

Report to:	Planning Committee
Date of Meeting:	21 June 2011
Report by:	Executive Director (Enterprise Resources)

Application No	CL/11/0022
Planning Proposal:	Extension to existing surface coal mine to extract 150,000 tonnes of coal - variation to conditions 1 & 2 of CL/08/0011 to extend operational period of site by 10 months.

1 Summary Application Information

- Application Type : Mineral Application (Amend)
- Applicant : Hall Construction Services Ltd
- Location : Wilsontown Revised Surface Mine
Cleugh Farm
Wilsontown
South Lanarkshire
ML11 8ES

2 Recommendation(s)

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

- (1) Grant Detailed Permission – Subject to Conditions (based on condition attached).

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Should the Planning Committee agree to grant consent, the decision notice should not be issued until the following matters are concluded;
 - The applicant has provided an acceptable restoration guarantee bond to cover the costs of restoring both the original site and the proposed extension.
 - All Legal Agreements between the applicant and the Council which relate to the operations at the existing site are amended, if required, to incorporate the terms of the proposed extension, including where necessary terms to document the provision of the new bond amount, ensuring that the public road is maintained to the appropriate standard for the duration of the extended site operations and that community benefit contributions are made for the additional coal to be extracted.

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

Other Information

- ◆ Applicant's Agent: J.W.H. Ross & Co Ltd
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Minerals Local Plan (adopted 2002)**
 MP1 - General Protection of the Environment
 MP2 - Protection of Areas with International Environmental Designations. (Category 1 Areas)
 MP4 - Protection of Areas with Local Environmental Designations. (Category 3 Areas)
 MP5 - Visual Intrusion and Landscape Impact
 MP7 - Watercourses, Surface and Groundwater
 MP9 - Archaeological Sites
 MP11 - Buffer Zones
 MP12 - Impact on Communities
 MP13 - Benefits from Mineral Workings
 MP14 - Contributions
 MP15 - Concentration of Mineral Operations
 MP16 - Opencast Coal Developments – Operational Periods
 MP18 - Transportation of Minerals
 MP19 - Restoration and Aftercare Provision
 MP20 - Restoration Guarantee Bonds
 MP25 - Protection of Mineral Resources
 MP32 - Noise Survey and Limits
 MP33 - Dust Assessment Study
 MP37 - Legal Agreements
 MP38 - Monitoring of Mineral Workings
 MP39 - Annual Progress Plan

South Lanarkshire Local Plan (adopted 2009)

- STRAT 5 - Rural Investment Area Policy
- CRE 2 - Stimulating the Rural Economy Policy
- ENV 4 - Protection of the Natural and Built Environment Policy
- ENV 21 - European Protected Species
- ENV 34 - Development in the Countryside Policy

Proposed South Lanarkshire Minerals Local Development Plan 2011

- Policy MIN1 – Spatial Framework
- Policy MIN2 – Environmental Protection Hierarchy
- Policy MIN3 – Cumulative Impacts
- Policy MIN4 – Restoration
- Policy MIN5 – Water Environment
- Policy MIN7 – Controlling Impacts from Extraction Sites
- Policy MIN8 – Community Benefit
- Policy MIN12 – Transport
- Policy MIN 13 – Legal Agreements
- Policy MIN15 – Site Monitoring and Enforcement

◆ Representation(s):

- ▶ 1 Objection Letter
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Historic Scotland (Ancient Monuments)

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

West of Scotland Archaeology Service

Roads and Transportation Services (Clydesdale Area)

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

Roads & Transportation Services H.Q. (Traffic and Transportation)

The Coal Authority - Planning and Local Authority Liaison Department

Scottish Natural Heritage

Tarbrax Community Council

Planning Application Report

1 Application Site

- 1.1 The application site is situated 260m to the south east of the village of Wilsontown and 750m east of Forth. Groups of houses are also immediately adjacent to the northern and western boundary of the application site, particularly along Tashieburn Road and the B7016. The site is accessed from the B7016 (Wilsontown – Braehead Road).
- 1.2 The site is bounded to the north by the Tashieburn Road, to the west by the Mouse Water and the B7016 and by open farmland to the south and east. The closest residential properties to the site are located along the Tashieburn Road to the north of the site. A number of farms and individual residential properties are located to the east of the site.
- 1.3 The application site currently accommodates the operational Wilsontown Surface Coal Mine and extends to some 149 hectares, 41.1ha of which constitutes the approved extraction area. The site is currently in operation (works commenced in January 2004) and includes the site compound, the working void, overburden and soil storage areas, water treatment facilities, areas in restoration and unworked areas of rough grazing to the east which remain to be worked as the site progresses. The Law Burn and the Tashie Burn both flow through the centre of the site.
- 1.4 Braehead Moss SSSI/SAC is located 2km to the south west of the application site. The Haywood deserted mining village Scheduled Ancient Monument is partially within and immediately to the east of the site.

2 Proposal(s)

- 2.1 As stated above, Wilsontown Opencast Coal Site is an established and operational surface coal mine and this application seeks permission to extend the extraction limits and the consented lifespan of the operation. The proposed extension relates to the area to be excavated and is located entirely within the original planning application boundary.
- 2.2 The proposal seeks permission to extract an additional 150,000 tonnes of coal from the extension area. The extension area would be worked as a continuation of the existing workings, in an easterly direction. The additional extraction area extends to 6ha. The proposed development would extend coaling period until March 2013 (an additional 10 month period of coaling), with the period for the completion of restoration extending to October 2013 (an additional 9 month period for restoration).
- 2.3 The site would be restored to a mixture of improved grassland and rough grazing, woodland planting and small wetland areas. A footpath is also proposed to run through the site from east to west.
- 2.4 No change is proposed to the previously permitted hours of operation (which are 7.00am to 7.00pm Monday to Friday and 7.00am to 4.00pm on a Saturday), access arrangements, external coal haulage route, site layout, phasing of extraction operations and restoration.
- 2.5 The site currently employs 24 staff on site associated with earthmoving and coaling, which includes plant operatives, plant maintenance, site management and supervisory staff.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (SPP) notes that coal output in Scotland is likely to continue to play a significant role in ensuring diverse and sustainable supplies of energy at competitive prices. SPP states that extraction is necessary and important in the national interest.
- 3.1.2 SPP states that extraction should only be permitted where impacts on local communities and the environment can be adequately controlled or mitigated. When assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration, and potential pollution of land, air and water.
- 3.1.3 PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings) with Annex A (Noise), B (Dust), C (Traffic) and D (Blasting) provides advice on these issues and how they should be addressed when assessing mineral applications.
- 3.1.4 PAN 64 (Reclamation of Surface Mineral Workings) provides planning advice on ensuring that satisfactory reclamation procedures are in place before, during and after extraction to bring land back to an acceptable condition.
- 3.1.5 All national policy and advice is considered in the assessment section of this report.

3.2 Development Plan Status

- 3.2.1 The adopted South Lanarkshire Minerals Local Plan 2002 (MLP) contains the following policies against which the proposal should be assessed:
- Minerals Policy 1 (MP1) "General Protection of the Environment".
 - Minerals Policy 2 (MP2) "Protection of Areas with International Environmental Designations (Category 1 Areas)."
 - Minerals Policy 3 (MP3) "Protection of Areas with National/Regional Environmental Designations (Category 2 Areas)."
 - Minerals Policy 5 (MP5) "Visual Intrusion and Landscape Impact".
 - Minerals Policy 7 (MP7) "Watercourses, Surface and Groundwater".
 - Minerals Policy 9 (MP9) "Archaeological Sites".
 - 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 16 (MP16) "Operational Periods".
 - Minerals Policy 18 (MP18) "Transportation of Minerals".
 - Minerals Policy 19 (MP19) "Restoration and After-care Provision".
 - Minerals Policy 20 (MP20) "Restoration Guarantee Bonds".
 - Minerals Policy 21 (MP21) "Suitability of After-use Schemes".
 - Mineral Policy 25 (MP25) "Protection of Mineral Resources".
 - Minerals Policy 29 (MP29) "Assessment of Environmental Impact".
 - Minerals Policy 30 (MP30) "Protection of Landscape Features".
 - Minerals Policy 32 (MP32) "Noise Surveys and Limits".
 - Minerals Policy 34 (MP34) "Tourism and Recreation".
 - Minerals Policy 37 (MP37) "Legal Agreements".
 - Minerals Policy 38 (MP38) "Monitoring of Mineral Workings".
 - Minerals Policy 39 (MP39) "Annual Progress Report".

3.2.2 The adopted South Lanarkshire Local Plan 2009 contains the following policies against which the proposal should be assessed:

- Policy STRAT 5 – Rural Investment Manager
- Policy CRE2: Stimulating the Rural Economy
- Policy ENV4: Protection of the Natural and Built Environment
- Policy ENV20: Natura 2000 Sites
- Policy ENV21: European Protected Species
- Policy ENV23: Ancient Monuments and Archaeology
- Policy ENV29: Regional Scenic Area and Areas of Great Landscape Value
- Policy ENV34: Development in the Countryside

3.2.3 In addition, the Proposed Minerals Local Development Plan (MLDP) is a material consideration in the determination of this planning application. The following proposed policies are considered relevant to this development proposal:

- Policy MIN1 – Spatial Framework
- Policy MIN2 – Environmental Protection Hierarchy
- Policy MIN3 – Cumulative Impacts
- Policy MIN4 – Restoration
- Policy MIN5 – Water Environment
- Policy MIN7 – Controlling Impacts from Extraction Sites
- Policy MIN8 – Community Benefit
- Policy MIN12 – Transport
- Policy MIN 13 – Legal Agreements
- Policy MIN15 – Site Monitoring and Enforcement

3.2.4 All of these policies are examined in detail in the Assessment and Conclusions section of this report.

3.3 Planning Background

3.3.1 Planning permission was originally sought for the extraction of coal at Wilsontown by the Scottish Coal Company Ltd in October 1997. The planning applications sub committee resolved to grant permission when the application was considered at its meeting of 14 July 1998. Following conclusion of the necessary legal agreements, planning permission was issued on 18 March 2002.

3.3.2 In 2003 Patrick Gillooly Ltd (PGL) acquired the mining rights for the site from Scottish Coal and work subsequently commenced in January 2004. In May 2004 two separate planning applications were submitted by PGL for: (1) an extension to the extraction area to allow the removal of additional coal from the site (CL104/0365); and (2) to extract secondary minerals (CL/04/0366).

3.3.3 Both applications were reported to the Planning Committee on 1 March 2005, when the Committee resolved to grant planning permission for both proposals subject to the completion of a revised Section 75 agreement. The legal agreements were however never concluded and the planning permissions were eventually withdrawn.

3.3.4 In early 2006 Hall Construction Services Ltd (the current applicant) acquired the mining rights for the site and extraction at the site recommenced in June 2006. Hall Construction Services Ltd applied and was granted permission (CL/08/0011) for various amendments to the working scheme, set out in the original permission CL/97/0265, including alterations to the extraction boundaries and consented depth of the excavation, increase in the coal tonnage to be extracted, the removal of secondary deposits of sand and gravel and an extension of time to complete the operations.

3.4 Pre-Application Consultation

3.4.1 The Planning etc (Scotland) Act 2006 introduced a hierarchy of development, to ensure that applications are dealt with in a way appropriate to their scale and complexity. The proposed development is classed as 'Major' as a result of its nature and scale. The applicant was therefore statutorily required to undertake pre-application consultation with the local community.

3.4.2 In support of the planning application, the applicants submitted a Pre-Application Consultation report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The following measures were taken by the applicant;

- 08/09/2010 - A copy of the Proposal of Application Notice was sent to the Forth Community Council and Carnwath Community Council. No active community council currently covers the actual application site.
- 26/10/2010 – Further letters were sent to the Forth Community Council and Carnwath Community Council. No response was received from either Community Council.
- 11/11/2010 – A notice was displayed in the Lanark Gazette advertising the intention to hold a public event on the 19th November 2010.
- 19/11/2010 – A public event was held in the Forth Sports and Community Hall between 14.00hrs and 20.00hrs. Details of the proposal were provided and the applicant and their agents were available to answer questions. A questionnaire was also available for comments to be made, however none of these were completed and returned. A total of 17 people attended the event. The applicant reports that in general the attendees, once aware of the proposals, were unconcerned by the proposal.
- On various dates during the consultation period the applicant contacted and met with local residents who live close to the site. A total of 21 meetings were held with the local residents, along with subsequent telephone conversations.

3.4.3 As a result of the pre-application consultation, the operator has made certain amendments to the proposed operation from that initially set out at the pre-application stage. This included;

- A reduction in the scale and extent of the proposal, ensuring the extension is contained within the existing planning permission boundary.
- A commitment not to operate the within the extension area during the weekends
- A new blast protocol to minimise the impacts of blasting. Monitoring will be undertaken at the nearest residential properties.
- The continued contribution to the South Lanarkshire Rural Communities Trust.

3.4.4 Having regard to the above I am satisfied that the applicant met the legislative requirements for pre-application consultations.

4 Consultation(s)

4.1 **Roads and Transportation:** raised no objection to the proposed development, noting that there is no intensification of traffic using the local road network on a daily basis as a result of the proposed development and that a routing agreement and Section 96 agreement is in place.

Response: Noted. The existing legal agreements have been reviewed and can be updated, without modification, and applied to the transportation of the coal extracted within the extension area.

- 4.2 **Scottish Environment Protection Agency (SEPA)**: withdrew their initial objection to the proposed development, following the submission of further information relating to hydrology and hydrogeology. SEPA confirm that they are satisfied that there will be no unacceptable impact on the water environment. SEPA request that a condition be used on any consent granted relating to the requirement for a groundwater monitoring plan.
Response: Noted. Condition 49 is proposed to ensure a groundwater monitoring plan is submitted, approved and implemented.
- 4.3 **Scottish Natural Heritage (SNH)**: raised no objections to the proposed development. SNH made comment with regards to the proposed developments impact on bats, badgers, nesting birds, barn owls and designated sites. SNH also provided advice regarding the landscape and visual impact, the restoration proposals and watercourses within or in proximity of the site. SNH has recently granted a badger license which allows blasting in proximity of badger setts located within the site. SNH also recommend the use of conditions to control and monitor dust, which could impact on the nearby Braehead Moss SSSI/SAC, to ensure development does not take place within a 30m buffer zone of any badger sett, that soil stripping is undertaken out with the bird breeding season, and that a barn owl box be installed within the site.
Response: Noted. Conditions 26, 30, 31, 32, 33 and 39 relate to the control of dust from site operations, condition 52 requires no work to be undertaken within the buffer of a badger sett, condition 53 requires soil stripping to be undertaken outwith a bird breeding season unless a qualified ecologist has established that no breeding birds are present on site and condition 54 requires a barn owl box to be installed prior to the commencement of the proposed extension.
- 4.4 **The Coal Authority**: supports the planning application and provides general comments regarding the extraction of coal and national planning policy.
Response: Noted.
- 4.5 **Roads & Transportation Services (Flooding)**: do not object to the proposed development.
Response: Noted.
- 4.6 **Environmental Services**: confirmed that they have no comments to make in relation to the application.
Response: Noted.
- 4.7 **West of Scotland Archaeology Service**: confirmed that there are no known archaeological issues raised by the proposed development.
Response: Noted.
- 4.8 **Scottish Water**: confirmed that they have no objection to the proposed development.
Response: Noted.
- 4.9 **Tarbrax Community Council**: did not respond to the consultation.
Response: Noted.
- 4.10 **Historic Scotland**: confirmed that they had no objections to the proposed development. Historic Scotland note the proximity of the Haywood deserted mining village Scheduled Monument (Index No. 9684). Whilst having no concerns with regards to the proximity of the excavation area, Historic Scotland notes that the overburden mounds should not encroach into the Scheduled monument area.

Response: The Haywood Scheduled Ancient Monument is located immediately east of the application site and a small proportion of the sites overlap with each other. Condition 51 requires the boundary of the scheduled ancient monument to be clearly set out, on site, and a 20m buffer zone to be placed around the site to ensure no works are undertaken within this buffer.

5 Representation(s)

5.1 The application was advertised as a schedule 3 development in accordance with Regulation 20(1)(c) of the Development Management Regulations, Development Contrary to the Development Plan and for non-notification of neighbours within the Lanark Gazette. In addition, a minerals site notice was displayed at four locations within the vicinity of the site. As a result of the advertisement, one letter of representation was received. The grounds of the objection are summarised below;

- a) **The proposed development will increase the operational noise and noise associated with blasting operations which we experience as it comes closer to our property.**

Response: The noise impact assessment submitted in support of the planning application acknowledges that there may be instances where the operation may exceed the limits set out in PAN50. It is however predicted that these increases in noise above the recommended level will only be attributable to certain operations that would take place over a short period of time, such as during the creation of bunds or the final phases of infill operations. This would result in the guideline limits as set out in PAN50 (70db for temporary operations and 55db for normal operations) being exceeded by up to 3db. PAN50 considers that a change of 3dB is the minimum perceptible noise increase under normal conditions. Furthermore, the assessments are based on worst case scenarios.

Environmental Services were consulted in relation to the planning application and made no objection. It is noted that the proposed development will result in an increase in the noise from the site, however this will be for a short period and the increase above the recommended limit is unlikely to be perceptible to the human ear. In view of the above I do not consider that this provides sufficient or adequate grounds on which to refuse the application.

- b) **The development could cause further impact in terms of dust at our property.**

Response: The application was supported by a fugitive dust assessment, which considers the implications of the proposed extension. The dust assessment considers that if the control measures recommended in the report are undertaken, there should be no adverse effect on the surrounding properties. The assessment also considers that the likelihood of a short term dust event occurring is relatively low. Nevertheless, it is acknowledged that there may be a small decrease in local air quality as a result of the proposed extension. Based on the findings of the dust assessment, I am satisfied that the development does not have the potential to create a significant dust impact which would merit refusal of the application.

- c) **The proposed development causes issues with field drainage in neighbouring fields which has led to water standing on the roads, causing a health and safety concern.**

Response: The Flooding Unit was consulted with respect to this application and made no objection. The development involved the excavation of material and the extraction of coal. The agriculture fields and public roads are located around the

site are generally higher than the site. I am satisfied that the coal extraction operation has no bearing on the flooding of roads or nearby land.

The above letter has been copied and is available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the adopted South Lanarkshire Minerals Local Plan (2002) and the adopted South Lanarkshire Local Plan (2009). The Proposed Minerals Local Development Plan is also a material planning consideration.
- 6.2 In assessing any application for mineral development it is necessary, in the first instance, to evaluate the proposals against the most up to date policies and criteria contained in national planning policy and the development plan. There is specific national planning policy guidance for mineral workings contained within SPP, PAN 50 (together with its various annexes), and PAN 64 which are discussed in Section 3 above.
- 6.3 SPP notes the importance of coal extraction within Scotland to ensure diverse and sustainable supplies of energy at competitive prices. SPP notes that when deciding planning applications for surface coal extraction, planning authorities should consider:
- disturbance and disruption from noise, blasting and vibration, and potential pollution of land, air and water,
 - benefits and disbenefits for communities,
 - effect on the local and national economy,
 - cumulative impact,
 - benefits of removing derelict or unstable land and avoiding sterilisation,
 - impact on the natural heritage and historic environment, including landscape and/or habitats benefits associated with the restoration and aftercare proposals,
 - landscape and visual impact,
 - transport impacts, and
 - restoration and aftercare proposals.
- 6.4 The points of consideration raised by SPP are discussed in relation to policies contained within the local plan below. At a local level the application falls to be considered against the policy aims of South Lanarkshire Minerals Local Plan (MLP) and the adopted South Lanarkshire Local Plan (SLLP). These documents provide a range of policies against which mineral applications should be assessed. The Proposed Minerals Local Development Plan (PMLDP) is also a material planning consideration when determining this application. The issues raised by the individual policies of the Minerals Local Plan and the Proposed Minerals Local Development Plan are discussed below:
- 6.5 Policy MP1 of the MLP seeks to minimise the impact on the environment and communities whilst ensuring that sufficient supplies of minerals are available to meet society's needs. Policy MIN 1 of the PMLDP notes that the Council will balance the economic benefit from mineral development against the potential impacts on the environment and local communities. The proposed development will result in the recovery of a further 150,000 tonnes of coal, which can be used within Scotland. The coal can be recovered over a relatively short timescale and is a direct continuation of

the ongoing operation on the site. The impact of the development on the environment and communities is discussed further below. It is considered the environment and amenity of surrounding communities will not be significantly adversely affected and that the proposal will comply with these policies.

- 6.6 Policy MP2 of the MLP states that the Council will prohibit mineral development which will cause significant adverse impact on International sites, including Special Conservation Areas (SAC's). Policy MP3 of the MLP notes that the Council will prohibit mineral development which will cause a significant adverse impact on national/regional designated sites, including Sites of Special Scientific Interest (SSSI's). Policy MIN 2 of the PMLDP notes that development within or likely to affect the integrity of Category 1 sites will not be permitted. Category 1 sites include SAC's. The Braehead Moss SAC/SSSI and National Nature Reserve are located approximately 1.2km to the south of the application site and 2.3km to the south of the proposed extension area. The site is designated as a result of the quality of the active raised bog on the site. The proposed extension area is located further from the active moss than the existing and previous extraction areas of the site. SNH were consulted in relation to the planning application, and confirmed that they were satisfied that the proposal was unlikely to affect the SAC. SNH do however recommend that dust from the site is monitored and dust suppression methods are used on site to minimise the creation of dust which could potentially affect the SAC/SSSI/National Nature Reserve. Conditions 26, 30, 31, 32, 33 and 39 are proposed to manage, control and monitor dust on the site. In light of the above, I am satisfied that the proposed development will not adversely affect the international/national site and that the development conforms to these policies.
- 6.7 Policy MP4 of the MLP notes that the Council will prohibit mineral development which will cause significant adverse impact on local environmental designations, including Scheduled Ancient Monuments. Policy MIN 2 of the PMLDP identifies Scheduled Ancient Monuments as Category 2 designation and notes that development which will significantly adversely affect Category 2 sites will only be permitted where the development meets a number of tests. The main category 2 designation relevant to this application is the Haywood Deserted Mining Village Scheduled Ancient Monument (SAM) which lies is located partially within the application site in the south eastern corner. West of Scotland Archaeology Service and Historic Scotland are satisfied that the proposal will have no significant long term impact upon the SAM or its setting. The applicant has submitted plans which provide a standoff between the Haywood SAM and the proposed soil mounds, to ensure the site is protected. Furthermore, the extent of the application site has not been extended as a result of the development. I am satisfied that the proposal complies with these policies.
- 6.8 Policy MP5 of the MLP seeks to ensure that proposals are not visually intrusive and/or seeks to ensure that visual impact is reduced to an acceptable level (refers to siting, screening, and restoration in this regard). SNH commented on the potential landscape and visual impact of the proposed development and noted that whilst the development would cause a permanent change to landform of the site, the opportunity to restore the site to a high quality in a progressive manner would help minimise the adverse visual impacts from the site.
- 6.9 Policy MP7 of the MLP sets a presumption against proposals which have a detrimental impact on watercourses, surface or groundwater. Policy MIN 5 of the PMLDP notes that development proposals which will have a significant adverse impact on the water environment will not be permitted. Two water courses, the Law Burn and the Tashie Burn, run through the site. SEPA were consulted on the

planning application and initially raised an objection with regards to the potential impact of the proposed development on ground water in the area. The applicant had detailed discussions with SEPA and submitted further information to address SEPA's concerns. SEPA has subsequently withdrawn their objection to the planning application, subject to the use of a condition requiring a groundwater monitoring plan. Condition 49 is proposed to ensure that SEPA's requirements are met. I am satisfied that the proposed development will not create an adverse impact on water courses, surface or ground water and that the development complies with this policy.

- 6.10 Policy MP9 of the MLP seeks to safeguard potential archaeological reserves. WOSAS were consulted in respect to this planning application and raised no objections. I am satisfied that the proposed development is consistent with this policy.
- 6.11 Policy MP11 of the MLP sets buffer zones between excavation activities, which involve blasting, and non-blasting activities, and sensitive land uses such as residential properties. Blasting activities should be located at least 500m and non-blasting mineral activities should be located at least 250m from the nearest occupied dwelling. Policy MIN 2 of the PMLDP identifies settlements and their buffers as category 2 sites, within which development proposals which significantly adversely affect the designation will only be permitted where they meet certain tests. In terms of Policy MIN 2 of the PMLDP, the boundary of the application site is located approximately 260m to the south of the village envelope of Wilsontown, and the area where blasting will occur as a result of this planning application is located approximately 1.5km to the east of Wilsontown. I am therefore satisfied that the proposal is consistent with policy MIN 2 of the PMLDP. In terms of Policy MP11 of the MLP, a number of residential properties are located along Tashieburn road and a group of houses are located approximately 90m to the north of the proposed extraction area, where blasting will occur. As a result, the proposed development is considered to be contrary to Policy MP11 of the MLP. The applicant has acknowledged that the operation is located in proximity to sensitive properties. They note that a working programme and mitigation has been specifically designed to ensure that predicted noise, dust and blast levels at sensitive properties will be contained within limits required by the existing consent. These issues are discussed in detail in paragraphs 6.21 to 6.23. For the reasons set out in the aforementioned paragraphs, I am satisfied that whilst there are properties located within the buffer zone areas, this site is an existing facility which has demonstrated that the operations can be undertaken without unduly impacting upon sensitive properties. Therefore, it is considered that the specific circumstances of this site and its history generally accord with the objectives of the policy i.e. safeguarding residential amenity.
- 6.12 Policy MP12 of the MLP seeks applications for mineral extraction to be assessed with respect the impact of the operation in relation to traffic, roads, noise, dust, visual impact and so on. Policy MIN 7 of the PMLDP seeks to ensure all mineral development will not create an unacceptable impact through the generation of noise, dust, vibration and air pollution. The existing quarrying activity has been undertaken for a substantial period of time and the workings do not generate complaints. Furthermore, from a traffic and transportation point of view, the proposal will result in an extension of time that the associated haulage will be operating from site but it will not result in an intensified use of the local road network. I am satisfied therefore that the proposed extension will not result in a significant or material adverse impact on local communities.

- 6.13 Policy MP13 of the MLP seeks the provision of benefits from Minerals proposed to the local community and that there are no permanent environmental effects. The applicant has indicated that through this proposal 24 staff will be employed directly on the site with a number of additional indirect jobs retained. A restoration guarantee bond to ensure the satisfactory reinstatement of the site is also in place, and will remain so for the remainder of operations. The value of the bond will be reviewed prior to issuing any consent for this application. The restoration proposals outlined in the submission are generally acceptable and ensure an improvement to the environment of the local area in the longer term. It is therefore considered that the proposal complies with this policy.
- 6.14 Policy MP14 of the MLP and Policy MIN 8 of the PMLDP encourages applicants to provide local community benefit. The applicant has made and will continue to make payments to the South Lanarkshire Rural Communities Trust Fund for the benefit of the local community. The restoration proposals outlined in the submission are generally acceptable and ensure an improvement to the environment of the local area in the longer term. It is therefore considered that the proposal complies with this policy.
- 6.15 Policy MP15 of the MLP and Policy MIN 3 of the PMLDP require the cumulative impact that a concentration of mineral developments may have on a particular area or on existing road networks to be assessed. In this respect, there are no other operational sites in proximity to this site which would give rise to cumulative effects either on the local road network or on a specific community. In this context, it is considered that granting permission for this proposal will not raise cumulative impact issues.
- 6.16 Policy MP16 of the MLP seeks to restrict total working period to a maximum of ten years, unless it can be demonstrated that there are other benefits to be gained by extending the period of operations. Work commenced on site in January 2004 and restoration is due to be complete by October 2013. In addition, it is noted that the site was inactive for a period of over 12 months from summer 2005.
- 6.17 Policy MP18 of the MLP relates to the transportation impact of a proposed minerals proposal. Policy MIN 12 states that the Council will not support proposals which create a significant adverse traffic and transportation impact. As stated above SLC Roads have no objections to the proposal which is considered to have a minimal impact on the road network. An HGV routing agreement which restricts the routing of vehicles within South Lanarkshire and neighbouring West Lothian and a S96 agreement to cover extraordinary damage expenses caused by associated vehicles will be updated, as required, to reflect the proposed extension. I am satisfied that the proposal therefore complies with this policy
- 6.18 Policy MP19 of the MLP and Policy MIN 4 of the PMLDP seek proper provision for the restoration and aftercare of the site following completion of mineral extraction. The plans submitted are similar to those approved through consent CL/08/0011, and involve the site being restored to rough grazing and marshland and improved grassland, with water features, shrub planting, woodland planting and a footpath network through the site. I am satisfied that these development proposals are appropriate and the development complies with these policies.
- 6.19 Policy MP20 of the MLP and Policy MIN 4 of the PMLDP seeks the provision of a restoration and aftercare guarantee bond, where appropriate. Policy MP21 of the MLP encourages operators to consider innovative proposals for after use schemes. Policy MIN 4 of the PMLDP notes that restoration proposals should take account of

specific characteristics of the site and its locality and that any opportunities for enhancing biodiversity and community recreation should be considered. As stated elsewhere in this report there are no objections to the restoration concept. In addition, a restoration bond currently covers the site and the applicant has agreed to the principle of this agreement being amended, as required, to cover the extension area.

- 6.20 Policy MP25 of the MLP and Policy MIN 14 of the PMLDP seeks to avoid the unnecessary sterilisation of mineral deposits. The proposed works would ensure that the remainder of the workable minerals are extracted from this operational site prior to its restoration, ensuring that no minerals are unnecessarily sterilised.
- 6.21 Policy MP32 of the MLP requires a survey to be carried out to determine existing background noise levels and an estimate of the likely future noise which would arise from the proposed development. Policy MIN 7 of the PMLDP notes that the Council will seek to ensure that all applications for mineral development will not cause an unacceptable impact, by way of noise. The noise impact assessment submitted in support of the planning application acknowledges that there may be instances where the operation may exceed the limits set out in PAN50. It is however predicted that these exceedances will only be attributable to certain operations that would take place over a short period of time, such as during the creation of bunds or the final phases of infill operations. This would result in the guideline limits as set out in PAN50 (70db for temporary operations and 55db for normal operations) being exceeded by up to 3db. PAN50 considers that a change of 3dB is the minimum perceptible noise increase under normal conditions. Furthermore, the assessments are based on worst case scenarios. Furthermore, the assessments are based on worst case scenarios.
- 6.22 Environmental Services were consulted in relation to the planning application and made no objection. It is noted that the proposed development will result in an increase in the noise from the site, however this will be for a short period and the exceedance of the recommended limit is unlikely to be perceptible to the human ear. I am therefore satisfied that the proposed development will not cause an unacceptable impact in terms of noise and that the development is consistent with Policies MP32 and MIN 7.
- 6.23 Policy MP33 of the MLP requires a survey to be carried out to determine existing background dust levels and an estimate of the likely future dust which would arise from the proposed development, including any mitigation measures. Policy MIN 7 of the PMLDP notes that the Council will seek to ensure that all applications for mineral development will not cause an unacceptable impact, by way of dust. The application was supported by a fugitive dust assessment, which considers the implications of the proposed extension. The dust assessment considers that if the control measures recommended in the report are undertaken, there should be no adverse effect on the surrounding properties. The assessment also considers that the likelihood of a short term dust event occurring is relatively low. Nevertheless, it is acknowledged that there may be a small decrease in local air quality as a result of the proposed extension. Based on the findings of the dust assessment, I am satisfied that the development does not have the potential to create a significant dust impact which would merit refusal of the application.
- 6.24 Policy MP37 of the MLP and policy MIN 13 of the PMLDP notes that the Council will, as required, enter into legal agreements with operators to control certain aspects of the development which cannot be satisfactorily controlled through planning conditions. A S75 securing a restoration bond, trust fund payments, a routing

agreement and extraordinary road expenses is currently in place and will be updated, if necessary, to reflect the proposed extension.

- 6.25 Policy MP38 of the MLP notes that the Council will monitor minerals sites to ensure proper standards of environmental practice are adopted. Policy MIN 15 of the PMLDP also notes that the Council will monitor minerals sites to ensure that they are carried out in accordance with planning legislation, approved plans, conditions and where appropriate, legal agreements. If planning permission were granted, appropriate monitoring procedures would be put in place.
- 6.26 Policy MP39 of the MLP seeks the provision of an annual progress plan for all minerals developments to be submitted to the Council. The requirement to provide an appropriate annual progress plan (including site survey) will be covered by conditions on any planning approval.
- 6.27 The South Lanarkshire Local Plan identifies the sites as being within the Rural Investment Area, where Policy STRAT5 applies. This policy seeks to support sustainable communities within this area and states that all development should seek to enhance the environmental quality of the area or, where enhancement is not possible environmental impacts should be mitigated. Whilst this policy is not focused on mineral developments, it is clear from the detailed assessment of Mineral Plan policies that the environmental impacts of the proposal can be satisfactorily mitigated and that the proposal will result in the retention of skilled jobs within the rural investment area. Therefore, the proposal complies with policy. Policy CRE2: 'Stimulating the Rural Economy' is also applicable and 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 assessment of the development against MLP policies set out above it is considered that this proposal is acceptable in this location, that the environmental impacts of the proposal can be satisfactorily mitigated, and through the restoration of the site the environmental quality of the area would not be compromised in the longer term. Therefore, the proposal complies with the general aims of policies STRAT5 and CRE2.
- 6.28 Policy ENV4: Protection of the Natural and Built Environment notes that development which would affect areas of local/regional importance will only be permitted where the integrity of the protected resource will not be significantly undermined. As discussed in paragraph 6.6, I am satisfied that the development will not adversely affect any built or natural designated sites.
- 6.29 Policy ENV21: European Protected Species notes that European protected species will be given full consideration in the assessment of development proposals that may affect them and developments that are judged to have significant detrimental effects shall not accord with the plan. As discussed in relation to SNH's comments in Section 4 above, a badger license has already been granted for the blasting in proximity of a badger sett by SNH. A badger protection plan has also been submitted which clearly shows the standoff zones from the badger setts on site. SNH raise no concerns in relation the impact of the development on any other protected species.
- 6.30 Policy ENV34: Development in the Countryside sets out a number of assessment criteria to be used when determining planning applications for development within rural areas. These assessment criteria include issues such as impact on the natural and built environment and landscape and visual impact. I am satisfied that the development is consistent with this policy.

6.31 In conclusion, I consider therefore that the proposal is not significantly or materially at odds with the terms of the development plan. Nevertheless, having regard to Policy MP11 – Buffer Zones of the MLP, the development does not wholly comply with the requirements of this policy. However, having carefully considered the proposed development, the issues raised by consultees and objectors and the outcome of the application's assessment against other relevant policies, which is described above, I am of the view that a departure from the development plan can be justified for the following reasons:

- The development has been found to comply with all other policies within the adopted South Lanarkshire Local Plan, the adopted Minerals Local Plan and the proposed Minerals Local Development Plan.
- The proposed development will only exceed guideline noise levels, as set out within PAN 50, at a limited number of properties during a limited time period during certain operations and by the minimum level that is audible.
- SPP notes that coal play's a significant role in ensuring diverse and sustainable supplies of energy at competitive prices and that coal extraction is necessary and important in the national interest.
- Operations at the site have been undertaken for a number of years without resulting in a significant level of objection.
- The proposed development will sustain 24 jobs for a further 10 month period directly involved in the coal extraction operation.
- No objections have been received from consultees, including Environmental services.

6.32 In consideration of all the above, it is felt appropriate to recommend that the proposed development be approved subject to the imposition of suitable planning conditions, and agreements, to control site operations and restoration works.

7 Reasons for Decision

7.1 For the reasons set out in paragraph 6.31 above.

Colin McDowall
Executive Director (Enterprise Resources)

7 June 2011

Previous References

- ◆ CL/97/0265
- ◆ CL/04/0365
- ◆ CL/04/0366
- ◆ CL/08/0011

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶
- ▶ Consultations
 - Roads & Transportation Services H.Q. (Flooding) 04/02/2011
 - Scottish Natural Heritage 18/02/2011
 - S.E.P.A. (West Region) 15/03/2011
 - Scottish Water 01/02/2011
 - West of Scotland Archaeology Service 01/02/2011
 - Coal Authority Mining Reports Office 01/02/2011
 - Environmental Services 07/02/2011
 - S.E.P.A. (West Region) 10/05/2011
 - Roads & Transportation Services H.Q.(Traffic and Transportation) 13/05/2011
 - Historic Scotland 26/05/2011
- ▶ Representations
 - Representation from : Jamie and Lyn Fyfe, 206 Tashieburn Road
Haywood
Forth
ML11 8BF, DATED 11/02/2011

Contact for Further Information

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

Donald Wilkins
(Tel: 01698 455903)
E-mail: Enterprise.hq@southlanarkshire.gov.uk

CONDITIONS

- 1 That all extraction operations on the site shall cease not later than 31 March 2013, and the entire site shall be restored in accordance with the approved restoration scheme to the satisfaction of the Council, not later than 31 October 2013.
- 2 This decision relates to the development described and assessed within the following document and plans;
 - Wilsontown Revised Surface Mine - Planning Statement - dated December 2010; which includes
 - H/21/10/ 01 - Location Plan
 - SL08 Drawing No. 3 Issue 5 - Proposed Amendment to Limit of Extraction
 - SL08 Drawing No. 4 - Proposed Working Method
 - SL08 Drawing No. 5 - Site Survey - 31 August 2010
 - SL08 Drawing No. 6 - Restoration Strategy

All mitigation measures set out within the document listed above shall be fully implemented, unless otherwise agreed with the Council.

- 3 That if 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 Council, a further application. The application shall be supported by a statement of intent. The developer shall adhere to the approved plans until such time as an amended application may be approved by the Council.
- 4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(Scotland) Order 1992 (or of any order revoking, amending or re-enacting that Order), no additional buildings, structures or fixed plant, including that required for lighting the site shall be erected or installed within the site, without the prior written approval of the Council as Planning Authority.
- 5 That unless otherwise approved through this planning permission or directed by the attached planning conditions or associated legal agreements, the site shall at all times be worked in accordance with the operational programme of works as set out in the Planning and Environmental Statements dated December 2007 accompanying application CL/08/0011, unless otherwise given prior written approval by the Council as Planning Authority.
- 6 That the 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 Council prior to the commencement of soil movements and the Council reserves the right to suspend operations during adverse weather conditions or to impose such conditions as they see fit for the safekeeping of the topsoil.
- 7 That extraction operations shall be phased and controlled in such a manner as to ensure that the area disturbed by works at anyone time is kept to a minimum, to the satisfaction of the Council.
- 8 That the remainder of cuts marked 1 to 35 on the application plan (Drawing No. 4)

shall be progressively worked in that order to the satisfaction of the Council.

- 9 That the work of restoration shall proceed concurrently with the work of excavation and in accordance with the approved restoration plan (Drawing No. 6) to the satisfaction of the Planning Authority.
- 10 That the site shall be kept clear of noxious weeds during extraction and restoration works to the satisfaction of the Council.
- 11 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.
- 12 That all contaminated surface or ground water arising either directly or indirectly from the development hereby approved shall be treated to the satisfaction of the Council and SEPA prior to discharge to any watercourse.
- 13 That the washing plant shall operate on a closed cycle arrangement with no direct discharge into any watercourse.
- 14 That all outward facing slopes of all soil storage and overburden mounds within the site shall be grassed to the satisfaction of the Council as soon as possible after their formation. The sward shall be managed in accordance with the appropriate agricultural management techniques throughout the period of storage to the satisfaction of the Council.
- 15 That on completion of the extraction and infilling operations, the working area shall be ripped/subsoiled and any boulders and stones shall be removed from the surface which, in the opinion of the Council, could adversely affect the restoration of the site.
- 16 That final grading shall be carried out to ensure a true specified level to the satisfaction of the Planning Authority.
- 17 That the applicant shall reinstate, lay and maintain ditches and field drains as required by the Council for a period of up to five years after the completion of the laying of the topsoil.
- 18 That in the event of extraction operations on any phase of the site ceasing for a period of 12 months or more, the Council shall deem operations to have ceased permanently; and shall require the immediate implementation of the approved restoration scheme.
- 19 That any part of the site remaining unrestored after operations on site have been deemed to have ceased, shall be restored in accordance with the approved plan to the satisfaction of the Planning Authority within 12 months of the deemed cessation date.
- 20 The restoration and aftercare of the site shall be carried out to the satisfaction of the Council as Planning Authority in accordance with the approved scheme and timescale.
- 21 That every area occupied for any purposes associated with the development hereby approved shall be enclosed by a stock proof fence and all such fences shall be maintained to the satisfaction of the Council for the duration of operations.

- 22 That with respect to the control of noise resulting from the operations at this site the developer shall comply with the following:
- that during the operational hours, as defined by Condition 40, the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 55 dB(A) LAeq, over any one hour Period;
 - that during the non-operational hours the nominal noise limit from site operations at all noise sensitive properties in the vicinity of the site shall not exceed 42 dB(A) LAeq, over any one hour period;
- 23 That notwithstanding the generality of condition 22 above, for no more than 5 weeks in any 12 month period, the nominal noise limit from temporary site operations shall not exceed 73 dB(A) LAeq, over any one hour period at all noise sensitive properties in the vicinity of the site
- 24 That the performance of all baffle mounds constructed to reduce noise shall be measured after construction and the necessary modifications shall be carried out to the satisfaction of the Council if the predicted sound attenuation, as set out within the 'Assessment of Environmental Impact of Noise', dated 21.12.10, is not achieved.
- 25 That reversing alarms used on all plant and vehicles shall be either non-audible, ambient related, or low tone devices.
- 26 That the operator shall at all times abide by the terms of the noise, dust and vibration monitoring and management plans approved in terms of Condition 5 of CL/08/0011, to the satisfaction of the Council.
- 27 That no blasting shall take place on site outwith the hours of 10:00 hours to 12:00 hours (midday) and 14:00 hours to 16:00 hours Monday to Friday, unless otherwise approved by the Council.
- 28 That from the date of this permission until the cessation of operations, each blast shall be numbered consecutively. Ground vibration, as a result of blasting operations, shall not exceed a peak particle velocity of 6mm per second in 95% of each block of 20 consecutively numbered blasts, and no individual blast shall exceed a peak particle velocity of 10mm per second, all as measured at any vibration sensitive property. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface of any vibration sensitive property
- 29 That the developer shall at all times adopt good blasting practice and so far as is reasonably practical shall not carry out blasting operations in adverse weather conditions.
- 30 That the operator shall minimise dust emissions from the site by every practicable means.
- 31 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.
- 32 That at all times during operations, water bowsers and sprayers, whether fixed or mobile, shall be used to minimise the emission of dust from the site. If the

prevention of dust nuisance by these means is not possible, then the movement of soils, vehicles, etc shall temporarily cease until such time as the weather conditions improve, to the satisfaction of the Council.

- 33 That the developer shall ensure that sufficient water is maintained at all times on site, to address the requirements for dust suppression.
- 34 That all vehicles used for the movement of materials within the site do not have downward pointing exhaust pipes to the satisfaction of the Council.
- 35 That the existing wheelwash facility (or replacement of a type and style to be previously agreed in writing by the Planning Authority) shall be maintained in good working order and all HGVs shall pass through the operational wheelwash prior to entering the public highway for the duration of operations.
- 36 That provision shall be made at all times to ensure the site is adequately drained and that all reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not interrupted or rendered less efficient by the operations hereby approved.
- 37 That unless otherwise agreed in writing by the Council, any remaining trees within the application site shall not be lopped, topped or felled, and the same shall be protected for the duration of operations in accordance with British Standard publication: Trees in Relation to Construction to the satisfaction of the Council.
- 38 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.
- 39 That all mitigation measures proposed for the management of noise, dust and vibration emissions from operations as set out within the Environmental Statement dated December 2007, in relation to CL/08/0011 or set out in the planning statement dated December 2010 shall be implemented in full at all times throughout the remainder of operations.
- 40 The site shall not operate outwith the hours stated below without the prior written approval of the Council, and during these hours the site shall be adequately manned and supervised.

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

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

- 41 That all laden lorries leaving the site shall be sheeted before entering the public highway.
- 42 All vehicles entering or leaving the site shall only use the site access to the B7016 identified on Drawing Number 4 - Proposed Working Method.
- 43 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. With the exception of maintenance, no machinery shall be operated with the

covers open or removed.

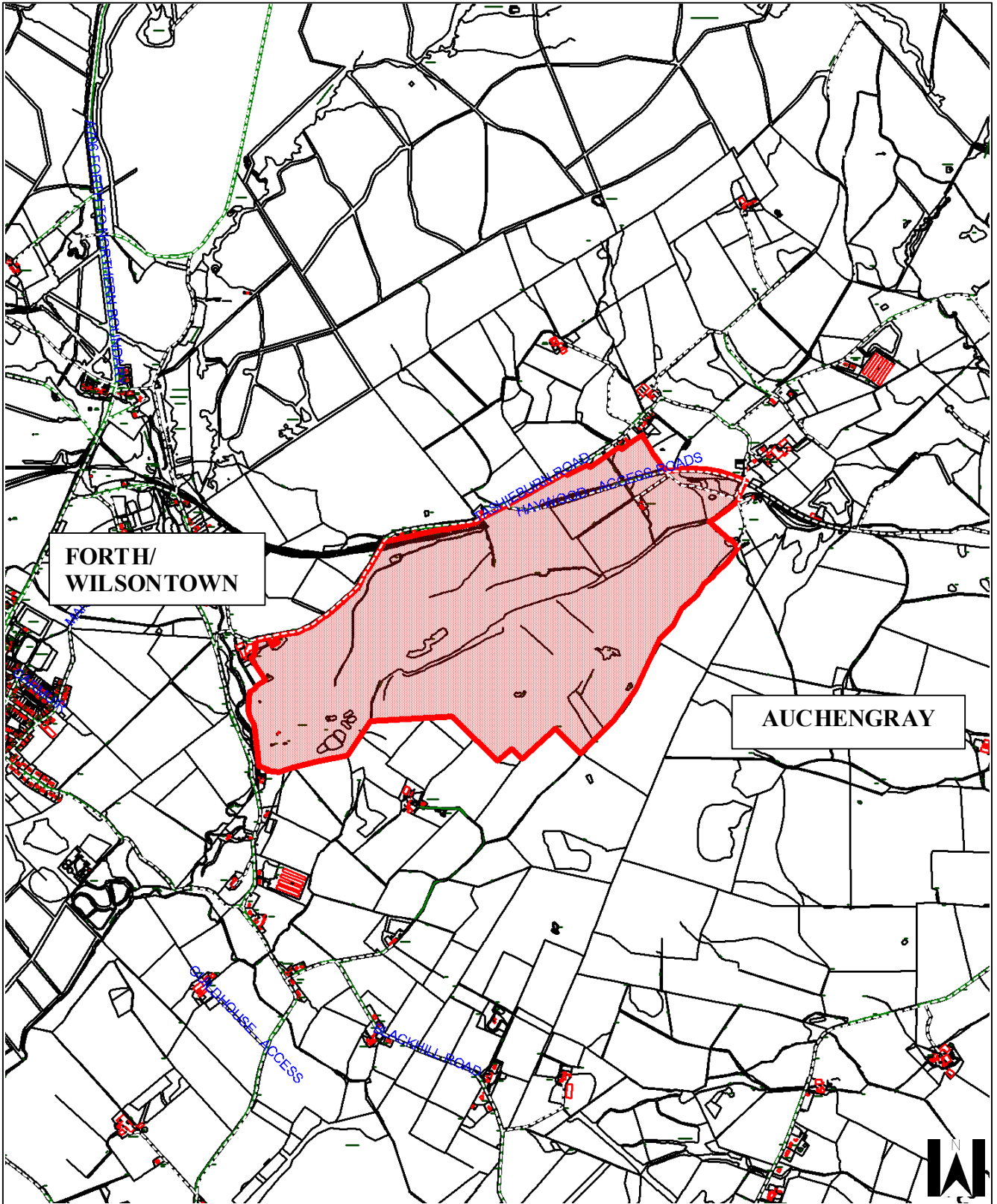
- 44 That no soil shall be removed from the site.
- 45 All containers being used to store liquids (which have the potential to cause pollution) within the application site shall be labeled clearly to show their contents and located in a bund which shall be at least 110% of the capacity of the largest container stored within it.
- Bunds shall conform to the following standards:
 - The walls and base of the bund shall be impermeable
 - The base shall drain to a sump
 - All valves, taps, pipes and every part of each container shall be located within the area served by the bund when not in use;
 - Vent pipes shall be directed down into the bund;
 - No part of the bund shall be within 10 metres of a watercourse;
 - Any accumulation of any matter within the bund shall be removed as necessary to maintain its effectiveness.
- 46 That unless otherwise approved in writing by the Council, at the completion of final restoration, all remaining access roads and hardstandings are to be removed and the ground restored in accordance with the approved restoration scheme.
- 47 That unless otherwise approved in writing by the Council, no material shall be imported to or deposited at the site.
- 48 That within one year of the date of this permission (and on that date each year thereafter until the site is fully restored), the operator shall submit to the Council as Planning Authority, an annual progress plan detailing:
- The extent of extraction operations undertaken that year;
 - Areas prepared for extraction;
 - The extent of backfilling or restoration operations carried out;
 - The extent of landscaping, nature conservation and agricultural works that have been implemented;
 - Recent site survey;
 - Current and anticipated production figures;
 - Remaining reserves;
 - Compliance with statutory permissions;
 - Site complaint logs and actions taken.
- 49 That prior to extraction works commencing within the extended extraction area hereby approved, the operator shall submit a detailed scheme of groundwater monitoring to the Planning Authority for approval. The scheme shall make provision for water monitoring throughout the duration of the development to highlight any potential areas of concern. The scheme shall include details of water management and mitigation.

- 50 That on completion of land forming works associated with the restoration of the site, a full topographical survey of the site shall be undertaken and submitted to the Council. The landform shall not materially differ from that set out within the approved restoration plan, unless otherwise agreed in writing with the Council.
- 51 That prior to the commence of extraction operations within the 'excavation extraction area', as detailed on Drawing No. 4a – Proposed Working Method, a 20 meter buffer zone around the boundary of the Haywood SAM shall be clearly marked out on site and no works shall take place within the buffer to the satisfaction of the Council.
- 52 That no development shall take place within 30m of a badger sett, unless otherwise agreed in writing by the Council.
- 53 The removal of any trees, the cutting of rough grasslands or stripping of soils that could provide habitat for nesting birds will take place outside the bird breeding season (April to July inclusive), unless a survey to establish the presence or otherwise of nesting birds has been undertaken and, where required, appropriate mitigating measures have been carried out to the satisfaction of the Council.
- 54 That prior to the commencement of development, a barn owl box shall be installed, in a location within the application site deemed appropriate by a qualified ecologist, to the satisfaction of the Council.

REASONS

- 1 In the interests of amenity and in order to retain effective planning control.
- 2 For the avoidance of doubt and to specify the documents upon which the decision was made.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 To maintain the quality of the topsoil.
- 7 In the interests of amenity and in order to retain effective planning control.
- 8 In the interests of amenity and in order to retain effective planning control.
- 9 To ensure that the site can be satisfactorily restored.
- 10 In the interests of amenity.
- 11 To ensure that the minimum amount of land is disturbed at any one time.
- 12 To protect watercourses from pollution.
- 13 To protect watercourses from pollution.
- 14 In the interests of the visual amenity of the area.
- 15 To secure satisfactory reinstatement of the site.
- 16 To secure satisfactory reinstatement of the site.
- 17 To secure satisfactory reinstatement of the site.
- 18 To secure satisfactory reinstatement of the site.
- 19 In the interests of amenity.
- 20 To secure satisfactory reinstatement of the site.
- 21 To ensure that there is adequate security to prevent entry of livestock onto the site.
- 22 To minimise any nuisance and to protect the amenity of neighboring properties.
- 23 To minimise any nuisance and to protect the amenity of neighboring properties.
- 24 To minimise any nuisance and to protect the amenity of neighboring properties.
- 25 To minimise any nuisance and to protect the amenity of neighboring properties.
- 26 To minimise any nuisance and to protect the amenity of neighboring properties.
- 27 To minimise any nuisance and to protect the amenity of neighboring properties.
- 28 To minimise any nuisance and to protect the amenity of neighboring properties.
- 29 To minimise any nuisance and to protect the amenity of neighboring properties.
- 30 To minimise any nuisance and to protect the amenity of neighboring properties.
- 31 To minimise any nuisance and to protect the amenity of neighboring properties.
- 32 To minimise any nuisance and to protect the amenity of neighboring properties.
- 33 To address the requirements of dust suppression.
- 34 To minimise the transmission of dust.
- 35 In the interests of road safety.
- 36 To ensure the site is adequately drained.
- 37 To protect the existing trees on the site.
- 38 In the interests of road safety.
- 39 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 40 To ensure the Planning Authority retains effective control over the development.
- 41 In the interests of road safety.
- 42 To ensure the Planning Authority retains effective control over the development.
- 43 To minimise any nuisance and to protect the amenity of neighbouring properties.
- 44 To ensure the satisfactory reinstatement of the site.
- 45 To ensure the safekeeping of such liquids.
- 46 To ensure the satisfactory reinstatement of the site.
- 47 To ensure the Planning Authority retains effective control over the development.
- 48 To assist with the ongoing monitoring of the site.
- 49 To avoid pollution to the water environment.

- 50 To ensure the site is restored in accordance with the approved plans.
- 51 To protect a scheduled ancient monument.
- 52 To protect the species from the impacts of the proposed development.
- 53 To protect the species from the impacts of the proposed development.
- 54 To protect the species from the impacts of the proposed development.



For information only

For information only