

	<h1>Report</h1>	Agenda Item <h1>10</h1>
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Report to:	Planning Committee
Date of Meeting:	5 December 2006
Report by:	Executive Director (Enterprise Resources)

Application No	EK/05/0617
Planning Proposal:	Continued Extraction of Peat

1 Summary Application Information

- Application Type : Mineral Application (Renewal)
- Applicant : William Sinclair Horticulture
- Location : Cladance Moss
Chapelton
Strathaven

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

- (1) The Planning Committee has delegated powers to determine this application.
- (2) In addition, if the Committee are minded to grant permission the decision notice should not be issued until the following document is concluded:

A Section 75 agreement to secure a Restoration Guarantee Bond to cover the full costs of restoring the site.

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

3 Other Information

- ◆ Applicant's Agent: No Agent
- ◆ Council Area/Ward: 30 Lindsay
- ◆ 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
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
MP37: Legal Agreements
MP39: Annual Progress Reports
East Kilbride and District Local Plan (2003) -
Policy ENV1: Greenbelt Land Use
ENV6: Protection of the Natural and Built Environment
ENV7: Protection of Designated and Non-Designated Sites of Nature Conservation Value
The South Lanarkshire Local Plan (Finalised 2006) –
Policy CRE2: Stimulating the Rural Economy
Policy STRAT3: The Green Belt and Urban Settlements in the Green Belt
Policy ENV4: Protection of the Natural and Built Environment
Policy ENV26: Local Nature Conservation Sites

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

Environmental Services

Roads and Transportation Services

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

Scottish Wildlife Trust

Scottish Natural Heritage

Biodiversity Officer

Countryside Ranger

Planning Application Report

1 Application Site

- 1.1** The application site lies to the west of the A726 East Kilbride – Strathaven Road, and to the north-west of the village of Chapelton. The site occupies a total area of 28.7 hectares, with access being taken directly from the Cladance Highway.
- 1.2** The site is bounded to the west by the Cladance Highway, and by farmland to all other sides. The closest residential property to the site is located 296 metres to the south-west of the site boundary, with the village of Chapelton some 1.3 kilometres to the south-east.
- 1.3** The application site has been commercially worked for peat since planning permission was granted in 1987. The site currently comprises the extraction area (which is akin to a ploughed field in appearance), a narrow gauge railway system which cuts across the extraction area for transporting peat to a stocking and loading area to the north-east of the site. A site compound is also located to the north-east of the site which includes a hard surfaced access to the site, site office and HGV sheeting gantry.

2 Proposal(s)

- 2.1** The planning application is for the continued extraction of peat from the site until 2040. The applicant proposes to extract 14cm of peat a year from the site to a maximum depth of 4 metres (based on current levels).
- 2.2** The actual extraction of peat from the moss is weather dependent and by its nature becomes a seasonal operation. The applicant has stated that extraction operations will take place during daylight hours between April and September each year.
- 2.3** Peat is currently extracted from the site by virtue of previous planning permissions which are listed in the background section of this report. 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 centimeters of wet peat. This process is similar to a conventional farmer ploughing a field.
- 2.4** The milled peat is then left to dry and when sufficiently dry, the peat is pushed into small ridges and then the contents of one ridge are lifted and deposited on top of a neighbouring ridge. In this way ridges of dry peat are moved across the moss until they are finally deposited onto the main stockpiles situated on what are called stacking flats.
- 2.5** From the stockpiles on the moss peat is transferred to the processing and loading area via a narrow gauge railway system which comprises a diesel powered locomotive with wagons running on several kilometers of track around the site. Although the actual extraction operation is seasonal, this process occurs throughout the year.
- 2.6** From the loading and processing area in the north-east of the site peat is loaded into HGVs to be transported to market. The applicant has estimated that an average of 1.5 HGVs a day will enter and leave the site over the course of a year, with a maximum of 6 in and 6 out at peak times during the summer. Currently HGVs only access the site from the A726 via the Millwell and Cladance Highways. Passing places have previously been installed by the applicant along the Cladance Highway.

The site is serviced by a hardsurfaced access from the Cladance Highway entering at the north-east of the site.

- 2.7 The site directly employs 4 people with the ancillary employment of a number of vehicle drivers.
- 2.8 Upon cessation of peat extraction it is proposed to restore the site to a raised peat bog through a bog regeneration process.

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.
- 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 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".
- Mineral Policy 37 (MP37) "Legal Agreements".
- Mineral Policy 39 (MP39) "Annual Progress Report".

3.11 The East Kilbride and District Local Plan (Finalised Draft) identifies the application site as being within the Greenbelt where policy ENV1 is applicable. The application site is adjacent to a Site of Nature Conservation Value where policy ENV7 - Protection of Designated and Non-Designated Sites of Nature Conservation Value applies. Policy ENV6: Protection of the Natural and Built Environment is also applicable.

3.12 The South Lanarkshire Local Plan (Finalised 2006) also identifies the site as being within the Greenbelt, where policy STRAT3 – The Greenbelt and Urban Settlements in the Greenbelt and policy CRE2: 'Stimulating the Rural Economy' apply. Given the location of the site adjacent to a Site of Nature Conservation Value Policy ENV4: Protection of the Natural and Built Environment and Policy ENV26: Local Nature Conservation Sites are 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 is currently being worked under previous planning permissions. The primary permission for the extraction of peat at the site was granted in April 1987 (ref. P/87/97). An amendment to this permission (ref. P/M/87/97) granted in December of 1987 permits peat extraction at the site until 31 December 2007. Subsequent permissions have been granted in the proceeding years for: the erection of storage shed (ref. P/88/283); formation of peat storage and loading area (ref. EK/97/165); and, erection of sheeting gantry (ref. EK/01/0055).

4 Consultation(s)

4.1 Environmental Health Services: No comments. Advise that SNH and SEPA be consulted.

Response: Noted. Both SNH and SEPA have been consulted.

4.2 Roads and Transportation: No objections, subject to the applicant resurfacing the Cladance Highway across the site entrance, extending northwards towards the Millwell Highway for a distance of approximately 70 metres, within 6 months of planning permission being granted.

Response: Noted. The resurfacing works required can be secured through planning conditions as all works would be within the confines of the public road.

- 4.3 **Scottish Environmental Protection Agency (SEPA):** No objections provided that the operators continue to be aware of the need for good housekeeping practices with regard to the maintenance of silt traps, storage of chemicals, and refueling of vehicles.
Response: Noted. The applicant has been made aware of this.
- 4.4 **Scottish Natural Heritage:** No objections but recommend that a condition be attached to any permission granted requiring the restoration proposals for the site to be regeneration to a raised peat bog, and that a restoration bond is lodged by the applicant. SNH also wish to have a 10 year aftercare management plan prepared for the site.
Response: Noted. The applicant has confirmed willingness to lodge a restoration bond with the Council and the restoration proposals submitted with the application are for the restoration of the site through bog regeneration. An aftercare plan for the site can be required by condition.
- 4.5 **Scottish Wildlife Trust:** No response received at time of writing report.
Response: Noted.
- 4.6 **Biodiversity Officer:** No objections, however, raise concerns over the principle of peat extraction from sites which have not been subject to previous operations. Broadly supportive of restoration proposals.
Response: Noted.
- 4.7 **Countryside Ranger:** 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. One letter of representation was received from the Hamilton Natural History Society. The points raised are summarised below.
- 5.2 **1. Objection:** The site is recognised as being an internationally important habitat which is rare and declining worldwide. Both active and degraded bogs are listed as Priority Habitats in the 1992 EC Habitats Directive, the UK Bio Diversity Action Plan (BAP) and the South Lanarkshire BAP.
Response: SNH and the Biodiversity Officer have not raised objections to the proposal and it must be acknowledged that this site has been commercially worked for peat for in excess of 19 years.
- 5.3 **2. Objection:** One of the main objectives of the South Lanarkshire BAP is to ensure no further loss or reduction in quality of lowland raised bog habitat in South Lanarkshire.
Response: In relation to this proposal, no adverse comments have been received from the Biodiversity Officer in this regard, and as stated above it must be recognised that the application site has already been affected by the extraction process.
- 5.4 **3. Objection:** The proposal will have an adverse effect on the adjacent Nature Conservation Site and as such is contrary to policy ENV6 of the East Kilbride and District Local Plan, policy ENV4 of the draft South Lanarkshire Local Plan, the 1992 EC Habitats Directive, and the UK and South Lanarkshire BAPs.

Response: SNH have raised no issues in this regard, and it is not considered that the proposal will have a significantly adverse impact on the adjacent site.

- 5.5 4 Objection: Although Cladance Moss has already been damaged by peat extraction there is still sufficient of it remaining to warrant being preserved. Some plant and bird species present at the moss show it has retained its biodiversity.**

Response: National Planning Policy guidance on peat extraction highlights that the working of peat will only be acceptable in areas of peatland which have been significantly damaged by human activity and where nature conservation value is low. It is considered that given Cladance Moss has been commercially worked for peat for in excess of 19 years that the site's nature conservation value has been diminished by human activity, however, the proposals currently before the Council provide a long term nature conservation benefit in that it is proposed to regenerate the site to a raised peat bog upon cessation of works. Again it is noted that SNH and the Biodiversity Officer have not objected to the proposal.

- 5.6 5 Objection: The extraction of peat from this bog will lead to a massive release of carbon dioxide and methane gas from the decomposition of the peat, contributing to climate change.**

Response: It is thought that peat and peat bogs are important 'carbon sinks' as they absorb CO₂ in the atmosphere. However no policy has been framed that protects peat bogs for this purpose. This issue has not been raised by any of the statutory consultees, including SNH, SEPA and Environmental Services.

- 5.7 The above letter has been copied and is available for inspection in the usual manner.**

6 Assessment and Conclusions

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 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 East Kilbride and District Local Plan (2003), and the South Lanarkshire Minerals Local Plan (2002). The South Lanarkshire Local Plan (Finalised 2006) is also a material consideration.**
- 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 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.**
- 6.4 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.**

- 6.5** 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.
- 6.6** 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.
- 6.7** It is recognised that the site is currently working and has been affected by the extraction process for in excess of 19 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 appropriate planning conditions relating to site operations, and through a Section 75 Agreement safeguarding appropriate restoration of the site, the proposal is in accordance with National planning policy and guidance.
- 6.8** 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 appropriate conditions which safeguard the environment and amenity of surrounding communities that this proposal is in general accord with Structure Plan Policy.
- 6.9** 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:
- 6.10** 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.
- 6.11** 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 It 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.
- 6.12** 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.
- 6.13** MP11: Relates to the zone of safeguard sensitivity: The nearest property to the extraction area lies approximately 296 metres to the south-west of the site which is

beyond the 250m buffer zone required by this policy. Therefore, the proposal complies with this policy.

- 6.14** 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 should not impact on communities. Nevertheless, through the imposition and effective monitoring of appropriate 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.
- 6.15** 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 4 jobs will be retained directly on the site with additional indirect jobs created. In addition it is considered that through the imposition of appropriate planning conditions and legal agreements that the proposal would be environmentally acceptable. 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.
- 6.16** 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 application does not conflict with this policy.
- 6.17** MP19: Restoration and aftercare treatment of the site: As stated elsewhere in this report there are no objections to the 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.
- 6.18** MP20: The provision of a restoration guarantee bond: The applicant has confirmed willingness to enter into a restoration bond agreement.
- 6.19** MP21: Suitability of after-use schemes: It is intended that site be restored to a raised peat bog. 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.
- 6.20** MP26: Extraction of peat: As SNH have no material objections to the proposal regarding the nature conservation value of the peat bog; and a condition can be attached to any approval allowing the West of Scotland Archaeology Service access to the site when required; and that the proposal complies with all other policies contained within this plan; it is considered that the proposal complies with this policy.
- 6.21** 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 regenerated over time to a raised peat bog which complies with Mineral Plan policy.
- 6.22** MP32: Noise survey and limits: A condition would be attached to any permission granted 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.

- 6.23** MP33: Dust assessment study: Conditions would be attached to any planning permission granted 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.
- 6.24** MP37: Legal agreements: The requirement for legal agreements (covering issues such as restoration bonds) has been well established by the authority and should it be agreed to grant permission this would form part of the decision papers.
- 6.25** 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.
- 6.26** The application site is identified as being within the Greenbelt by both the East Kilbride and District Local Plan and the South Lanarkshire Local Plan. In this regard, the site is covered by policy ENV1 - 'Greenbelt Land Use' of the East Kilbride and District Local Plan and policy STRAT3 'The Greenbelt and Urban Settlements in the Greenbelt' of the South Lanarkshire Local Plan. Both policies state that there is a presumption against development within the Greenbelt unless a proposal is considered to be an appropriate use within the Greenbelt. As outlined in SPP4 minerals can only be worked where they are found and given that the extraction of minerals is a temporary land use it is widely accepted that sites for the extraction of minerals are, in principle, acceptable land uses within the Greenbelt.
- 6.27** As the application site is adjacent to the East Cladance Remnant Nature Conservation Site, policy ENV7 (Protection of Designated and Non-Designated Sites of Nature Conservation Value) of the East Kilbride and District Local Plan and policy ENV26 (Local Nature Conservation Sites) of the South Lanarkshire Local Plan are also applicable. These policies state that development will not normally be permitted which adversely affect a recognised site of nature conservation value. However, the policies go on to state that any justified loss of nature conservation value should be compensated by habitat creation and site enhancement elsewhere. It is noted that SNH have raised no material objection in respect of the potential impact that the continued extraction of peat at this site may have on the nature conservation value of the adjacent site. SNH support the restoration proposals to regenerate the site to a raised peat bog, which would result in the recreation of habitats. It must also be acknowledged that peat has been commercially extracted from this site for in excess of 19 years without any significant concerns being raised with the Council in regard to the impact of the working on the adjacent nature conservation site. It is therefore submitted that the proposal does not conflict with the spirit of these policies.
- 6.28** Policy ENV6 of the East Kilbride and District Local Plan and policy ENV4 of the South Lanarkshire Local Plan on 'Protection of the Natural and Built Environment' must also be considered. These policies state that the Council will assess all proposals in terms of their effect on the character and amenity of the natural and built environment, and in doing so the Council will seek to safeguard, amongst others, Local Nature Conservation sites. As outlined above, it is considered that the continued extraction of peat at the site will not have a significant impact on the nature conservation value of the adjacent East Cladance Remnant Nature Conservation

Site nor would the proposal have a significantly detrimental impact on the surrounding environment.

- 6.29** Policy CRE2 'Stimulating the Rural Economy' of the South Lanarkshire Local Plan is also applicable. This policy 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.
- 6.30** Permission is sought to extract peat from the site until 2040, i.e. for a further 34 years. 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 2022. 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 this time restriction.
- 6.31** 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. Furthermore, the restoration proposals will see the site restored to a beneficial after use, enhancing nature conservation. Therefore, I recommend that consent is granted subject to conditions and the conclusion of appropriate legal agreements.

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 East Kilbride and District 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 proposal from the major consultees; that the proposal will, in time, restore the site to a beneficial nature conservation 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 or the environment.

Iain Urquhart
Executive Director (Enterprise Resources)

27 November 2006

Previous References

- ◆ P/87/97, P/M/87/97, P/88/283, EK/97/165, and EK/01/0055.

List of Background Papers

- ▶ Application Form

- ▶ Application Plans
- ▶ Consultations

Roads and Transportation Services (East Kilbride)	15/11/2006
S.E.P.A. (West Region)	04/11/2005
Environmental Services	28/10/2005
Community Resources (Biodiversity Officer)	25/10/2006
Scottish Natural Heritage	12/01/2006
- ▶ Representations

Representation from :	Hamilton Natural History Society, 1 Stonehouse Road
	Sandford
	Strathaven
	ML10 6PD, DATED 23/11/2005

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
 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 31st December 2007 and, within a period of 18 months from this 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.
- 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 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 That within one month of the date of this permission, detailed proposals for the resurfacing of the Cladance Highway across the site entrance, and for a stretch of 70 metres extending northwards towards the Millwell Highway (as highlighted in orange on drawing number CM1) shall be submitted to and approved in writing by the Planning Authority. Such details that may be approved by the Planning Authority shall be carried out in full within 6 months of the date of the implementation of this permission, and the works shall be carried out to the satisfaction of the Council as Roads Authority.
- 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 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 all peat stockpiles shall be limited to ten 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 that phase to have ceased permanently, and 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 CM1.
- 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 plan CM1, referred to hereinafter as the worked area.
- 28 No fixed chemical, oil or diesel storage tanks shall be erected on the worked area.
- 29 Throughout the period of working, silt traps designed to prevent suspended solids entering water courses from the peatland areas, must be maintained in the locations shown in blue on plan CM1.
- 30 The operator shall allow all reasonable access to the West of Scotland Archaeology Service to carry out archaeological investigations and recording during the course of the permitted operations on the worked area.
- 31 Other than the transient storage of peat on the moss for collection during each harvesting season, there shall be no stockpiling of peat on the site outside the approved stockpiling areas shown in green on plan CM1.
- 32 An average of 0.5 metres of unworked peat will be left at the cessation of peat extraction.

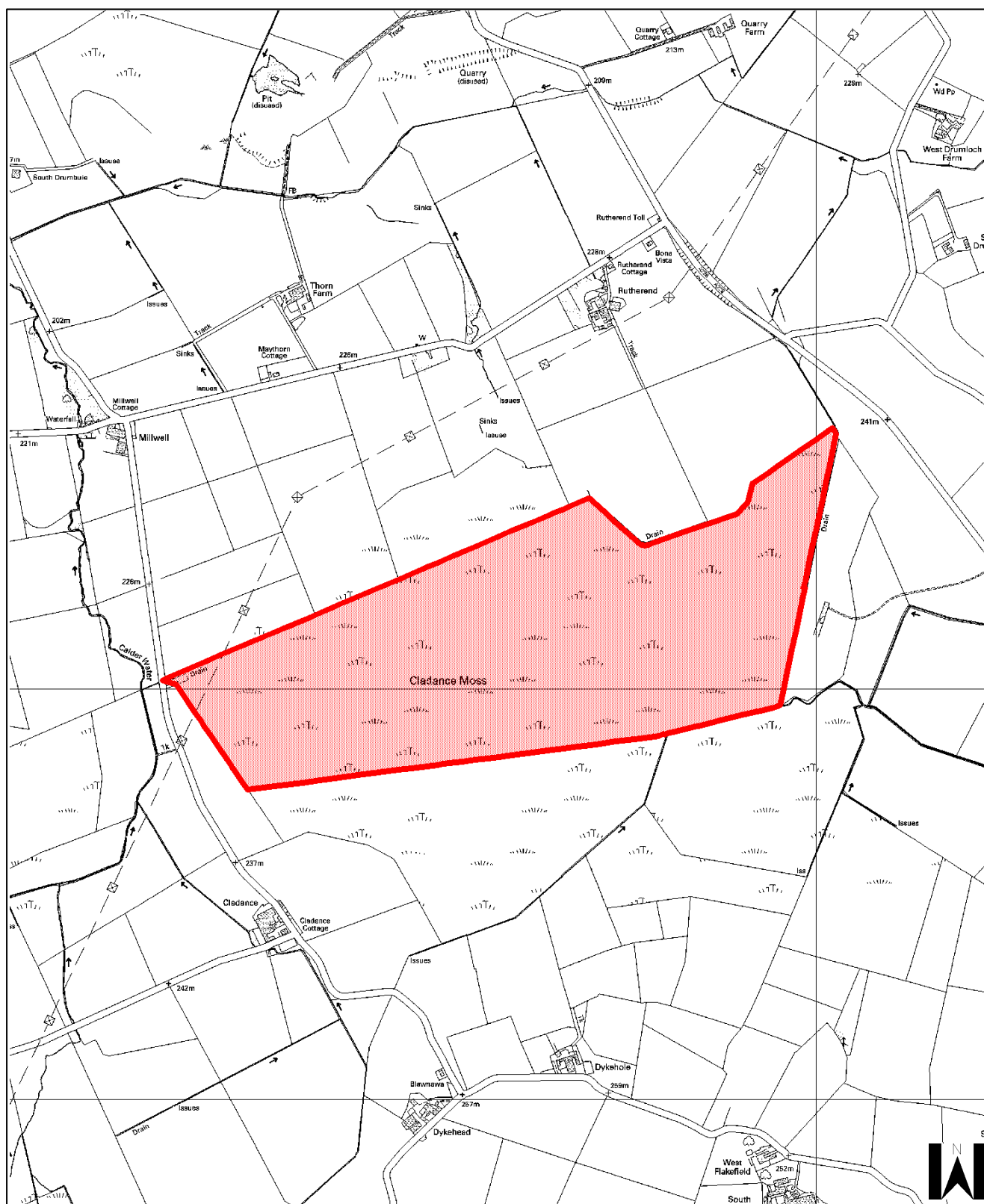
REASONS

- 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 the works are required to ensure that the proposal is satisfactory, and in the interests of road safety.
- 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 submission for planning approval.
- 28 To prevent the moss from contamination.
- 29 To prevent the pollution of controlled waters.
- 30 To ensure reasonable access for the West of Scotland Archaeology Service if, and when required.
- 31 In the interests of visual amenity.
- 32 To ensure the satisfactory reinstatement of the site.

For information only

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