

Report to: **Planning Committee**  
 Date of Meeting: **1 November 2011**  
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/10/0454  
 Planning Proposal: Consolidation of two extant planning consents including eastern extension, formation of overburden storage area to the south, establishment of concrete block making facility, formation of new site access and resultant re-routing of traffic

## 1 Summary Application Information

- Application Type : Mineral Application
- Applicant : Patersons of Greenoakhill Limited
- Location : Dunduff Quarry  
Lesmahagow  
Lanark  
ML11 0JQ

## 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) Authorise the promotion of a Stopping Up Order under Section 208 of the Town & Country Planning (Scotland) Act 1997 diverting the path located on the part of the site to be occupied by the proposed overburden tip, as shown on Plan KG168/L/F/02, at the Applicant's expense and following payment by the Applicant of the Council's estimated fees therefor and, if no objections are made to the making of the Order, to confirm the Order; or, if objections are received, refer the Order to the Scottish Ministers for determination.

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The application has attracted a substantial body of objections and the recommendation is to grant planning consent. In accordance with Council procedures, a hearing may be required prior to determining the application.
- (3) Should the Committee agree to grant consent, the decision notice should not be issued until the following matters are concluded;

- A planning agreement to ensure that the off site road improvements are carried out to the satisfaction of the Council prior to exporting minerals along the new route.
- A restoration guarantee bond, the terms of which are to be acceptable to the Council, to cover the restoration and aftercare of the site.
- A Section 96 agreement to cover extraordinary wear and tear on the public road network, as a result of quarry traffic.

All costs associated with the legal agreement, including the Council's costs, shall be borne by the applicant.

### 3 Other Information

- ◆ Applicant's Agent: George Stewart, Johnson Poole and Bloomer
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**

STRAT 4 - Accessible Rural 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  
 TRA 2 - Walking, Cycling and Riding Routes Policy

#### **South Lanarkshire Minerals Local Plan (adopted 2002)**

MP1 - General Protection of the Environment Policy  
 MP2 – Protection of Areas with International Environmental Designations (Category 1 Areas)  
 MP3 – Protection of Areas with National/ Regional Environmental Designations (Category 2 Areas)  
 MP5 - Visual Intrusion and Landscape Impact  
 MP6 - Prime Quality Agricultural Land  
 MP7 - Watercourses, Surface and Groundwater  
 MP8 - Public Access to the Countryside  
 MP9 - Archaeological Sites  
 MP11 - Buffer Zones  
 MP12 - Impact on Communities  
 MP13 - Benefits from Mineral Workings  
 MP14 - Contributions  
 MP15 - Concentration of Mineral Operations  
 MP18 - Transportation of Minerals  
 MP19 - Restoration and Aftercare Provision  
 MP20 - Restoration Guarantee Bonds  
 MP21 - Suitability of Afteruse Schemes  
 MP32 - Noise Survey and Limits  
 MP33 - Dust Assessment Study  
 MP34 - Tourism and Recreation  
 MP35 - New Crushed Rock Quarries  
 MP36 - Extensions to Existing Operations  
 MP37 - Legal Agreements

MP38 - Monitoring of Mineral Workings  
MP39 - Annual Progress Plan

**Proposed Minerals Local Development Plan  
2010**

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):

- ▶ 605 Objection Letters
- ▶ 1 Petition with 184 Signatures
- ▶ 462 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Scottish Wildlife Trust

Scottish Government

RSPB Scotland

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)

Transport Scotland

Forestry Commission (Central Scotland Conservancy)

Historic Scotland

Lesmahagow Community Council

## Scottish Natural Heritage

## Planning Application Report

### 1 Application Site

- 1.1 The site lies within a rural area, characterised by plateau farmlands. The application site is located approximately 450m south of Boghead, 1.2km south west of Kirkmuirhill and 1.5km west of Lesmahagow. The closest residential dwellings to the application site are Muirhouse Farm located 10m from the site boundary and 250m from the closest working area, Ladenhead Farm located 110m east of the site and Starbirns Farm located 130m west of the site.
- 1.2 The application site accommodates an existing hard rock quarry, currently accessed via a one way system from the B7086. The site consists of three distinct areas – (1) the existing quarry, (2) the proposed southern extension area covered by semi-improved natural grassland, improved grassland and broadleaf woodland and (3) the proposed eastern extension area described in the application and the proposed access road, currently covered by wet heath, scattered and dense scrub and woodland.
- 1.3 The site extends to a total of 132.7ha. 61.6ha is currently used for the existing quarrying operation, 16ha related to the proposed eastern extension and access road and 55.1ha relates to the southern extension.
- 1.4 A right of way crosses the southern extension area. An area of ancient woodland is located in the eastern extension area.

### 2 Proposal(s)

- 2.1 The applicant seeks planning permission for the following;
  - the consolidation of two extant planning consents (P/LK/01/88/0107P and CL/96/0005),
  - the extension of the quarry in an easterly direction,
  - the formation of a permanent overburden area in the south of the application site,
  - the establishment of a concrete block making facility,
  - the formation of a new site access road,
  - the erection/relocation of offices, car parking facilities, a wheel wash and weigh bridge, and;
  - the routing of traffic from the proposed site access via Strathaven Road to Junction 10 of the M74 (Lesmahagow).
- 2.2 The quarry produces aggregates from three rock types namely greywacke, dolerite and felsite. The proposed quarrying of hard rock would be undertaken in 5 phases, excavating down from the existing ground level and working to the east of the existing excavation area. The quarry void is currently 54m below original ground level and the applicant seeks to extend this to 78m. The additional eastern excavation area and lateral extension would result in an 8.3 million tonne addition to the aggregate reserve, increasing the reserve to 25 million tonnes. The anticipated annual output of the quarry is 600,000 to 800,000 tonnes per annum. The overall site phasing and production are described in the table below.

<b>Phasing</b>	<b>Tonnes (millions)</b>	<b>Cumulative Tonnage</b>	<b>Expected Duration</b>	<b>Cumulative Duration</b>
Phase 1	5.6	5.6	8.1 years	8.1 years
Phase 2	6.2	11.8	9.0 years	17.1 years
Phase 3	4.8	16.6	7.5 years	24.6 years
Phase 4	4.8	21.4	7.5 years	32.1 years
Phase 5	3.5	24.9	5.0 years	37.1 years

2.3 The works associated with the access road to/from the quarry, the concrete block making facility and the erection/relocation of offices, car parking facilities, a wheel wash and weigh bridge, would be undertaken in the early stages of phase 1. In addition, material contained within existing overburden dumps would require to be relocated to the southern extension area to facilitate this development.

2.4 The application proposes the following hours of operation;

Quarry Production and Concrete Block Making  
06.00hrs to 19.00hrs (Monday to Thursday)  
06.00hrs to 16.00hrs (Friday)  
06.00hrs to 12.00hrs (noon) (Saturday)

Maintenance  
06.00hrs to 16.00hrs (Saturday)

Blasting  
10.00hrs to 12.00hrs (Monday to Friday)  
14.00hrs to 16.00hrs (Monday to Friday)

Road Haulage  
07.00hrs to 19.00hrs (Monday to Friday)  
07.00hrs to 16.00hrs (Saturday)

2.5 The quarry operation will continue to employ 17 full time staff based on site, and a further 56 – 70 staff associated with the haulage of the quarry product, resulting in 73 – 87 full time direct employment.

2.6 The application includes outline restoration proposals for the quarry. The progressive restoration would result in the formation of a pond or lochan, planting areas of the site with trees and providing a network of footpaths.

### **3 Background**

#### **3.1 Relevant Government Advice/Policy**

3.1.1 Scottish Planning Policy (SPP) states that an adequate and steady supply of minerals is essential to support sustainable economic growth. When assessing mineral proposals, planning authorities 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. SPP notes that planning authorities should require operators to incorporate proposals for phased working and if applicable progressive restoration in planning permissions. Proposals should also address visual impact during the life of the site, the locational impact of operations, design, layout and phasing and the appropriate management of extractive waste. SPP notes that consents should be associated with an appropriate financial bond unless the operator can satisfactorily demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient.

- 3.1.2 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.
- 3.1.3 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.
- 3.1.4 Technical Advice Note – Assessment of Noise provides up-to-date guidance on the methodology of assessing the potential for noise impacts.
- 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 Glasgow & Clyde Valley Structure Plan contains policies which are relevant to the consideration of this application. Strategic Policy 8 – Sustainable Development of Natural Resources supports developments which:
- a) extend the supply of mineral workings at existing operational sites or in locations identified in Local Plans
  - b) are within the Structure Plan search areas for minerals;
  - c) safeguard and enhance the strategic environmental resource.
- 3.2.2 The Glasgow and Clyde Valley Strategic Development Proposed Plan was published in June 2011 and is a material planning consideration. South Lanarkshire is identified as a broad area of search for aggregates.
- 3.2.3 The adopted South Lanarkshire Minerals Local Plan 2002 contains the following policies against which the proposal should be assessed:
- Policy MP1 – General Protection of the Environment
  - Policy MP2 – Protection of Areas with International Environmental Designations (Category 1 Areas)
  - MP3 – Protection of Areas with National/Regional Environmental Designations (Category 2 Areas)
  - Policy MP5 – Visual Intrusion and Landscape Impact
  - Policy MP6 – Prime Quality Agricultural Land
  - Policy MP7 – Watercourses, Surface and Groundwater
  - Policy MP8 – Public Access to the Countryside
  - Policy MP9 – Archaeological Sites
  - Policy MP11 – Buffer Zones
  - Policy MP12 – Impact on Communities
  - Policy MP13 – Benefits from Mineral Workings
  - Policy MP14 – Contributions
  - Policy MP15 – Concentration of Mineral Operations
  - Policy MP18 – Transportation of Minerals
  - Policy MP19 – Restoration and After-care Provision
  - Policy MP20 – Restoration Guarantee Bonds
  - Policy MP21 – Suitability of After-use Schemes
  - Policy MP32 – Noise Surveys and Limits
  - Policy MP33 – Dust Assessment Study
  - Policy MP34 – Tourism and Recreation
  - Policy MP35 – New Crushed Rock Quarries
  - Policy MP36 – Extensions to Existing Operations
  - Policy MP37 – Legal Agreements

- Policy MP38 – Monitoring of Mineral Workings
- Policy MP39 – Annual Progress Plan

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

- Policy STRAT4 – Accessible Rural Area
- Policy CRE2 – Stimulating the Rural Economy
- Policy ENV4 – Protection of the Natural and Built Environment
- Policy ENV21 – European Protected Species
- Policy ENV34 – Development in the Countryside
- Policy TRA2 – Walking, Cycling and Riding Routes Policy

3.2.5 In addition, the Proposed Minerals Local Development Plan (PMLDP) 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

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

### **3.3 Pre-Application Consultation**

3.3.1 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.

3.3.2 In support of the planning application, the applicant 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;

- 19/03/2010 - A copy of the Proposal of Application Notice was sent to South Lanarkshire Council and Lesmahagow Community Council.
- 15/04/2010 – A notice was displayed in the Lanark and Carluke Advertiser and the Hamilton Advertiser advertising the intention to hold public events on the 20<sup>th</sup> and 21<sup>st</sup> April 2010.
- 20/04/2010 – A public event was held in the Jubilee Hall, Lesmahagow. 19 individuals attended the event, and 7 feedback forms were completed.
- 21/04/2010 - A public event was held in the Kirkmuirhill Parish Hall. 74 individuals attended the event, and 19 feedback forms were completed.
- 30/04/2010 – Letters were sent to the 13 properties located adjacent to Strathaven Road, Lesmahagow advising of the proposed development. 9 feedback forms were completed and returned to the applicants agent.
- 30/04/2010 – Notices were attached to lamp-posts located adjacent to the four access points to the Clannochdyke and Hillpark Estates, providing contact



information regarding the proposed development. 7 requests for further information were made as a result of these notices, and two feedback forms were returned.

- 26/05/2010 – Letters were sent out to all those who had provided feedback forms and attended the public events. The letters provided an indicative date for submission of the application.
- On various dates during the consultation period the applicant liaised with spokes-people from Kirkmuirhill and Lesmahagow. In addition, the development proposal was discussed with Karen Gillon (former MSP) and Aileen Campbell MSP.
- 12/08/2010 - A planning application was made to the Council. The application was however returned to the applicant because the advertisement of the public events did not comply with the Development Management Regulations, in that there was not a full 7 days between the advertisement and the event.
- 02/09/2010 – An advertisement was published in the Lanark and Carluke Advertiser and the Hamilton Advertiser advertising a third public event.
- 10/09/2010 – A further public event was held in the Kirkmuirhill Parish Hall. 7 individuals attended.

3.3.3 The main concerns raised with the applicant during the consultation process related to traffic and transportation, in particular the suitability of the proposed route, the speed of existing traffic, and public safety. These issues were considered within the PAC report.

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

### 3.4 Planning History

3.4.1 The hard rock quarry currently operates under two planning consents. P/LK/01/88/0107P was granted in March 1988 and was for the extension of the quarry. CL/96/0005 was granted for the extraction of hard rock and the relocation of processing plant. This application seeks to replace these planning consents, to allow the quarrying operation to be undertaken under a single consent.

## 4 Consultations

4.1 **Scottish Water:** raise no objection to the proposed development and provide information relating to capacity in their network.

**Response:** Noted. This information has been published on the planning portal and is therefore available to the applicant.

4.2 **West of Scotland Archaeology Service:** do not object to the proposed development, and agree with the assessment contained within the ES that there is only limited potential for buried archaeological remains. WOSAS do however request that a condition is attached to the permission, if granted, to ensure that an archaeological watching brief is carried out.

**Response:** Noted. Condition 21 requires an archaeological watching brief to be carried out by the operator of the site when working on undisturbed ground.

4.3 **Roads and Transportation (Traffic and Transportation and Clydesdale Area):** raise no objection to the proposed development. R&T had detailed discussions with the applicant regarding the acceptability of the proposed junction and new access route. R&T has requested a number of conditions be placed on the consent covering the following issues; design of the proposed junction, wheel and road cleaning, upgrade of Lesmahagow Road, speed calming measures on Strathaven Road,

including a gated feature on the approach into Strathaven Road and the relocation of the speed limit.

**Response:** Noted. If granted it is proposed to incorporate conditions 22 to 38 into the permission to cover the issues raised by Roads and Transportation.

- 4.4 **Historic Scotland:** do not object to the proposed development and confirm that the development is unlikely to cause any significant adverse impacts on the historic environment within their remit.

**Response:** Noted.

- 4.5 **Transport Scotland:** raise no objection to the proposed development.

**Response:** Noted.

- 4.6 **Environmental Services:** exchanged correspondence with the applicant's agent in relation to issues such as noise, vibration and air quality. In relation to noise, Environmental Services note that the traffic generation is likely to create an increase in the noise environment at properties on Strathaven Road, in the north of Lesmahagow. The increase was initially anticipated to be 8db. The impact was however re-calculated, on the basis of re-locating the 30mph speed limit and of the HGV's travelling at 30mph (initial calculation used a speed of 56mph) and the number of vehicles movements reducing from 32 to 26 per hour. The results of this re-calculation saw the predicted increase of noise reduce from a predicted increase of 8dB to 4.8dB. When this increase is considered with regards to the Technical Advice Note: Assessment of Noise, it represents a significant impact. In relation to air quality, vibration and noise from the quarrying operations, Environmental Services confirm that they do not have concerns.

**Response:** The comments from Environmental Services are noted. It is acknowledged that the mitigation measures have reduced the noise impact markedly but that the re-routing of traffic along the proposed route will increase noise at properties on Strathaven Road, Lesmahagow. The noise impact associated with the existing route, through Kirkmuirhill and Blackwood and past Boghead, will however be reduced. It is considered that taking account of the impact of the vehicle movements currently permitted at the site and the nature of the existing and proposed routes the development would, on balance, result in a material reduction in the extent of the noise impact being experienced in the area.

- 4.7 **Scottish Natural Heritage:** do not object to the proposed development. SNH express concerns over the quality and clarity of some of the information provided in the Environmental Statement. Nevertheless, SNH note that they are satisfied that no statutory designated sites of nature conservation or geological importance will be affected by the proposed development. SNH also made comment in relation to protected species highlighting the need for consideration to be given to potential impacts to be dealt as part of the application process, and for associated additional ecological information to be submitted. SNH also exchanged correspondence with the applicant in this regard. In relation to restoration, SNH consider that the current proposals are not sufficient and recommend that further consideration should be given to the restoration proposals. In relation to landscape impact, SNH commented on the methodology of the assessment and considered that the development would give rise to a 'moderate' and therefore significant landscape and visual impacts both during the operational and post restoration stages. In addition, SNH note that consideration should be given to the public right of way in the southern area of the application site, which would be affected by the proposed overburden dump.

**Response:** The impact of the proposed development on protected species is considered in Section 6. Landscape and visual impacts of the proposed development are considered in paragraph 6.17. In relation to restoration, it is acknowledged that

the information submitted is indicative and does not provide the details associated with a final restoration plan. Nevertheless, condition 7 requires a restoration plan to be submitted prior to the commencement of development. In terms of the public right of way, the applicant has discussed the process involved in re-routing the right of way during operations, and this is discussed in further detail with section 6. Conditions 39 to 42 and 50 to 53 contained within the recommendation address SNH's comments and address the developments impact on the natural environment.

- 4.8 **Scottish Environmental Protection Agency (SEPA)**: raise no objection to the proposed development. SEPA note that the discharge of surface water from the site must comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2005. Furthermore, the concrete block making facility will require a permit under the Pollution Prevention and Control (Scotland) Regulations 2000.  
**Response:** Noted.
- 4.9 **Roads and Transportation – Flood Prevention Unit**: confirm that they have no objection to the proposed development subject to satisfying their design criteria.  
**Response:** Noted. Condition 9 is proposed to ensure the design criteria is satisfied.
- 4.10 **Scottish Government Rural and Environment Directorate**: raise no objections to the proposed development, and note that measures to reduce the likely noise impact of road lorries serving Dunduff Quarry should be considered.  
**Response:** Noted. Environmental Services have commented specifically on this issue. Their comments are summarised above.
- 4.11 **Scottish Wildlife Trust**: object to the proposed development on the basis of loss of wildlife habitat in the eastern extension and new access road areas and in relation to the increased risk of pollution to the Birkwood Burn as a result of the overburden storage area in the south extension. SWT consider there to be a further badger sett within the site which has not been recorded within the application. SWT contend that the site accommodates suitable habitat for roosting bats. The ES demonstrates that the site is an important nesting site for birds, including Meadow Pipits and Skylarks. There is no consideration within the ES of insects. The site is likely to carry moths and butterflies worthy of protection. The presence of Otter and Water Vole is noted by SWT and they suggest that the overburden dump in the south of the site is kept at least 20m off the Birkwood burn and that the area in the south west of the site is marked out to protect water voles.  
**Response:** The impact of the proposed development on protected sites and species is considered within Section 6.
- 4.12 **Forestry Commission Scotland**: initially objected to the proposed development on the basis of insufficient information. A number of points were addressed by the applicant, including the extent of planting areas and associated phasing and extent of public access on completion of restoration. FCS subsequently removed their objection.  
**Response:** Noted. Conditions 2 and 7 are proposed to ensure that the compensatory planting and footpaths area implemented.
- 4.13 **Royal Society for the Protection of Birds (RSPB)**: raise no objection to the proposed development. RSPB request that conditions be attached to the planning permission to safeguard and enhance the functioning peatland in the south of the site and that provision is made for new peregrine nesting sites.  
**Response:** Noted. Conditions 50 and 51 are proposed to control these matters.

- 4.14 **Lesmahagow Community Council**: consider that the roads are unsuitable to accommodate the proposed HGVs that the development would affect the amenity of the residential area and conservation village of Lesmahagow and would create a danger to school children attending local schools. Furthermore, the Community Council raises concern with regards to the accuracy of the assessment of the development within the Environmental Statement.  
**Response:** Noted. The impacts of the proposed development are considered in Section 6 below.

## 5 Representations

- 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, non-notification of neighbours and as an Environmental Statement application within the Lanark Gazette. In addition, a minerals site notice was displayed at four locations within the vicinity of the site.
- 5.2 As a result of the advertisement, 1251 representations to the application were received. Of these representations, 789 objected to the application and 462 supported the application.
- 5.3 The objections consisted of 605 letters and a petition with 184 signatures. 86 of the signatories of the petition had also sent in a letter of objection, however these duplicates must also be counted as objections. The objections were submitted in 5 broad groupings; pro-forma style letters of objection – with 3 styles of pro-forma objections being received (407, 125 and 32); individual letters of objection (41); and the petition with 184 signatures.
- 5.4 In addition, a letter was received requesting that if the application was approved, mitigation measures should be conditioned on the consent. This request is considered below.
- 5.5 The support letters consisted of 2 styles of pro-forma letters, 458 submitted in one style and 4 submitted in the other.
- 5.6 The points raised in the letters are summarised below under the broad groupings. In terms of responses to the issues raised these are discussed in full in the Assessment and Conclusions section of the report.

### 3 styles of pro-forma letters of objection (564)

- a) **The proposed development will result in a significant increase in traffic travelling through the north of Lesmahagow, particularly on Strathaven Road and Teiglum Road.**

**Response:** It is estimated that the proposed development will result in the re-routing of between 20 and 26 HGV trips per hour, resulting in up to 338 trips per day. This would remove the existing HGV traffic from Kirkmuirhill and Blackwood and re-route these trips along Lesmahagow Road, Strathaven Road and Teiglum Road, through the north of Lesmahagow. The potential impact of the re-routed traffic is considered within Section 6 of this report.

- b) **The increase in traffic will create safety implications on the local road network.**

**Response:** The potential impact of the re-routed traffic is considered within Section 6 of this report.

- c) **The proposed haulage route is inappropriate, because the road is too narrow to accommodate the scale and volume of the associated quarry traffic.**

**Response:** The proposal has been considered in detail by the Roads and Transportation Service, whose comments are summarised within Section 4 of this report. The appropriateness of the route is considered within Section 6 of this report.

- d) **The applicant has not sufficiently investigated alternative routes to and from the quarry.**

**Response:** This application requires to be considered on its own merits. The acceptability of the development is considered at length within this report. The applicant has confirmed that they have considered alternative options, including the creation of a new road to by pass Kirkmuirhill and Blackwood. The Council is advised that this alternative was not able to progress due to difficulties with the development which were outwith the applicant's control. These issues primarily related to land outwith the applicants control and excessive cost.

- e) **There may be subsidence to the road as a result of previous underground mine workings. If planning permission is granted, the Council should seek a bond to ensure subsidence of the road can be addressed without incurring expense to the tax-payer.**

**Response:** Roads and Transportation Service are satisfied that the proposed route will not subside as a result of the proposed development. It is however proposed to withhold the release of the planning permission, if passed by committee, until a Section 96 agreement is prepared to ensure that the applicant will contribute towards any extraordinary wear and tear on the public road as a result of the development.

- f) **Re-routing traffic from travelling through Kirkmuirhill/Blackwood to travelling through Lesmahagow only moves the problem from one community to another.**

**Response:** The proposal effectively re-routes traffic from travelling directly past Boghead and through Kirkmuirhill and Blackwood, to traffic through a 700m section of the north end of Lesmahagow. It is acknowledged that approximately 38 residential properties overlook the proposed route, these are fewer than those which overlook the existing, which is in the region of 135. On this basis, I am satisfied that the proposed route would have less impact on residential amenity of the area when compared with the existing route.

- g) **Many school children use a section of the proposed haul route to travel to Milton Primary and Lesmahagow High school, and also services located within Lesmahagow, such as parks and shops.**

**Response:** Noted. School children do use both Teiglum Road and Strathaven Road to travel to school and other services with Lesmahagow. These sections of road are however 30mph speed limit areas and accommodate foot paths.

- h) **The visibility departing from Clannochdyke estate onto Strathaven Road is restricted which will pose a safety issue if there is an increase in lorries on Strathaven Road.**

**Response:** The junction from the Clannochdyke Estate onto Strathaven Road meets the required visibility splays.

- i) **Strathaven Road is used on a regular basis to walk dogs etc. A section of this road has no paved area for pedestrians. A pavement should be constructed along Strathaven Road from the north end of Lesmahagow to the junction with Lesmahagow Road.**

**Response:** The verge along Strathaven Road between the junction of Lesmahagow Road and Strathaven Road and the north of Lesmahagow is between 1m to 2m in width, with the exception of two pinch points at corners in the road. Pedestrian movements on Strathaven Road were recorded by video survey by the applicant on Friday 6<sup>th</sup> May 2011 between the hours of 06:30-19:30 and on Saturday 7<sup>th</sup> May 2011 between the hours of 06:30 – 16:30. The survey found that the pedestrian movements along Strathaven Road are low – 45 two-way movements on Friday between 06.30am to 19.30pm (13hrs) and 19 two-way movements on Saturday between 06.30am to 16.30pm (10hrs). It is considered that the potential for cross over between this activity and HGV movements will be limited. It is therefore considered that the impact of the proposed re-routing of traffic on the use of Strathaven Road by pedestrians does not provide sufficient or adequate grounds to justify a refusal of permission.

- j) **If planning permission is granted for the proposed development, a roundabout should be constructed at the entrance to Clannochdyke Estate, to ensure that traffic speeds are reduced to an acceptable level.**

**Response:** Roads and Transportation Services has confirmed that they are satisfied that the proposed traffic calming measures, set out in Section 4, will address the need to limit speeds of HGV's. Speeding itself is a matter for the Police to monitor and control.

- k) **A speed camera should also be installed to ensure traffic travelling through Lesmahagow abides with the speed limit.**

**Response:** It is proposed to re-locate the existing speed limit boundary when approaching Lesmahagow along Strathaven Road. The installation of a speed camera is an issue dealt with by the Safety Camera Partnership and cannot be achieved through the planning process.

- l) **The proposed concrete block making plant will give rise to additional larger trucks travelling along Strathaven Road.**

**Response:** It is anticipated that the proposed concrete block making facility will create, on average, approximately 8 trips per hour (4 in and 4 out). The overall traffic and transportation impact of the proposed development is considered at length in Section 6.

- m) **The proposed development will adversely affect the amenity of the northern area of Lesmahagow, as a result of dust and emissions.**

**Response:** The impact of the proposed development in relation to dust and emissions is considered in Section 6.

- n) **The proposed development will adversely affect the amenity of the northern area of Lesmahagow, as a result of noise.**

**Response:** The impact of the proposed development in relation to noise is considered in Section 6.

- o) **The proposed development will adversely affect the amenity of the northern area of Lesmahagow, as a result of vibration.**

**Response:** The impact of the proposed development in relation to vibration is considered in Section 6.

- p) **The proposed development will result in the pollution of watercourses and agricultural land.**  
**Response:** The impact of the proposed development in relation to watercourses is considered in Section 6.
- q) **The cumulative traffic and transportation impact needs to be considered in relation to the recently constructed Tesco supermarket and the proposed mixed used development to be accessed via Strathaven Road.**  
**Response:** The cumulative impact of the proposed development is considered in Section 6.
- r) **The proposed increased operational hours of the site is unacceptable.**  
**Response:** There are currently no restrictions on the operational hours of the quarry. The road haulage operation is currently restricted to the same hours set out in this application. It is proposed to limit the hours of operation of the quarry to the hours stated in Condition 11.
- s) **A limit to the number of lorries travelling to and from the site should be introduced.**  
**Response:** Noted, condition 38 limits the number of HGV's leaving the new junction onto Lesmahagow Road to 13 per hour.
- t) **A continuous road width of 6.75m should be formed along the entire haulage route.**  
**Response:** The appropriateness of the proposed route is considered in detail within section 6.

#### **Individual letters of objection (41)**

The points raised in the individual letters, which have not already been summarised in points a) to t) above, are summarised below.

- u) **There was a lack of pre-application consultation undertaken by the applicant, and the opportunity to submit representations was significantly reduced as a result of the time taken to register the planning application.**  
**Response:** The pre-application consultation undertaken by the applicant is set out in Section 3.3. I am satisfied that the application went beyond the statutory requirements.
- v) **There will be no benefits to Lesmahagow and no employment benefits will result from the proposed development.**  
**Response:** As set out in part 2 above, the quarry operation will continue to employ 17 full time staff based on site, and a further 56 – 70 staff associated with the haulage of the quarry product, resulting in 73 – 87 full time direct employment.
- w) **Part of the proposed route is part of the national cycle route. The increase of traffic on this section of road would cause a safety issue for cyclists and adversely affect the amenity of this route.**  
**Response:** The proposed route travels along a section of road proposed to be part of national cycling route 74. It is worth noting however that lorries from the quarry currently travel along the proposed national cycle route through Kirkmuirhill/Blackwood north, along the B7078.

- x) **The applicant has stated that the predicted annual production is 600,000 to 800,000 tonnes per annum; however recent figures suggest that the annual production could be more in the region of 1.1million tonnes, which would increase traffic number by almost 100%.**

**Response:** The traffic assessment has been carried out based on an annual output of 800,000 tones per annum. Condition 38 restricts the number of lorries departing from the site to ensure the traffic and transportation impact is not significantly greater than predicted.

- y) **The traffic resulting from the proposed development will cause damage to the road surface of Lesmahagow Road, Strathaven Road and Teiglum Road.**

**Response:** The traffic using the proposed route has the potential to cause damage to the road as a result of the size and number of lorries. The Council will therefore require a Section 96 agreement with the operator to ensure that they contribute to the repair of any excessive wear and tear on the route as a result of the development.

- z) **The proposed development would adversely affect wildlife, flora and fauna.**

**Response:** The impact on the natural environment is considered in detail in Section 6.

- aa) **The current quarry activity results in dust being trailed onto the public road. The proposed application will move this problem to Strathaven Road.**

**Response:** The applicant proposes to install a wheel wash which will be used by all HGV's leaving the site. Condition 32 requires the wheel wash to be installed prior to HGV's departing from the site and for the duration of operations. Furthermore, condition 35 requires the site operator to ensure that the road is kept free of mud and deleterious material.

- bb) **The Traffic Impact Assessment is flawed as it took place during school holidays and did not take into account the Tesco store which has recently been constructed.**

**Response:** The TA uses survey data recorded on Wednesday 16<sup>th</sup> December 2009, between the hours of 07.30 and 09.30 and between 15.30 and 18.00. This date did not fall within the holiday period. Further assessment of the development has been submitted which takes account of the cumulative traffic and transportation impact of the proposed development at Dunduff Quarry, in conjunction with the new Tesco superstore (which opened after the traffic survey was undertaken) and the proposed Wellburn Farm development.

- cc) **The proposed route includes a tight right angled bend at the junction of Lesmahagow Road and Strathaven Road, which is not suitable for HGV traffic.**

**Response:** The applicant has confirmed that they intend to pay towards improvements to widen the bend at the junction of Lesmahagow Road and Strathaven Road. The Roads and Transportation Service has confirmed that subject to these improvements, they are satisfied that HGV traffic can be accommodated along the proposed route.

- dd) **The fences of Ladehead Farm and Blackwoodyett, where they are adjacent to Lesmahagow Road do not represent the title boundaries – which are much closer to the road. The quarry owner and the Council are**



**not therefore able to construct any lay bays or passing places or to widen the road.**

**Response:** The Council, as Roads Authority, has the right to maintain the first 2m verge from the edge of a public road. Roads and Transportation Services have confirmed that they are satisfied that the road improvements, visibility splays and verge maintenance can legally be carried out.

- ee) **Ditches which carry surface water and water from adjoining fields are located along the side of Lesmahagow Road. These will be damaged by the additional HGV traffic, which will in turn have a negative effect on the drainage of adjoining fields.**

**Response:** The applicant has proposed works to strengthen the road verges. Roads and Transportation Services have confirmed that they are satisfied that the improvements are acceptable to accommodate the proposed traffic.

- ff) **The proposed development is contrary to South Lanarkshire Council's Sustainable Development Strategy.**

**Response:** The South Lanarkshire Local Plan 2009 is consistent with the Sustainable Development Strategy. An assessment of the proposed development against relevant policies contained within the development plan is contained within Section 6.

#### **Letter requesting mitigation**

- gg) **The number of HGV's permitted to use the proposed access should be limited to 13 HGV's per hours.**

**Response:** Noted. It is proposed to attached Condition 38 onto the consent, to restrict the number of HGV's to 13 departing the site per hour.

- hh) **The Council should introduce an independent monitoring system to ensure HGV numbers do not exceed the permitted number.**

**Response:** The Council's Minerals Monitoring and Enforcement Officer is employed to monitor all minerals activity in South Lanarkshire.

- ii) **A round about should be put in place at the approach to Lesmahagow to control HGV speed, and no quarry traffic should use the route until the roundabout is in place.**

**Response:** A roundabout is currently proposed as part of the development at Wellburn Farm. However, in relation to this development the changes required by conditions 27 and 28 are considered sufficient to control the speed of vehicles and the roundabout is not considered necessary.

- jj) **The speed limit on Strathaven Road should be relocated to beyond the boundary of the first house at Clannochdyke.**

**Response:** Noted. Condition 27 is proposed to ensure no HGV's associated with the quarry travel along the proposed route until the speed limit has been relocated.

- kk) **The speed limit on Strathaven Road should be changed to 20mph.**

**Response:** The assessment of whether a speed limit can be reduced from 30mph to 20mph is subject to a number of criteria which this stretch of road would not meet.

- ll) **Count down signage to the speed limit should be erected along Strathaven Road.**

**Response:** The speed limit signage will be positioned in a clear location, visible by motorists travelling southbound along Strathaven Road. The location and design of this signage will require prior agreement with the Council's Roads and Transportation Service. The requirement for count down signage is not therefore necessary at this stage.

**mm) A continuous pavement on the north side of Strathaven Road between the proposed roundabout to Teiglum Road should be provided.**

**Response:** The proposed roundabout forms part of the proposed for the development of Wellburn Farm. A footpath along this section is not considered necessary as part of this development.

**nn) Safety barriers around junctions should be erected.**

**Response:** Barriers at the junctions are not considered necessary, taking into account the vehicle numbers which will be experienced.

**oo) A pedestrian prioritised traffic light controlled crossing across Strathaven Road at the top of Teiglum Road should be provided.**

**Response:** A traffic light controlled crossing is not considered necessary, taking into account the vehicle numbers generated by this development.

**pp) The Council should provide assurances that there will never be on-street parking restrictions outside the residences of Strathaven Road.**

**Response:** This application does not make any proposals to affect off street parking at the residences of Strathaven Road.

**qq) Provision of a wall or planting at the boundary of properties should be provided to mitigate against noise and dust.**

**Response:** The impact of the proposed development in relation to noise has been assessed and it is not considered that a requirement for noise attenuation measures at the boundary of residential properties is appropriate

**rr) All properties within 50m of the proposed route should be given triple glazing to mitigate noise.**

**Response:** The impact of the proposed development in relation to noise has been assessed and it is not considered that a requirement for triple glazing is appropriate.

**ss) The road surface should be treated to minimise noise and vibration.**

**Response:** It is proposed to enter into a Section 96 agreement with the applicant to ensure that contributions are made towards the extraordinary wear and tear which will be experienced on the public road as a result of the quarry operation. This will enable the Council to ensure the road surface is maintained to an acceptable level. It is not considered necessary to treat the surface of the road with a special surface to further reduce noise or vibration.

**tt) Priority junctions for the small businesses and Tesco's should be laid out on Teiglum Road.**

**Response:** The proposed route has been assessed and is considered to be acceptable to accommodate the traffic associated with the quarry. See section 6 for further details.

**uu) A speed camera should be installed on Strathaven Road.**

**Response:** The installation of a speed camera is an issue dealt with by the Police and cannot be achieved through the planning process.

- vv) **Provision of funding towards the Strathaven Road Residents Association to allow community CCTV to be set up to monitor traffic flow and speeds.**  
**Response:** This requirement is not considered to be necessary, nor sufficiently related to the proposed development.
- ww) **Provision of a parkland area as community compensation.**  
**Response:** The proposal is not relevant to the proposed development.
- xx) **Signage to stop HGV's from turning left on Teiglum Road.**  
**Response:** Any traffic travelling to the quarry will require to turn right from Teiglum Road onto Strathaven Road. The signage at the proposed location is not therefore considered necessary.
- yy) **Quarry traffic should be restricted at times when school children are most likely to be travelling/walking to school.**  
**Response:** The current road and footpath used by school children to travel to school are considered acceptable and the suggested restriction is not considered necessary.
- zz) **The Council should set a requirement on the operator to review a safe alternative route every three years which is away from any residential areas. The Council should set a financial burden on the operator to ensure that the investigation of an alternative is undertaken.**  
**Response:** The proposed route is considered acceptable for the reasons set out within Section 6 of this report, and the proposed requirement is not considered necessary or appropriate.
- aaa) **If the wheel wash stops working, then HGV's should not be permitted to depart the site.**  
**Response:** Condition 32 requires an operational wheel wash to be installed and maintained for the duration of operations. This condition is considered to sufficiently address this point.

#### **Pro-forma style letters of support (462)**

- bbb) **The proposal will re-route traffic associated with the quarry away from Boghead, Kirkmuirhill and Blackwood and from three primary schools.**  
**Response:** Noted.
- ccc) **The proposal will result in a healthier and safer environment for the residents of Kirkmuirhill, Blackwood and Boghead.**  
**Response:** Noted.
- ddd) **There would be a marked reduction in noise, vibration and air pollution for both pedestrians and houses neighbouring the existing route.**  
**Response:** The issue of noise generated by HGV's is considered in Section 6 below.
- eee) **The proposed route will effect less people and not pass any primary schools.**  
**Response:** Noted.

## **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 Glasgow and Clyde Valley Joint Structure Plan, the adopted South Lanarkshire Minerals Local Plan 2002 and the adopted South Lanarkshire Local Plan 2009. The Proposed Minerals Local Development Plan (PMLDP) has been submitted to the Scottish Ministers for examination and is a material planning consideration. In addition, the Proposed Glasgow and the Clyde Valley Strategic Development Plan has recently been published.
- 6.2 In assessing any application for mineral extraction it is also necessary to evaluate the proposals against the most up to date policies and criteria contained in the relevant national planning policy. There is specific national planning policy guidance and advice for mineral workings contained within SPP, PAN 50 (together with its various annexes), PAN 64 and TAN – Assessment of Noise.
- 6.3 SPP recognises an adequate and steady supply of minerals is essential to support sustainable economic growth. When assessing mineral proposals, planning authorities 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. SPP notes that planning authorities should require operators to incorporate proposals for phased working and if applicable progressive restoration in planning applications. Proposals should also address visual impact during the life of the site, the locational impact of operations, design, layout and phasing and the appropriate management of extractive waste. SPP notes that consents should be associated with an appropriate financial bond unless the operator can satisfactorily demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient.
- 6.4 PAN 50 (Controlling the Effects of Surface Mineral Workings) provides advice on best practice with respect to mineral working in relation to the control of noise, dust, traffic, and blasting.
- 6.5 PAN 64 provides advice on best practice for reclamation of sites and relates specifically to restoration conditions, after care considerations, various uses of sites, planning conditions, agreements and after care schemes. These issues have been considered, where appropriate, in the processing of this application.
- 6.6 The matters raised at a national level are covered in more detail within the Development Plan. Consideration of the developments conformity with national policy is therefore provided in paragraph 6.61, following the assessment of the development against the local plan.
- 6.7 Both the Glasgow and Clyde Valley Structure Plan and the Glasgow and Clyde Valley Strategic Development Plan identify South Lanarkshire as a broad area of search for aggregate minerals. On this basis, the development is considered to be consistent with Structure/Strategic Development Plan Policy.
- 6.8 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.

- 6.9 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 that the proposal will comply with these policies. The specific environmental impacts of the proposed development are considered in more detail below.
- 6.10 Policy MP2 of the MLP states that the Council will only permit mineral development which will not cause significant adverse impact on international sites. 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. Policy MIN 2 of the PMLDP notes that development within or likely to affect the integrity of Category 1 sites will not be permitted and category 2 and 3 sites where the development meets a number of tests. Policy MIN2 also notes that development which will significantly adversely affect internationally and nationally protected species will not be permitted. Scottish Natural Heritage has made a number of comments with regards to the natural environment, including protected species. SNH confirm that they are satisfied that no statutory designated sites of nature conservation or geological importance will be affected by the proposed development.
- 6.11 In relation to otters, SNH note that more detailed information relating to otters is needed as overburden storage is proposed close to the Birkwood Burn, where otters are present. The applicant did undertake and submit an otter survey in support of the application. No holts or couches were identified, and otters are therefore considered to only use part of the application site for commuting/foraging. The proposed works have been designed to avoid areas where the presence of otters was identified (including a buffer) and best practice measures to safeguard otters is set out in the Environmental Statement. Consequently, condition 1 requires all mitigation measures contained within the Environmental Statement to be fully implemented. Condition 39 also requires a buffer to be maintained between the Birkwood Burn and the overburden tip and Condition 41, requires a pre-development check for protected species. It is therefore considered that the site has been suitably surveyed for otters and that, subject to the conditions described above and the implementation of the mitigation measures set out within the Environmental Statement, the development will not adversely affect otter species.
- 6.12 In relation to bats, SNH note that the information submitted relies on walkover surveys, that activity surveys regarding bats have not been carried out, and that the site contains habitat likely to be used by bats, including a ruin. In response, the applicant has noted that the ruin has crevices but they are extremely exposed and that there is no roof on the building. It was therefore considered not to have any value to roosting bats. Nevertheless, the ruin will be retained. SNH welcomed this. Additional surveys also established that no trees on the site were found to have roosting potential for bats. Furthermore, the Environmental Statement also incorporates mitigation measures covering potential impacts on bats. Condition 1 therefore requires all mitigation measures contained within the Environmental

Statement to be fully implemented. In addition, condition 40 is proposed to ensure a bat activity survey is undertaken prior to the commencement of this development and mitigation measures set out to address any bats identified on site, while condition 41 requires a pre-start check for protected species. Taking account of the above it is considered that suitable work has been undertaken to establish that the areas to be disturbed by the development do not contain bat roosting potential and that, subject to the implementation of mitigation measures set out within the application, the development will not adversely affect bats.

- 6.13 In relation to badgers, SNH note that badgers are sensitive to blasting within 100m of their setts, and that surveys have only been carried out to up to 50m of the application boundary and that badgers are likely to be using the undeveloped area of the application site. Another site within the area is also noted by SWT as a potential badger sett. SNH request that an updated badger survey be undertaken, and that the applicant provide a detailed assessment of the development on badgers. In response, the applicant has noted that the other badger sett identified by SWT was investigated and was found to either not be a badger sett, or not to be in use at the time of the survey. The applicant's project ecologist considered that it could have been a foxes den which had flooded. It is considered therefore that the potential Badger sett identified by SWT has been sufficiently investigated and that it is not an active badger sett. Furthermore, I am satisfied that the development has been designed to ensure an adequate standoff is maintained between badger setts and the development. Condition 1 therefore requires all mitigation measures contained within the Environmental Statement to be fully implemented. Taking account of this and subject to the application of Condition 41 to ensure that a pre-start check for protected species is undertaken, it is considered that the development will not adversely affect badgers.
- 6.14 In relation to water voles, SNH note that this species could be affected if severe siltation of the watercourses occurs. No details of the mitigation measures to avoid this are provided within the ES. SNH request that a detailed description of the measures which will be put in place to avoid impacts on water vole be prepared. The applicant has confirmed that water voles have been identified to the west of Muirhouse. This will be an area where no work is permitted and the development will not therefore impact on this species. The water voles are also up-stream from the proposed development. In addition, there will also be a buffer of 35m between the water courses and toe of the bund, which will control siltation. Finally, condition 41 requires a pre-start check for water voles. Subject to this, it is considered that the impact of the development on of water voles has been addressed.
- 6.15 In relation to peregrine falcons, SNH note that consideration has been given to the potential impacts of the proposed extension on peregrine falcons nesting in the quarry but not to the impact of the deepening of the quarry. Barn owls are also noted as having used the site in the past (although none were recorded during the surveys carried out by the applicant) and that an assessment of the developments impact on them and details of the proposed mitigation would be appropriate. In relation to peregrine falcons and barn owls, the applicant notes that these species have/are using the existing quarry and surrounding area and have not been affected by the current quarrying activities. In addition, the proposals for the quarry area, where these schedule 1 birds are located, is solely an extension of time and does not include additional works beyond that already permitted by the existing consents. Nevertheless, it is proposed to impose condition 49 requiring the nesting potential of the site for these species to be enhanced. Taking account of the above and these measures it is considered that the proposal properly addresses the impact on these species.

- 6.16 In relation to breeding birds, SNH notes that three surveys for breeding birds were undertaken over a five day period (8-12 April), that these surveys should be undertaken over the bird breeding season, as opposed to being confined to one week. In addition no detailed assessment is provided within the ES regarding the developments impact on breeding birds. SNH request that the details are submitted of surveys for breeding birds which are carried out over an appropriate time of year and that a detailed assessment of the developments impact on breeding birds is provided along with details of the proposed mitigation measures to offset/minimise any impact. The applicant has noted that the development will result in a reduction of the bird habitat, however compensatory planting will be provided to offset the habitat loss. Furthermore, no soil stripping works will be undertaken during the bird breeding season and a further survey will be undertaken during the bird breeding season. In addition, condition 42 requires all works involving the disturbance of habitats, with the potential to impact on breeding birds, to be undertaken outwith the bird breeding season, unless a survey is undertaken and written approval by the Council is granted. Taking account of these measures it is considered that the proposal properly addresses this matter.
- 6.17 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 (refers to siting, screening, and restoration in this regard). SNH consider that the proposed development would result in a 'moderate' level of impact, which can be considered as significant. The applicant responded to a number of points raised by SNH. It is first worth noting that the proposed development involves the extension of an existing quarry. Views of the quarry in its current form are limited and as such its landscape and visual impact are also limited. The proposal does however involve the creation of a large overburden dump, raising the ground levels by up to 16m. This form of the development will be visible from certain locations and from further afield. The proposed gradients of the overburden equate to approximately 1 in 6 slope which is considered acceptable. In addition, the applicant proposes to undertake progressive planting during the development, including advance planting. It is proposed to plant over 11ha of planting in the first 10 years of the development, to screen the proposed access road and concrete block making facility, and to then plant on the overburden dump and along the western boundary of the site. I am satisfied that the development will not result in an unacceptable visual impact.
- 6.18 Policy MP6 of the MLP notes that the Council will not permit proposals for mineral extraction within areas of prime agricultural land (Grade 1, 2, 3.1 and 3.2), unless the working of the mineral will not result in permanent and irreversible damage and that the site can be restored to a similar quality to the original. The application site covers an area of land which ranges between grades 3.2 and 6.1. The majority of the site is not therefore Prime Quality Agricultural Land; however the proposed access road does cross an area of Prime Quality Agricultural Land. The area of prime quality agricultural land which will be subject to development is limited (approximately 4ha) and does not incorporate any of the proposed extraction area. The access road, once the restoration of the site is completed, will be open for public access and recreation. Furthermore, the majority of the area of the site which is within prime quality agricultural land will not be subject to development, and will instead be planted with trees and shrubs, or will not be developed.
- 6.19 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. A Hydrological and

Hydrogeological Assessment chapter was submitted as part of the Environmental Statement. A number of drainage ditches are identified within the site which flow into the Cairn Burn, Cander Water Burn and Birkwood Burn. The Environmental Statement sets out a number of mitigation measures which will be put in place when undertaking various processes. Condition 43 requires the submission and approval of a Surface Water Management Plan prior to works commencing. Furthermore, SEPA raise no objection to the proposed development and confirm that the development will require a 'Water Environment (Controlled Activities)(Scotland) Regulations 2005' (CAR) permit for the discharge of surface water from the site. On this basis, it is considered that the development will not create a negative impact on the water environment and as such is consistent with this policy.

- 6.20 Policy MP8 of the MLP notes that the Council will seek applicants to investigate opportunities to increase public access to the countryside as part of their proposals. In addition, where paths will be affected by the proposals, consideration should be given to the diversion of these paths and all disturbed routes should be reinstated in the long term. The applicant has submitted plans which illustrate the proposed path network throughout the site, which will go around the void, over the overburden of the site and link in with the existing paths around the site. The proposal will however result in the requirement to divert a public right of way for a period of time during the creation of the overburden mound in the south of the site. This is considered further in paragraph 6.47 below.
- 6.21 Policy MP9 of the MLP seeks to safeguard potential archaeological reserves. WOSAS were consulted and raised no objection to the proposed development in relation to impact on archaeology. Condition 21 is proposed to be attached to the planning permission to ensure archaeology resources are protected and recorded as appropriate.
- 6.22 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, and blasting activities should be located 500m from occupied dwellings, unless the development meets certain criteria, one of which is that the period of operations within the buffer zone is completed within 12 months. 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.
- 6.23 In terms of settlements and their buffers, the working void is located over 500m south of Boghead and over 1km from Kirkmuirhill and Lesmahagow. The egress road from the quarry is currently located closer to Boghead, however this is an existing arrangement and the proposal will result in a substantial decrease in traffic travelling along this route.
- 6.24 All blasting activities have been kept at least 450m from residential dwellings. It is anticipated that any blasting operations within 500m of the residential properties will be completed within 12 months, and conditions are proposed to be attached to the consent to ensure operations are kept within certain limits relating to vibration, noise etc. Certain operations such as the overburden mound will be located over 250m from the property of Muirhouse. The development is considered to be consistent with Policies MP11 and MIN2.
- 6.25 Policy MP12 of the MLP seeks applications for mineral extraction to be assessed with respect to the impact of the operation in relation to traffic, roads, noise, dust and



visual impact. Policy MIN12 of the PMLDP states that proposals will not be supported by the Council if they are considered to create a significant adverse traffic and transportation impact. 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.

- 6.26 In terms of the traffic and transportation impact of the proposed development, it is proposed to re-route between 80% to 85% of quarry associated HGV traffic from the existing route which goes via the existing access road, past Boghead and through Kirkmuirhill and Blackwood, before entering the M74 motorway at junction 8 (Canderside Toll). The proposed route will see a new access road constructed from the eastern extension, with HGV's turning right along Lesmahagow Road (860m), becoming Strathaven Road (1445m) before turning left onto Teiglum Road (375m) and entering the M74 motorway at junction 10. It is proposed that returning traffic from the M74 would also follow this proposed route, however southbound M74 traffic would require to exit at junction 9. Based on the anticipated output of the quarry and the concrete block making facility, the vehicular movements utilising the new access road and route would be between 20 and 26 per hour, equating to up to 338 HGV trips per day.
- 6.27 In terms of the proposed junction onto Lesmahagow Road, R&T are satisfied that the visibility splays of 2.5m by 160m are achievable. R&T has requested that the junction is designed to ensure no HGV traffic can turn left towards Boghead. Condition 22 is proposed to ensure a detailed junction layout is submitted to and approved in writing by the Council prior to the implementation of the consent.
- 6.28 In terms of road widths, a road carriageway width of 5.5m is considered sufficient to accommodate two-way HGV traffic movements, however 6.5m is considered necessary for HGV's to pass unhindered. The width of Lesmahagow Road varies from 4.5m to 7.3m. Both Strathaven Road and Teiglum Road are over 6.5m in width. The applicant therefore proposes a number of carriageway improvements along Lesmahagow Road to facilitate the re-routing of lorries. These include the construction of 4 intervisible passing places, located between 90m and 165m apart. The applicant also proposes to undertake strengthening works along the verges of the road to ensure that a width of 6.5m is provided, where possible. Furthermore, the applicant proposes to undertake improvements to the sharp bend where Lesmahagow Road becomes Strathaven Road. Roads and Transportation Services have confirmed that they are satisfied with the proposed road improvements in relation to the width of the road. Condition 25 is proposed to ensure that all the road improvements put forward by the applicant are implemented prior to any HGV's using the new route.
- 6.29 In terms of traffic speed, the existing 30mph speed limit on Strathaven Road starts at the junction of Wellburn Avenue. However, there are proposals to relocate the start of the 30mph limit to the west of the Wellburn Farm access as a result of the proposed mixed use development at Wellburn Farm. In addition, it is currently envisaged that the junction to the proposed development at Wellburn Farm will consist of a roundabout on Strathaven Road. These measures would be aimed at ensuring vehicles speeds when travelling into Lesmahagow were consistent with the speed limit. However, given the uncertainty in the construction industry at present, conditions 27 and 28 is proposed to ensure that both the speed limit is relocated and that speed calming is installed prior to the applicant using the proposed route.
- 6.30 In terms of the safe movement of pedestrians along Strathaven Road, there is a road verge which is over 1m in width along the length of the road, with the exception of 2

locations where it narrows. These sections are however short, and a verge of over 1m in width is located on the opposite side of the road from these sections. Taking account of this and that the use of the road by quarry traffic would not coincide with the periods when it is most likely to be used by pedestrians the conflict between these two uses will be minimised.

- 6.31 In terms of noise created by vehicles travelling along the proposed route, the applicant has undertaken an assessment from a location on Strathaven Road, near Dillarsview. A baseline survey from this location was undertaken between 11.45am and 14.45pm on Tuesday 9<sup>th</sup> February 2010 and found the  $L_{A90}$  to be 52.4dB(A) and the  $L_{Aeq3H}$  to be 61dB(A). As a result of discussions between Environmental Services and the applicant, it is considered likely that the proposed traffic along Strathaven Road will result in an increase in the noise environment of 4.8dB. As discussed in paragraph 4.6, it is acknowledged that the re-routing of traffic along the proposed route will increase noise at properties on Strathaven Road, Lesmahagow. The noise impact associated with the existing route, through Kirkmuirhill and Blackwood and past Boghead, will however be reduced. Policy MP12 states that the Council will seek to minimise the impact of mineral extraction on local communities. It is considered that taking account of the impact of the vehicle movements currently permitted at the site and the nature of the existing and proposed routes the development would, on balance, result in a material reduction in the extent of the noise impact being experienced in communities in the area.
- 6.32 In terms of vibration created by vehicles travelling along the proposed route, the applicant notes that the road on the approach along Strathaven Road travelling into Lesmahagow is a good quality smooth surface which is unlikely to result in vibration within properties. Both R&T and Environmental Services accept that if the road is maintained to a high standard that vibration is unlikely to cause any complaints. It should be noted that if the application is passed by committee, the decision notice will not be issued until the applicant has entered into an agreement with the Council to contribute towards any extraordinary wear and tear of the public road caused by their operation.
- 6.33 In terms of the impact on air quality created by vehicles travelling along the proposed route, Environmental Services has confirmed, having reviewed the Dust Assessment Chapter of the Environmental Statement that they do not consider this likely to result in a significant impact.
- 6.34 Policy MP13 of the MLP notes that the Council will ensure that all applications for mineral developments demonstrate that these proposals will provide benefits to the local community. Policy MP14 of the MLP encourages mineral operators to contribute to the South Lanarkshire Rural Communities Trust. Policy MIN8 of the PMLDP notes that the Council will encourage operators to contribute to the South Lanarkshire Rural Communities Trust, Quarry Fund or the Council's Renewable Energy Fund or similar mechanism.
- 6.35 The applicant has considered this matter and has confirmed that they are not willing to make a contribution to a Trust Fund. The applicant's position is that the proposal will not have an adverse impact on the environment or communities and that any adverse impact could be satisfactorily controlled through planning conditions. The applicant considers that the proposed alternative access route will improve the amenity of the villages of Boghead, Kirkmuirhill and Blackwood. They have also pointed out that the existing operation at the quarry does not contribute to any funds but that they have contributed to local events etc. in the area.

- 6.36 Furthermore, the applicant notes that they currently pay an environmental tax, the Aggregates Levy, which is currently set at £2 per tonne (this rate is due to be increased to £2.10 in April 2012). The contributions are collected by the UK Government.
- 6.37 Both Policies MP14 and MIN8 states that the Council will '*encourage*' applicants to contribute to a Trust. It is not possible, however, to insist upon or require an operator to enter into such agreement. Nonetheless, it is my intention to request the applicant to continue to consider making contributions to local projects and events on a voluntary basis.
- 6.38 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. Dunduff Quarry is located over 5km from the closest extraction operation (being Broken Cross North Surface Coal Mine CL/04/0670). Broken Cross is located to the south eastern side of Lesmahagow. The operation of Dunduff quarry has been ongoing for a number of years. The only likely change, in terms of its impact on Lesmahagow, is the re-routing of traffic. However, given the location of Broken Cross, and the primary destination of the coal extracted from the site (Ravenstruther Rail Terminal), the proposed re-routing of Dunduff traffic is unlikely to create a cumulative impact in this regard.
- 6.39 A waste management facility was recently granted consent at Dovesdale Farm near Stonehouse (HM/10/0345), located 4.5km to the north of the application site. The application for this facility is currently subject of a Judicial Review. It is proposed that traffic would travel to and from the proposed facility via Canderside Toll (junction 8 of the M74), and that only waste traffic serving the area immediately south of the facility would travel north to the facility, via the B7078. This waste traffic would be utilising the route that is currently used by HGV's travelling to and from Dunduff. The re-routing of HGV's away from this route would therefore reduce the cumulative impact of the quarry and the waste management facility along the short section of the B7078. Consequently, I am therefore satisfied that the proposed development would create a positive impact in this respect.
- 6.40 No other cumulative impacts are considered likely to occur with respect to other minerals or waste management sites within the vicinity of Lesmahagow.
- 6.41 Two developments have recently been consented/completed in the north area of Lesmahagow, namely the Tesco supermarket, accessed via Teiglum Road and the mixed use development, adjacent to Wellburn Farm accessed from Strathaven Road. The applicant has assessed the proposed development in terms of its potential cumulative transportation impact in relation to both developments and the Roads and Transportation Services has confirmed that there are no capacity issues.
- 6.42 Policy MP18 of the MLP requires a Transportation Impact Assessment to accompany all new proposals for mineral development. Policy MP18 sets out a number of issues which require to be addressed within a TIA. A satisfactory TIA was submitted in support of the planning application. The transportation impacts of the proposed development are discussed in relation to Policy MP12 above.
- 6.43 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. 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. Basic details of the proposed restoration have been submitted in support of the planning application. As a result of the nature of the operation, there is limited opportunity to reduce the size and depth of the void. The proposals therefore involve a water body, with tree planting around the edge of the void and the overburden dump. A path network is proposed throughout the site to link in with existing core paths. The restoration proposals for the site, in principle, are considered acceptable. However, a detailed restoration plan is required by condition 7, prior to the initiation of the planning permission.

- 6.44 Policy MP20 of the MLP and Policy MIN4 of the PMLDP seeks the provision of a restoration and aftercare guarantee bond, where appropriate. Given the nature and scale of the proposed development it is considered that a bond is necessary in this case. The applicant has noted that they are a member of the Minerals Products Association (MPA) and as a result are covered by the industry guarantee scheme run by the MPA. The Council's Legal Services has however reviewed the terms of the scheme and the applicant has been advised that the scheme is unacceptable for a number of reasons. It is therefore proposed that this application is passed by Committee on the basis that a financial guarantee bond to cover the restoration and aftercare of the site is provided by the applicant prior to decision notice being issued.
- 6.45 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. A noise assessment has been submitted in support of the planning application, and part of the ES. The assessment considers noise levels generated by a number of potentially loud processes, including soils and overburden operations, concrete block making operations, drilling operations, and road haulage operations. Issues relating to noise from haulage operations are discussed in paragraphs 4.6 and 6.31 above. In relation to noise associated with the quarrying operations, 7 noise sensitive receptors were identified around the site. In the main, noise from operations will be below the 55dbA limit recognized in PAN50. There is one exception to this rule however. During the soil stripping and overburden removal operations, which include overburden mound construction, noise levels at Muirhouse are predicted to reach 56dbA. These will however be temporary in nature. It is nevertheless proposed that Condition 47 is attached to the planning permission, to ensure that any operations which exceed 55dbA do not continue for more than 8 weeks in any 12 month period. Subject to the above, I am satisfied that the proposal is consistent with this policy.
- 6.46 Policy MP33 of the MLP requires a dust assessment to be undertaken for all mineral development which could affect dust sensitive properties. Air Quality is addressed within the ES, which considers the issue of dust and sets out mitigation measures to minimise dust emissions created as a result of the proposed operations. Environmental Services exchanged correspondence with the applicant on this issue and has confirmed that they have no objections to the application on the basis of air quality.
- 6.47 Policy MP34 of the MLP notes the Council will consider the potential impact on tourism and recreation. Three areas of possible concern are highlighted in the policy: (1) main tourist routes (2) areas used for recreational purposes and (3) public rights of way. The proposed development seeks permission to locate the overburden dump over a section of a right of way. This would require a diversion to be put in place around the working area of the quarry. Countryside and Greenspace have been consulted with respect of this application and note that there is some evidence of use of the public right of way and that a diversion order would be required. The applicant

has submitted a plan which sets out their proposed diversion. The diversion would add a further 500m to 700m to the route. Whilst it would appear the right of way is used, it would appear that the route is not used frequently. The applicant has also demonstrated that an alternative route is available. In addition, it is likely that the right of way will not require to be diverted until 10 years after commencing the development, due to the phasing of the operation. It will also be possible to re-instate the right of way once work on the overburden tip is completed. Condition 52 requires a 20m buffer zone to be marked out to the north of the route and that a diversion order is in place and the diverted route marked out to the satisfaction of the Council prior to tipping within the 20m buffer. It is likely that this will be required within the early states of development (the first 5 years).

- 6.48 Policy MP35 of the MLP notes that the Council will not permit the development of any new quarries during the plan period. The proposal at Dunduff is not a new quarry and as such this policy is not relevant.
- 6.49 Policy MP36 of the MLP notes that there will be a presumption against extensions to mineral sites which were granted after the publication of the MLP in September 2002, unless the operator's full intentions for the exploitation of the mineral deposit were set out in the original application. The operation at the site has been ongoing for a number of years, and currently operates under P/LK/01/88/0107P and CL/96/0005, consented in August 1988 and November 1996 respectively. As a result, this policy does not apply as the consent was issued prior to the publication of the MLP. Nevertheless, the applicant has highlighted that the eastern extension reserve has become available as a result of the applicants proposals for the new access road, and the extension of extraction operations to the south of the site has become available as a result of seeking overburden storage capacity.
- 6.50 Policy MP37 of the MLP seeks the use of legal agreements, where appropriate, to control aspects of the development which cannot be adequately controlled through the use of planning conditions. It is proposed to use legal agreements in this case to ensure that certain issues are adequately controlled.
- 6.51 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 is granted, appropriate monitoring procedures would be put in place.
- 6.52 Policy MP39 of the MLP notes that the Council will require a progress plan to be provided annual basis. The applicant has requested that the progress plan can be produced biennially to accord with other obligations contained within the Quarries Regulations 1999. This request is considered acceptable in this case, as a result of the nature of the operations and duration of the planning consent. Condition 3 therefore requires a progress plan to be provided on a biennial basis. The first progress plan is required within two years of initiation of the development.
- 6.53 In light of the above assessment, the proposal accords with the MLP and the PMLDP with the exception of the intentions set out in Policy MP14 and Policy MIN8. However as these policies cannot require a developer to make contributions it is considered that this does not constitute a departure from the plan.
- 6.54 The adopted South Lanarkshire Local Plan 2009 (SLLP) identifies the site as being within the accessible rural area, where policy STRAT4 applies. STRAT4 states that

all development should seek to enhance the environmental quality of the area, and where enhancement is not possible, environmental impacts should be mitigated in line with STRAT9 – Environmental Mitigation and Enhancement Policy. This requires development proposals, anticipated to have a negative impact on the environment, to be supported by appropriate surveys to ensure impact is prevented, reduced and offset and to define enhancement measures. The planning application is supported by an Environmental Statement which assesses the development potential impact on the environment, sets out mitigation and enhancement measures to be undertaken during the operation of the development and positive impacts following restoration of the site.

- 6.55 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 aims of policies STRAT4 and CRE2.
- 6.56 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 paragraphs 6.10 to 6.16, it is considered that the development will not adversely affect any built or natural designated sites.
- 6.57 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. An assessment of the potential impact of the proposed development on protected species is set out in paragraphs 6.10 to 6.16.
- 6.58 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.
- 6.59 Policy TRA2 – Walking, Cycling and Riding Routes notes that the Council will seek to safeguard existing and proposed walking and cycling routes. The impact of the proposed development of a public right of way is discussed in paragraph 6.47 above and the overall impact on the proposed National Cycle Network Route 74 is considered likely to be positive due to the re-routing of traffic, because the new route incorporates a shorter distance (circa 1,465m) of the cycle route than the existing route (circa 2,000m).
- 6.60 Finally, the SLLP contains a general development management policy, DM1 (Development Management) which requires all development to take fully into account the local context and built form. From the above assessment it is clear that the proposal will not unduly impact upon any residential properties or settlements and that the other environmental impacts of the proposal can be satisfactorily mitigated. Therefore, it is considered that the proposal is consistent with policy.
- 6.61 In light of the above, it is considered that the proposal is consistent with the policy aims of the adopted South Lanarkshire Local Plan 2009. I am also satisfied that the

proposed development is also in accordance with national policy set out within SPP and other national policy guidance.

- 6.62 The application will enable the continued working of a quarry which has been operational for a substantial period of time, and will also secure a further 8.3million tonnes of hard rock reserve. The changes to the way in which the quarry operates will result in the re-routing of significant number of HGV's from travelling through Kirkmuirhill and Blackwood, but will also result in these lorries travelling through the northern section of Lesmahagow. Nevertheless, the number of properties which directly overlook the proposed route is substantially lower than those which currently overlook the existing route.
- 6.63 Whilst the applicant has refused to contribute to the South Lanarkshire Rural Communities Trust Fund or similar fund, it is considered that given the current economic climate, the local employment to be sustained by the proposed development, the ability for the quarry to operate without causing adverse environmental impact to the site and the immediately surrounding area and the significant reduction of impact to Kirkmuirhill and Blackwood as a result of the new route, the proposed development is acceptable.
- 6.64 It is therefore recommended that planning permission be granted 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 national planning policy and advice, the adopted South Lanarkshire Minerals Local Plan 2002, the adopted South Lanarkshire Local Plan 2009 and the Proposed Minerals Local Development Plan. Through the imposition and effective monitoring of appropriate planning conditions and agreements, it is considered that the proposal will have no significant adverse impact on the environment or the amenity of the surrounding area.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**24 October 2011**

### **Previous References**

- ◆ P/LK/01/88/0107P
- ◆ CL/96/0005

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Environmental Statement, including;
  - Dunduff Quarry, Lesmahagow - Planning Application and Environmental Statement (Volumes 1) dated October 2010
  - Dunduff Quarry, Lesmahagow - Appendices and Planning Application Drawings (Volume 2) dated October 2010
  - Dunduff Quarry, Lesmahagow - Non-Technical Summary (Volume 3) dated October 2010
- ▶ Letters dated

- 1 November 2010 from Johnson Poole and Bloomer
- 25 January 2011 from Johnson Poole and Bloomer
- 18 February 2011 from Johnson Poole and Bloomer
- 3 March 2011 from Dougall Baillie Associates
- 24 March 2011 from Johnson Poole and Bloomer
- 18 May 2011 from Patersons of Greenoakhill
- 20 May 2011 from Johnson Poole and Bloomer
- 2 June 2011 from Johnson Poole and Bloomer

▶ Consultations

West of Scotland Archaeology Service	22/10/2010
Scottish Wildlife Trust	28/10/2010
West of Scotland Archaeology Service	28/10/2010
Transport Scotland	29/10/2010
Scottish Water	29/10/2010
Transport Scotland	08/11/2010
Scottish Government	23/12/2010
S.E.P.A. (West Region)	25/11/2010
Environmental Services	01/02/2011 & Various
Historic Scotland	22/11/2010
Forestry Commission (Central Scotland Conservancy)	10/11/2010 22/09/2011
Roads and Transportation Services (Clydesdale Area & Traffic and Transportation)	01/09/2011
Lesmahagow Community Council	10/10/2011
Scottish Natural Heritage	26/11/2010 18/02/2011
Roads and Transportation (Flooding)	18/10/2010

▶ Representations

▶ List of Objectors

**Contact for Further Information**

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

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## CONDITIONS

- 1 This decision relates to the development described and assessed within the following documents;
  - \* Dunduff Quarry, Lesmahagow - Planning Application and Environmental Statement (Volumes 1) dated October 2010
  - \* Dunduff Quarry, Lesmahagow - Appendices and Planning Application Drawings (Volume 2) dated October 2010
  - \* Dunduff Quarry, Lesmahagow - Non-Technical Summary (Volume 3) dated October 2010

All mitigation measures and recommendations set out within the documents listed above shall be fully implemented, unless otherwise agreed in writing with the Council.

- 2 That, except as may otherwise be agreed in writing by the Planning Authority, the development hereby approved shall be implemented in accordance with drawing numbers;
  - \* JG404/PA/F/01 - Site Location Plan
  - \* JG404/PA/F/04 - Existing Topography
  - \* JG404/PA/F/05 - Phase 1 Design
  - \* JG404/PA/F/06 - Phase 2 Design
  - \* JG404/PA/F/07 - Phase 3 Design
  - \* JG404/PA/F/08 - Phase 4 Design
  - \* JG404/PA/F/09 - Phase 5 Design
  - \* JG404/PA/F/12 - Cross Sections A to E
  - \* JG404/PA/F/13 - Cross Sections F to I
  - \* JG404/PA/F/16 - Proposed Traffic Routing Plan
  - \* JG404/PA/F/20 - Existing Topography
  - \* JG404/PA/F/21 - Phase 5 Design
  - \* GK DQ 5 - Outline Final Restoration Proposals
  - \* KG168/L/F/01 REVA - Phase 1 Design
  - \* KG168/L/F/02 - Indicative Phased Tree Planting Plan
  - \* 09060/SK/06 - Lesmahagow Road Passing Place Scheme
  - \* 09060/SK/07 - Visibility at Site Access
  - \* 09060/SK/08 - Site Access Visibility

- 3 That within two years of the date of commencement (and on that date biennially thereafter), the operator shall submit to the Council as Planning Authority, a biennial progress plan detailing:
  - \* The extent of extraction operations and overburden placement undertaken that over the two year period;
  - \* Areas prepared for extraction;
  - \* The extent of restoration operations carried out;
  - \* The extent of landscaping, planting and nature conservation works that have been implemented;
  - \* Recent topographical site survey;
  - \* Current and anticipated production figures;
  - \* Remaining reserves;
  - \* Compliance with statutory permissions;
  - \* Site complaint logs and actions taken.

- 4 That all extraction operations on the site shall be discontinued not later than 37 years from the date of commencement and that, within a period of 2 years from this discontinuance date, the entire site shall be restored in accordance with the approved restoration scheme (as required by condition 7) to the satisfaction of the Council as Planning Authority.
- 5 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 the approved plans until such time as an amended application may be approved by the Council as Planning Authority.
- 6 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.
- 7 That no details of the restoration scheme are hereby approved. Prior to commencement of development hereby approved, a detailed restoration, habitat management and aftercare scheme for the entire site shall be submitted and approved in writing by Council as Planning Authority. For avoidance of doubt, the restoration plan shall include details of phased restoration and aftercare, including phased planting and seeding proposals. The restoration, habitat management and aftercare of the site shall thereafter be carried out to the satisfaction of the Council as Planning Authority in accordance with the approved scheme and timescale, unless otherwise subsequently approved in writing by the Council.
- 8 That prior to the commencement of development, the following details shall be provided:
  1. Details of a site notice board (of durable material and finish), to be installed at the site entrance detailing the hours the site is open and giving the name, address and telephone number of the operator.
  2. Detailed plans of the site offices, car park, weigh bridge and wheel wash areas, including elevations of any buildings or structures within these areas.
  3. Detailed layout of the concrete block making facility.
- 9 That prior to the commencement of development hereby approved, the Council's Sustainable Drainage Design Certificates shall be completed and returned to the Council's Roads and Transportation Flood Prevention Unit, to their satisfaction.
- 10 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.

- 11 With the exception of water management, 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.

Quarry Production and Concrete Block Making

06.00hrs to 19.00hrs (Monday to Thursday)

06.00hrs to 16.00hrs (Friday)

06.00hrs to 12.00hrs (noon) (Saturday)

Plant Maintenance

06.00hrs to 16.00hrs (Saturday)

Road Haulage

07.00hrs to 19.00hrs (Monday to Friday)

07.00hrs to 16.00hrs (Saturday)

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

- 12 That no blasting shall take place on site outwith the hours of 10.00 hours to 12.00 hours and 14.00 to 16 hours, Monday to Friday, unless otherwise agreed with the Council.
- 13 That the operator shall, at all times, adopt good blasting practice and so far as is reasonably practicable and shall not carry out blasting operations in adverse weather conditions.
- 14 That the operator shall ensure that sufficient water is maintained at all times on site, to address the requirements for dust suppression.
- 15 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 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.
- 16 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 site operations shall temporarily cease until such time as the weather conditions improve.
- 17 That any stripping, stacking and replacement of topsoil shall be carried out when conditions are dry enough to avoid unnecessary compaction of the soils at any stage. The applicant shall give at least 7 days notice to the Council as Planning Authority prior to the commencement of any period of soil movements and the Council as Planning Authority reserves the right to suspend operations during adverse weather conditions or to impose such conditions as it sees fit for the safekeeping of the topsoil.
- 18 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 Council as Planning Authority.

- 19 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.
- 20 That no soil shall be removed from the site.
- 21 That no development hereby approved shall take place within the application site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved in writing by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority, in consultation with the West of Scotland Archaeological Service.
- 22 That prior to the commencement of the development hereby approved, details of the new priority junction access to be constructed on Strathaven Road shall be submitted to and approved by the Council as Planning and Roads Authority. The new junction shall thereafter be implemented in accordance with the approved plans. For avoidance of doubt, these details should include a 7.3metre wide internal road to meet the existing road at right angles with an approach radius of 15metres. The public road is to be widened along the available site frontage to provide a 7.3metre wide carriageway. The junction should be designed to ensure no HGV's can turn left. The details shall also include any proposed signage at the junction and the replanting of the hedgerow to be affected by the junction.
- 23 A visibility splay of 2.5 metres x 160 metres in either direction shall be provided at the new priority junction, referred to in Condition 22. The visibility splay shall thereafter be maintained and no obstacles including fencing, vegetation, shrubs, trees, etc. above the height of 1.05m are to be located within the sightlines.
- 24 That any gates securing the new access on Lesmahagow Road shall be set back at least 15 metres from the channel of the public road to prevent the need for vehicles waiting on the public road while the gates are opened. Any access gates shall be hung open inwards only and positioned to facilitate the largest vehicle entering the site.
- 25 That prior to the exportation of minerals or concrete blocks via the proposed access on Lesmahagow Road, road verge strengthening shall be undertaken and passing places shall be provided along Strathaven Road, in accordance with drawings 09060/SK/07 and 09060/SK/06, to the satisfaction of the Council as Planning and Roads Authority.
- 26 That the design and layout of all new infrastructure and improvements shall be designed in accordance with the "Design Manual for Roads and Bridges" and the Council's "Guidelines for Development Roads", to the satisfaction of the Council as Roads Authority.
- 27 That prior to the exportation of minerals or concrete blocks via the proposed access on Lesmahagow Road, details of the re-location of the existing 30mph

speed limit including the existing vehicle activated sign on Strathaven Road shall both be submitted for approval to the Council as Planning and Roads Authority and funded/implemented by the developer.

- 28 That prior to the usage of the access on Lesmahagow Road, details of a new gateway feature and speed reduction measures on Lesmahagow Road shall both be submitted and approved by the Council as Roads Authority and funded/implemented by the applicant.
- 29 That prior to the exportation of minerals or concrete blocks via the proposed access on Lesmahagow Road details of the curve widening at the bend where Lesmahagow Road becomes Strathaven Road based on an autotrack swept path analysis and including high friction surfacing, replacement verge marker posts, chevron and warning signs shall be both submitted and approved by the Council and implemented in full.
- 30 That prior to the usage of the access on Lesmahagow Road, details of pedestrian signage and road markings on Strathaven Road shall both be submitted to and approved by the Council and implemented in full.
- 31 Prior to the commencement of development, details of the Traffic Management Code of Conduct and the on site waiting area to discourage haulage vehicles from parking on the verges of the C9 shall be submitted for approval to the Council as Roads Authority. For avoidance of doubt, no vehicles are permitted to rank on Lesmahagow Road.
- 32 That prior to the usage of the access on Lesmahagow Road, a high powered wheel wash shall be installed and maintained for the duration of the operations hereby approved at a location approved in writing by the Council. In addition, a wheel wash shall be maintained for the duration of the operations at or adjacent to the existing access road which joins the B7086. Thereafter, all mineral carrying vehicles shall use the wheel washes prior to entering onto the public road.
- 33 Prior to the commencement of development, details of a drainage system capable of preventing any water from flowing onto the public/access road or into the site from surrounding land shall be submitted to and approved in writing by the Council. Thereafter, the drainage system shall be installed and maintained by the applicant to the satisfaction of the Council. The details should include a system to accommodate and protect the existing surface water drainage and field drainage tie-ins currently located within the verge area to the east of the proposed access.
- 34 The access roads to and from the site shall be maintained in such a condition as to prevent ruts, potholes and ponding of water and shall be kept clear of mud and dirt at all times, the satisfaction of the Council as Planning Authority.
- 35 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, to the satisfaction of the Council and Planning Authority.
- 36 That all laden lorries leaving the site shall be sheeted before entering the public road.
- 37 That all HGV traffic travelling to and from the site shall be routed in accordance with the drawing JG404/PA/F/16 - Proposed Traffic Routing Plan, unless otherwise

agreed with the Council as Planning and Roads Authority.

- 38 That the number of heavy goods vehicles leaving the new junction onto Lesmahagow Road shall not exceed 13 per hour unless otherwise approved in writing by the Council.
- 39 That a buffer of at least 20m between the overburden mound hereby approved and the Birkwood Burn shall be provided and maintained for the duration of operations on site, to the satisfaction of the Council.
- 40 A bat activity survey shall be undertaken by a suitably qualified person, over a survey period to be approved by the Planning Authority, to establish the bat use of the site for foraging and commuting. The findings of this survey shall be submitted to and approved in writing by the Council, in consultation with Scottish Natural Heritage, prior to the commencement of the development hereby approved. Mitigations measures considered necessary following the bat activity survey shall be clearly set out and thereafter shall be carried out to the satisfaction of the Council as Planning Authority.
- 41 That not more than 6 months prior to the commencement of development hereby approved, updated ecological surveys shall be carried out to the satisfaction of the Council as Planning Authority, in consultation with Scottish Natural Heritage and thereafter submitted to the Planning Authority for their written approval. The surveys will investigate the presence on site of the following:
- otters
  - water voles
  - badgers
  - bats
  - peregrine falcons
  - barn owls
- and shall set out appropriate mitigation measures and an implementation programme, which shall be carried out to the satisfaction of the Planning Authority.
- 42 The removal of any trees and the cutting of rough grasslands 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 Planning Authority.
- 43 That prior to the commencement of development hereby approved, a surface water management plan shall be submitted to and approved by the Council, in consultation with the Scottish Environment Protection Agency. Thereafter, the measures set out in the surface water management plans shall be implemented to the satisfaction of the Council.
- 44 That prior to the commencement of any works hereby approved, the developer shall submit and received written approval from the Planning Authority, a detailed scheme of dust monitoring and mitigation and thereafter shall abide by the terms of the approved programme unless otherwise agreed in writing with the Planning Authority.

The scheme shall advise on:

- Location of dust monitoring equipment
- Monitoring frequency
- Details of equipment to be used and experience of monitoring staff
- A programme of implementation
- The frequency of reporting the dust monitoring results to the Planning Authority

Thereafter the operator shall provide the results of the noise monitoring to the Planning Authority within the agreed timescales.

- 45 That prior to the commencement of any works hereby approved, the developer shall submit and received written approval from the Planning Authority, a detailed scheme of noise monitoring and mitigation and thereafter shall abide by the terms of the approved programme unless otherwise agreed in writing with the Planning Authority.

The scheme shall advise on:

- Location of noise monitoring equipment
- Monitoring frequency
- Details of equipment to be used and experience of monitoring staff
- A programme of implementation
- The frequency of reporting the noise monitoring results to the Planning Authority

Thereafter the operator shall provide the results of the noise monitoring to the Planning Authority within the agreed timescales.

- 46 That prior to the commencement of any works hereby approved, the developer shall submit and received written approval from the Planning Authority, a scheme for vibration and air overpressure monitoring and mitigation and thereafter shall abide by the terms of the approved programme unless otherwise agreed in writing with the Planning Authority.

The scheme shall advise on:

- Location of monitoring equipment
- Monitoring frequency
- Details of equipment to be used and experience of monitoring staff
- A programme of implementation
- The frequency of reporting the vibration and air overpressure monitoring results to the Planning Authority

Thereafter the operator shall provide the results of the vibration and air overpressure monitoring to the Planning Authority within the agreed timescales.

- 47 That with respect to the control of noise resulting from the operations at this site the developer shall comply with the following:
- (a) that during the hours of operation, as set out in Condition 11, the nominal noise limit attributable to 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;
  - (b) Notwithstanding part (a) above, between 19.00hrs and 08.00hrs the nominal noise limit attributable to site operations at the noise sensitive properties in the vicinity of the site shall not exceed 42 dB(A) LAeq, over any one hour period;
  - (c) Notwithstanding part (a) above, for not more than 4 weeks in any 12 month period, the nominal noise limit from temporary site operations shall not exceed 70dB(A) LAeq, over any one hour period at all noise sensitive properties within vicinity of the development.

- 48 That ground vibration, as a result of blasting operations, shall not exceed a peak particle velocity of 6mms<sup>-1</sup> in 95% of all blasts measured over a period of three months and no individual blast shall exceed a peak particle velocity of 12mms<sup>-1</sup> as measured at any residential premises in the vicinity of the site.
- 49 That prior to the commencement of development hereby approved, details of new nesting sites for peregrine within the quarry shall be submitted to and approved by the Council, in consultation with Royal Society for the Protection of Birds and Scottish Natural Heritage. Thereafter, the approved nesting sites shall be created within timescales approved by the Council.
- 50 That prior to the commencement of development hereby approved a plan for the protection and enhancement of the peatland habitat in the south west of the application site shall be submitted to and approved in writing by the Council. Thereafter, the approved plan shall be implemented in full, to the satisfaction of the Council.
- 51 That a restoration and aftercare financial guarantee bond, granted by a UK clearing bank or other financial institution acceptable to the Council, the value and terms of which are considered acceptable by the Council, shall be in place prior to the commencement of development hereby approved and shall remain in place for the duration of quarrying and restoration operations on site and thereafter for a 5 year aftercare period, unless otherwise agreed in writing by the Council, all to the satisfaction of the Council.
- 52 Prior to the commencement of development, a 20m buffer to the north and south of the right of way shall be pegged out, to the satisfaction of the Planning Authority, and no works shall take place within that buffer until a diversion order has been granted and the path has been diverted. The right of way which passes through the site shall remain open and unimpeded during site operations; unless a diversion order is granted for the diversion of the right of way.
- The right of way shall thereafter be re-instated as soon as practicable, to a standard deemed acceptable by the Council.
- 53 That on the commencement of development hereby approved, all operations shall be undertaken in accordance with this consent, and the conditions imposed on this permission shall supersede and replace those imposed on the permissions P/LK/01/88/0107P and CL/96/0005.
- 54 That prior to the usage of the access on Lesmahagow Road, the access road shall be hard surfaced for the first 100m from the channel of Lesmahagow Road with tarmac or other material deemed acceptable by the Council, to the satisfaction of the Council.

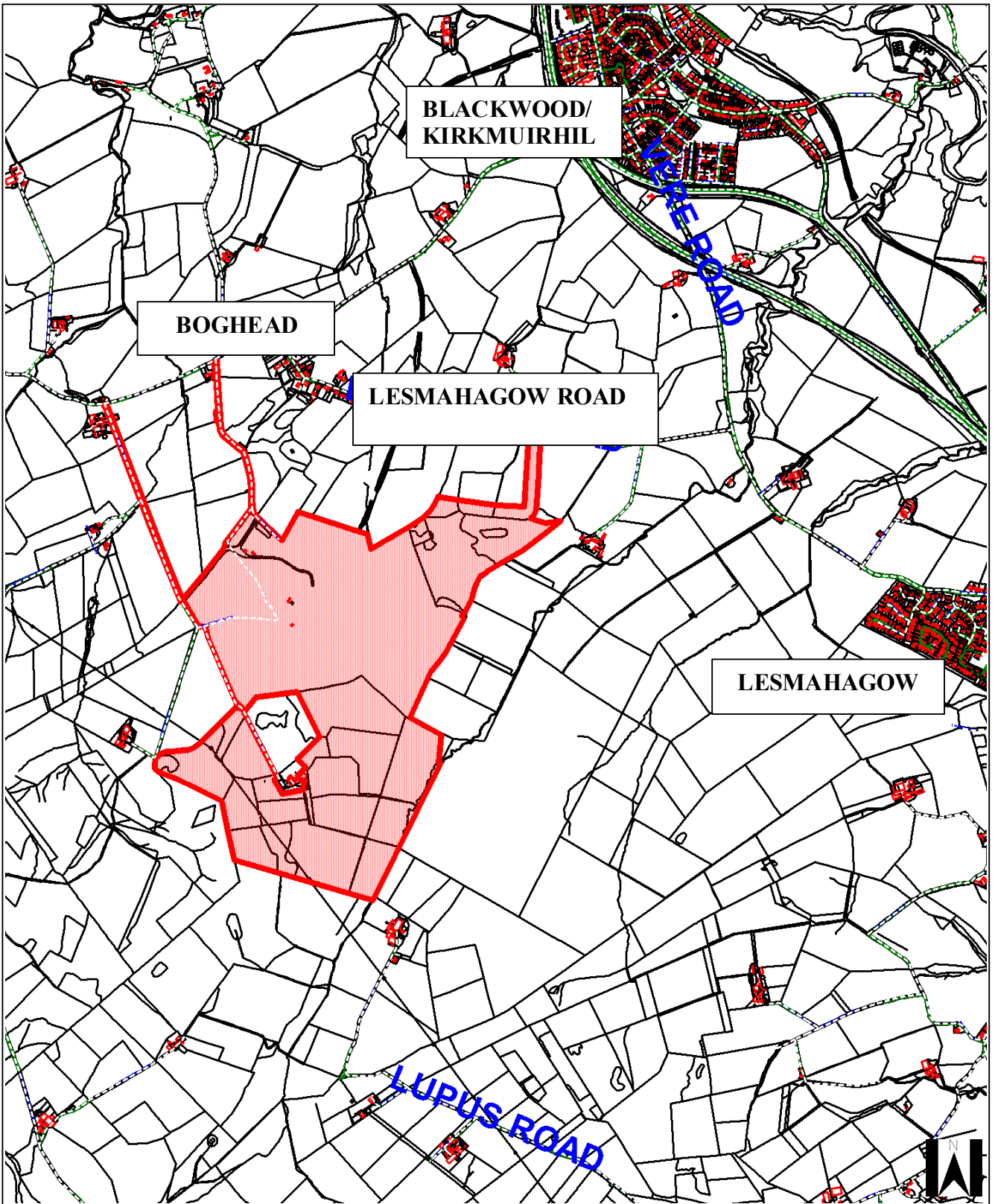
## **REASONS**

- 1 For the avoidance of doubt and to specify the documents upon which the decision was made.
- 2 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 3 To assist in the ongoing monitoring of the site.
- 4 In order to retain effective planning control.
- 5 In the interests of amenity and to retain effective planning control.



- 6 To ensure that the site operator and visiting officials are aware of the approved details.
- 7 To ensure that sufficient detail of the proposed restoration of the site is provided and to ensure that progressive restoration can be monitored.
- 8 To retain effective planning control.
- 9 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 10 To minimise the risk of pollution.
- 11 In the interests of amenity and in order to retain effective planning control.
- 12 To protect the amenity of the surrounding area.
- 13 To protect the amenity of the surrounding area.
- 14 To minimise any nuisance and to protect the amenities of neighbouring properties.
- 15 In the interests of amenity and in order to retain effective planning control.
- 16 To minimise any nuisance and to protect the amenities of neighbouring properties.
- 17 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 18 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 19 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 20 To ensure sufficient soils remain on site to satisfactorily restore the site.
- 21 In the interests of amenity and in order to retain effective planning control.
- 22 These details have not been submitted and require to be approved to minimise road safety implications.
- 23 To ensure the provision and maintenance of adequate visibility at the access of the site
- 24 In the interest of road safety
- 25 To ensure road improvements put forward within the planning application are undertaken.
- 26 In the interest of road safety
- 27 In the interest of public safety
- 28 In the interest of road safety
- 29 In the interest of road safety
- 30 In the interest of public safety
- 31 In the interest of road safety and amenity.
- 32 In the interests of public safety and to prevent deleterious material being carried onto the highway.
- 33 In the interests of public safety and to prevent deleterious material and water being carried onto the highway.
- 34 In the interests of public safety and to prevent deleterious material being carried onto the highway.
- 35 In the interest of road safety
- 36 In the interests of public safety and to prevent deleterious material being carried onto the highway.
- 37 In the interests of amenity and in order to retain effective planning control.
- 38 In the interests of amenity and in order to retain effective planning control.
- 39 To safeguard the interests of protected species.
- 40 To safeguard the interests of protected species.
- 41 In the interests of protected species.
- 42 To ensure that the Planning Authority retains effective control of the development.

- 43 In the interests of amenity and in order to retain effective planning control.
- 44 These details were not submitted at the time of the application and are required.
- 45 These details were not submitted at the time of the application and are required.
- 46 These details were not submitted at the time of the application and are required.
- 47 In the interests of amenity.
- 48 In the interests of amenity.
- 49 To safeguard and enhance nesting potential for protected species.
- 50 To retain effective planning control.
- 51 To ensure that provision is made for the restoration and aftercare of the site.
- 52 To ensure that the public right of way is protected and alternative route is approved.
- 53 To retain effective planning control.
- 54 In the interest of road safety.



For information only

For information only