

	<h1>Report</h1>	Agenda Item <h1>7</h1>
---	-----------------	--------------------------------------

Report to: **Planning Committee**
 Date of Meeting: **21 June 2005**
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/04/0904
 Planning Proposal: Variation of Condition Under Planning Permission Ref No CL/97/0252 to Permit Extended Operating Hours

1 Summary Application Information

- Application Type : Mineral Application (Amend)
- Applicant : Tarmac Limited
- Location : Newbigging Quarry
Carnwath
ML118NE

2 Recommendation(s)

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

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

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine the application.

3 Other Information

- ◆ Applicant's Agent: Colin Hulme
- ◆ Council Area/Ward: 06 Biggar/Symington and Blackmount
- ◆ Policy Reference(s): **South Lanarkshire Minerals Plan**
MP1 - General Protection of the Environment
MP12 - Impact on Communities
MP32 – Noise Survey and Limits

NPPG 4 – Land for Mineral Working
PAN 50 - Controlling the Environmental Effects of Surface Mineral Workings
PAN 50 Annex A: The Control of Noise at Surface Mineral Workings

- ◆ Representation(s):
1 Comments Letter

◆ Consultation(s):

Black Mount Community Council

Environmental Services

Roads and Transportation Services (South Division)

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

Power Systems

TRANSCO (Plant Location)

Scottish Water

Planning Application Report

1 Application Site

- 1.1** The application relates to the existing Newbigging sand and gravel quarry which is located to the north-east of the A721, some 2km to the south-east of Newbigging and 4km from Elsrickle. Carnwath is located 5.5km to the north-west.
- 1.2** The site consists of 3 main areas. Firstly, the eastern reserve in the north-east section of the site from which mineral is currently being extracted. From this location, the mineral is transported by conveyor in a south-westerly direction to the main plant area in the south-west of the site. This area accommodates processing and washing operations. Finally, a western reserve area is located adjacent to the plant area and is currently in agricultural use pending future mineral extraction after the eastern reserves have been exhausted (in approximately 3-4 years time).
- 1.3** Surrounding land uses are predominantly agricultural, with some woodland also adjacent to the site. The closest residential and farm properties are located adjacent to the south-west, south and south-eastern boundaries of the application site. In particular, access to the site passes Newbigging Mill Farm and three associated cottages. The closest residential/farm properties are located between 330 and 450 metres from the closest excavation area, and between 360 and 450 metres from the plant and processing area.

2 Proposal

- 2.1** Planning permission was granted in May 2002 for the extraction of sand and gravel from Newbigging Quarry for a 30 year period under CL/97/0252. Condition 17 states, 'That before 0630hrs and after 1700hrs on Mondays to Fridays and before 0700hrs and after 1200 midday on Saturdays, and at all times on Sundays, no operations or activity other than routine maintenance shall take place on the site'. The applicant has applied to amend this condition to extend the hours of operation from: 0530hrs – 2200hrs Monday to Friday and 0700 – 1700 hrs on Saturdays.
- 2.2** The applicant has advised that the extended operating hours will be used for excavating, processing and stocking of materials, but with no dispatch of materials from the quarry outside of the currently permitted hours. No additional HGV movements will therefore take place during the proposed extended hours.
- 2.3** Newbigging Quarry provides a blend of sands and gravels of various sizes. However, there is a greater demand for concrete sand than is proportionally available from the quarry. In order to meet demand, an increased supply of deposit to the plant for additional processing is required, together with some secondary processing of non-concrete grade material to achieve the desired end product. The proposed extended operating hours will increase the availability of concrete sized mineral, but will not result in any significant change in overall sales volume from the site.
- 2.4** Activity on site during the proposed extended hours would be reduced from activity during the currently consented hours due to the fact that there would be no loading of materials or dispatch of HGVs from the quarry during these periods.
- 2.5** The applicant has submitted a noise impact assessment which illustrates that noise limits currently set by planning condition are being met or are lower than the set limits. The assessment also predicts that noise levels generated during the extended hours would comply with standards which would not prejudice local amenity.

3 Background

3.1 Local Plan Status

The South Lanarkshire Minerals Local Plan was adopted in September 2002 and contains the following policies against which the proposal should be assessed.

3.1.1 Minerals Policy (MP1) 'General Protection of the Environment' provides that mineral applications be considered against their potential impact on the environment and local community.

3.1.2 Minerals Policy 12 (MP12) 'Impact on Communities' states that the Council will seek to minimise the impact of mineral development on the environment of local communities by permitting extraction only where a number of criteria can be met, including where:

- Property and noise sensitive land uses will not be subjected to any significant adverse noise levels

3.1.3 The Minerals Plan states generally that the Council will ensure that any noise from minerals operations is controlled so as not to become a major source of disturbance off-site. Minerals Policy MP32 (MP32) requires developers to carry out background noise surveys to determine existing noise levels in an area, together with estimations of likely future noise.

3.2 Relevant Government Advice

3.2.1 National Planning Policy Guidance 4 – Land for Mineral Working, states that policies for the control of mineral development should take into account the amenity of local communities and the sensitivity of the locality as set out in development plans. Noise on site which arises from blasting, drilling, crushing, the operation of machines and fixed plant and the transporting of materials, should be controlled so that it does not become a major source of disturbance off site.

3.2.2 Planning Advice Note 50 – Controlling the Environmental Effects of Surface Mineral Workings, deals generally with the environmental effects of surface mineral working and provides the framework for detailed advice in a series of annexes on particular aspects.

3.2.3 PAN 50 Annex A: The Control of Noise at Surface Mineral Workings, provides advice on how the planning system can be used to keep noise emissions from surface mineral workings within environmentally acceptable limits without imposing unreasonable burdens on minerals operators.

3.3 Planning Background

3.3.1 Planning permission was granted for the extraction of sand and gravel from Newbigging Quarry for a 30 year period in May 2002 under CL/97/0252. It was granted subject to a number of conditions relating to noise control, namely:

17. That before 0630hrs and after 1700hrs on Mondays to Friday and before 0700hrs and after 1200 midday on Saturdays, and at all times on Sundays, no operations or activity other than routine maintenance shall take place on the site
18. That routine maintenance operations shall be the only activity to be carried out on site on Sundays and such activities shall be limited to between 1000hrs and 1600hrs

19. That during the working hours specified in condition (17) above, the nominal noise limit from site operations at all noise sensitive premises in the vicinity of the site (as specified by the Planning Authority) shall be 45Laeq over any one hour period.
20. That outwith the hours specified in condition (17) above, noise shall not be audible at any noise sensitive premises in the vicinity and no activity on the site shall cause any increase in the ambient background noise levels [expressed as L90 (1 hour)].

The applicant has carried out a noise assessment and 6 monitoring on a six monthly basis which indicates that existing daytime operations at the site comply with the requirements of the relevant condition. No complaints have been received by my Service in relation of the operation of the quarry.

4 Consultations

4.1 SEPA – no objections.

Response – Noted.

4.2 Scottish Water: - no objections.

Response: Noted.

4.3 Roads & Transportation: - no comment as it is a long established quarry with good access on to the A721.

Response: Noted.

4.4 Transco: - no objections.

Response: Noted.

4.5 Environmental Services: - are satisfied that the noise survey accompanying the application has been carried out in a competent manner and that there is no reason to dispute its results or conclusions. Environmental Services agree that the lower noise limits imposed on occasions in rural areas can be somewhat onerous. Monitoring of noise from the site would only be carried out by Environmental Services if complaints were received, but action could be taken if nuisance is proven to exist.

Response: Noted.

4.6 Blackmount Community Council : object to the extended operating hours as it is considered that these are unreasonable in terms of the noise levels generated and their impact on neighbouring dwellings. They are informed that current workings can be heard in Newbigging and Walston.

Response: a detailed assessment of potential noise impact is given below in the Assessment and Conclusions section.

4.7 Power Systems: no response.

Response: Noted.

5 Representations

- 5.1** Statutory neighbour notification procedure has been carried out and the application was advertised in the local press. No objections have been received from the public, other than the objection from Blackmount Community Council detailed above. One letter has been received from a resident of Newbigging Mill Farm Cottage stating that they have no objections to the proposal subject to no lorries leaving the site during the extended hours of operation. This property lies adjacent to the site entrance.

6 Assessment and Conclusion

- 6.1** The main consideration in determination of the application is its compliance with the development plan and in particular, the impact of the proposal on the amenity of the locality.
- 6.2** The proposal seeks an extension of existing working hours at the quarry, extending them to 05.30 – 22.00hrs Mondays to Fridays and from 07.00 – 17.00 hrs on Saturdays (currently 06.30 – 17.00hrs Mondays to Fridays and 07.00 – 12.00 midday on Saturdays).
- 6.3** South Lanarkshire Minerals Plan policies MP1 - 'General Protection of the Environment' and MP12 - 'Impact on Communities' requires consideration of the impact of development on the local community and states that extraction will only be permitted where a number of criteria can be met, including where property and noise sensitive land uses will not be subjected to any significant adverse noise levels.
- 6.4** The Minerals Plan also states generally that the Council will ensure that any noise from minerals operations is controlled so as not to become a major source of disturbance off-site.
- 6.5** Government advice in Planning Advice Note 50, Annex A 'The Control of Noise at Surface Mineral Workings' recommends a set of absolute values for limits on site-attributable noise, linked to daytime and night-time working periods which are considered to be related to the tolerance levels of most people. Daytime is normally defined as 0700-1900 hours, and night-time as 1900-0700 hours. The working week is generally regarded as Monday to Friday, and Saturday morning, while Saturday afternoons, Sundays and Public/Bank Holidays would normally be regarded as periods of rest.
- 6.6** During the working week, the daytime nominal limit at noise-sensitive dwellings should normally be 55 dB $L_{Aeq,1h}$. This is generally agreed to be a tolerable noise level. The night-time nominal limit should be 42 dB $L_{Aeq,1h}$.
- 6.7** No specific noise limits are suggested in PAN 50 for an evening period, typically 1900-2200 hours, and/or a dawn period, typically 0600-0700 hours, although it recognises that limits should be modified from those specified for daytime/night-time. Limits for evening/dawn are often set between the absolute daytime and night time limits of 55 and 42 $L_{Aeq,1h}$.
- 6.8** PAN 50 states that a lower nominal daytime limit might be appropriate in quieter rural areas. However, it would not normally be appropriate to require a daytime limit below 45 dB $L_{Aeq,1h}$, as such a limit should prove tolerable to most people in rural areas.

- 6.9** The current limit set by planning condition at Newbigging Quarry is 45 dB $L_{Aeq,1h}$. The applicant has submitted a noise assessment which illustrates that existing operations either meet with or are lower than this figure. These measurements are taken at the nearest noise sensitive properties, these being at Newbiggingmill, Ogscastle and Walston Mill. As detailed in paragraphs 2.2 – 2.4, activity during the extended hours would be less than the activity currently generated during daytime hours. Excavation and processing of mineral will continue, but there will be no loading or dispatch of material off-site by HGVs. The proposed operations will therefore generate less noise than at present due to mobile plant not being used and no lorry movements taking place.
- 6.10** The guidance in PAN 50 states that noise limits for evening and dawn periods should be set somewhere between the absolute daytime/night-time limits of 55 and 42 dB $L_{Aeq,1h}$ respectively. The noise assessment submitted concludes that the existing limit of 45 dB $L_{Aeq,1h}$ would continue to provide appropriate protection for amenity of residents closest to the site during the extended hours.
- 6.11** The figure of 45 dB $L_{Aeq,1h}$ is an external level which provides for an approximate internal level of around 32 dB $L_{Aeq,1h}$ (a part-open window will normally reduce external noise by 10 to 15 dB(A) and a window fully closed by about 20 dB(A)). BS 8233:1999 states that a range of 30–35dB provides for ‘good’ to ‘reasonable’ sleeping conditions. If the current condition restricting levels to 45 dB $L_{Aeq,1h}$ were maintained over the extended hours, the resultant internal level of 32dB would provide for satisfactory sleeping conditions at the nearest affected properties.
- 6.12** Whilst set noise levels are currently being met and will indeed be lower during any extended hours permitted, the applicant has additionally agreed to examine alternative options to the use of vehicle reversing alarms which generate one of the more audible noises from the quarry. This can be addressed through imposition of condition on any consent granted.
- 6.13** Blackmount Community Council objected to the proposal on the basis of noise. While it is possible that noise can be heard from the quarry at times, these noise levels meet or fall below levels set by condition in accordance with PAN 50 and agreed standards. None of the residents closest to the site have objected to the proposal and one has provided written confirmation of this, subject to no lorry movements taking place during the extended hours.
- 6.14** In view of the fact that activity will be reduced from current levels during the extended hours and as current levels either meet or are lower than set noise limits, then I conclude that the proposal would be in accordance with recommended standards in PAN 50 and would not result in any significant noise disturbance or adverse impact on the amenity of nearby residents. I therefore recommend that the application be granted.

Iain Urquhart,
Executive Director (Enterprise Resources)

7 June 2005

Previous References

- ♦ Planning Application CL/97/0252

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Submission from Tarmac dated December 2004 including supporting information and noise assessment

- ▶ Consultations
 - Roads and Transportation Services (South Division) 12/01/2005
 - Biggar/Symington and Black Mount Community Council 12/01/2005
 - Scottish Water 08/02/2005
 - S.E.P.A. (West Region) 15/02/2005
 - TRANSCO (Plant Location) 28/04/2005

- ▶ Representations
 - Representation from : Miss A. Gregory, 2 Newbigging Mill Farm Cottage
Lanark ML11 8NE, DATED 16/03/2005

Contact for Further Information

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

Karen Brown, Planning Officer, HQ
Ext. 5945 (Tel :01698 455945)
E-mail: karen.brown@southlanarkshire.gov.uk

CONDITIONS

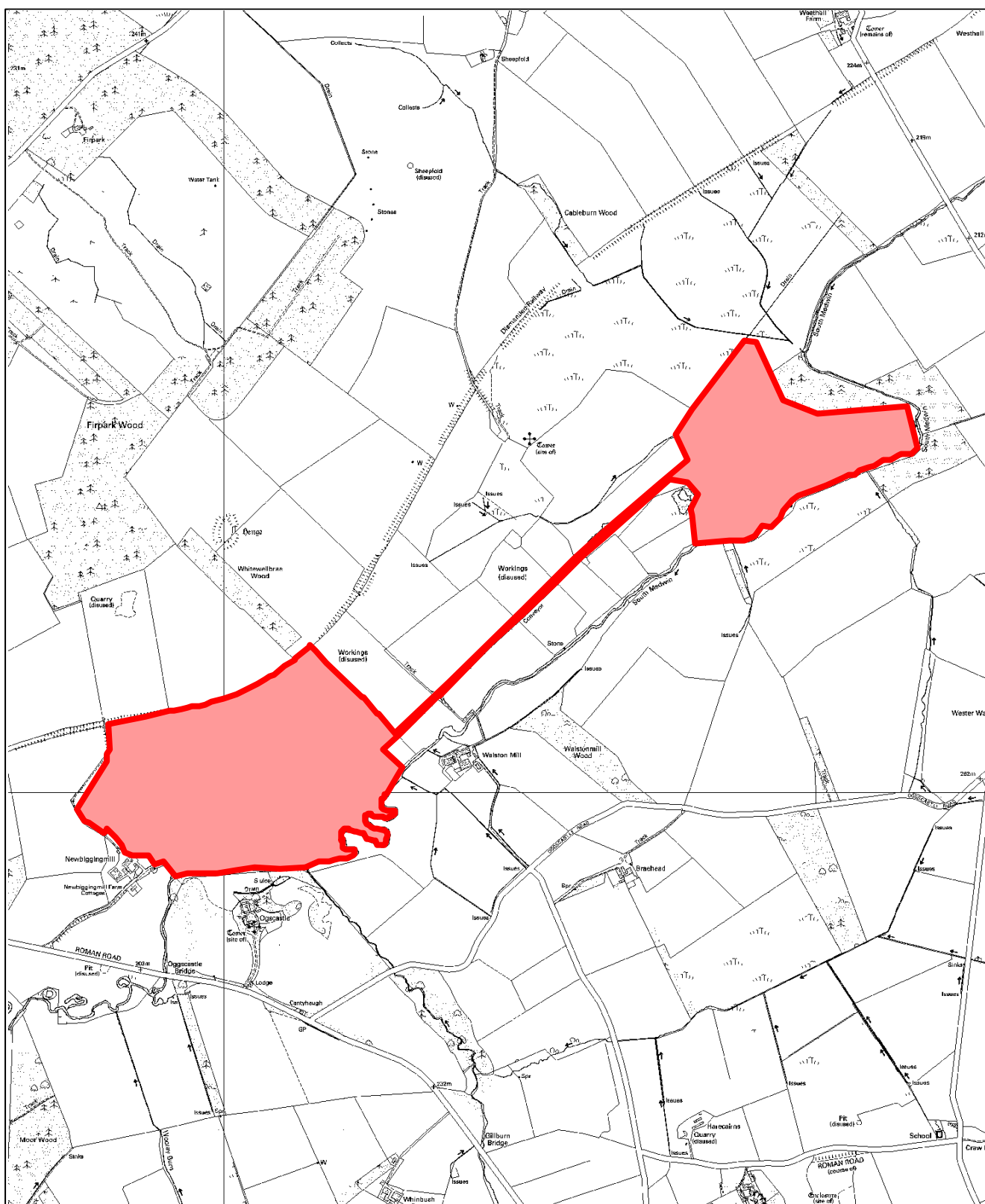
- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 The operations shall be carried out in accordance with planning application CL/97/0252 - extension of sand and gravel working, Newbigging Quarry, approved on 28th May 2002, without complying with condition 17, but subject to all other conditions, so far as still subsisting and capable of taking effect.
- 3 That before 0530hrs and after 2200hrs on Mondays to Fridays and before 0700hrs and after 1700hrs on Saturdays, and at all times on Sundays, no operations or other activity other than routine maintenance shall take place on the site.
- 4 That between 0530hrs and 0630 hrs and from 1700hrs to 2200hrs on Mondays to Fridays and between 1200hrs and 1700hrs on Saturdays, no material shall be loaded onto vehicles for despatch from the site and no lorries shall enter or leave the site during these hours.
- 5 That during the working hours specified in condition above, the nominal noise limit from site operations at all noise sensitive premises in the vicinity (as specified by the Council as Planning Authority), shall be 45 dB LAeq,1h.
- 6 Prior to the extended hours being brought into operation, details of reversing aids and vehicle warning systems (alternatives to beepers) to be used on site shall be submitted to the Council as Planning Authority and no operations shall take place during the extended hours until these details have received the written approval of the Council as Planning Authority and have been implemented in accordance with the approved details.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 To comply with the provisions of the existing planning consent for the site.
- 3 To safeguard the amenity of adjacent residential properties.
- 4 To safeguard the amenity of adjacent residential properties.
- 5 To safeguard the amenity of adjacent residential properties.
- 6 To safeguard the amenity of adjacent residential properties.

For information only

For information only



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
 © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 South Lanarkshire Council, Licence number 100020730. 2005