

Report

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Report to:	Planning Committee
Date of Meeting:	5 December 2006
Report by:	Executive Director (Enterprise Resources)

Application No	CL/06/0133
Planning Proposal:	Continuation of the Winning and Working of Sand and Gravel

1 Summary Application Information

- Application Type : Mineral Application
- Applicant : Barr Limited
- Location : Mousewater Sand & Gravel Pit
Cleghorn
By Lanark
ML11 7SL

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions – based on conditions listed)

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

In addition, if the Committee are minded to grant permission the decision notice should not be issued until the following documents are concluded:

1. A revised Restoration Guarantee Bond to cover the full costs of restoring the site.
2. A Section 75 Agreement securing contributions to the South Lanarkshire Rural Communities Trust Fund.

The applicant will be responsible for meeting SLC's reasonably incurred legal fees in respect of the Section 75 and other related agreements.

3 Other Information

- ◆ Applicant's Agent: Ash Design and Assessment
- ◆ Council Area/Ward: 08 Carstairs/Carnwath
- ◆ Policy Reference(s): SPP 1 – The Planning System
SPP4 – Planning for Minerals
PAN 50 – Controlling the Environmental Effects of Surface Mineral Workings
PAN 64 – Reclamation of Surface Mineral

Workings

Glasgow & Clyde Valley Structure Plan (2000) –
Strategic Policy 8 “Sustainable Development of
Natural Resources”

South Lanarkshire Minerals Local Plan
(Adopted 2002) –

MP1: General Protection of the Environment

MP5: Visual Intrusion and Landscape Impact

MP7: Watercourses, Surface and Groundwater

MP8: Public Access to the Countryside

MP11: Buffer Zones

MP12: Impact on Communities

MP13: Benefits from Mineral Workings

MP14: Contributions

MP15: Concentration of Mineral Operations

MP19: Restoration and Aftercare Provision

MP20: Restoration Guarantee Bonds

MP21: Suitability of After-use Schemes

MP30: Protection of Landscape Features

MP32: Noise Survey and Limits

MP33: Dust Assessment Study

MP37: Legal Agreements

MP39: Annual Progress Reports

Lower Clydesdale Local Plan (Adopted 2004) –

Policy ENV2: Rural Area

Policy ENV12: Natural Heritage

The South Lanarkshire Local Plan (Finalised
Draft 2006) –

Policy STRAT4: Accessible Rural Area

Policy CRE2: Stimulating the Rural Economy

Policy ENV4: Protection of the Natural and Built
Environment

◆ Representation(s):

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

◆ Consultation(s):

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

Scottish Natural Heritage

Scottish Water

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

Environmental Services

Roads and Transportation Services (South Division)

Planning Application Report

1 Application Site

- 1.1** The application site is located to the north of the village of Ravenstruther and to the north west of Cleghorn with Lanark lying some 4.5km to the south west of the site. The application area extends to 12.95 hectares, with access being taken via a long haul road (approximately 1km in length) leading directly from the A706, Lanark to Forth road.
- 1.2** The site is bounded to the North by mature broadleaf trees with the valley of the Mouse Water beyond, to the east by a golf course and caravan park, to the west by a small area of tree enclosed pasture and the Mouse Water itself, and to the south by a bank of trees on steeply sloping ground.
- 1.3** The closest residential property to the site is Howfaulds located approximately 150 metres to the south of the extraction area and is separated from the site by a bank of trees. Newhouse Caravan Park is located approximately 200 metres to the east of the site boundary, with a residential property at Windyshields approximately 300 metres to the north of the site. There are no other residential properties in relatively close proximity to the application site.
- 1.4** The site is currently operational with excavation work being undertaken within the northern half of the site. A linear shaped pond occupies the southern half of the application area. The site is generally flat in nature, sloping from a height of 210m to 216m AOD along the northern boundary to 202m AOD at the southern boundary.

2 Proposal(s)

- 2.1** The planning application seeks permission for the continuation of the extraction of sand and gravel at the site from within areas covered by two previous planning permissions. Extraction would take place above and below the water table (the majority of the remaining reserve lies below the water table) down to a level of 195m AOD. The applicant proposes to extract some 650,000 tonnes of sand and gravel from the site, at a rate of 45,000 – 60,000 tonnes per annum, over a period of 10 to 15 years.
- 2.2** Extraction would be undertaken in four phases, three of which would entail working below ground water level. Phase 1 comprises the removal of the reserves in the last part of the esker ridge, to the north west of the site, from above ground water level. During the period of extraction of phase 1, the southern pond area would be drained and a bund formed from compacted, unprocessed sand and gravel to divide the area in two to create the working areas for phases 3 and 4.
- 2.3** Phase 2 would be progressed from the south west of the site towards the north east and would comprise the excavation of material from below water level. Phases 3 and 4 would then be dewatered and excavated consecutively to complete the extraction of material from below water level.
- 2.4** There is no change proposed to the existing processing plant, weighbridge and site offices in the northern part of the site. The unprocessed sand and gravel would be stored in the existing locations in the north east of the site.

- 2.5** It is proposed to utilise the existing site access onto the A706 for the transport of minerals from the site. It is estimated that a maximum of 20 lorries would enter and leave the site daily. A wheel wash is in situ close to the site access.
- 2.6** The site currently directly employs 3 people with the ancillary employment of a number of vehicle drivers. The hours of operation proposed are 06.30 to 17.00 Mondays to Fridays, 06.30 to 13.00 on Saturdays, with no working on Sundays.
- 2.7** It is proposed that upon the completion of extraction the site will be restored to a combination of water bodies and a reed bed surrounded by grassland with native woodland and small groups of parkland trees.

3 Background

3.1 Relevant Government Advice / Policy

- 3.2** Scottish Planning Policy 4 'Planning for Minerals' (SPP 4), Scottish Planning Policy 1 'The Planning System' (SPP 1), 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.
- 3.3** SPP 1 (The Planning System) provides policy advice on the processing of applications and states that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.4** SPP4 (Planning for Minerals) recognises that minerals can only be worked where they are found, and provides policy advice on a range of issues including visual impact, noise, dust, transportation, restoration and after care.
- 3.5** 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.
- 3.6** 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.
- 3.7** All the national policy advice has been considered in detail in the assessment section of this report.

3.8 Development Plan Status

- 3.9** The Glasgow & Clyde Valley Structure Plan contains policies which are relevant to the consideration of the current proposals: Strategic Policy 8 – Sustainable Development of Natural Resources highlights that the achievement of sustainable development requires an integrated approach to development which recognises that the environmental, economic and social dimensions of life are intimately related and equally important. The Structure Plan also identifies South Lanarkshire as a search area for sand and gravel.
- 3.10** The South Lanarkshire Minerals Local Plan was adopted in September 2002 and contains the following policies against which the proposal should be assessed:

- Minerals Policy 1 (MP1) “General Protection of the Environment”.
- Minerals Policy 5 (MP5) “Visual Intrusion and Landscape Impact”.
- Minerals Policy 7 (MP7) “Watercourses, Surface and Groundwater”.
- Minerals Policy 8 (MP8) “Public Access to the Countryside”.
- Minerals Policy 11 (MP11) “Buffer Zone”.
- Minerals Policy 12 (MP12) “Impact on Communities”.
- Minerals Policy 13 (MP13) “Benefits from Mineral Workings”.
- Minerals Policy 14 (MP14) “Contributions”.
- Minerals Policy 15 (MP15) “Concentration of Mineral Operations”.
- Minerals Policy 19 (MP19) “Restoration and After-care Provision”.
- Minerals Policy 20 (MP20) “Restoration Guarantee Bonds”.
- Minerals Policy 21 (MP21) “Suitability of After-use Schemes”.
- Minerals Policy 30 (MP30) “Protection of Landscape Features”.
- Minerals Policy 32 (MP32) “Noise Surveys and Limits”.
- Minerals Policy 33 (MP33) “Dust Assessment Study”.
- Minerals Policy 37 (MP37) “Legal Agreements”.
- Minerals Policy 39 (MP39) “Annual Progress Report”.

3.11 The Lower Clydesdale Local Plan was adopted in 2004. The application site is identified as being within the rural area where Policy ENV2 – ‘Rural Area’ applies. Policy ENV12 – ‘Natural Heritage’ is also applicable.

3.12 The South Lanarkshire Local Plan (Finalised Draft 2006) identifies the site as being within the accessible rural area, where policy STRAT4: ‘Accessible Rural Area’ and policy CRE2: ‘Stimulating the Rural Economy’ apply. Policy ENV4: ‘Protection of the Natural and Built Environment’ is also applicable.

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

3.14 Planning Background

3.15 As stated previously, the application site has been worked since 1997 by virtue of two previous planning permissions for the extraction of sand and gravel at the site. Planning permission ref. P/LK/01950549 was granted in 1996 and allowed the extraction of sand and gravel from the northern half of the extraction area as currently proposed. Planning permission ref. CL/97/0044 was granted in 1999 and permitted the extraction of sand and gravel from the southern half of the working area as currently proposed.

4 Consultation(s)

4.1 **Environmental Health Services:** No objections, as the site has operated satisfactorily over the years and this proposal raises no new environmental issues.
Response: Noted.

4.2 **Roads and Transportation:** No objections.
Response: Noted.

4.3 **Scottish Environmental Protection Agency (SEPA):** No objections provided that the applicant contacts SEPA regarding the requirement to obtain suitable authorisation under the Water Environment (Controlled Activity) Regulations for the abstraction and discharge of water from the site.

Response: Noted. The applicant has been made aware of this.

- 4.4 Scottish Natural Heritage:** No objections but recommend that a survey be undertaken to establish the presence or absence of badgers on and around the extraction area. SNH also recommend that any trees to be felled require to be checked beforehand by an ecologist for the presence of bird nests and young. Further advice is provided on the restoration proposals submitted, with a specific recommendation that consideration be given to reinstating part of the esker ridge using soils which were originally extracted.

Response: Noted. Suitable conditions can be attached to any permission granted requiring appropriate surveys to be undertaken to address these issues. With regard to the restoration of the site, a detailed restoration plan would be required by condition of any approval, and SNH would have the opportunity to comment further at that stage on the detailed proposals. The applicant has been made aware of the recommendations in this regard.

- 4.5 Scottish Water:** No objections.

Response: Noted.

5 Representation(s)

- 5.1** The application was advertised in accordance with Article 12(5) Application Requiring Advertisement due to Scale or Nature of Operation and neighbour notification has been undertaken by the applicant. No letters of representation regarding this proposal have been received.

6 Assessment and Conclusions

- 6.1** Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Glasgow and Clyde Valley Joint Structure Plan (2000), the Lower Clydesdale Local Plan (2004), and the South Lanarkshire Minerals Local Plan (2002). The South Lanarkshire Local Plan (Finalised 2006) is also a material consideration to this application.
- 6.2** In assessing any application for mineral extraction it is necessary, in the first instance, to evaluate the proposals against the most up to date policies and criteria contained in the relevant Scottish Planning Policies, National Planning Policy Guidelines, Structure Plans and Local Plans. There is specific national planning policy guidance for mineral workings contained within SPP4, PAN 50 (together with its various annexes), and PAN 64.
- 6.3** SPP 4 recognises that minerals are an important national resource which can only be worked where they are found. The SPP therefore outlines the locational considerations and operational issues which are to be considered when assessing any such proposals.
- 6.4** PAN 50 (Controlling the Effects of Surface Mineral Workings) provides advice on best practice with respect to mineral working in relation to the control of noise, dust, and traffic.
- 6.5** PAN 64 provides advice on best practice for reclamation of sites and relates specifically to restoration conditions, after care considerations, various uses of sites,

planning conditions and agreements and after care schemes. These issues have been considered, where appropriate, in the processing of the application.

- 6.6** From the information received in respect of these matters it appears that the proposed works have not caused any significant environmental issues in the past and this consolidating application is not likely to give rise to any new environmental considerations that cannot be addressed through the imposition of appropriate planning conditions and through a Section 75 Agreement. In this respect the proposal does not conflict with the provisions of SPP4, PAN50 or PAN64.
- 6.7** In relation to Structure Plan Policy the Glasgow and Clyde Valley Joint Structure Plan (2000) Strategic Policy 8 – Sustainable Development of Natural Resources highlights that the achievement of sustainable development requires an integrated approach to development which recognises that the environmental, economic and social dimensions of life are intimately related and equally important. The Structure Plan also identifies South Lanarkshire as being a search area for sand and gravel. It is considered that through the imposition and effective monitoring of appropriate conditions which safeguard the environment and amenity of surrounding communities that this proposal is in general accord with Structure Plan Policy.
- 6.8** At a local level the application falls to be considered against the policy aims of South Lanarkshire Minerals Local Plan (2002). This document provides a range of policies against which mineral applications should be assessed. The issues raised by the individual policies of the Minerals Local Plan are highlighted below:

MP1: Minimising environmental impact whilst ensuring that sufficient supplies of minerals are made available to meet society's needs: It is considered that through the imposition and effective monitoring of appropriate conditions safeguarding the environment and amenity of surrounding communities that the proposal will comply with this policy.

MP5: Ensuring that the proposal is not visually intrusive and /or ensuring that visual impact is reduced to an acceptable level (refers to siting, screening, and restoration in this regard): The application site is located in the valley of the Mouse Water. The topography and vegetation surrounding the site are such that views into the site are minimal, restricted to a limited number of locations mainly to the south of the site, and in some instances through a partial screen of trees. Therefore, due to the general topography and vegetation of the surrounding area the site will not be unduly visually obtrusive, therefore, complying with this policy.

MP7: Ensuring that proposals do not have a detrimental impact on watercourses, surface or groundwater: It is noted that none of the major consultees have raised any objections to the proposal in this regard and it is considered that the proposal complies with policy.

MP8: Promoting increased public access to the countryside through restoration proposals: It is proposed to restore this site to a combination of water bodies and a reed bed surrounded by grassland with native woodland and small groups of parkland trees which has the potential to encourage greater public use of the countryside, therefore, complying with the aims of this policy.

MP11: Relates to the zone of safeguard sensitivity: The nearest property to the site lies approximately 150 metres due south of the extraction area. The property is

screened to a significant degree by landform and vegetation, further, extraction at its nearest point would be taking place below ground level providing an additional noise barrier. On this basis the applicant has calculated that noise levels at Howfaulds would be unlikely to exceed 45 dB LAeq, a noise level which is considered to be acceptable (during the day) in terms of the guidance in PAN 50 (Annex D). It is, therefore, considered that the proposal will not have a significantly adverse impact upon the residential amenity of this property. A touring caravan site lies approximately 200m to the east of the site. At this distance the applicant has estimated that the perceived noise level would be of the order of 48 dB LAeq. Attenuation attributable to intervening ground and vegetation would reduce perceived noise further. Again, 48 dB LAeq is a noise level which is considered to be acceptable (during the day) in terms of the guidance in PAN 50 (Annex D). The only other residential property in relatively close proximity to the site is located approximately 300 metres (at its closest point) to the north of the extraction boundary. It is noted that no objections have been received from nearby residents in relation to this application or in relation to previous/current operations at the site. All other houses in the general locality lie well beyond the 250m zone. Given the above it is considered that through the imposition of appropriate noise conditions the proposal accords with the general spirit of this policy.

MP12: Impact on local communities in respect of traffic, roads, noise, dust, visual impact, etc: It is considered that through the imposition and effective monitoring of appropriate conditions that there will not be a significantly detrimental impact on local communities or individual dwellings as a result of this proposal.

MP13: Relates to benefits that the proposal will provide to the local community and the permanent environmental effects of the operation: The applicant has indicated that through this proposal 3 staff will be retained in direct employment on the site with additional indirect jobs created. In addition, planning permission will not be issued until the applicant has entered into a legal agreement to provide contributions to the Rural Communities Trust Fund for the benefit of the local communities. All the major consultees have indicated satisfaction with the principle of the restoration proposals and, in light of the submitted information, it is contended that the proposal complies with this policy.

MP14: Relates to the provision of financial contributions to the South Lanarkshire Rural Communities Trust Fund: As stated above, planning permission will not be issued until the applicant has entered into a legal agreement to provide contributions to the Trust.

MP15: Cumulative impact that the concentration of developments may have on a particular area or on existing road networks: Consultation with the Council's Roads and Transportation Service indicates that the works will have a minimal environmental impact on the roads network and, therefore, it is contended that the proposals do not conflict with policy.

MP19: Restoration and aftercare treatment of the site: As stated elsewhere in this report there are no objections to restoration concept from the main relevant consultees such as Scottish Natural Heritage and SEPA. Further detail on the restoration proposals would be required by condition of any approval.

MP20: The provision of a restoration guarantee bond: Planning permission will not be issued until a revised restoration bond has been provided.

MP21: Suitability of after-use schemes: It is intended that the site be restored to a combination of water bodies and a reed bed surrounded by grassland with native woodland and small groups of parkland trees. As indicated elsewhere there are no objections to these proposals from the relevant consultees and appropriate conditions would be attached to any planning consent requiring the submission of a detailed after care scheme.

MP30: Protection of landscape features: During the extraction process there will be disruption and disturbance to some of the existing landscape features, however, as stated elsewhere in this paper the restoration proposals seek to ensure that the site is fully restored to comply with Mineral Plan policy.

MP32: Noise survey and limits: Conditions would be attached to any planning permission granted requiring the submission of a noise monitoring programme. A condition would also be attached to ensure that any noise emanating from the site did not exceed the limits contained within PAN50. It is therefore considered that the proposal will comply with this policy.

MP33: Dust assessment study: Conditions would be attached to any planning permission granted requiring the submission of a dust monitoring programme. The Council's Environmental Health Service have raised no noise issues with respect to the application.

MP37: Legal agreements: The requirement for legal agreements (covering issues such as bonds, and trust fund contributions) has been well established by the authority and should it be agreed to grant permission this would form part of the decision papers.

MP39: Annual progress plan: This relates to procedures that have to be in place after work has commenced on site so. Should permission be granted steps will be taken to ensure that the appropriate progress plan is provided on an annual basis.

6.9 The Lower Clydesdale Local Plan identifies the application site as being within the rural area, where policy ENV2 – 'Rural Area' applies. This policy states that the Council will favour development of an appropriate form within the rural area. Policy ENV12 – 'Natural Heritage' also requires to be taken into account, and this policy states that the Council will oppose any proposals which would, in the Council's opinion, would have an adverse impact on the character and amenity of the natural environment. As stated in SPP4, minerals can only be worked where they are found and the principle of extracting sand and gravel at this location has been established through the two previous permissions for this site. Through the detailed assessment above I am satisfied that the continued working of sand and gravel at the site is not likely to create any adverse impacts on the natural environment that cannot be controlled by conditions. Therefore, the proposal complies with the aims of policies ENV2 and ENV12.

6.10 The South Lanarkshire Local Plan (Finalised 2006) identifies the site as being within the accessible rural area, where policy STRAT4 applies. This policy states that all development should seek to enhance the environmental quality of the area or, where enhancement is not possible environmental impacts should be mitigated. Policy CRE2: 'Stimulating the Rural Economy' states that the Council will endeavor to maximise job creation in rural areas by encouraging development of an appropriate

form and in appropriate locations. Policy ENV4: 'Protection of the Natural and Built Environment' is also applicable. This policy states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. Through the detailed assessment of the Minerals Plan policies set out above it is considered that this proposal is acceptable in this location; that the environmental impacts of the proposal can be satisfactorily mitigated; and through the restoration of the site the environmental quality of the area would be enhanced. Therefore, the proposal complies with the general aims of policies STRAT4, CRE2 and ENV4.

- 6.11** The applicant has requested that the hours of operation at the site be varied to allow operations to commence at 6.30am. In the interests of the amenity of nearby residential properties, and to accord with the currently permitted hours of operation at the site (to which no issues in this regard have been raised by nearby residents), it is considered appropriate to restrict the hours of operation to 7.00am to 7.00pm Mondays to Fridays and 7.00am to 1.00pm on Saturdays, with no working on Sundays. The applicant has been informed of this.
- 6.12** In conclusion, it is considered that the continuation of mineral working at this site does not conflict with national or local planning policy; the impacts from noise, dust and traffic movements generated by this proposal are not likely to significantly affect nearby residents; and the proposal will not result in any significant detrimental impact on the environment. Furthermore, the restoration proposals will restore the site to a beneficial after use, enhancing nature conservation.
- 6.13** Notwithstanding the compliance with planning policies it is not considered appropriate to grant permission for mineral extraction for a further 15 years at this site. Given that sand and gravel has already been extracted from this site for a period of 9 years, I consider that permitting only a further 10 years of extraction at the site to be more appropriate based on the quantity of winnable sand and gravel remaining on site. This timescale accords with the lower end of the duration of permission sought by the applicant to complete the extraction operations.
- 6.14** Following on from the above assessment, it is considered appropriate to recommend that the proposed development be approved subject to the imposition of suitable planning conditions, and agreements, to control site operations and restoration works.

7 Reasons for Decision

- 7.1** The proposal complies with the principles of the Structure Plan, and all relevant policies contained within the Minerals Plan, the Lower Clydesdale Local Plan and the South Lanarkshire Local Plan (Finalised); that the proposal complies with national planning policy and advice; that there are no objections to the proposal from the major consultees or nearby residents; that the proposal will restore the site to a beneficial after use; that through the imposition and effective monitoring of appropriate planning conditions and agreements it is considered that the proposal will have no significant adverse impact on the amenity of the surrounding area. Consultations indicate that the proposed impacts from noise, dust and traffic movements generated by this proposal are not likely to significantly affect nearby residents.

Iain Urquhart
Executive Director (Enterprise Resources)

27 November 2006

Previous References

- ◆ P/LK/01950594 and CL/97/0044.

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations

Scottish Water

Scottish Natural Heritage

Environmental Services

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

Roads (South Division)

- ▶ Representations

Contact for Further Information

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

Theo Philip, Planning/Minerals Officer, Montrose House, Hamilton
Tel : Ext 5903 (01698 455903)
E-mail: Enterprise.hq@southlanarkshire.gov.uk

CONDITIONS

- 1 That all extraction operations on the site shall be discontinued not later than 10 years from the date of this permission and, within a period of 12 months from this discontinuance date, the entire site shall be restored in accordance with the approved restoration plan (as required by condition 11) to the satisfaction of the Planning Authority.
- 2 That upon the termination of extraction operations, all plant, machinery, buildings and the foundations thereof, shall be removed from the site, and the areas so occupied restored in accordance with the approved restoration plan (as required by condition 11) to the satisfaction of the Planning Authority.
- 3 That the applicant shall at all times deal with the areas forming the subject of this consent in accordance with the provisions of this application, statement of intentions and plans submitted except as otherwise provided for by this consent, and shall omit no part of the operations provided for therein except with the prior written consent of the Planning Authority.
- 4 That if, due to unforeseen circumstances, it becomes necessary or expedient following commencement of works to materially amend the provisions contained within the approved documents or conditions, the developer shall submit, for the consideration of the authority, an amended application and statement of intent: the developer shall adhere to the approved plans until such time as an amended application is approved by the Planning Authority.
- 5 Notwithstanding details shown on the stamped approved plans/documents, that within one month of the date of this permission, the following details shall be submitted to and approved in writing by the Planning Authority, and such details as may be approved, shall be implemented to the full satisfaction of the Planning Authority prior to the commencement of extraction works:
 - (a) A noise monitoring and management programme (to include provisions relating to equipment used, competence of monitoring personnel, periods of measurement, action to be taken when non-compliance is detected, parameters to be recorded and monitoring locations, a plan identifying noise sensitive properties surrounding the site);
 - (b) Details of any trees to be felled within the application site; and,
 - (c) A survey undertaken by a badger specialist to determine the presence or absence of badger setts within the application site.
- 6 That any stripping, stacking and replacement of topsoil shall be carried out when conditions are dry enough to avoid unnecessary compaction of the soils at any stage. The applicant shall give at least 7 days notice to the planning authority prior to the commencement of any period of soil movements and the planning authority reserves the right to suspend operations during adverse weather conditions or to impose such conditions as it sees fit for the safekeeping of the topsoil.

- 7 That the site shall be kept clear of noxious weeds during extraction and restoration works to the satisfaction of the Planning Authority.
- 8 That the movement of plant, vehicles and machinery on the site shall be carried out in such a manner as to avoid, as far as possible, the crossing of undisturbed, reclaimed or restored land.
- 9 That all hardcore material used to form hardstandings shall be removed prior to subsoil replacement, and all roadways, storage sites and other areas of compaction shall be sub-soiled prior to restoration, unless otherwise approved in writing by the Planning Authority.
- 10 That, in the event of extraction operations on any phase of the site ceasing for a period of 12 months or more, the Planning Authority shall deem operations on that phase to have ceased permanently, and shall require immediate implementation of the approved restoration scheme.
- 11 That indicative details only for the final restoration scheme are hereby approved, and that, within 12 months of the commencement of work on any phase of extraction or any other works on the site under the terms of this permission, a detailed restoration scheme for the entire site shall be submitted for the written approval of the Planning Authority, and that the restoration scheme shall be carried out to the satisfaction of the Planning Authority in accordance with the approved restoration plan and within the agreed timescale.
- 12 That aftercare schemes requiring such steps as may be necessary to bring each phase of the site after restoration to the required standard shall be submitted for the approval of the Planning Authority within one year from the commencement of work on each phase of operations.
- 13 That the aftercare scheme submitted under condition (12) above, shall be fully implemented to the satisfaction of the Council as Planning Authority.
- 14 That the operator shall minimise dust emissions from the site by every practicable means. During periods of dry weather the site supervisor or other nominated person will inspect all road ways not less than two times each day and direct that any necessary suppression of dust is carried out.
- 15 That, in the event of dust nuisance problems being created by operations on site, the operator shall take all reasonable remedial measures to minimise the transmissions of dust, to the satisfaction of the Council as Planning Authority.
- 16 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.
- 17 That all laden lorries leaving the site shall be sheeted before entering the public highway.
- 18 That prior to the felling of any trees approved in accordance with condition 5(b), the trees to be felled shall be surveyed by a suitably qualified ecologist to determine the presence or absence of any bird nests or young. Following this, any

mitigation measures or safeguards recommended by the survey shall be adhered to in full.

- 19 Except where otherwise agreed in writing by the Planning Authority, the applicants shall make stockproof and maintain until restoration of the site is complete all the existing perimeter hedges and fences, and shall protect the same from damage.
- 20 All vehicles entering or leaving the site shall use the existing access point highlighted in yellow on drawing number PI/1844/3.
- 21 The section of the access road between the wheel washing equipment and the A706 shall be maintained in such a satisfactory condition and kept clear of mud and dirt at all times, to the satisfaction of the Planning Authority.
- 22 Efficient silencers shall be fitted to and used and maintained in accordance with manufacturer's instructions on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.
- 23 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(Scotland) Order 1992 (or of any order revoking, amending or re-enacting that Order), no further buildings, structures or fixed plant, including that required for lighting the site, shall be erected or installed within the site, unless details of their location and appearance have received the prior written approval of the Planning Authority.
- 24 That from the date of commencement of works on the site, until completion of the final restoration, a copy of this permission, and all approved documents and subsequently approved documents, shall be kept available for inspection in the site offices during the approved working hours.
- 25 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.
- 26 That, without the prior written approval of the Planning Authority, the site shall not operate outwith the hours stated below, and during these hours the site shall be adequately manned and supervised.

	Weekdays	Saturdays
Time of Opening	7.00 am	7.00 am
Time of Closing	7.00 pm	1.00 pm

There shall be no working on Sundays or local bank holidays (with the exception of essential maintenance work), unless otherwise agreed in writing with the Planning Authority.

- 27 That with respect to the control of noise resulting from the operations at this site the developer shall, subject to condition 5 (a), comply with the following:
 - that during the working week (07.00 to 19.00 hours Monday to Friday inclusive and 07.00 to 13.00 hours on Saturday) the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 55dB(A) LAeq, over any one hour period.
 - all essential maintenance work undertaken outside permitted working hours shall be carried out so as to minimise the creation of noise.
- 28 That the operator shall at all times abide by the terms of the noise monitoring and management programme submitted in terms of condition 5(a).
- 29 All topsoil and subsoil shall be retained on site.
- 30 All soil storage bunds shall be kept free of weeds and the sward shall be managed in accordance with agricultural management techniques throughout the period of storage; all to the satisfaction of the Planning Authority.
- 31 No operations involving soil lifting/replacement shall take place between the months of October to March inclusive except with the prior written approval of the Planning Authority.
- 32 That within one year from the date of commencement (and each year thereafter) the operator shall submit to the Planning Authority an annual progress plan detailing:
 - * The extent of ongoing extraction operations;
 - * Areas prepared for extraction;
 - * The extent of backfilling or restoration operations carried out;
 - * The extent of landscaping, nature conservation and agricultural works that have been implemented;
 - * Current and anticipated production figures;
 - * Remaining reserves;
 - * Compliance with statutory permissions;
 - * Site complaint logs and actions taken
- 33 No work shall be undertaken outwith the current excavation areas (as highlighted in blue on drawing number 104038/05) until any such action as is recommended by the badger survey (undertaken in respect of condition 5c) has been implemented and completed in accordance with the agreed details. These surveys shall provide details of measures to protect the site from potential future badger activity, measures to reduce the risk of badger road mortalities and measures to prevent the disturbance/destruction of existing badger setts and to prevent badgers establishing new setts within the application site during the various phases of development. Should six months have elapsed before the commencement of the site operations from the date the above survey was

undertaken, another survey should be undertaken by a badger specialist to inform the above.

- 34 All mineral carrying vehicles leaving the site shall pass through the operational wheel wash before entering the public highway.

REASONS

- 1 To ensure that the Planning Authority retains effective control of the development.
- 2 To ensure that the site is satisfactorily restored.
- 3 To ensure that the Planning Authority retains effective control of the development.
- 4 In order that the terms of consent may be reconsidered should a change in operation become necessary.
- 5 These details were not submitted at the time of the application and are required to ensure that the proposal is satisfactory.
- 6 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 7 In the interests of visual amenity.
- 8 To avoid any unnecessary incursion onto parts of the site which are undisturbed or have been restored; in the interests of the general amenity of the site.
- 9 To ensure satisfactory reinstatement of the site.
- 10 To ensure the Planning Authority retains effective control of the development.
- 11 To ensure the satisfactory reinstatement of the site.
- 12 To ensure the satisfactory reinstatement of the site.
- 13 To ensure the satisfactory reinstatement of the site.
- 14 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 15 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 16 In the interests of road safety.
- 17 In the interests of road safety.
- 18 To establish the presence of and ensure the protection and safeguarding of any bird species found within any trees to be felled within the site.
- 19 To ensure site safety and maintenance of boundary security.
- 20 In the interests of road safety.
- 21 To minimise the chance of any debris from the site being trailed onto the public highway; in the interests of road safety.
- 22 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 23 To ensure control over such development on the site so as to minimise the potential visual and landscape intrusion.
- 24 To ensure the site operator and visiting officials are aware of the approved details.
- 25 To ensure the safekeeping of such liquids.
- 26 To safeguard the residential amenity of the area.
- 27 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 28 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 29 To ensure the satisfactory reinstatement of the site.
- 30 In the interests of visual amenity.

- 31 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 32 To ensure that the Planning Authority is informed at regular intervals of the progress of the site; to assist with site monitoring; and to help inform development plan production.
- 33 To establish the presence and ensure the protection and safeguarding of any badgers within or in close proximity to the site.
- 34 In the interests of road safety.

For information only

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