

Report to:	Planning Committee
Date of Meeting:	27 February 2007
Report by:	Executive Director (Enterprise Resources)

Application No	CL/05/0759
Planning Proposal:	Application for Determination of Conditions for Periodic Review of Mineral Site at Woodend Farm, Carnwath (Planning Consent P/LK/90/0547 for Winning and Working of Peat).

1 Summary Application Information

- Application Type : Review of Old Mineral Permission
- Applicant : The Scotts Company (UK) Ltd
- Location : Woodend Farm
Carnwath

2 Recommendation(s)

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

- (1) Grant revised schedule of planning conditions attached to this report

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: NAI Fuller Peiser
- ◆ 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
MP3: Protection of areas with National/Regional Environmental Designations
MP5: Visual Intrusion and Landscape Impact
MP7: Watercourses, Surface and Groundwater
MP11: Buffer Zones

MP12: Impact on Communities
 MP13: Benefits from Mineral Workings
 MP15: Concentration of Mineral Operations
 MP19: Restoration and Aftercare Provision
 MP20: Restoration Guarantee Bonds
 MP21: Suitability of After-use Schemes
 MP26: Extraction of Peat
 MP30: Protection of Landscape Features
 MP32: Noise Survey and Limits
 MP33: Dust Assessment Study
 Upper Clydesdale Local Plan (1996) -
 Policy 73: Remoter Rural Area
 Policy 81: Sites of Special Scientific Interest
 Policy 85: Extraction of Peat
 Policy 99: Environment
 The South Lanarkshire Local Plan (Finalised
 2006) –
 Policy CRE2: Stimulating the Rural Economy
 Policy STRAT4: Accessible Rural Area
 Policy ENV4: Protection of the Natural and Built
 Environment
 Policy ENV25: Sites of Special Scientific Interest

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

West of Scotland Archaeology Service

Environmental Services

Roads and Transportation Services

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

Scottish Natural Heritage

Community Resources (Biodiversity Officer)

Planning Application Report

1 Application Site

- 1.1** The application site lies to the north west of the village of Carnwath and is accessed directly off the B7016 (Carnwath – Braehead Road). The site occupies a total area of 68 hectares.
- 1.2** The site is bounded to the west by farmland and the B7016; by the Carstairs Kames SSSI and Woodend Farm to the south; by the Woodend Moss plantation to the east; and the Dippool Water to the north. The closest residential property to the site is Woodend Farm located adjacent to the south west corner of the site boundary, with the village of Carnwath some 2.2 kilometres to the south-east.
- 1.3** The application site has been commercially worked for peat since planning permission was first granted in 1983. The conditions attached to the original permission underwent the first periodic review process in terms of the Review of Old Mineral Permissions (ROMP) procedure in 1990 where the continued extraction of peat at the site was authorised until November 2010. The site comprises the extraction area (which is akin to a ploughed field in appearance), a peat loading and stocking area, vehicle storage facilities and site office are located to the south west of the site, with a hard surfaced access road from the B7016 also to the south west of the application site.

2 Proposal(s)

- 2.1** This application has been submitted in terms of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 Article 8 (8) (as amended) – Applications for Review of Old Mineral Permissions (ROMP). The applicant has applied to the Council for the determination of an updated set of planning conditions for the above site. This application constitutes the second periodic review of conditions attached to this site since its commencement in 1983.
- 2.2** In line with the ROMP procedure, the applicant has submitted a proposed updated schedule of conditions for the site for the Council's determination. The applicant does not propose to alter the already approved method of peat extraction nor the peat extraction boundary but proposes a number of alterations to the existing schedule of conditions to reflect current best environmental practice in relation to noise limits, dust control, surface drainage and pollution protection.
- 2.3** The applicant also proposes a change to the permitted duration of peat extraction at the site from November 2010 until 2040. A change to the permitted hours of operation from 7am to 9pm Mondays to Fridays and 8am to 5pm Saturdays, to 6am to 7pm every day from 1 September to 31 May and 6am to 12am every day from 1 June to 31 August is also proposed, to take advantage of lighter summer nights.
- 2.4** Peat is currently extracted from the site by virtue of the existing planning permission which this application seeks to update. The peat is extracted by the surface milling technique which involves a tractor with milling equipment traversing the extraction area milling the surface of the moss to loosen the top few centimetres of wet peat. This process is similar to a conventional farmer ploughing a field.
- 2.5** The milled peat is then left to dry and when sufficiently dry, the peat is transferred to the processing and loading area in the south west of the site. The actual extraction of peat from the moss is weather dependent and by its nature becomes a seasonal

operation. Although the actual extraction operation is seasonal, the export of peat from the site can take place throughout the year.

- 2.6 From the loading and processing area the peat is loaded into HGVs to be transported to market. All vehicles access the site by the hardsurfaced access road from the B7016 entering at the south west of the site.
- 2.7 The site directly employs 3 people with the ancillary employment of a number of vehicle drivers.
- 2.8 The applicant has provided no details of site restoration at this stage but has proposed a condition requiring the submission a detailed restoration and aftercare scheme prior to the cessation of peat extractions which would take account of best practice at that time.

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 revised schedule of conditions.
- 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 Government Circular 34/1996 (Environment Act 1995 – Guidance on Statutory Provisions and Procedures) is also relevant as this document provides advice on the determination of revised schedules of conditions through the ROMP process.
- 3.8 All the national policy advice has been considered in detail in the assessment section of this report.

3.9 Development Plan Status

- 3.10 The Glasgow & Clyde Valley Structure Plan contains policies which are relevant: 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.

3.11 The South Lanarkshire Minerals Local Plan was adopted in September 2002 and contains the following policies against which are relevant to the determination of a revised schedule of conditions for this development:

- Minerals Policy 1 (MP1) “General Protection of the Environment”.
- Minerals Policy 3 (MP3) “Protection of areas with National/Regional Environmental Designations”
- Minerals Policy 5 (MP5) “Visual Intrusion and Landscape Impact”.
- Minerals Policy 7 (MP7) “Watercourses, Surface and Groundwater”.
- Minerals Policy 11 (MP11) “Buffer Zone”.
- Minerals Policy 12 (MP12) “Impact on Communities”.
- Minerals Policy 13 (MP13) “Benefits from Mineral Workings”.
- Minerals Policy 15 (MP15) “Concentration of Mineral Operations”.
- Minerals Policy 19 (MP19) “Restoration and After-care Provision”.
- Minerals Policy 20 (MP20) “Restoration Guarantee Bonds”.
- Mineral Policy 21 (MP21) “Suitability of After-use Schemes”.
- Mineral Policy 26 (MP26) “Extraction of Peat”.
- Minerals Policy 30 (MP30) “Protection of Landscape Features”.
- Mineral Policy 32 (MP32) “Noise Surveys and Limits”.
- Mineral Policy 33 (MP33) “Dust Assessment Study”.

3.12 The Upper Clydesdale Local Plan (1996) identifies the application site as being within the remoter rural area where policy 73 is applicable. Part of the application site lies within the boundary of the Carstairs Kames SSSI policy 81 applies in this regard. Policy 85 – Extraction of peat is applicable, as is policy 99 – Environment.

3.13 The South Lanarkshire Local Plan (Finalised 2006) also identifies the site as being within the accessible rural area, where policy STRAT4 – Accessible Rural Area and policy CRE2: ‘Stimulating the Rural Economy’ apply. Given that a small part of the site lies within the boundary of a SSSI policy ENV25 is applicable. Policy ENV4: Protection of the Natural and Built Environment is also applicable.

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

3.15 Planning Background

3.16 As stated previously, the application site is currently being worked under planning permission ref P/LK/90/0547. This permission was granted following the first periodic review of the original permission (P/LK/82/0481) in 1990.

4 Consultation(s)

4.1 **Environmental Health Services:** No additional comments to those made to the previous application in relation to the control of noise and dust.

Response: Noted. The revised conditions have been updated to accord with PAN 50 in this regard.

- 4.2 **Roads and Transportation:** No objections, provided that access continues to be taken from the existing surfaced entry from the B7016 and provided visibility splays of 2.5m x 215m are provided and maintained on both sides of the access.

Response: Noted. No alterations are proposed to the existing access arrangements.

- 4.3 **Scottish Environmental Protection Agency (SEPA):** No objections provided that the applicant operates the site in accordance with the draft conditions proposed.

Response: Noted.

- 4.4 **Scottish Natural Heritage:** No objections but make several recommendations. SNH recommend that the applicant should be required to give notice to the Planning authority of when operations on site have terminated. SNH request that a condition be attached to any permission granted to safeguard the small area within the application which lies within the Carstairs Kames SSSI. SNH recommend that the hours of operation be amended to state that work can only commence 2 hours after dawn and should cease 2 hours before dusk, to protect any otters which may be present in the nearby Dippool Water. SNH also recommend that an otter survey is undertaken by the applicant, and that the site should be restored to a peat bog and that a condition should be attached to any permission granted requiring the submission of a detailed restoration scheme.

Response: Noted. All of the issue raised above can be addressed and secured through conditions with the exception of the restriction on operating hours. Following SNH's consultation response, the applicant has undertaken an otter survey of the Dippool Water and surrounding area. The survey concluded that no signs of otter shelters were present and that the chance of disturbance occurring in the survey area as a result of the working practices is small. Therefore, following the findings of this survey it is not considered necessary or reasonable to impose such restrictions on the operator. Nevertheless, should the operator become aware of otter activity within or adjacent to the site, the operator may have to apply to the Scottish Executive for a license due to potential disturbance of a European Protected Species. SNH have been issued with a copy of the otter survey and have made no further comment on the application.

- 4.5 **West of Scotland Archaeology Service:** No objections. West of Scotland Archaeology Service state that there are no substantive archaeological issues in relation to this site. It is therefore considered that it would not be reasonable to impose an archaeological condition relating to this matter.

Response: Noted.

- 4.6 **Biodiversity Officer:** No response received at time of writing report.

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 the required neighbour notification undertaken. No letters of representation have been received.

6 Assessment and Conclusions

- 6.1 The purpose of this periodic review in terms of the ROMP process is to provide the Local Authority an opportunity to review the conditions attached to mineral sites which are the subject of long term or indefinite permissions, and to update the existing conditions to reflect current best environmental practice. The periodic review

process does not allow for the Planning Authority to revisit the principle of whether the land use itself is acceptable or otherwise.

- 6.2** In the revised conditions submitted by the applicant in this case it is proposed that the life of the site be extended from 2010 to 2040 i.e. a further 30 years of working. It is also proposed to extend the hours of operation at the site, as detailed in paragraph 2.2. Given that the applicant has proposed a material change in circumstances through the schedule of conditions submitted it is considered necessary to then assess the extension of hours of operation and the proposed time extension against current local and national planning policy, and to take into account any material considerations in determining a revised schedule of conditions for this site.
- 6.3** It is necessary, in the first instance, to evaluate the principle of further peat extraction 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.
- 6.4** SPP4 recognises that minerals are an important national resource which can only be worked where they are found. The SPP outlines the locational considerations and operational issues which are to be considered when assessing any such proposals.
- 6.5** SPP4 makes specific reference to peat extraction and states that the working of peat will only be acceptable in areas of degraded peatland which has been significantly damaged by human activity and where the conservation value is low.
- 6.6** 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.
- 6.7** 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.
- 6.8** It is recognised that the site is currently working and has been affected by the extraction process for in excess of 23 years. During this period the operations at the site have not given rise to any significant concerns in relation to noise, dust or traffic. It is, therefore, considered that through the imposition and effective monitoring of an updated schedule of planning conditions relating to site operations that the principle of further peat extraction at this site does not conflict with National planning policy and guidance.
- 6.9** In this case, the development plan comprises the Glasgow and Clyde Valley Joint Structure Plan (2000), the Upper Clydesdale Local Plan (1996), and the South Lanarkshire Minerals Local Plan (2002). The South Lanarkshire Local Plan (Finalised 2006) is also a material consideration.
- 6.10** 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. It is considered

that through the imposition and effective monitoring of an updated set of conditions which safeguard the environment and amenity of surrounding communities that future peat extraction at this site is in general accord with Structure Plan Policy.

- 6.11** At a local level this ROMP application must 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:
- 6.12** 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 updated conditions safeguarding the environment and amenity of surrounding communities that the proposal will comply with this policy.
- 6.13** MP3: Protecting areas with National/Regional Environmental Designations: A small portion of the south west corner of the site lies within the boundary of the Carstairs Kames SSSI. This area is actually outwith the current operator's ownership and is currently not used for any purpose. The applicant has agreed to the imposition of a new condition to ensure that this area remains fenced for the duration of the works and is not disturbed. It is therefore considered that the continued extraction of peat at this site would not have a detrimental impact on the qualifying interests of the Carstairs Kames geological SSSI.
- 6.14** 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): By its very nature peat extraction is akin to agriculture in many respects. This site can be likened in appearance to a ploughed field, and does not possess the same characteristics associated with other types of mineral extraction. As such, the extraction of peat in this location is not considered to be visually obtrusive, therefore, complying with this policy.
- 6.15** 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.
- 6.16** MP11: Relates to the zone of safeguard sensitivity: The nearest property to the extraction area lies approximately 60 metres to the south-west of the extraction boundary. However, peat extraction is more akin to an agricultural operation than conventional mineral extraction, and the scale of this operation does not give rise to concerns regarding the impact of the workings on residential amenity. Furthermore, this site has operated in this location for more than 23 years and has not given rise to concerns regarding the impact of the proposal on residential amenity. It is therefore considered that the future extraction of peat at this site would not have a significant impact upon the amenity of nearby properties. Further, it is noted that no objections to the application have been received.
- 6.17** MP12: Impact on local communities in respect of traffic, roads, noise, dust, visual impact, etc: The nature of the site operations are relatively low key and in turn do not have a great impact on communities. Nevertheless, through the imposition and effective monitoring of a revised schedule of conditions this will ensure that there will

not be a significantly detrimental impact on local communities or individual dwellings as a result of this proposal.

- 6.18** MP13: Relates to the proposal's environmental acceptability and the provision of any local community or environmental benefits: The applicant has indicated that through this proposal 3 jobs will be retained directly on the site with additional indirect jobs created. In addition it is considered that through the imposition of revised planning conditions the continued peat extraction at this is considered environmentally acceptable in planning terms. It is, therefore, contended that the proposal complies with this policy.
- 6.19** 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, due to the scale and nature of this proposal it is contended that the continued extraction of peat does not conflict with this policy.
- 6.20** MP19: Restoration and aftercare treatment of the site: A detailed restoration and aftercare scheme would be secured through the revised conditions for this site, requiring the details to be submitted closer to the cessation of peat extraction to allow for the operator to take account of the best peatland restoration practices at that time.
- 6.21** MP20: The provision of a restoration guarantee bond: A restoration guarantee bond was not required of the applicant by the current planning permission for the site, and as the periodic review process only allows for the review of planning conditions imposed on operations, it is not considered reasonable or indeed compitent to require the applicant to lodge a restoration bond with the Council through this process.
- 6.22** MP21: Suitability of after-use schemes: As stated above, a detailed restoration and aftercare scheme for the site will be required by the revised schedule of conditions imposed.
- 6.23** MP26: Extraction of peat: As SNH have no material objections to the revised schedule of conditions proposed regarding the nature conservation value of the peat bog; and that the proposal complies with all other policies contained within this plan; it is considered that the continued extraction of peat at this site complies with this policy.
- 6.24** MP30: Protection of landscape features: Peat extraction differs from other mineral extraction in this regard in that the process does not involve the excavation of a void and the surface storage of overburden, the process is more akin to a conventional farmer ploughing a field. Therefore, it is considered that the extraction of peat in this location has little visual impact on the surrounding landscape.
- 6.25** MP32: Noise survey and limits: A condition will be attached to the revised schedule of conditions 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.

- 6.26** MP33: Dust assessment study: Conditions would be updated to ensure that the operator would minimise dust emissions from the site by every practicable means. The Council's Environmental Services have raised no issues with respect to the application.
- 6.27** The Upper Clydesdale Local Plan (1996) identifies the application site as being within the remoter rural area where policy 73 is applicable. This policy is generally focused on residential development, however, does require all proposals to demonstrate that there would be no adverse impact on the amenity of the countryside or natural heritage interests. It has been demonstrated through the detailed assessment of the proposal against Mineral Plan policy above that the continued extraction of peat at this site would not conflict with the aims of policy 73.
- 6.28** Part of the application site lies within the boundary of the Carstairs Kames SSSI and as such policy 81 of the Upper Clydesdale Local Plan and policy ENV25 of the South Lanarkshire Local Plan apply. These policies seek to ensure that proposals do not have an adverse impact upon Sites of Special Scientific Interest. As outlined above, the applicant has agreed to the imposition of a new condition to ensure that this area remains fenced for the duration of the works and is not disturbed. It is therefore considered that the continued extraction of peat at this site would not have a detrimental impact on the qualifying interests of the Carstairs Kames geological SSSI, therefore, not conflicting with policy 81 or ENV25.
- 6.29** Policy 85 (Extraction of peat) of the Upper Clydesdale Local Plan states that proposals for the commercial extraction of peat shall be given favourable consideration only insofar as they are consistent with the protection of peatlands valuable to conservation interests and with the protection of amenity, landscape and heritage resources. Again it can be shown from the detailed assessment above that the principle of continued peat extraction at this site, subject to the revised conditions, does not conflict with this policy.
- 6.30** Policy 99 (Environment) of the Upper Clydesdale Local Plan and policy ENV4 (Protection of the Natural and Built Environment) of the South Lanarkshire Local Plan seek to prevent or minimise damage to the environment. As outlined above, it is considered that the continued extraction of peat at the site will not have a significant impact on the adjacent SSSI nor would the proposal have a significantly detrimental impact on the surrounding environment. Although the application site itself has already been affected by commercial working for a number of years, it is considered that through effective restoration and aftercare of the site, which will be secured in the new set of conditions, that any potential long term damage to the local environment can be minimised and the peat bog regenerated over time. It is therefore considered that through appropriate restoration of the site the continued working of peat at this site does not conflict with the aims of these policies.
- 6.31** The South Lanarkshire Local Plan (Finalised 2006) also identifies the site as being within the accessible rural area, where policy STRAT4 – Accessible Rural Area and policy CRE2: 'Stimulating the Rural Economy' apply.
- 6.32** Policy STRAT4 states that the Local Plan strategy is to build on the on the economic potential of the areas high quality natural and built environment whilst ensuring that these qualities are not eroded. The policy also states that all development should seek to enhance the environmental quality of the area or where enhancement is not possible, impacts should be mitigated. Whilst this policy is not focused on mineral

developments, it is clear from the detailed assessment of Mineral Plan policies above that the environmental impacts of the proposal can be satisfactorily mitigated through updated planning conditions. Therefore, the proposal is not in conflict with policy STRAT4.

- 6.33** Policy CRE2 states that the Council will endeavor to maximise job creation in rural areas by encouraging development of an appropriate form and in appropriate locations. Through the detailed assessment of the Minerals Plan policies set out above it is considered that this proposal is acceptable in this location, therefore, complying with the general aim of policy CRE2.
- 6.34** It is concluded that as this area of peatland has been commercially worked for peat for over 23 years it is apparent that its nature conservation value has been affected by man, and given that SNH have no objection to the schedule of conditions proposed by the applicant, it is considered that the principle of continued peat extraction at this site is acceptable, and accords with current national and local planning policy.
- 6.35** Through the revised schedule of conditions proposed, permission is sought to extract peat from the site until 2040, i.e. 30 years more than is currently permitted. Notwithstanding the compliance with planning policies it is not considered appropriate to grant permission for mineral extraction for such an extended period of time. I consider that permitting a further 15 years of extraction from the cessation date of the currently consented workings at the site to be more appropriate for this type of use i.e. until 2025. This timescale is in line with the Review of Old Mineral Permissions timescale and would allow the Council an opportunity to reconsider the acceptability of this land use in this location. This has been discussed with the applicant who has agreed to accept this time restriction.
- 6.36** The other material change of circumstances proposed in the revised schedule of conditions submitted by the applicant relates to the hours of operation of the site. The applicant proposes to alter the hours of operation from 7am to 9pm Mondays to Fridays and 8am to 5pm Saturdays, to 6am to 7pm every day from 1 September to 31 May and 6am to 12am every day from 1 June to 31 August. As stated elsewhere in this report the process of peat extraction is quite different to other forms of mineral extraction and is more akin to agricultural practices. The operations at this site are relatively low key and have not given rise to complaints from nearby residents. The extraction operations at the site comprise tractors with milling equipment traversing the moss. Similar hours of operation to those proposed are already in place at other operational peat sites within the Council area, namely Hillhouse Farm and Cladance Moss, due to the low impact of the nature of operations. Provided that HGV entry to the site is restricted to between 7am and 7pm, it is considered that the revised hours of operation proposed would not have a significantly adverse impact upon the local community.
- 6.37** The remainder of the conditions proposed by the applicant are designed to update the conditions to reflect current best environmental practice. In addition to the changes listed above, some further alterations and additions have been made to the schedule of conditions proposed by the applicant in order to update the permission further in accordance with best practice and to reflect the Council's standard mineral planning conditions. The alterations have been agreed with the applicant.

6.38 In conclusion, it is therefore considered that the continuation of mineral working at this site for a further 15 years does not conflict with national or local planning policy, and will not result in any overall increase in environmental impact of the currently consented workings. Therefore, I recommend that the revised schedule of conditions attached be granted.

7 Reasons for Decision

7.1 The continued extraction of peat at this site for a limited period complies with the principles of the Structure Plan, and all relevant policies contained within the Minerals Plan, the Upper Clydesdale Local Plan and the South Lanarkshire Local Plan; that the proposal complies with national planning policy and advice; that there are no objections to the revised schedule of conditions proposed from the major consultees; that through the imposition and effective monitoring of a revised schedule of planning conditions it is considered that the proposal will have no significant adverse impact on the amenity of the surrounding area or the environment.

Iain Urquhart
Executive Director (Enterprise Resources)

13 February 2007

Previous References

- ◆ P/LK/82/0481
- ◆ P/LK/90/0547

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Roads and Transportation Services	19/01/2006
S.E.P.A. (West Region)	02/02/2005
Environmental Services	28/01/2006
Scottish Natural Heritage	05/06/2006
WOSAS	16/05/2006

- ▶ Representations
- None

Contact for Further Information

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

Theo Philip, Planning/Minerals Officer, Planning & Building Standards HQ, Montrose House, 154 Montrose Crescent, Hamilton

Ext. 5903 (Tel :01698 455903)

E-mail: Enterprise.hq@southlanarkshire.gov.uk

CONDITIONS

- 1 That all extraction operations on the site shall be discontinued not later than 15 years from the 21st November 2010 and, within a period of 12 months from the discontinuance date, the entire site shall be restored in accordance with the approved plans (submitted in terms of condition 13) to the satisfaction of the Planning Authority.
- 2 That upon the termination of peat 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 (submitted in terms of condition 13) to the satisfaction of the Planning Authority. The applicant shall give the Planning Authority 7 days prior written notice of the date that peat extraction operations are to permanently cease on site.
- 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, the original statement of intentions (dated 26 July 1990) 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 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 No development shall take place within the boundary of the Carstairs Kames Site of Special Scientific Interest (SSSI), as highlighted in green on drawing number FP01. Within one month of the date of this permission a fence shall be erected along the boundary of the SSSI and shall remain in place for the duration of the permission, unless otherwise agreed in writing with the Planning Authority. Details of the type of fencing to be installed shall be submitted to and approved in writing by the Planning Authority prior to the installation of the fence.
- 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 soil movements and the planning authority reserves the right to suspend operations during adverse weather conditions or to impose such conditions as he 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 or reclaimed land.

- 9 That any 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 all peat stockpiles shall be limited to four metres in height.
- 11 That the applicant shall reinstate or lay ditches and field drains as required by the Planning Authority for a period of up to five years after the completion of the site restoration.
- 12 That, in the event of extraction operations on the site ceasing for a period of 12 months or more, the Planning Authority shall deem operations on the site to have ceased permanently, and notwithstanding the terms of condition 13 shall require the submission of a restoration scheme for the written approval of the Planning Authority and thereafter shall require immediate implementation of the approved restoration scheme.
- 13 That indicative details only for the final restoration scheme are hereby approved, and that, 12 months prior to the cessation of works, a detailed restoration and aftercare scheme for the entire site (including details of: existing and final levels; planting scheme; land use; and aftercare for the site) shall be submitted for the written approval of the Planning Authority, and that the restoration and aftercare scheme shall be carried out to the satisfaction of the Planning Authority in accordance with the approved restoration plan and within the agreed timescale.
- 14 That the operator shall minimise dust emissions from the site by every practicable means, and shall at all times operate in full accordance with current best practice.
- 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 That 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 existing drainage ditches around the perimeter of the site shall be maintained and cleaned to the satisfaction of the Council as Local Planning Authority.
- 19 That between the hours of 0700 to 1900 the nominal noise from site operations at all noise sensitive premises in the vicinity of the site shall not exceed 55dB LAeq over any one hour period.
- 20 That at all other times the nominal noise from site operations at all noise sensitive premises in the vicinity of the site shall not exceed 42dB LAeq over any one hour period.

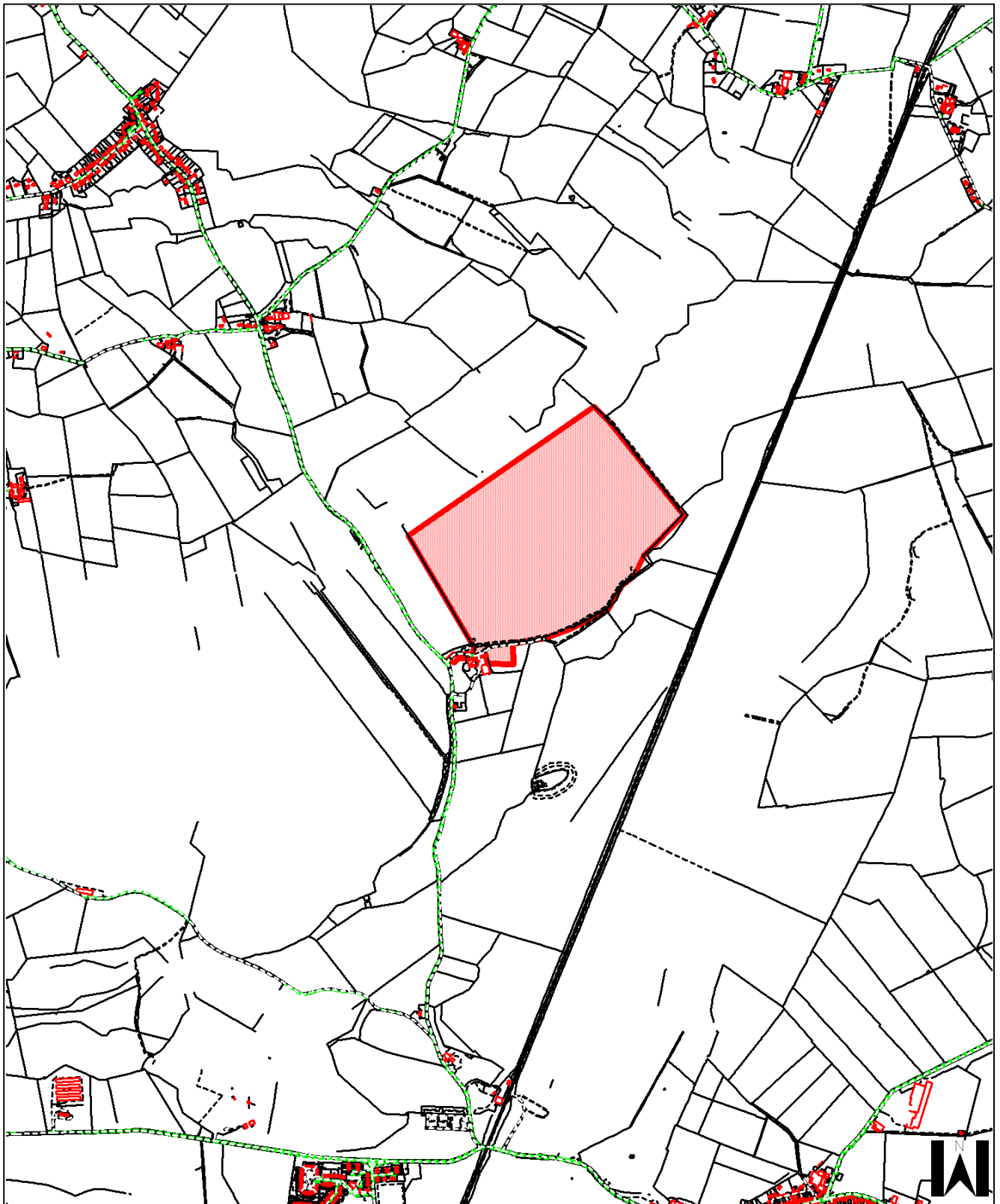
- 21 All the existing hedges and fences on the site boundary shall be made stock-proof, maintained and protected from damage throughout the period operations until the restoration of the site has been completed, except as may otherwise be approved in writing by the Planning Authority, undisturbed hedgerows within or bounding the site shall be carefully maintained, cut and trimmed at the proper season throughout the period of working and restoration.
- 22 All site vehicles shall use the existing access point highlighted in yellow on drawing number FP01.
- 23 That the hours of operation at the site shall be restricted to 0700 - 1900 hrs during the period 1 September - 31 May and to 0600-2400 hrs during the period 1 June to 31 August, unless otherwise approved in writing by the Planning Authority.
- 24 No haulage vehicles shall enter the site prior to 0700 hrs or leave the site after 1900 hrs.
- 25 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.
- 26 Notwithstanding the provisions of Article 3 and Part 16 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and amended, no further buildings, fixed plant, machinery, structures, whether mobile or fixed, or other structures, shall be erected or placed on the site, except with the prior written approval of the Planning Authority.
- 27 No winning or working of peat shall take place outside the areas of peat extraction, shown edged purple on drawing number FP01.
- 28 No fixed chemical, oil or diesel storage tanks shall be erected on the working area.
- 29 No drainage from the site, or from areas immediately adjoining the site, shall be interrupted, either partially or fully by the operations hereby approved, except as may otherwise have received the prior written approval of the Planning Authority.
- 30 An average of 0.5 metres of unworked peat will be left at the cessation of peat extraction.
- 31 A visibility splay of 2.5 metres by 215 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 1.05 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1.05 metres in height shall be planted, placed or erected within these sight lines.

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 To safeguard part of the Carstairs Kames SSSI.
- 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 In the interests of visual amenity.
- 11 To ensure satisfactory reinstatement of the site.
- 12 To ensure the Planning Authority retains effective control of the development.
- 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 ensure the free flow of water within the site.
- 19 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 20 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 21 To ensure site safety and maintenance of boundary security.
- 22 In the interests of road safety.
- 23 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 24 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 25 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 26 To ensure control over such development on the site so as to minimise the potential visual and landscape intrusion.
- 27 To accord with the approved plans, and for the avoidance of any doubt.
- 28 To prevent contamination of the moss.
- 29 To prevent disruption to the existing drainage and water management arrangements.
- 30 To ensure the satisfactory reinstatement of the site.
- 31 In the interests of road safety.

For information only



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