

Report to:	Planning Committee
Date of Meeting:	24 May 2011
Report by:	Executive Director (Enterprise Resources)

Application No	HM/10/0225
Planning Proposal:	Infill previous opencast clay site with inert material

1 Summary Application Information

- Application Type : Mineral Application
- Applicant : Inland Engineering Services Limited
- Location : Carscallan Road
Quarter
Hamilton

2 Recommendation(s)

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

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

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application
- (2) Should the Committee agree to grant consent, the decision notice should not be issued until a bond to cover the restoration of the site is provided.

3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): Scottish Planning Policy
PAN 50 – Controlling the Environmental Effects of Surface Mineral Workings
PAN 64 – Reclamation of Surface Mineral Workings

South Lanarkshire Minerals Local Plan (Adopted 2002)

- MP1: General Protection of the Environment
- MP3: Protection of Areas with National / Regional Environmental Designations
- MP4: Protection of Areas with Local Environmental Designations
- MP5: Visual Intrusion and Landscape Impact
- MP7: Watercourses, Surface and

Groundwater
MP9: Archaeological Sites
MP11: Buffer Zones
MP12: Impact on Communities
MP15: Concentration of Mineral Operations
MP19: Restoration and Aftercare Provision
MP20: Restoration Guarantee Bonds
MP21: Suitability of After-use Schemes
MP38: Monitoring of Mineral Workings

Proposed Minerals Local Development Plan

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 MIN12 – Transport
Policy MIN 13 – Legal Agreements
Policy MIN15 – Site Monitoring and Enforcement

South Lanarkshire Local Plan (Adopted 2009)

Policy STRAT3: Greenbelt
Policy STRAT 7c: Strategic Green Network Priority
Policy CRE2: Stimulating the Rural Economy
Policy ENV4: Protection of the Natural and Built Environment
Policy ENV21: European Protected Species
Policy ENV28: Historic Gardens and Designed Landscapes
Policy ENV29: Regional Scenic Area and Areas of Great Landscape Value
Policy ENV34: Development in the Countryside

◆ Representation(s):

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

◆ Consultation(s):

Environmental Services

Roads & Transportation Services H.Q. (Flooding)

West of Scotland Archaeology Service

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

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

Historic Scotland

Scottish Natural Heritage

Planning Application Report

1 Application Site

- 1.1 The application site covers an area of 9.4ha and is located 150m to the south of Hamilton and 600m to the north of Quarter. The site is accessed via a 450m concrete private access road from Carscallan Road.
- 1.2 The site is located in a primarily agricultural area, with Carscallan Farm located 120m to the south, Simpsonland Farm located 280m to the west and Blackbog Farm located 355m south west of the proposed working area. In addition, the closest residential properties located on Clydesdale Avenue, Hamilton are located 150m to the north of the site.
- 1.3 The Meikle Burn, located within the Simpsonland Glen, is located 35m to the north/west of the application site. The Simpson Glen is densely covered in trees and is identified as an area of Ancient Woodland. Furthermore, the Clyde Valley Woodlands National Nature Reserve and the Meikle Glen Site of Importance for Nature Conservation is located immediately to the north of the application site. The Hamilton High Parks SSSI is located 840m east of the application site.
- 1.4 The northern edge of the application site, which currently incorporates overburden tips containing soil and subsoil, is located within the Chatelherault Historic Garden and Designed Landscape. Furthermore, the application site is located within an Area of Great Landscape Value and Special Landscape Area.

2 Proposal(s)

- 2.1 The site has previously been used as a fireclay quarry, which was operated for 15 years by a number of operators. The quarry ceased production in 2009 following the economic down turn and has not been operated since.
- 2.2 The applicant seeks planning permission to infill the void of the quarry with inert material, to allow the eventual restoration of the site to agricultural land and a riding paddock for personal use by the landowner. The applicant estimates that the void is currently 450,000m³, with an estimated 250,000m³ of overburden on site. It is therefore estimated that a total of 200,000m³ of inert infill material will be required to restore the site to a level surface.
- 2.3 The infill activity would last for an estimated 6 years, with a further period required to restore the site to the proposed agriculture and equestrian use. It is estimated that 20 HGVs will enter the site on a daily basis.
- 2.4 The infill of the site would be dealt with on a single phase basis, by tipping from the southerly edge of the void and filling in a northerly direction. The site would be operated between 7am and 6pm during the week and between 7am and 12noon on Saturdays with no working on Sundays.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 Scottish Planning Policy (SPP) states that 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.

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.

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.

All national policy and advice is considered in the assessment section of this report.

3.2 Development Plan

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 3 (MP3) “Protection of Areas with National/Regional Environmental Designations (Category 2 Areas)”.
- Minerals Policy 4 (MP4) “Protection of Areas with Local Environmental Designations (Category 3 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 15 (MP15) “Concentration of Mineral Operations”.
- Minerals Policy 19 (MP19) “Restoration and After-care Provision”.
- Minerals Policy 20 (MP20) “Restoration Guarantee Bonds”.
- Minerals Policy 21 (MP21) “Suitability of After-use Schemes”.
- Minerals Policy 38 (MP38) “Monitoring of Mineral Workings”.

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

- Policy STRAT3 - Green Belt
- Policy STRAT 7c – Strategic Green Network Priority
- Policy CRE2: Stimulating the Rural Economy
- Policy ENV4: Protection of the Natural and Built Environment
- Policy ENV21: European Protected Species
- Policy ENV28: Historic Gardens and Designed Landscapes
- 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 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 History

3.3.1 The original planning permission for the extraction of fireclay at Carscallan was granted by the former Hamilton District Council in 1985 under planning permission HN/84/0488. Two further applications were granted to extend the planning permission for fireclay extraction, up to the 31st March 2010 (HN/94/0471 and HM/98/0283).

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 exercise with the local community.

3.4.2 The applicant organised and attended a public event at the Primary School in Quarter on the 24th November 2009. The event was advertised in the Hamilton Advertiser on the 5th November 2009. Details of the proposed development were made available at the meeting. A local member and 6 residents from Quarter attended the meeting. The main issues raised during the event related to transportation issues, including mud and debris on the road, the speed of vehicles and the convoying of vehicles.

4 Consultation(s)

4.1 **Roads and Transportation:** note that the development will have no adverse effects on the capacity of the road network and that the existing site access is acceptable. R&T note that the daily movements to the site are predicted to be 20 per day and request that this is controlled through the consent. R&T also request that a wheel wash is provided on site and used by all HGV's, that surface water is contained on site and not discharged onto the public road. Finally, R&T request that the route stated within the application should be controlled by the consent.

Response: Noted. Conditions 13, 14, 15, 19, 20, 21 and 31 control the number of lorries entering the site, the installation of a wheel wash, the routing of lorries from the site and the release of water and detritus material being deposited on the public road.

4.2 **Scottish Environment Protection Agency (SEPA):** withdrew their initial objection to the proposed development, following the submission of further information relating to the end use of the site. SEPA confirmed that the proposed development can be carried out under a paragraph 19 exemption of the Waste Management Licensing Regulations 1994 (as amended).

Response: Noted.

4.3 **Scottish Natural Heritage:** raise no objections to the proposed development. SNH noted that the mitigation measures set out in the badger survey should be undertaken and requested conditions be attached to the consent, if approved, relating to the removal of Japanese Knotweed. SNH request that conditions are used to set out an exclusion zone around known badger sets.

Response: Noted. Conditions 29 and 30 are proposed to be attached to the consent to control these matters.

- 4.4 **Historic Scotland**: Historic Scotland makes no comments in relation to the application.
Response: Noted.
- 4.5 **Flood Prevention Unit**: do not object to the proposed development and noted that sufficient information was received to satisfy their drainage design criteria.
Response: Noted.
- 4.6 **Environmental Services**: raise no objection to the proposed development and request conditions relating to noise and dust are applied to the consent, if approved.
Response: Noted. Conditions 24 to 28 are proposed to be attached to the consent to control these matters.
- 4.7 **West of Scotland Archaeology Service**: confirmed that there are no known archaeological issues raised by the proposed development.
Response: Noted.

5 Representation(s)

- 5.1 The application was advertised as 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. In addition, a minerals site notice was displayed at four locations within the vicinity of the site. No representations were received as a result of this advertisement.

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 is described in Section 3 above.
- 6.3 From an assessment of the information received in respect of these matters it is considered that the proposed works will not cause any significant environmental issues that cannot be addressed through the imposition of appropriate planning conditions. In this respect the proposal does not conflict with the provisions of SPP and national planning guidance.
- 6.4 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 MIN1 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. It is considered that through the imposition and effective monitoring of appropriate conditions safeguarding the environment and amenity of surrounding communities the proposal will comply with these policies.
- 6.6 Policy MP3 of the MLP states that the Council will prohibit mineral development which will cause significant adverse impact on National/Regional sites, including Historic Gardens and Designed Landscapes, unless certain tests are met. Policy MIN 2 of the PMLDP notes that development likely to significantly adversely affect category 2 sites, which includes scheduled historic gardens and designed landscapes, will only be permitted where they meet certain tests. Only a small proportion of the application site falls within an area designated as a Historic Garden and Designed Landscape. Historic Scotland were consulted and made no comment in relation to the development proposal. Views into the application site are limited from public areas due to screening and topography. Furthermore, the application will result in the restoration of a former quarry and would reflect original ground levels. I am satisfied that the development will in course create a positive impact on the historic garden and the development therefore complies with both MLP and PMLDP policy.
- 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 Regional Scenic Areas. Policies ENV4 and ENV 29 of the SLLP compliments this policy. *'South Lanarkshire: Validating Local Landscape Designations'* reviewed the boundaries of Regional Scenic Area (RSAs) and Areas of Great Landscape Value (AGLV) and renamed them Special Landscape Areas (SLAs). Policy MIN2 of the PMLDP identifies SLA's as Category 3 designations and notes that development which will significantly adversely affect Category 3 sites will only be permitted where the development meets a number of tests. The application site is located within an area identified within the SLLP and the MLP as being within an AGLV and the site remains protected through the new SLA protection. Nonetheless, the proposals represent the infill of an existing quarry with inert material, with the site being restored to the original ground levels. The proposed development is considered likely to create an improvement to the site and the immediate area. Furthermore, views from outwith the site are limited. The infill will not create a significant impact on the SLA, and I am satisfied that the proposals are consistent with these policies.
- 6.8 Policy MP5 of the MLP seeks to ensure that proposals are not visually intrusive and/or seek to ensure that visual impact is reduced to an acceptable level (reference is made to siting, screening, and restoration in this regard). The material to be deposited on site will be within a void created by a previous mineral extraction operation. The site is well screened from public locations and will result in the site returning to agricultural/equestrian uses. It is therefore considered that the proposed development is unlikely to create a significant adverse landscape and visual impact to the local area and is therefore compliant with Policy MP5.
- 6.9 Policy MP7 of the MLP sets a presumption against proposals which have a detrimental impact on watercourses, surface or groundwater. Policy MIN5 of the PMLDP notes that development proposals which will have a significant adverse impact on the water environment will not be permitted. The closest water course to the planning application sites is the Meikle Burn, located 35m to the north. SEPA

were consulted and raised no objections to the development. I am satisfied that the proposed development will not create an adverse impact on the nearby water course, or on surface or ground water. The proposals are therefore compliant with both policies.

- 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. Furthermore, the operation will only require the infill of materials, and will not expose any additional areas of undisturbed land. In light of the above, I am satisfied that the proposed development is consistent with this policy.
- 6.11 Policy MP11 of the MLP set acceptable distances between excavation activities, which involve blasting and non-blasting activities, and sensitive land uses such as residential properties. Non-blasting mineral activities should be located at least 250m from the nearest occupied dwelling. Policy MIN2 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. The closest sensitive property (Carscallan Farm) is over 250m from the proposed infill area. As a result, I am satisfied that the proposed development is consistent with these policies.
- 6.12 Policy MP12 of the MLP requires applications for mineral extraction to be assessed with respect to the impact of the operation in relation to traffic, roads, noise, dust, visual impact, etc. Policy MIN7 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 or problems of this kind. Having considered this and the nature and scale of the proposed development I am satisfied that the proposed infill of the former quarry will not create any further impact on local communities.
- 6.13 Policy MP15 of the MLP and Policy MIN3 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. The application seeks permission for the infill and eventual restoration of an existing mineral site. No other operational quarries or landfill are located within proximity of the site. I am satisfied that proposed development will not create a cumulative impact in the area and would therefore be in compliance with both policies.
- 6.14 Policy MP19 of the MLP and Policy MIN4 of the PMLDP seek proper provision for the restoration and aftercare of the site following completion of mineral extraction. The proposed development seeks to restore the site to the original ground levels and revert the use back to agriculture. The applicant also seeks to create a riding area for the personal use of the landowner. I am satisfied that these proposals are acceptable.
- 6.15 Policy MP20 of the MLP and Policy MIN4 of the PMLDP seeks the provision of a restoration and aftercare guarantee bond, where appropriate. A bond is currently held by the Council for the restoration of the former quarry. The applicant has agreed to provide a bond to cover the infill proposals and the Council will secure this prior to the issue of the planning permission.
- 6.16 Policy MP21 of the MLP encourages operators to consider innovative proposals for after use schemes. Policy MIN4 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. The development will result in the application site returning to agricultural use and an area will be used for equestrian use. These uses are consistent with the surrounding area and I am satisfied that the final restoration profiles and uses are appropriate and accord with these policies.

- 6.17 Policy MP38 of the MLP notes that the Council will monitor minerals sites to ensure proper standards of environmental practice are adopted. Policy MIN15 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 will be put in place.
- 6.18 The South Lanarkshire Local Plan identifies the sites as being within the Greenbelt, where Policy STRAT3 applies. This states that there will be a presumption against development in the Greenbelt, unless it is considered necessary for uses which are considered to be appropriate for the Greenbelt. 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 STRAT3 and CRE2.
- 6.19 Policy STRAT7: Strategic Green Network supports the creation of a framework of accessible green spaces and corridors. This proposal will result in the restoration of a former quarry, restoring the site into a green agricultural field.
- 6.20 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. These areas include AGLV's. The impact of the proposed development on AGLV's/SLA's is considered in paragraph 6.6 above.
- 6.21 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 survey was undertaken in relation to the development and condition 29 is proposed to ensure exclusion zones are set around known badger sets.
- 6.22 Policy ENV 28: Historic Gardens and Designed Landscapes states that development within these areas should protect, preserve and enhance such places and should not adversely affect upon their character, setting and views to, from and within them. As discussed above, only a small proportion of the application site falls within an area designated as a Historic Garden and Designed Landscape and Historic Scotland made no comment in relation to the development proposal. Views into the application site are limited due to screening and topography. Furthermore, the application will result in restored land, reflecting original ground levels. I am satisfied that the development complies with this policy.

- 6.23 Policy ENV29: Regional Scenic Area and Areas of Great Landscape Value states that particular care should be taken to conserve those features which contribute to local distinctiveness, including special qualities of river corridors, skyline and features, including prominent viewpoints etc. The impact of the proposed development on AGLV's/SLA's is considered in paragraph 6.6 above. I am satisfied that the development is consistent with this policy.
- 6.24 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.
- 6.25 Consultations carried out in connection with the application indicate that the proposed impacts from noise, dust and traffic movements generated by this proposal are not likely to significantly affect local residents and can be addressed by the imposition of planning conditions.
- 6.26 In summary, whilst it is acknowledged that the site is located within an Area of Great Landscape Value/Special Landscape Area, the proposed development will result in an existing quarry being restored back to agricultural and equestrian use. It is evident from the assessment above that the proposal will not result in an unacceptable impact on the environment or communities, and it has been demonstrated that the infill of the previous quarry at this location does not conflict with national or local planning policy.
- 6.27 In consideration of all the above, it is appropriate to recommend that the proposed development be approved subject to the imposition of suitable planning conditions, and agreements, to control site operations and restoration works.

7 Reasons for Decision

- 7.1 The proposal complies with all relevant policies contained within the Minerals Local Plan, the South Lanarkshire Local Plan and the Proposed Minerals Local Development Plan. The proposal also complies with national planning policy and advice and there are no objections to the proposal from the consultees or members of the public.

Colin McDowall
Executive Director (Enterprise Resources)

17 May 2011

Previous References

- ◆ HN/84/0488
- ◆ HN/94/0471
- ◆ HM/98/0283

List of Background Papers

- ▶ Application Form

- ▶ Application Plans
 - CP10 - Location Plan
 - CP/10/01 A - Site Plan
 - CP/10/02 A - Existing Contoured Plan
 - CP/10/03 A - Proposed Contoured Plan
 - CP/10/04 A - Site Sections
 - CP/10/05 A - Existing Site
 - CP/10/06 - Restoration Plan
 - CP/10/11 - Proposed Trotting Ring

- ▶ Consultations

S.E.P.A. (West Region)	15/06/2010
Roads & Transportation Services H.Q.(Traffic and Transportation)	07/06/2010
West of Scotland Archaeology Service	28/05/2010
Roads & Transportation Services H.Q.(Flooding)	28/05/2010
S.E.P.A. (West Region)	18/03/2011
Environmental Services	02/06/2010
Roads & Transportation Services H.Q.(Traffic and Transportation)	21/06/2010
Roads & Transportation Services H.Q. (Flooding)	10/10/2010
Historic Scotland	25/03/2011
Scottish Natural Heritage	22/09/2010

- ▶ Representations
 - None

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 Unless otherwise directed by conditions or legal agreements attached to this consent, this decision relates to the following;
 - Drawings
 - CP10 - Location Plan
 - CP/10/01 A - Site Plan
 - CP/10/02 A - Existing Contoured Plan
 - CP/10/03 A - Proposed Contoured Plan
 - CP/10/04 A - Site Sections
 - CP/10/05 A - Existing Site
 - CP/10/06 - Restoration Plan
 - CP/10/11 - Proposed Trotting Ring
- 2 The Council shall be notified in writing by the applicant of the intended date for the commencement of development on site of the works for which planning permission has been granted.
- 3 The Council shall be notified in writing by the applicant on completion of the works for which planning permission has been granted.
- 4 That all infill operations on the site shall be discontinued not later than 6 years from the date of commencement (as notified to the Council in respect of condition 3) and, within a period of 12 months from the discontinuance date, the site shall be restored in accordance with the approved restoration plan to the satisfaction of the Council.
- 5 That in the event of infill operations on the site ceasing for a period of 12 months or more, the Planning Authority shall deem operations on the site to have ceased permanently. In this event the site shall be restored in accordance with the approved restoration plan (or alternative plan approved in writing by the Council) within a period of 12 months from the cessation date, to the satisfaction of the Council.
- 6 That within 12 months of the date of commencement (as notified to the Council in respect of condition 3), a 5 year aftercare scheme shall be submitted for the written approval of the Council as Planning Authority.
- 7 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 Council as Planning Authority, an amended application and statement of intent. The developer shall adhere to this planning permission until such time as an amended application may be approved by the Council as Planning Authority.
- 8 That from the date of commencement of works on the site until completion of the final restoration, a copy of this permission and all approved documents and subsequently approved documents, shall be available for inspection in the site offices during approved working hours.

- 9 That within one year from the date of commencement (and each year thereafter) the operator shall submit to the Planning Authority an annual progress plan detailing:
- The extent of ongoing infill operations;
 - The extent of restoration operations carried out;
 - The extent of landscaping and agricultural works that have been implemented, where appropriate;
 - Current and anticipated infill figures;
 - Site complaint logs and actions taken;
 - Anticipated completion date.

10 The site shall not operate outwith the hours stated below without the prior written approval of the Council as Planning Authority, 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	6.00 pm	12.00 noon

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.

- 11 That the use of the equestrian facility hereby approved shall be restricted to private use only and shall not be used in connection with a commercial business, to the satisfaction of the Council.
- 12 That the concrete section of the access road shall be retained and shall be maintained in such a condition as to prevent ruts, potholes and ponding of water and kept clear of mud and dirt at all times, for the duration of the infill and restoration activities hereby approved, to the satisfaction of the Council Planning Authority.
- 13 That wheel wash facilities shall be retained on site for the duration of the infill and restoration activities hereby approved. All HGV's departing the site shall pass through the wheel wash facilities and shall be clear of mud and debris to the satisfaction of the Council as Planning Authority.
- 14 The operator shall, if requested in writing by the Council, submit details for the approval of the Council of further measures to address the deposit of mud and debris on the public road. Thereafter, those measures shall be implemented within timescales to be agreed, to the satisfaction of the Council.
- 15 That on completion of the infill operations on site, as referred to in Condition 5 above, all overburden, subsoil and topsoil stored on site shall be either placed in the void or used for restoration and the site shall be restored to the original ground level, as illustrated within drawing CP/10/03, to the satisfaction of the Council as Planning Authority.
- 16 That no processing, recycling or exportation of any material or mineral shall be carried out on site unless approved in writing by the Council as Planning Authority.
- 17 That no operations involving soil lifting/replacement shall take place between the months of October to March (inclusive) except with the prior written approval of the

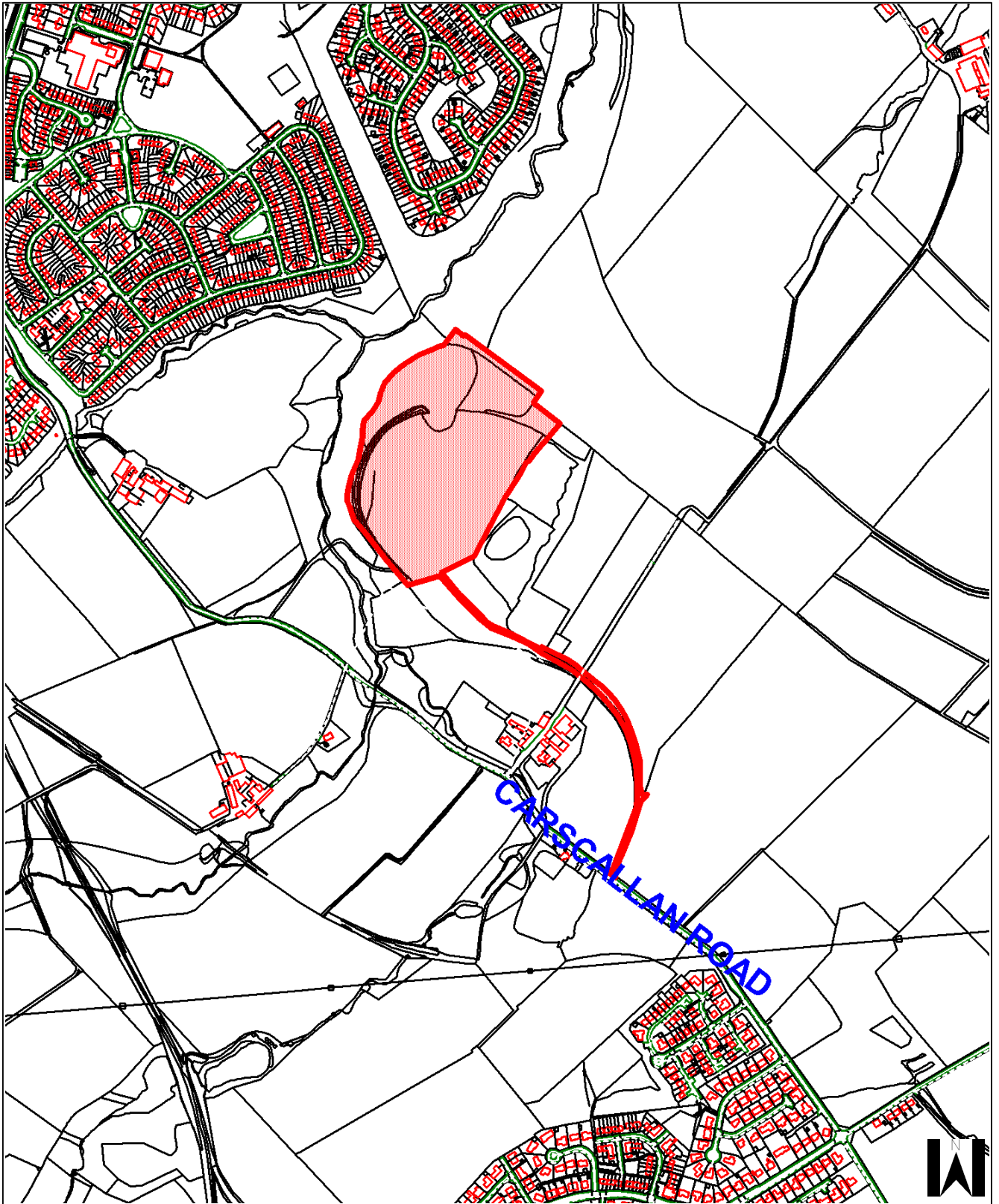
Planning Authority.

- 18 That visibility splays of 4.5m by 60m shall be provided and maintained on both sides of the access to the public road network before the development commences and shall be retained for the duration of works on site, to the satisfaction of the Council.
- 19 That HGV movements to and from the site shall be limited to 20 per day and there shall be no deliveries of material outwith the operational hours set out in Condition 12 above, unless approved in writing by the Council.
- 20 That all lorries entering and departing from the site shall be sheeted.
- 21 That the site shall be kept free of weeds during the infill and restoration works to the satisfaction of the Council.
- 22 That the movement of plant, vehicles and machinery on the site shall be carried out in such a manner as to avoid, as far as possible, the crossing of undisturbed, reclaimed or restored land.
- 23 That the operator shall minimise dust emissions from the site by every practicable means.
- 24 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.
- 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 That with respect to the control of noise resulting from the operations at this site the operator shall comply with the following:
 - that during the operational hours, as set out in condition 11 above, 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 there shall be no audible noise from the site at any noise sensitive properties in the vicinity of the site outwith the operational hours.
- 27 That, should the Planning Authority consider that noise nuisance problems are being created by operations on site, the operator shall submit for the approval of the Planning Authority, then subsequently implement, a noise monitoring and management programme for the site.
- 28 That an exclusion zone, of at least 30m, shall be marked out around any known badger sets in proximity of the site and no works shall take place within those exclusion zones, unless approved in writing by the Council in consultation with Scottish Natural Heritage.
- 29 That prior to the commencement of development, a scheme for the treatment and removal of Japanese Knotweed on site shall be submitted to and approved in writing by the Council. Thereafter, the scheme shall be implemented in full to the satisfaction of the Council.

- 30 That all HGV vehicles departing from the site shall turn right onto Carscallan Road and proceed to the A723 and all HGV vehicles travelling to the site shall follow the same route in reverse order, to the satisfaction of the Council.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To ensure that the Planning Authority retains effective planning control of the development.
- 3 To ensure that the Planning Authority retains effective planning control of the development.
- 4 To ensure that the Planning Authority retains effective planning control of the development.
- 5 To ensure that the Planning Authority retains effective control of the development.
- 6 To ensure that the Planning Authority retains effective control of the development.
- 7 In order that the terms of consent may be reconsidered should a change in operation become necessary.
- 8 To ensure the site operator and visiting officials are aware of the approved details.
- 9 In order to retain effective planning control.
- 10 In the interests of amenity and in order to retain effective planning control.
- 11 In the interests of amenity and in order to retain effective planning control.
- 12 To prevent deleterious material being carried into the highway.
- 13 To prevent deleterious material being carried into the highway.
- 14 To prevent deleterious material being carried into the highway.
- 15 In the interests of amenity and in order to retain effective planning control.
- 16 In the interests of amenity and in order to retain effective planning control.
- 17 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 18 In the interest of road safety
- 19 In the interests of public safety and amenity.
- 20 To prevent deleterious material being deposited onto the highway.
- 21 To preserve soil quality and secure the proper restoration of the site.
- 22 To preserve soil quality and secure the proper restoration of the site.
- 23 In the interests of amenity.
- 24 In the interests of amenity and in order to retain effective planning control.
- 25 In the interests of amenity and in order to retain effective planning control.
- 26 To protect the amenity of those living in the vicinity of the site.
- 27 To protect the amenity of those living in the vicinity of the site.
- 28 To safeguard the interests of protected species.
- 29 To ensure that Japanese knotweed is removed from site.
- 30 In the interest of road safety.



For information only

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