06/2016

Representation from : Jasmine Gould MA, DATED 02/06/2016

Representation from : Michelle Taylor, UK taxpayer
UK voter
U.K. Resident
Lover of the British countryside
DATED 02/06/2016

Representation from : Scott Mackay, DATED 02/06/2016

Representation from : Mrs Anna McCosh, 12 Stephen Avenue
Biggar
ML12 6AS, DATED 17/10/2017

Representation from : James Yuille , 'Lorien'
6 Mid Road
Biggar
ML12 6AW
DATED 12/05/2016

Representation from : Stuart Harrison, For and on behalf of Automatic Protection
Limited , DATED 12/05/2016

Representation from : David and Kim Collins, Wayside Cottage
Lamington
ML12 6HW, DATED 16/05/2016

Representation from : Chris Trickey , 84 Dumfries Road
Elvanfoot, DATED 12/05/2016

Representation from : Graham May, Willow Cottage
Millrigg Road
Wiston
ML12 6HT, DATED 13/05/2016

Representation from : Sarah Henry, 57 Gardenside Avenue
Carmyle
G32 8EA, DATED 18/05/2016

Representation from : Anthony Henry, 57 Gardenside Avenue
Carmyle
Glasgow
,DATED 18/05/2016

Representation from : M G Young, 6 Castle Yett
Biggar
ML12 6QQ, DATED 18/05/2016

Representation from : Miss Molly Armstrong, 9 Moss Side Drive
Biggar
ML12 6GD, DATED 18/05/2016

Representation from : Anne Neville, 10 Albion Court
Biggar
ML12 6GU, DATED 18/05/2016

Representation from : Jennifer Meikle, Glengonnar
Coulter
Biggar
ML12 6PZ, DATED 18/05/2016

Representation from : Rory Conn, Tweedbank
Main Street
Symington
ML12 6LJ
DATED 25/05/2016

Representation from : On Behalf of constituent of Bruce Crawford MSP,
DATED 21/06/2016

Representation from : Ian D Parker, 254 Colinton Road
Edinburgh
EH14 1DL
DATED 13/04/2016

Representation from : Craig Ritchie, 106 Burnhead Rd
Symington
ML12 6FS
DATED 13/04/2016

Representation from : Lorraine Murray, 33 Rowhead Terrace
Biggar
ML12 6DU
DATED 13/04/2016

Representation from : Ken Hebbes, 22 Coulter road
Biggar
ML12 6EP
DATED 13/04/2016

Representation from : M Abed Ullah , Taj Mahal Biggar Ltd
101 High Street
Biggar
ML12 6DL
DATED 13/04/2016

Representation from : Peter McCallum ,
DATED 13/04/2016

Representation from : Paul O'Donnell, Dawn Group
220 West George Street
Glasgow
G2 2PG
DATED 22/04/2016

Representation from : Margaret B Bowen,
DATED 11/05/2016

Representation from : Edward B Bowen,
DATED 11/05/2016

Representation from : Rosemary Gow, 8 Edinburgh Road

Abington
Biggar
ML12 6SA,
DATED 11/05/2016

Representation from : Tim King, 53 Biggar Road
Symington
ML12 6FT
DATED 18/05/2016

Representation from : Gordon Lang, 8 Biggar Road
Carnwath
ML11 8HJ
DATED 18/05/2016

Representation from : Kathleen Ellwood, 6 Kirk Bauk
Symington
Biggar
ML12 6LB
DATED 18/05/2016

Representation from : Kenny Dunlop,
DATED 31/05/2016

Representation from : David Doig,
DATED 31/05/2016

Representation from : Gavin Smith,
DATED 31/05/2016

Representation from : S Doig, DKR
Coulter
DATED 31/05/2016

Representation from : Elma Wight, Townfoot farm
Symington
ML12 6LL
DATED 30/05/2016

Representation from : John Martin, The Old Post Office House
Roberton
ML12 6RS
DATED 31/05/2016

Representation from : Laura Wight, DATED 31/05/2016

Representation from : Gavin and Sheila Hill, DATED 30/05/2016

Representation from : Pauline Vassiliades, Coulter Mains House
Coulter
Biggar
ML12 6PR, DATED 30/05/2016

Representation from : Belinda Connor, 10 Blairhead View
Shotts
ML7 5B6

DATED 30/05/2016

Representation from : Ewan Robertson, 8 Glen Lane
Uplawmoor
Glasgow
G78 4DF
DATED 30/05/2016

Representation from : Lynn Robertson, DATED 30/05/2016

Representation from : Robin Strigner, Kirkwood House
Coulter
Biggar
ML12 6PP
DATED 31/05/2016

Representation from : Jasmin Cann, 7, Lindsaylands Road,
Biggar
ML12 6EQ
DATED 30/05/2016

Representation from : Cathy Williams B.Sc. MIEEM, , DATED 30/05/2016

Representation from : Melanie Telford , , DATED 31/05/2016

Representation from : Elma Wight, , DATED 31/05/2016

Representation from : John Wight, , DATED 31/05/2016

Representation from : Mrs Catherine Wight, , DATED 31/05/2016

Representation from : Carolyn Futti, 40 Sherifflats Road
Thankerton
Biggar ML12 6PA
, DATED 31/05/2016

Representation from : John and Elizabeth Thoumire, , DATED 31/05/2016

Representation from : Brian Lindsay, 34 Sherrifflats Road
Thankerton
Biggar
Lanarkshire
ML12 6PA
DATED 30/05/2016

Representation from : Steve Vassiliades, Coulter Mains House
Coulter
Biggar
ML12 6PR, DATED 31/05/2016

Representation from : Rose Mary Tompsett, DATED 19/04/2016

Representation from : Historic Scotland, email, DATED 13/10/2017

Representation from : Concerned local resident of Upper Clydesdale, Received via
email, DATED 02/06/2016

Representation from : Karen Lamb, Received via email, DATED 02/06/2016

Representation from : Gavin Legg, Hawthorn Cottage
Lamington, DATED 02/06/2016

Representation from : Eleanor Legg, Hawthorn Cottage
Lamington, DATED 02/06/2016

Representation from : Karl T Pipes, 71 Main Street
Symington
Biggar
ML12 6LL, DATED 02/06/2016

Representation from : William Edward Alexander and Maciej Alexander,
Greengables
Symington
Biggar
ML12 6JU, DATED 02/06/2016

Representation from : Ms T Armstrong, 9 Moss Side Drive
Biggar
ML12 6QD, DATED 03/06/2016

Representation from : Zdenka Stuart, South Cottage
Hardington Estate
Lamington
Biggar
ML12 6HS, DATED 03/06/2016

Representation from : Ian Stuart, No address provided, DATED 03/06/2016

Representation from : Jo Macsween, East Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR, DATED 03/06/2016

Representation from : Charles Coubrough, Chairman of Charles Coubrough & Co
Ltd
Tintoside
Symington
Biggar
ML12 6HX, DATED 27/05/2016

Representation from : Bob Brownlie, , DATED 27/05/2016

Representation from : James Baxter, Wiston
Biggar
ML12 6HU
DATED 27/05/2016

Representation from : Roger Duerden, East Cottage
Coulter Mains
Coulter
Biggar

ML12 6PR, DATED 27/05/2016

- Representation from : Jane Tallents, 3 Milkhall Cottages
Penicuik
EH26 8PX, DATED 01/06/2016
- Representation from : William White, ., DATED 01/06/2016
- Representation from : Jacqueline White, DATED 01/06/2016
- Representation from : Dr Michael Marten, 7 Station Road
Balfron
G63 0SX, DATED 01/06/2016
- Representation from : G Miller, Biggar, DATED 01/06/2016
- Representation from : Steven Laing, 255 Shields Road
Motherwell
ML1 2LG, DATED 01/06/2016
- Representation from : Dr Janet Moxley, Wallace Cottage,
1 Gas Works Rd,
Biggar,
ML12 6BZ, DATED 03/06/2016
- Representation from : Catherine Bradley, 1 Kilbucho Mains Farm Cottages
Kilbucho
Biggar
Lanarkshire
ML12 6JH
DATED 14/04/2016
- Representation from : Anne Dickson, DATED 14/04/2016
- Representation from : Robert Dickson, DATED 14/04/2016
- Representation from : Stuart Burgess, Flat 2/2
28 Woodford Street
Glasgow
G41 3HN
DATED 14/04/2016
- Representation from : Sue Wigram, The Granary
Annieston Farm
Symington
Biggar
ML12 6LQ
DATED 14/04/2016
- Representation from : Linda Miller, DATED 14/04/2016
- Representation from : Angus McLeod, Broadfield Farm House,
Symington,
Biggar,
ML12 6JZ
DATED 15/04/2016

Representation from : Michael Best, DATED 13/05/2016

Representation from : Vivien Mullaney, DATED 13/05/2016

Representation from : Agnes Stewart, DATED 16/05/2016

Representation from : Narelle Cunningham, DATED 16/05/2016

Representation from : Ewan McBride, Sunflowers
Church Lane
Wiston
Biggar
ML12 6GA, DATED 16/05/2016

Representation from : Dawn Hakim, DATED 16/05/2016

Representation from : Robert Armour , lauder cottage
skirling
Biggar
ML126HD, DATED 18/05/2016

Representation from : Chris MacGregor Mitchell , Shaw House
Coulter
Biggar
ML12 6PZ, DATED 18/05/2016

Representation from : Fiona Thomson, Jim Thomson, Gordon Thomson, Cameron
Thomson, Angus Thomson, Received via email, DATED
19/05/2016

Representation from : G B Hill and Mrs Anne Hill, Broadlands
Broadfield Road
Symington
ML12 6JZ, DATED 19/05/2016

Representation from : Merlin Bonning, Kirkwood House
Biggar
Scotland
ML12 6PP
DATED 02/06/2016

Representation from : Aileen Campbell MSP, DATED 14/06/2016

Representation from : William Allen , 18
Moss Side Road
BIGGAR
ML12 6GF, DATED 26/05/2016

Representation from : Donald Oxley , Beech Cottage
Lamington
Biggar
ML12 6HW, DATED 18/05/2016

Representation from : Gun Oxley , Beech Cottage
Lamington

Biggar
South Lanarkshire
ML12 6HW, DATED 18/05/2016

Representation from : Mrs P Higgins, 4 Cardon Drive
Biggar
ML12 6EZ, DATED 01/06/2016

Representation from : Owner/Occupier, 1 Colliehill Road
Biggar
ML12 6PN, DATED 01/06/2016

Representation from : Marion Brown, 116 Main Street
Symington
Biggar
ML12 6LJ, DATED 01/06/2016

Representation from : Owner/Occupier, 13 Millstone Park
Biggar
ML12 6AQ, DATED 01/06/2016

Representation from : Mr and Mrs Dewar, 21 Langvout Gate
Biggar
ML12 6UF, DATED 01/06/2016

Representation from : Fiona Black, 47 Main Street
Symington
ML12 6LL, DATED 01/06/2016

Representation from : David Wilson , Braefield
Cormiston Road
Biggar
ML12 6NS, DATED 01/06/2016 23:25:23

Representation from : Frances Sandilands, 73 Main Street
Symington
Biggar
ML12 6LL, DATED 07/06/2016

Representation from : Rt Hon David Mundell MP, 2 Holm Street
Moffat
DG10 9EB, DATED 05/05/2016

Representation from : Clare Yuille, Turret Cottage
Biggar Road, Symington
Biggar,
ML12 6LW
DATED 10/05/2016

Representation from : David Barnes, Biggar Park
Biggar
ML12 JS
DATED 10/05/2016

Representation from : Mrs C Barr, 10 Lodge Park
Biggar

ML12 6ER, DATED 12/05/2016

Representation from : James Dawnay, Symington House
by Biggar
ML12 6LW, DATED 17/05/2016

Representation from : Alex Laird and Josephine Laird, 21 Moss Side Road
Biggar
ML12 6GF, DATED 17/05/2016

Representation from : Anna Ludwig, 39 Main Street
Symington
Biggar
ML12 6LL, DATED 17/05/2016

Representation from : Caroline J Parker BSc MRICS, Rosemount
254 Colinton Road
Edinburgh
EH14 1DL, DATED 17/05/2016

Representation from : William Watt, DATED 10/05/2016

Representation from : Finlay Mccoll and Karen Yeman, DATED 10/05/2016

Representation from : Mary McLatchie, DATED 11/05/2016

Representation from : Elizabeth McLatchie, DATED 11/05/2016

Representation from : Heather Watt, Received via email, DATED 16/05/2016

Representation from : Bill Osborne, Easthill Farm
Quothquan
Biggar
ML12 6NA, DATED 16/05/2016

Representation from : Lesley Osborne, Easthill Farm
Quothquan
Biggar
ML12 6NA, DATED 16/05/2016

Representation from : Robert Colquhoun, 29a Main Street
Symington
Biggar
ML12 6LL, DATED 16/05/2016

Representation from : W and M Aitken, Received via email, DATED 16/05/2016

Representation from : Steven and Lesley McCranor, Received via email, DATED
16/05/2016

Representation from : Patricia Ross, Garth Cottage
Wiston
Biggar, DATED 16/05/2016

Representation from : Katrina Docherty, Received via email, DATED 16/05/2016

Representation from : Tom Docherty, Received via email, DATED 16/05/2016

Representation from : Alexander J Kekewich BSc, DATED 16/05/2016

Representation from : Mr Malcolm and Sharon Mayo, Curlew Cottage
Church Lane
Wiston
ML12 6GA, DATED 16/05/2016

Representation from : Aileen Hewitt, Received via email, DATED 16/05/2016

Representation from : Mrs Linda Bell, Penrhyn Cottage
Lamington
ML12 6HW, DATED 16/05/2016

Representation from : Isabel Young, 3 Skyehead Drive
Biggar
ML12 6PW, DATED 16/05/2016

Representation from : John B Bell, Penrhyn Cottage
Lamington
ML12 6HW, DATED 16/05/2016

Representation from : Ben McCosh , 10 Woodilee
Broughton
ML12 6GB, DATED 16/05/2016

Representation from : Jennifer Mackie, 10 Edinburgh Road
Biggar
ML12 6AX, DATED 18/05/2016

Representation from : Robert Armour, Received via email, DATED 19/05/2016

Representation from : John McLatchie, Langholm House
Lamington
By Biggar
ML12 6HW, DATED 31/05/2016

Representation from : Lindsay Macgregor, , DATED 31/05/2016

Representation from : Janet V Rae, "Craigengar"
16 Station Road
Biggar
ML12 6JN, DATED 01/06/2016

Representation from : Mrs Ailsa MacLeod, Lower Glengorm
14 Station Road
Biggar
ML12 6JNB, DATED 01/06/2016

Representation from : Hannah M McKenzie, Applegarth
9 Lindsaylands Road
Biggar
ML12 6EQ, DATED 01/06/2016

Representation from : Robert Norman, Springlea
Howgate Road
Roberton
ML12 6RS, DATED 01/06/2016

Representation from : Mrs A Mitchell, 60 Howgate Road
Roberton
ML12 6RS, DATED 01/06/2016

Representation from : Elizabeth St John, Spittal House
Biggar
ML12 6HB, DATED 01/06/2016

Representation from : Robert M Brown, 38 Cormiston Road
Biggar
ML12 6FF, DATED 01/06/2016

Representation from : Rochelle Pitcher, 38 Cormiston Road
Biggar
ML12 6FF, DATED 01/06/2016

Representation from : Mrs Janice & Mr John Currie, 7 Viewpark Road
Biggar
ML12 6BG, DATED 01/06/2016

Representation from : Peter Goddard, "Grianach"
Howgate Road
Roberton
Biggar
ML12 6RS, DATED 01/06/2016

Representation from : W Alexander, 28 Birthwood Road
Coulter
Biggar
ML12 6PT, DATED 01/06/2016

Representation from : M S Midalemiss, 25 Cardon Drive
Biggar
ML12 6EZ, DATED 01/06/2016

Representation from : A M Carson, 3 Stanehead Park
Biggar
ML12 6PU, DATED 01/06/2016

Representation from : Elizabeth E Bell, The Cottage
Lamington
ML12 6HW, DATED 01/06/2016

Representation from : Gerard McCosh, Highfield
Coulter
Biggar
ML12 6PZ, DATED 01/06/2016

Representation from : Mr Roy Maddox, 101A Main Street
Symington
Biggar

ML12 6LL, DATED 01/06/2016

Representation from : Chris McCosh, Windy Hangingshaw
Coulter
Biggar
ML12 6HN, DATED 01/06/2016

Representation from : Ian A Edgar & Mrs Sheena Edgar, Lamington Mains Farm
Lamington
Biggar
ML12 6HW, DATED 01/06/2016

Representation from : Bryce K McCosh, Huntfield
Quothquan
Biggar
ML12 6NA, DATED 01/06/2016

Representation from : Alison Habasque , 21 Bidders Gait
Lanark, DATED 02/06/2016

Representation from : Derrick and Pamela Norris, 14 Moss Side Crescent
Biggar
ML12 6GE, DATED 09/05/2016

Representation from : Ian and Christine Cameron, DATED 09/05/2016

Representation from : Miss S J Doig, 22 Cardon Drive
Biggar
ML12 6EZ, DATED 09/05/2016

Representation from : Graham Gibson, Millhill
Lamington
Biggar
ML12 6HW, DATED 10/05/2016

Representation from : Beryl Pipes , Limetree Cottage
71 Main Street
Symington
Biggar
ML12 6LL , DATED 20/05/2016

Representation from : David W Bell, The Cottage
Lamington
ML12 6HW , DATED 20/05/2016

Representation from : Anna McCosh , 12 Stephen Avenue
Biggar
ML12 6AS , DATED 20/05/2016

Representation from : Karl T Pipes , 71 Main Street
Symington
Biggar
ML12 6LL , DATED 20/05/2016

Representation from : Murdo MacKenzie, on behalf of Mr A M MacKenzie
Cipero

Jerviston Street
Motherwell
ML1 4BL, DATED 28/07/2016

Representation from : Ross Laing, 255 Shields Road
Motherwell
ML1 2LG, DATED 01/06/2016

Representation from : Amanda Brown & Paul David Brown, , DATED 01/06/2016

Representation from : Muir Smith Evans, 203 Bath Street
Glasgow
G2 4HZ, DATED 01/06/2016

Representation from : Michael Maxwell Stuart, Baitlaws
Lamington
Biggar
ML12 6HR
DATED 01/06/2016

Representation from : Ros Bullen , 97 Main Street
Symington
Biggar
South Lanarkshire
ML12 6LL, DATED 01/06/2016

Representation from : Howard and Grace Goldstein, Clydeholm
Roberton
By Biggar
South Lanarkshire
ML12 6RR, DATED 15/06/2016

Representation from : David Grieve, 50 Main Street
Symington
ML12 6LJ, DATED 30/06/2016

Representation from : Scott Wright, Shawhill Smithy
Carmichael
Biggar
ML12 6PL, DATED 13/04/2016

Representation from : Jane Morrison-Ross, Received via email, DATED
13/04/2016

Representation from : Amanda Lawrie, Received via email, DATED 13/04/2016

Representation from : Kirsten M Vandome, Burnsands
Roberton
Biggar
ML12 6RS, DATED 13/04/2016

Representation from : Susan Bell, received via email , DATED 23/05/2016

Representation from : Malcolm Vennan, received via email, DATED 23/05/2016

Representation from : Lesley Anne Vannan, received via email , DATED

23/05/2016

- Representation from : Max Fraser , received via email , DATED 24/05/2016
- Representation from : Lara Boyd and James Boyd, Received via email, DATED 25/05/2016
- Representation from : D A Cann, Bridge Cottage
Coulter
Biggar
ML12 6PZ, DATED 25/05/2016
- Representation from : Owner - Occupier, Broadfield Farmhouse
Symington
Biggar
ML12 6JZ, DATED 25/05/2016
- Representation from : Dr J H Filshie, 16 Coulter Road
Biggar
South Lanarkshire
ML12 6EP, DATED 26/05/2016
- Representation from : Rebecca Main, DATED 26/05/2016
- Representation from : Andy Keane, DATED 26/05/2016
- Representation from : Stephen Forster, South Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR
DATED 26/05/2016
- Representation from : Sharon Forster, South Cottage
Coulter Mains
Coulter
Biggar
ML12 6PR
DATED 26/05/2016
- Representation from : Steve , E-Health ICT
GP IT Support Manager
Kirklands
Bothwell
G71 8BB
DATED 26/05/2016
- Representation from : Matthew Connell, 7 Lawrie Street
Newmilns
KA169JF
DATED 26/05/2016
- Representation from : Jessica Cadzow-Collins, , DATED 26/05/2016
- Representation from : David and Dorothy Shannon, Woodburn
Quothquan

Biggar
ML12 6NA
DATED 26/05/2016

- Representation from : Mike Fuddy, 40 Sherittlats Road
Thankerton
Biggar, DATED 31/05/2016
- Representation from : Colin White, DATED 31/05/2016
- Representation from : William White, DATED 31/05/2016
- Representation from : William Robinson, DATED 04/10/2017
- Representation from : Ruth P Bryden, Received via email, DATED 20/05/2016
- Representation from : Craig Ritchie, Railway Cottage
Burnhead Road
Symington
ML12 6FS, DATED 20/05/2016
- Representation from : Mr G H Renton, Received via email, DATED 20/05/2016
- Representation from : Brian S Gallagher, Received via email, DATED 20/05/2016
- Representation from : Mr. Gerard Mcmorrow
5 Annieston Place
Symington
Biggar
LANARK
LANARKSHIRE, DATED 24/05/2016
- Representation from : Claudia Beamish MSP, Received via email,
DATED 07/06/2016
- Representation from : Savills - on behalf of Clyde River Action Group 2015, 8
Wemyss Place
Edinburgh
EH3 6DH, DATED 07/06/2016
- Representation from : Mrs Sarah Dawary, Symington House
by Biggar
ML12 6LW, DATED 07/06/2016
- Representation from : Kate Deacon, Received via email, DATED 07/06/2016
- Representation from : Chad McCail, 72 Station Road
Thankerton
ML12 6NZ, DATED 07/06/2016
- Representation from : Marc Light , 7 The Acreage
Hunterlees Gardens
Glassford
Strathaven
ML10 6GE, DATED 06/05/2016

Representation from : Margaret J Young, Alton
Causewayend
Coulter
Biggar
DATED 10/05/2016

Representation from : Margaret Robertson , 14 Burnside Terrace
Biggar
Biggar
ML12 6BY, DATED 17/05/2016

Representation from : David and Sharron Cowley, Burnfoot Cottage
Lamington
Biggar
ML12 6HR, DATED 27/05/2016

Representation from : Mrs McMahon , 24 Boat Rd
Thankerton
BIGGAR
ML12 6QW, DATED 30/05/2016

Representation from : William Robinson,
DATED 26/09/2017

Representation from : John B Bell, DATED 09/10/2017

Representation from : Linda P Bell , DATED 09/10/2017

Representation from : Ms Claudia Beamish MSP, via email , DATED 31/10/2017

Representation from : Savills , On Behalf of Clyde River Action Group
8 Wemyss Place
Edinburgh
EH3 6DH, DATED 19/12/2017

Contact for Further Information

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

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

Ext 5903 (Tel 01698 455903)

E-mail: james.wright@southlanarkshire.gov.uk

CONDITIONS

- 1 That the extraction of sand and gravel shall proceed only in accordance with the submitted details of phasing, direction and depth of working as shown in the Environmental Statement (prepared by Pleydell Smithyman April 2016) and no deviations from these details shall be permitted unless agreed in writing with the Council, as Planning Authority. For the avoidance of doubt all compensatory flood storage works shall be completed prior to extraction commences.
- 2 That all extraction operations on the site shall be discontinued no later than 12 years from the date of commencement and, within a period of 12 months from the discontinuance date, the entire site shall be restored in accordance with the approved restoration plan (approved through condition 3 below).
- 3 That within 3 months of the date of this permission, a final, full restoration 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.
- 4 That prior to the commencement of the development hereby approved, 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 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.
 - v) 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.
 - vi) In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Council as Planning Authority.

- 5 That before any work starts on site an updated Water Environment Adaptive Management Plan shall be submitted for the written approval of the Council, as Planning Authority, in consultation with SEPA and thereafter shall be carried out as approved for the lifetime of the development, hereby approved, unless amendments are agreed in writing by the Council, as Planning Authority in consultation with SEPA.
- 6 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.
- 7 That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with the West of Scotland Archaeology Service.
- 8 That the approved access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 6. The junction shall be constructed in accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced. The work associated with the construction, supervision and safety audits, including any additional work identified by the audit as being necessary for the safety of the users of the trunk road, shall be delivered by the developer.
- 9 The gradient of the access road shall not exceed 1 in 40 for a distance of 15 metres from the nearside edge of the trunk road carriageway, and the first 15 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.
- 10 That the new access to the site shall be formed and the existing access closed off to the satisfaction of the Council as Planning Authority before any works commence on the site.
- 11 That prior to any works commencing on the construction of the access details of the proposed horizontal and vertical realignment of the A702 trunk road and type (and method) of construction shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
- 12 That prior to any works commencing fully detailed plans showing the construction phasing and temporary traffic management required for the realignment of the A702 trunk road shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

- 13 That from the date of commencement of operations on the site, until completion of the final restoration, a copy of this permission, and all approved documents and subsequently approved documents, shall be kept available for inspection on site during the approved working hours.
- 14 That prior to development commencing on site, a scheme for the monitoring of dust, shall be submitted for the written approval of the Council as Planning Authority and shall include the provision of physical dust monitoring should complaints arise. Thereafter, the scheme shall be carried out as approved for the lifetime of the development, hereby approved.
- 15 That prior to development commencing on site, details of all dust management measures shall be submitted for the written approval of the Council, as Planning Authority. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the dust management measures shall include the use of water bowsers, dampening extraction areas, sheeting of lorries and minimising load drop heights.
- 16 That prior to development commencing on site, detail of all noise attenuation measures shall be submitted for the written approval of the Council, as Planning Authority. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the site noise reduction measures shall include the use of electricity driven pumps, the use of sound reduced electricity generators, the fitting of acoustic housing around any noise source, fitting effective silencers on all vehicles, plant and machinery and the incorporation on all vehicles of reversing alarms that have reduced audible warning levels (these shall include a red stroboscopic warning light and/or white noise reversing systems).
- 17 That prior to development commencing on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile areas of any areas of earthmounding shall be submitted for the written approval of the Council as Planning Authority. Thereafter, the scheme as approved shall be fully planted in accordance with the approved programming, prior to the commencement of any extraction work on site and maintained as such for the lifetime of the development hereby approved. For the avoidance of doubt the scheme of landscaping shall include details of all greenbank planting as well as screen planting. The greenbank planting shall remain as approved by this condition unless changes to the Water Environment Adaptive Management Plan as required by condition 5 above require amendments or additions to this approved planting.
- 18 That without the prior written approval of the Council, as Planning Authority; No operations or activity, including exportation of materials (except water pumps for the management of water, security or in connection with essential maintenance within the plant site area) shall take place at the site, before 07:00 and after 18:00 Monday to Friday and before 08:00 and after 13:00 on Saturdays with no audible working at all other times. No activities, including exportation of materials, (except water pumps for the management of water, security or in connection with essential maintenance of on-site plant) shall take place on Sundays.
- 19 That with respect to the control of noise resulting from the operations at the site,

the developer shall, except as provided for by the Temporary Operations as allowed by condition 20, below, not exceed the nominal noise limit from site operations at all noise sensitive premises in the vicinity of the site, as set out within Chapter 12 (Noise) of the approved Environmental Statement (Pleydell Smithyman April 2016) between 0700 to 1800 hrs Monday to Friday and 0800 hrs to 1300 hrs on Saturday. There shall be no audible noise from the site at noise sensitive properties outwith these times.

- 20 For soil handling operations for the creation of any bunds and other works in connection with landscaping noise levels at all noise sensitive properties within the vicinity of the site, attributable to the winning and working of minerals during normal daytime working hours (0900 to 1700 hrs Monday to Friday inclusive) shall not exceed 70dB LAeq over any one hour period for a maximum 8 weeks per year.
- 21 That, in the event a written request is made by the Council, the operator shall submit details, within 21 days of the written request, setting out measures to minimise the deposit of mud and debris on the public road. Thereafter, those measures shall be implemented within agreed timescales, to the satisfaction of the Council. The applicant or subsequent operator(s) shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site.
- 22 That a six-monthly record of the amount of material leaving the quarry shall be submitted to the Council, as Planning Authority. The rate of exportation shall not exceed 320,000 tonnes per annum, unless agreed in writing by the Council as Planning Authority.
- 23 That prior to the commencement of development, a lighting plan shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, operations shall be undertaken in accordance with the approved lighting plan for the duration of extraction and restoration activities.
- 24 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 satisfaction of the Council as Planning Authority.
- 25 That prior to development commencing on site, an otter protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the otter protection plan shall be an updated version of the 2012 otter protection plan associated with Planning Ref: CL/11/0305.
- 26 That prior to development commencing on site, a bat protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the bat protection plan shall incorporate the recommendations in sections 4.3, 4.9, 4.11 and 4.12 of Appendix 8.4 (Bat activity and Roost Survey Report) that forms part of the approved Environmental Statement (Pleydell Smithyman April 2016).

- 27 That prior to development commencing on site, a badger protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. The measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the badger protection plan shall incorporate mitigation within section 2.6 of the 2012 otter protection plan associated with Planning Ref: CL/11/0305 and shall also include the following additional measures to further reduce potential impacts to badgers:
- The use of noisy plant and machinery in the vicinity of sett protection zones to cease at least two hours before sunset.
 - Security lighting to be directed away from setts.
 - Chemicals to be stored as far away from the setts and badger paths as possible.
 - Any temporarily exposed open pipe system to be capped in such a way as to prevent badgers gaining access, as may happen when contractors are off-site.
 - Badger gates may need to be installed in perimeter fencing; if so, specialist advice should be sought.
 - Water sources (for badgers) to be safeguarded.
- 28 That prior to development commencing on site, a Barn Owl protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. Once approved, the measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the protection plan shall include the following additional measures to further reduce potential impacts to Barn Owls:
- The use of large protection areas
 - Alternative nesting sites to be provided
 - Alternative sites to be placed inside a building, preferably controlled by the applicant at Overburns Farm.
- 29 That prior to development commencing on site, a breeding birds protection plan shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH. Once approved, the measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved. For the avoidance of doubt the protection plan shall include the following measures to further reduce potential impacts to breeding birds:
- The protection measures detailed in the plan are sufficiently specific so as not to be open to interpretation
 - The plan shall state within what area around the nest works should initially cease until the Ecological Clerk of Works is able to advise on an appropriate permanent protection zone for the species concerned
 - Attention shall be given in the plan to how any shift of sand martins into the quarry once active would be managed given the potential for conflict between operation of the quarry and the need to protect nesting sites when in use.
 - the provision of artificial nesting sites as a possible solution to these issues.
- 30 That soils shall only be stripped, stockpiled and replaced when it is in a suitably dry and friable condition (suitably dry means that the top soil can be separated from the sub soil without difficulty so that it is not damaged by machinery passing over it), except with the prior written approval of the Council, as Planning Authority.
- 31 All soils, shall be retained on site and be used for the restoration of the site.
- 32 All containers being used to store liquids within the application site shall be labeled clearly to show their contents, and located in a bund which shall be at

least 110% of the capacity of the largest container stored within it. Bunds shall conform to the following standards:

- The walls and base of the bund shall be impermeable
- The base shall drain to a sump
- All valves, taps, pipes and every part of each container shall be located within the area served by the bund when not in use;
- Vent pipes shall be directed down into the bund;
- No part of the bund shall be within 10 metres of a watercourse;

Any accumulation of any matter within the bund shall be removed as necessary to maintain its effectiveness.

- 33 That within 3 months of the date of this permission, a full aftercare plan shall be submitted for the written approval of the Council as Planning Authority and thereafter be carried out as approved for a minimum of 5 years following final restoration of the site of the development, hereby approved.
- 34 Should, for any reason, the extraction of sand and gravel from the site cease for a period in excess of 12 months, the extraction shall be deemed to have ceased. An updated scheme, plan and schedule for the restoration of the worked area, to date, shall be submitted for the written approval of the Council, as Planning Authority within 2 months of the effective cessation of quarrying operations.
- 35 That within one year from the date of commencement (and annually thereafter for the duration of extraction and restoration operations approved through this permission), an annual progress plan and environmental audit shall be submitted to the Council as Planning Authority. The annual progress plan shall detail:
- The extent of extraction operations undertaken that year;
 - Areas prepared for extraction, including any soil stripping;
 - The extent of backfilling;
 - The extent of restoration operations carried out;
 - Recent topographical site survey
 - Current and anticipated production figures;
 - Total tonnage dispatched within the proceeding year;
 - Estimation of remaining mineral reserves;
 - Compliance with statutory permissions and legal agreements;
 - Site complaint logs and actions taken
 - The effects of the development on the environment, including noise, dust and water monitoring
 - Measures taken to implement the restoration and aftercare provisions and the intended operations for the next 12 months
 - Details of groundwater levels within the site.
- 36 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any Order revoking and re-enacting that Order) no development within Classes 55 and 56 shall be undertaken without the written permission of the Council, as Planning Authority.
- 37 That prior to the commencement of development, all details of plant and equipment to be used on site shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, all on site plant and equipment shall be in accordance with the details approved under this condition for the duration of extraction and restoration activities unless otherwise approved in

writing by the Council, as Planning Authority. For the avoidance of doubt plant and equipment includes temporary, mobile plant and equipment as well as any static, permanent plant and equipment.

- 38 That prior to development commencing on site, a bio-security management plan for invasive species shall be submitted for the written approval of the Council, as Planning Authority in consultation with SNH and SEPA. Once approved, the measures shall be fully implemented as approved and adhered to for the duration of the development, hereby approved.

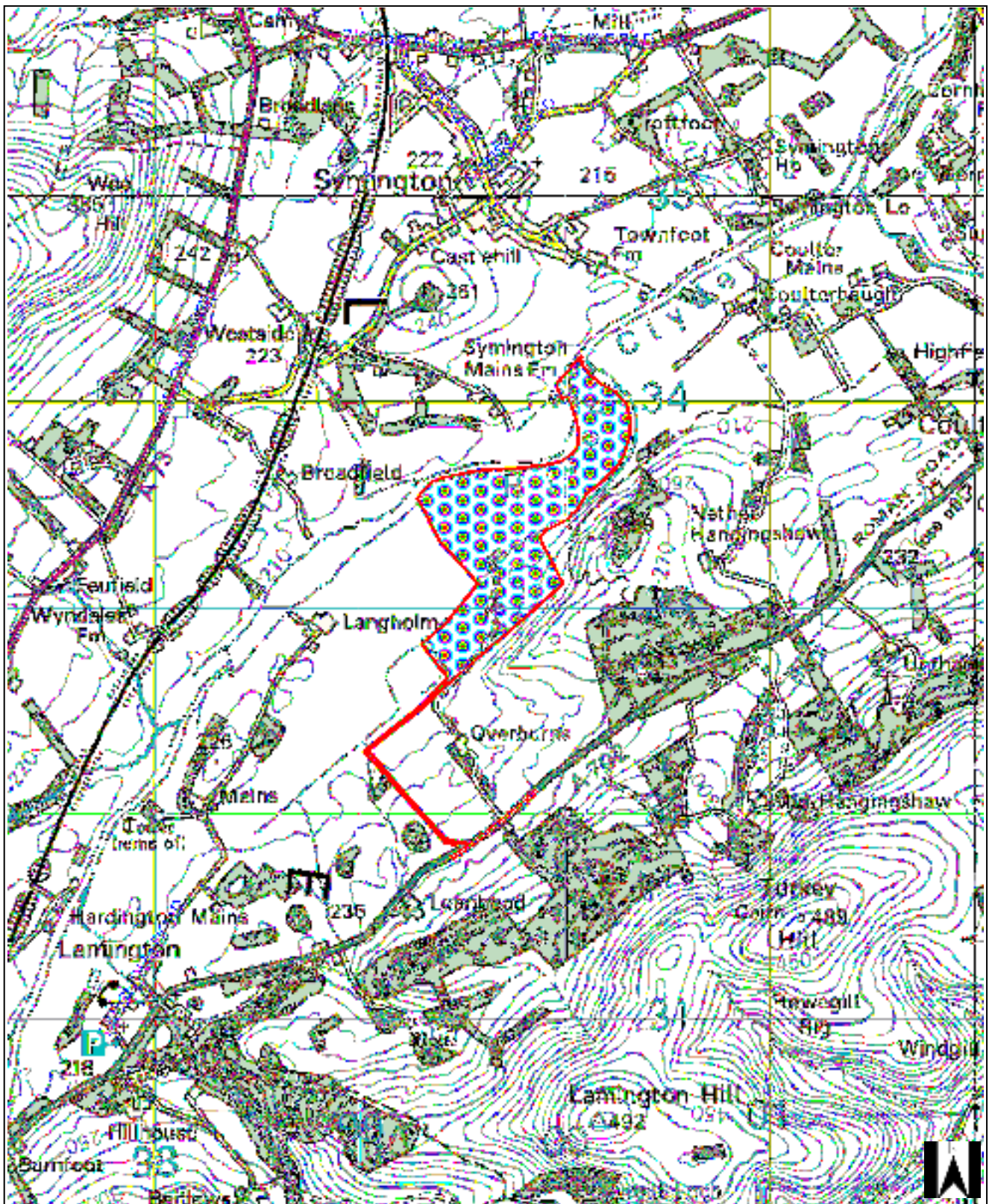
REASONS

- 1.1 In order to retain proper control of the development and to ensure the satisfactory restoration of the workings.
- 2.1 To ensure that the site is satisfactorily restored.
- 3.1 In the interests of visual amenity and effective landscape management, to ensure that adequate measures are put in place to ensure effective and proper long term restoration of the site.
- 4.1 To ensure that provision is made for the restoration and aftercare of the site.
- 5.1 To ensure appropriate mitigation and management of the water environment.
- 6.1 In the interests of flood risk and water management.
- 7.1 In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site, which lies within an area of potential archaeological importance.
- 8.1 To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished and to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.
- 9.1 To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure that the standard of access layout complies with the current standards, to ensure water run-off from the site does not enter the trunk road and that the safety of the traffic on the trunk road is not diminished and to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.
- 10.1 To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved.
- 11.1 To ensure that the trunk road layout complies with the current standards and that the safety of the traffic on the trunk road is not be diminished.
- 12.1 To ensure that traffic on the A702 trunk road can continue to flow during construction of the access and alterations to the alignment of the trunk road.
- 13.1 To ensure that the Council as Planning Authority retains effective control of the development.
- 14.1 In the interests of residential amenity, in order to continually monitor dust emissions from the site.
- 15.1 In the interests of safeguarding residential amenity from airborne dust.

- 16.1 In the interests of safeguarding residential amenity.
- 17.1 In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality for the duration of the development, hereby approved.
- 18.1 In the interests of residential amenity to minimise noise and disturbance.
- 19.1 In the interests of residential amenity to minimise noise and disturbance.
- 20.1 In the interests of residential amenity to minimise noise and disturbance.
- 21.1 In the interests of preventing mud and deleterious material being carried out onto the public road.
- 22.1 In the interests of Road Safety.
- 23.1 In the interests of residential amenity.
- 24.1 In the interests of bird species.
- 25.1 In the interests of protected species.
- 26.1 In the interests of protected species.
- 27.1 In the interests of protected species.
- 28.1 In the interests of protected species.
- 29.1 In the interests of species protection.
- 30.1 To minimise damage to the soils.
- 31.1 To minimise damage to the soils.
- 32.1 To ensure the safe storage of liquids.
- 33.1 In the interests of visual amenity.
- 34.1 In the interests of visual amenity.
- 35.1 To monitor the impact of the site on its local environment and on neighbouring land uses; in the interest of visual amenity having regard to the rural location of the site; in the interest of residential amenity; to remedy any negative impact on the local environment and neighbouring land uses; in the interest of convenient and satisfactory assimilation of the restored site's agricultural, woodland and countryside uses to the adjoining land; and to ensure continuous consistent performance of work on the development until completion of restoration and the aftercare period.
- 36.1 It is the opinion of the Council as Planning Authority that the additional degree of planning control is necessary due to the nature of the development and the need to prevent additional development occurring outwith that is approved under this permission.
- 37.1 In the interests of residential amenity and visual impact.

38.1 In the interests of good bio-security.

For information only



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