

Report to: **Planning Committee**
 Date of Meeting: **5 April 2011**
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/09/0329
 Planning Proposal: Extension to sand and gravel quarry.

1 1 Summary Application Information

- Application Type : Mineral Application
- Applicant : Tarmac Limited
- Location : Newbigging Quarry
Newbigging
Carnwath

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions – based on conditions listed)

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

In addition, if the Committee is minded to grant permission, the decision notice should not be issued until the following is concluded:

1. A Section 75 Agreement securing:
 - Contributions to the South Lanarkshire Aggregate Quarries Fund
 - A restoration and aftercare bond to cover the quarry
2. A Section 96 agreement to cover extraordinary wear and tear on the public road network,

The applicant will be responsible for meeting South Lanarkshire Council's reasonably incurred fees in respect of the Section 75 and other related agreements.

2 3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Minerals Local Plan (adopted 2002)**
MP1 - General Protection of the Environment
MP4 - Protection of Areas with Local

Environmental Designations. (Category 3 Areas)

MP5 - Visual Intrusion and Landscape Impact
MP7 - Watercourses, Surface and Groundwater
MP9 - Archaeological Sites
MP11 - Buffer Zones
MP12 - Impact on Communities
MP13 - Benefits from Mineral Workings
MP14 - Contributions
MP15 - Concentration of Mineral Operations
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
MP37 - Legal Agreements
MP38 - Monitoring of Mineral Workings
MP39 - Annual Progress Plan

Proposed Minerals Local Development Plan

Policy MIN1 – Spatial Framework
Policy MIN2 – Environmental Protection Hierarchy
Policy MIN4 – Restoration
Policy MIN5 – Water Environment
Policy MIN7 – Controlling Impacts from Extraction Sites
Policy MIN8 – Community Benefit
Policy MIN11 – Supporting Information
Policy MIN12 – Transport
Policy MIN 13 – Legal Agreements
Policy MIN15 – Site Monitoring and Enforcement

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 29 - Regional Scenic Area and Areas of Great Landscape Value Policy
ENV 34 - Development in the Countryside Policy
DM 1 - Development Management Policy

◆ Representation(s):

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

◆ Consultation(s):

Public Protection - Environmental Health (Clydesdale)

West of Scotland Archaeology Service

Roads and Transportation Services (Clydesdale Area)

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

Historic Scotland

Scottish Natural Heritage

Planning Application Report

1 Application Site

- 1.1 The application covers two distinct areas (Areas A & B on the application plans) located on either side of a private access track used for the ongoing sand and gravel extraction operation at Newbigging sand and gravel quarry. The application sites are immediately adjacent to each other. Area A covers an area of 2.73 ha and Area B covers 2.69 ha, giving a cumulative area of 5.47 hectares.
- 1.2 The area immediately to the south-west of the application sites is currently subject to a sand and gravel extraction operation, working under planning reference CL/97/0252. The area to the north east has previously been subject to sand and gravel extraction and is presently used as a water treatment and sediment settlement area. The South Medwin River flows north-east to south-west and is approximately 75m to the south of application area B.
- 1.3 The area surrounding the existing sand and gravel quarry is primarily agricultural in nature. Walston is located approximately 1.4km east of the application sites, Newbigging is located approximately 2.3km west of the application sites and Elsrickle approximately 2.9km to the south. Walston Mill, the closest residential property is located 750 m to the south of the sites.

2 Proposal(s)

- 2.1 This planning application is for the extraction of sand and gravel from above and below the water table. The applicant proposes to extract some 200,000 tonnes of sand and gravel from the two sites over a period of 15 years.
- 2.2 The working of the sites would be undertaken as a continuation of the current operations being carried out under the terms of planning permission CL/97/0252. Material extracted from the sites would be transported directly to the existing processing plant, located 1km to the south west of the application site, where it would be processed prior to dispatch to market. Planning permission CL/97/0252 permits the sand and gravel operation within its existing consented areas until September 2032. This includes the retention of the processing plant.

3 Background

- 3.1 Scottish Planning Policy (SPP) notes that an adequate and steady supply of minerals is necessary to support sustainable economic growth. It states that operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with proposals for appropriate control, mitigation and monitoring.
- 3.2 SPP states that when assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration, and potential pollution of land, air and water.
- 3.3 PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings) with Annex A (Noise), B (Dust), C (Traffic) and D (Blasting) provides advice on these issues and how they should be addressed when assessing mineral applications.
- 3.4 PAN 64 (Reclamation of Surface Mineral Workings) provides planning advice on ensuring that satisfactory reclamation procedures are in place before, during and after extraction to bring land back to an acceptable condition.

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

Development Plan Status

3.6 The adopted South Lanarkshire Minerals Local Plan 2002 (MLP) contains the following policies against which the proposal should be assessed:

- Minerals Policy 1 (MP1) “General Protection of the Environment”.
- Minerals Policy 4 (MP4) “Protection of Areas with Local Environmental Designations (Category 3 Areas)”
- Minerals Policy 5 (MP5) “Visual Intrusion and Landscape Impact”.
- Minerals Policy 7 (MP7) “Watercourses, Surface and Groundwater”.
- Minerals Policy 9 (MP9) “Archaeological Sites”.
- Minerals Policy 11 (MP11) “Buffer Zone”.
- Minerals Policy 12 (MP12) “Impact on Communities”.
- Minerals Policy 13 (MP13) “Benefits from Mineral Workings”.
- Minerals Policy 14 (MP14) “Contributions”.
- Minerals Policy 15 (MP15) “Concentration of Mineral Operations”.
- Minerals Policy 18 (MP18) “Transportation of Minerals”.
- Minerals Policy 19 (MP19) “Restoration and After-care Provision”.
- Minerals Policy 20 (MP20) “Restoration Guarantee Bonds”.
- Minerals Policy 21 (MP21) “Suitability of After-use Schemes”.
- Minerals Policy 32 (MP32) “Noise Surveys and Limits”.
- Minerals Policy 37 (MP37) “Legal Agreements”.
- Minerals Policy 38 (MP38) “Monitoring of Mineral Workings”.
- Minerals Policy 39 (MP39) “Annual Progress Plan”.

3.7 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 ENV29: Regional Scenic Area and Areas of Great landscape Value
- Policy ENV34: Development in the Countryside
- Policy DM1: Development Management

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

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

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

Planning Background

- 3.9 The original planning permission for the sand and gravel extraction at Newbigging was granted consent in June 1979 (P/LK/79/50). The method of working the quarry was amended through planning permission P/LK/79/608, an extension to the quarry was granted in May 2002 (CL/97/0252) and an application to extend the operating hours was approved in July 2005.

4 Consultation(s)

- 4.1 **Roads and Transportation:** note that access to the site is taken from the A721 via Newbigging Mill Road. Newbigging Mill Road is in a generally poor condition and is not currently covered by a Section 96 agreement to recover money towards maintenance. The Roads and Transportation Service requested that the 471m stretch of Newbigging Mill Road, from the access into the applicant's site to the A721, be covered by a Section 96 agreement to cover maintenance of Newbigging Mill Road.

Response: Noted. The applicant has agreed to enter into a Section 96 agreement to ensure contributions are made towards the maintenance of Newbigging Mill Road.

- 4.2 **Scottish Environment Protection Agency (SEPA):** raise no objection to the proposed development, subject to the imposition of conditions relating to the provision of a Surface Water Management Plan, Site Waste Management Plan and a Restoration Plan.

Response: Noted. Conditions 7, 13 & 14 are proposed to be attached to the consent to control these matters. A restoration plan has been submitted for both the proposed extraction areas and the areas currently subject to sand and gravel extraction.

- 4.3 **Scottish Natural Heritage:** raise no objections to the proposed development. SNH requested a number of surveys be carried out prior to the determination of the application. These included surveys for otter, great crested newts and badgers. Surveys have since been undertaken by the applicant and SNH have confirmed that they are satisfied with the findings, subject to repeat surveys prior to commencement of operations. SNH also request details of the proposed restoration of the site be submitted prior to completion of extraction operations.

Response: Noted. Conditions 15 & 16 are proposed to be attached to the consent to control these matters.

- 4.4 **West of Scotland Archaeology Service:** WOSAS note the proposed development falls within an area of archaeological sensitivity and the proposed development appears to involve the disturbance of a relatively large area of undisturbed Greenfield area. Whilst there are no archaeological sites identified within the extension areas, there has recently been finds within the immediate surrounding area. As a result, WOSAS recommend that an archaeological evaluation is undertaken, which should include trial trenching, targeted at areas of likely archaeological potential.

Response: Noted. Condition 17 is proposed to be attached to the consent to control these matters.

- 4.5 **Historic Scotland:** Historic Scotland made no comments in relation to the application.

Response: Noted.

- 4.6 **Environmental Services:** raise no objection to the proposed development and request conditions relating to noise are applied to the consent, if approved.

Response: Noted. Conditions 11, 12, 18, 19 & 20 are proposed to be attached to the consent to control these matters.

5 Representation(s)

5.1 The application was advertised in accordance with Article 12(5) (Application Requiring Advertisement due to Scale or Nature of Operations) and neighbour notification was undertaken. One letter of representation was made in relation to the planning application. The points raised within the letter are summarised below;

- (a) **The plans previously put forward involved quarrying of 22 acres. The quarry now occupies twice that area. This therefore has landscape and visual impacts on the Medwyn Valley.**

Response: Noted. A restoration plan has been submitted in support of the planning application, which includes both the application sites and the areas currently subject to sand and gravel extraction. The restoration plan involves area being restored back to agricultural land, water bodies and grasslands. In terms of landscape and visual impact, the development sites are not located in a prominent location, are relatively small scale extraction areas and will be viewed in the context of the existing sand and gravel operation.

- (b) **Permission for this application should only be granted if a reinstatement programme is provided.**

Response: Noted. The existing consent already requires restoration of the areas currently being worked. In addition, a restoration plan has been submitted in support of this planning application. Condition 6 requires restoration of the site to commence within 12 months of completion of extraction of sand and gravel and condition 7 requires restoration to commence within 15 years from the date of commencement, whichever is sooner.

6 Assessment and Conclusions

6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the adopted South Lanarkshire Minerals Local Plan 2002 and the adopted South Lanarkshire Local Plan 2009. The Proposed Minerals Local Development Plan is also a material planning consideration.

6.2 In assessing any application for mineral extraction it is necessary, in the first instance, to evaluate the proposals against the most up to date policies and criteria contained in national planning policy and the development plan. There is specific national planning policy guidance for mineral workings contained within SPP, PAN 50 (together with its various annexes), and PAN 64, which is discussed in Section 3 above.

6.3 From the information received in respect of these matters it is considered that the proposed works will not cause any significant environmental issues that cannot be addressed through the imposition of appropriate planning conditions and through a Section 75 Agreement. In this respect the proposal does not conflict with the provisions of SPP and national planning guidance.

6.4 At a local level the application falls to be considered against the policy aims of South Lanarkshire Minerals Local Plan (MLP) and the adopted South Lanarkshire Local Plan (SLLP). These documents provide a range of policies against which mineral applications should be assessed. The Proposed Minerals Local Development Plan (PMLDP) is also a material planning consideration when determining this application. The issues raised by the individual policies of the Minerals Local Plan and the Proposed Minerals Local Development Plan are discussed below:

- 6.5 Policy MP1 of the MLP seeks to minimise the impact on the environment and communities whilst ensuring that sufficient supplies of minerals are available to meet society's needs. Policy MIN1 of the PMLDP notes that the Council will balance the economic benefit from mineral development against the potential impacts on the environment and local communities. It is considered that through the imposition and effective monitoring of appropriate conditions safeguarding the environment and amenity of surrounding communities that the proposal will comply with this policy.
- 6.6 Policy MP4 of the MLP notes that the Council will prohibit mineral development which will cause significant adverse impact on local environmental designations, including Regional Scenic Areas. Policies ENV4 and ENV 29 of the SLLP compliments this policy. *'South Lanarkshire: Validating Local Landscape Designations'* reviewed the boundaries of Regional Scenic Area (RSAs) and Areas of Great Landscape Value (AGLV) and renamed them Special Landscape Areas (SLAs). Policy MIN2 of the PMLDP identifies SLA's as Category 3 designations and notes that development which will significantly adversely affect Category 3 sites will only be permitted where the development meets a number of tests. The application sites are located within an area identified within the SLLP and the MLP as being within an RSA and the sites remain protected through the new SLA protection through the PMLDP. Nonetheless, the proposals are small scale extraction, located immediately adjacent to a well established sand and gravel operation. The extraction within the two areas will not create a significant impact on the SLA, and I am satisfied that the proposals are consistent with these policies.
- 6.7 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). The extension areas proposed within the planning application are relatively small in nature and would be viewed in relation to the existing sand and gravel operations. Furthermore, the sites are not located within prominent locations. It is therefore considered that the proposed development is unlikely to create a significant adverse landscape and visual impact to the local area.
- 6.8 Policy MP7 of the MLP sets a presumption against proposals which have a detrimental impact on watercourses, surface or groundwater. Policy MIN5 of the PMLDP notes that development proposals which will have a significant adverse impact on the water environment will not be permitted. The closest water course to the planning application sites is the South Medwyn Rover located 75m to the south. SEPA were consulted and raised no objections to the development. I am satisfied that the proposed development will not create an adverse impact on the nearby water course, or on surface or ground water. Condition 13 requires a surface water management plan to be submitted.
- 6.9 Policy MP9 of the MLP seeks to safeguard potential archaeological reserves. The application site is located within an area of archaeological sensitivity, due to the density of sites and the prehistoric and medieval finds made in the surrounding landscape. WOSAS confirm that there are no recorded archeological sites in the areas of development, however there may be unknown features which have not been identified. WOSAS recommend that an archeological evaluation is undertaken prior to the commencement of works. Condition 17 requires the evaluation to be undertaken as requested. In light of the above, I am satisfied that the proposed development is consistent with this policy.

- 6.10 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 quarrying activities should be located at least 250m from the nearest occupied dwelling. Policy MIN2 of the PMLDP identifies settlements and their buffers as category 2 sites, within which development proposals which significantly adversely affect the designation will only be permitted where they meet certain tests. The closest sensitive property (Walston Mill) is at least 750m from the proposed working area. Furthermore, the closest settlement which benefits from a buffer is Newbigging, which is located 2.3km to the west of the sites. As a result, I am satisfied that the proposed development is consistent with this policy.
- 6.11 Policy MP12 of the MLP requires applications for mineral extraction to be assessed with respect to the impact of the operation in relation to traffic, roads, noise, dust, visual impact, etc. Policy MIN7 of the PMLDP notes that the Council will seek to ensure that development proposals will not create an unacceptable impact through the generation of noise, dust, vibration, air and light pollution. In addition, Policy MIN12 notes that development proposals will not be supported by the Council if they are considered to create a significant adverse traffic and transportation impact. The existing quarry has been operating for a substantial period of time and the workings do not generate complaints. I am satisfied that the proposed extensions to the quarry will not create any further impact on local communities. The hours of operation and noise limits associated with the existing operation are proposed to be reflected in this proposal.
- 6.12 Policy MP13 of the MLP covers the need for applications for mineral development to demonstrate local community benefit and requires that no permanent environmental effects will occur as a result of the operation. This proposal will extend the life of the quarry, which currently employs 8 full time staff. The proposal has also been considered in relation to its environmental impact, and I am satisfied that the sites can be restored without any permanent effect on the environment.
- 6.13 Policy MP14 of the MLP encourages mineral operators to contribute 5p per tonne for sand and gravel to a community fund. Policy MIN 8 of the PMLDP also encourages minerals operators to make a contribution to a community fund. The applicant has confirmed that they are willing to enter into a legal agreement to provide contributions to the Aggregates Quarries Fund for the benefit of local communities, and planning permission will not be issued until this legal agreement has been completed.
- 6.14 Policy MP15 of the MLP requires the cumulative impact that a concentration of mineral developments may have on a particular area or on existing road networks to be assessed. Policy MP 13 of the PMLDP also requires the cumulative impact of minerals development to be considered when assessing a planning application. The application seeks permission for an extension to an existing mineral operation. No other operational quarry is located within proximity of the site. I am satisfied that proposed development will not create a cumulative impact in the area.
- 6.15 Policy MP19 of the MLP seeks proper restoration provision for the treatment of the site following completion of mineral extraction. Policy MIN4 of the PMLDP also notes that the Council will only grant planning permission where proper provision has been made for the restoration and aftercare of the development site. Restoration proposals have been put forward and condition 7 requires these proposals to be revisited prior to restoration works commencing, to ensure that they are acceptable and can be implemented.

- 6.16 Policy MP20 of the MLP states that the Council will require the applicant to provide a restoration bond, as necessary. Policy MIN4 of the PMLDP also requires a restoration and aftercare bond to be provided, where necessary. If planning permission was to be granted, the applicant has confirmed that they are willing to provide a restoration and aftercare bond to cover the restoration of the site.
- 6.17 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. Condition 7 is proposed to ensure a satisfactory restoration scheme is submitted prior to the completion of extraction operations. The restoration scheme will be assessed to ensure it is compatible with the approved restoration scheme for the rest of the quarry site and the remaining landform. The indicative restoration proposals show the application sites to be restored to a water body and agricultural use, which are considered acceptable in principle.
- 6.18 Policy MP30 of the MLP seeks to protect distinctive local landscape characteristics and features. The site does not accommodate any distinctive local landscape characteristics and the proposal does not therefore conflict with this policy.
- 6.19 Policy MP32 of the MLP requires a survey to be carried out to determine existing background noise levels and an estimate of the likely future noise which would arise from the proposed development. Policy MIN7 of the PMLDP notes that the Council will seek to ensure mineral developments will not create an unacceptable impact through the generation of noise. The application seeks permission for an extension to an existing sand and gravel operations, which has been ongoing since the 1980's. The proposed extensions would be worked in line with the current working scheme and no increase in noise levels is anticipated. Condition 18 requires the operation to be undertaken without exceeding certain noise limits and Condition 19 requires the applicant to continue monitoring in accordance with an approved noise monitoring programme. The proposal does not therefore conflict with this policy.
- 6.20 Policy MP33 of the MLP requires a dust assessment to be undertaken for all mineral development which could affect dust sensitive properties. Policy MIN7 of the PMLDP will seek to ensure mineral developments will not create an unacceptable impact through the generation of dust. As above, the operations have been ongoing since the 1960's and the proposed extensions would be worked in line with the current working scheme and no increase in dust levels are anticipated. Condition 21 requires the applicant to continue with the dust monitoring programme for the duration of the operations.
- 6.21 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. Policy MIN13 of the PMLDP notes that legal agreements will be required, where necessary, to control aspects of the development which cannot be satisfactorily controlled through planning conditions. If the planning application was approved, the Council would seek a legal agreement in relation to the contributions towards roads maintenance and to the aggregates quarries fund.
- 6.22 Policy MP38 of the MLP notes that the Council will monitor minerals sites to ensure proper standards of environmental practice are adopted. Policy MIN15 of the PMLDP also notes that the Council will monitor minerals sites to ensure that they are carried out in accordance with planning legislation, approved plans, conditions and where

appropriate, legal agreements. If planning permission were granted, appropriate monitoring procedures would be put in place.

- 6.23 The South Lanarkshire Local Plan identifies the sites as being within the Accessible Rural Area, where policy STRAT4 applies. This states that all development should seek to enhance the environmental quality of the area or, where enhancement is not possible environmental impacts should be mitigated. Policy CRE2: 'Stimulating the Rural Economy' is also applicable. This policy states that the Council will endeavor to maximise job creation in rural areas by encouraging development of an appropriate form and in appropriate locations. Through the assessment of the development against Minerals Plan policies set out above it is considered that this proposal is acceptable in this location; the environmental impacts of the proposal can be satisfactorily mitigated; and through the restoration of the site the environmental quality of the area would not be compromised in the longer term. Therefore, the proposal complies with the general aims of policies STRAT5 and CRE2.
- 6.24 Policy ENV21 of the SLLP 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. Policy MIN2 of the PMLDP states that development which would significantly adversely affect internationally and nationally protected species will not be permitted. As discussed in relation to SNH's comments in Section 4 above, consideration has been given to the development impact on protected species. Conditions 15 & 16 are attached to the consent to ensure that protected species are protected.
- 6.25 Policy ENV34 of the SLLP 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 proposed development is consistent with this policy and will not create an unacceptable impact on the natural or built environment.
- 6.26 Policy DM1 of the SLLP requires all development to take fully into account the local context and built form. Again, the application sites are not located in a prominent position and are viewed in the context of the existing sand and gravel operation. I am satisfied that the proposed development is consistent with this policy.
- 6.27 Consultations indicate that the proposed impacts from noise, dust and traffic movements generated by this proposal are not likely to significantly affect local residents.
- 6.28 In summary, I am satisfied that the proposed development will not adversely impact on the Regional Scenic Area/Special Landscape Area during the extraction period, and that the site can be satisfactorily restored. It is evident from the detailed assessment above that the proposal will not result in an unacceptable impact on the environment or protected species, and it has been demonstrated that the extraction of sand and gravel at this location does not conflict with national or local planning policy.
- 6.29 In consideration of all the above, it is felt appropriate to recommend that the proposed development be approved subject to the imposition of suitable planning conditions, and agreements, to control site operations and restoration works.

7 Reasons for Decision

7.1 The proposal complies with all relevant policies contained within the Minerals Local Plan, the South Lanarkshire Local Plan and the Proposed Minerals Local Development Plan. The proposal also complies with national planning policy and advice and there are no objections to the proposal from the any consultees. The points of objection from the only representation have been considered above and do not merit refusal of the planning application.

Colin McDowall
Executive Director (Enterprise Resources)

28 March 2011

Previous References

◆ CL/97/0252

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations

Roads and Transportation Services (Clydesdale Area)	08/09/2009
Public Protection - Environmental Health (Clydesdale)	24/08/2009
West of Scotland Archaeology Service	18/08/2009
S.E.P.A. (West Region)	09/09/2009
Historic Scotland	14/08/2009
Scottish Natural Heritage	20/08/2009

- ▶ Representations

Representation from : C Coombs, Weston Farm
Dunsyre
ML11 8NG, DATED 03/09/2009

Contact for Further Information

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

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

CONDITIONS

- 1 The development hereby permitted shall be started within three years of the date of this permission.
- 2 Unless otherwise directed by conditions or legal agreements attached to this consent, this decision relates to the following;
 - Drawings
 - N50/09 - Location Plan
 - N50/05 - Planning Consent CL/97/0252
 - N50/11 - North East Extension Areas
 - N50/12 - Planning Consent CL/97/0252, including North East Extension Areas
 - N50/15 – Site Plan North East
 - M09146.06 – North Eastern Extraction Area Concept Restoration
 - Protected Species Survey and Assessment
- 3 The Council shall be notified in writing by the applicant of the intended date for the commencement of development on site of the works for which planning permission has been granted.
- 4 The Council shall be notified in writing by the applicant on completion of the works for which planning permission has been granted.
- 5 That all extraction operations on the site shall be discontinued not later than 15 years from the date of commencement (as notified to the council in respect of condition 3) and, within a period of 12 months from the discontinuance date, the sites shall be restored in accordance with the approved restoration plan to the satisfaction of the Planning Authority.
- 6 That in the event of extraction operations on the sites ceasing for a period of 12 months or more, the Planning Authority shall deem operations on the sites to have ceased permanently. In this event, within a period of 12 months from the cessation date, the sites shall be restored in accordance with the approved restoration plan to the satisfaction of the Planning Authority.
- 7 That 12 months prior to the cessation of mineral extraction hereby approved, the concept restoration scheme shall be reviewed and a final restoration scheme shall be submitted to and approved in writing by the Council as Planning Authority. The final restoration scheme shall be implemented to the satisfaction of the Council as Planning Authority, in accordance with the timescales set out in conditions 5 & 6 above.
- 8 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.
- 9 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.

- 10 That within one year from the date of commencement (and each year thereafter) the operator shall submit to the Planning Authority an annual progress plan detailing:
 - The extent of ongoing extraction operations;
 - Areas prepared for extraction;
 - The extent of restoration operations carried out;
 - The extent of landscaping, nature conservation and agricultural works that have been implemented, where appropriate;
 - Current and anticipated production figures;
 - Remaining reserves;
 - Compliance with statutory permissions;
 - Site complaint logs and actions taken.
- 11 That before 05.30hrs and after 22.00hrs on Mondays to Fridays and before 07.00hrs and after 17.00hrs on Saturdays, and at all times on Sundays, no operations or other activity other than routine maintenance shall take place on the site.
- 12 That between 05.30hrs and 06.30hrs and from 17.00hrs to 22.00hrs on Mondays to Fridays and between 12.00hrs and 17.00hrs on Saturdays, no material shall be loaded onto vehicles for dispatch from the site and no lorries shall enter or leave the site during these hours.
- 13 That prior to the commencement of any works on site the developer shall submit and receive written approval of a Surface Water Management Plan to the Council, in consultation with SEPA. Thereafter, site operations shall be undertaken in accordance with the Surface Water Management Plan to the satisfaction of the Council. For avoidance of doubt, the Surface Water Management Plan should consider the items referred to in SEPA's letter dated 9th September 2009.
- 14 That prior to the commencement of any works on site the developer shall submit and receive written approval of a Site Waste Management Plan to the Council, in consultation with SEPA. Thereafter, site operations shall be undertaken in accordance with the Site Waste Management Plan to the satisfaction of the Council. For avoidance of doubt, the Site Waste Management Plan should consider the items referred to in SEPA's letter dated 9th September 2009.
- 15 That not more than 6 months prior to the commencement of development, updated ecological surveys shall be carried out to the satisfaction of the Council as Planning Authority, in consultation with Scottish natural Heritage. The surveys will investigate the presence of the following;
 - Otter
 - Badgerand shall set out appropriate mitigation measures and an implementation programme including a method statement to prevent access, trapping or injury to badgers, which shall be carried out to the satisfaction of the Planning Authority.
- 16 That immediately prior to the commencement of development, a pre-start check of the extraction areas shall be undertaken for the presence of badger and otter.
- 17 That prior to the commencement of any works on site, the developer shall secure

the implementation of a programme of archeological works in accordance with a written scheme of investigation which has been submitted by the applicant, in consultation with the West of Scotland Archeology Service, and approved by the Planning Authority.

Thereafter the developer shall ensure that the programme of archeological works is fully implemented and that all recording and recovery of archeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with the west of Scotland Archeology Service.

- 18 That during the working hours specified in conditions 11 & 12 above, the nominal noise limit from site operations at all noise sensitive premises in the vicinity of the site (as specified by the Planning Authority) shall be 45LAeq over any one hour period.
- 19 That prior to work commencing on the development hereby permitted, a noise monitoring programme shall be submitted to, and agreed in writing by the Council as Planning Authority. Thereafter, noise monitoring will be carried out in accordance with the approved scheme.
- 20 Efficient silencers shall be fitted to and used and maintained in accordance with manufacturer's instructions on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.
- 21 That prior to work commencing on the development hereby permitted, a dust monitoring programme shall be submitted to, and agreed in writing by the Council as Planning Authority. Thereafter, dust monitoring will be carried out in accordance with the approved scheme.
- 22 That, in the event of dust nuisance problems being created by operations on site, the operator shall take all reasonable remedial measures to minimise the transmissions of dust, to the satisfaction of the Council as Planning Authority.
- 23 That all laden lorries leaving the site shall be sheeted before entering the public highway.
- 24 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.
- 25 All topsoil and subsoil shall be retained on site.
- 26 That the site shall be kept clear of weeds during extraction and restoration works to the satisfaction of the Planning Authority.
- 27 No operations involving soil lifting/replacement shall take place between the months of October to March inclusive except with the prior written approval of the Planning Authority. The applicant shall give at least 7 days notice to the planning authority prior to the commencement of soil movements and the planning authority reserves the right to suspend operations during adverse weather conditions or to impose such conditions as he sees fit for the safekeeping of the topsoil.
- 28 That any stripping, stacking and replacement of topsoil shall be carried out when conditions are dry enough to avoid unnecessary compaction of the soils at any

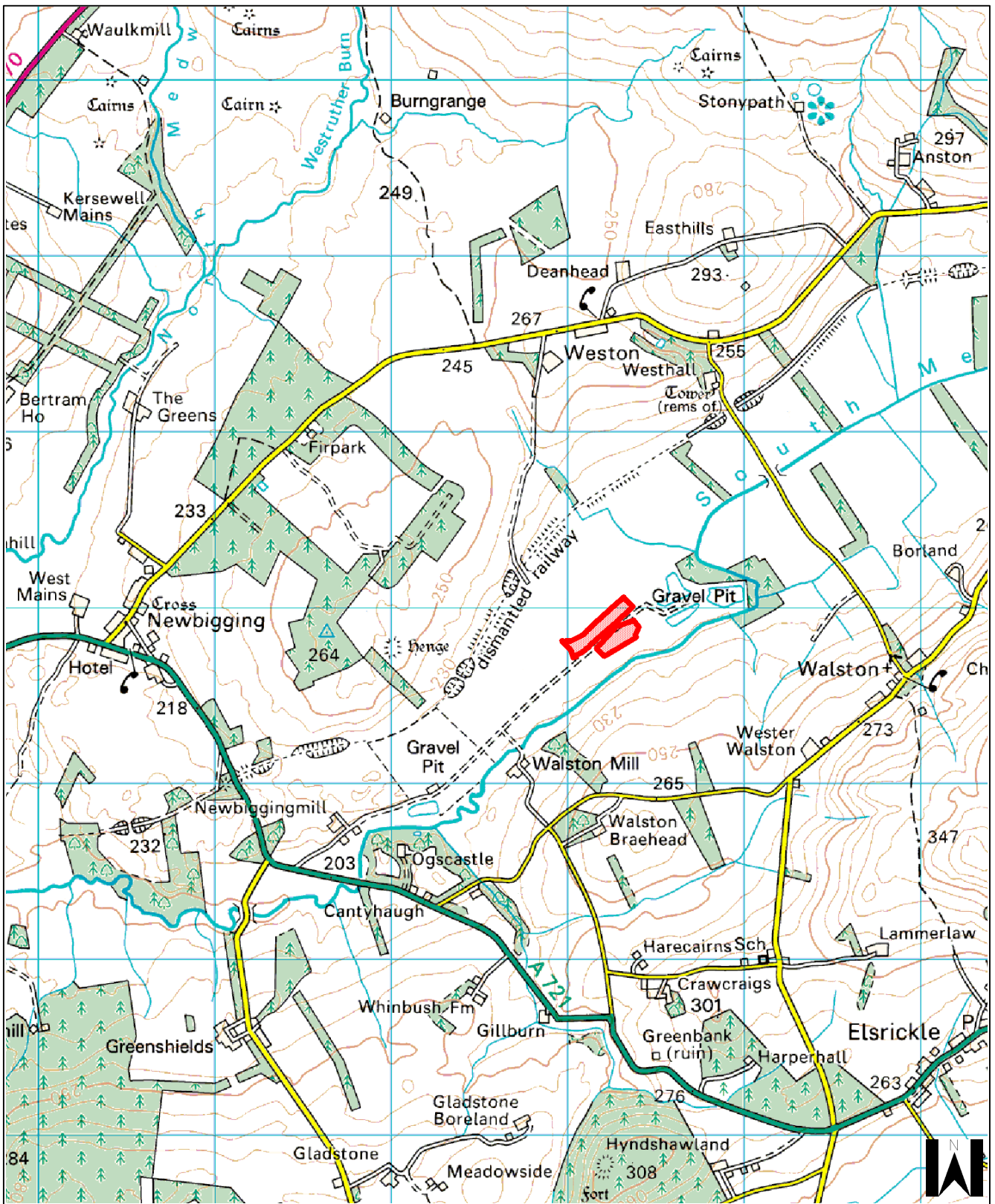
stage. The applicant shall give at least 7 days notice to the Planning Authority prior to the commencement of any period of soil movements and the Planning Authority reserves the right to suspend operations during adverse weather conditions or to impose such conditions as it sees fit for the safekeeping of the topsoil.

- 29 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.
- 30 All soil storage bunds shall be kept free of weeds and the sward shall be managed in accordance with agricultural management techniques throughout the period of storage, all to the satisfaction of the Planning Authority.
- 31 That the outer face of any overburden of soil mound formed at the site shall be grassed to the satisfaction of the Council as Planning Authority as soon as possible after its formation.
- 32 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, unless details of their location and appearance have received the prior written approval of the Planning Authority.
- 33 All containers being used to store liquids 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.

REASONS

- 1 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 3 To enable the Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 4 To allow inspection of the finished work.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 To secure the eventual restoration of the site.
- 7 To provide for a comprehensive scheme of restoration enabling the land to be returned to the specific restoration after-use.
- 8 To ensure that the Planning Authority retains effective control of the development.
- 9 In order to retain effective planning control.
- 10 In order to retain effective planning control.

- 11 To safeguard the residential amenity of the area.
- 12 To safeguard the residential amenity of the area.
- 13 To ensure provision is made for land drainage and protection against contamination.
- 14 To ensure waste generated onsite is satisfactorily managed.
- 15 In the interests of protected species.
- 16 In the interests of protected species.
- 17 To ensure that provision is made to address areas of archaeological interest.
- 18 To minimise the risk of nuisance from noise.
- 19 In the interests of amenity and in order to retain effective planning control.
- 20 To minimise any nuisance and to protect the amenities of neighbouring properties.
- 21 To minimise the risk of nuisance from dust to nearby occupants.
- 22 To minimise any nuisance and to protect the amenities of neighbouring properties.
- 23 To minimise any nuisance and to protect the amenities of neighbouring properties.
- 24 To minimise any nuisance and to protect the amenities of neighbouring properties.
- 25 To secure the eventual restoration of the site.
- 26 In the interests of amenity and in order to retain effective planning control.
- 27 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 28 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 29 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 30 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 31 In the interests of amenity.
- 32 In the interests of amenity and in order to retain effective planning control.
- 33 To ensure the safekeeping of such liquids.



For information only

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