

Report to: **Planning Committee**
 Date of Meeting: **13 December 2011**
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/11/0198
 Planning Proposal: Extraction of coal and other minerals by opencast methods, retention and modification of conveyor, retention and extension to coal dispatch area and restoration to grazing land and nature conservation.

1 Summary Application Information

- Application Type : Mineral Application
- Applicant : Scottish Coal Company Limited
- Location : Glentaggart East
Land lying south of Townhead
and Weston Woods
Near Douglas

2 Recommendation(s)

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

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

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:

A Planning Obligation covering the following issues:

- Contributions to the South Lanarkshire Rural Communities Trust or another trust, the scope and arrangements to be finalised, for the benefit of Douglas and surrounding area.
- Contribution to the ongoing employment of a Mineral Planning Monitoring and Enforcement Officer by SLC.
- A Traffic Management Agreement,
- The control of coal haulage travelling west through Douglas and Glespin,
- Retention of woodland to the north of the application site for the purposes of visual screening,
- Community liaison procedures between the site operator, council and community,
- The establishment of a Habitat Management Group,

- The provision of a Habitat Management Plan and Species Protection Plan,
- The appointment and employment of an independent Ecological Clerk of Works
- Limiting the coaling and restoration works at the site to a period of 10 years.

The provision of a Section 96 Agreement to cover extraordinary wear and tear on the public road network, including an initial dilapidation survey

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

3 Other Information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **National Policy**
National Planning Framework (2)
Scottish Planning Policy
PAN 50
PAN64

Glasgow & Clyde Valley Structure Plan 2006

Strategic Policy 7 – Strategic Environmental Resources

Strategic Policy 8 – Sustainable Development of Natural Resources

Strategic Policy 9 – Assessment of Development Proposals

Glasgow and the Clyde Valley Strategic Development Plan (Proposed Plan) 2011

South Lanarkshire Minerals Local Plan 2002

Policy MP1 – General Protection of the Environment

Policy MP2 – Protection of Areas with International Environmental Designations (Category 1 Areas)

Policy MP3 – Protection of Areas with National/Regional Environmental Designations (Category 2 Areas)

Policy MP4 – Protection of Areas with Local Environmental Designations (Category 3 Areas)

Policy MP5 – Visual Intrusion and Landscape Impact

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 MP16 – Opencast Coal Development –
Operational Periods
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 MP26 – Extraction of Peat
Policy MP30 – Protection of Landscape
Features
Policy MP32 – Noise Surveys and Limits
Policy MP33 – Dust Assessment Study
Policy MP34 – Tourism and Recreation
Policy MP37 – Legal Agreements
Policy MP38 – Monitoring of Mineral Workings
Policy MP39 – Annual Progress Plan

South Lanarkshire Local Plan 2009

Policy STRAT5 – Rural Investment Area
Policy CRE2 – Stimulating the Rural Economy
Policy ENV4 – Protection of the Natural and
Built Environment
Policy ENV12 – Flooding Policy
Policy ENV20 – Natura 2000 Sites Policy
Policy ENV21 – European Protected Species
Policy ENV23 – Ancient Monuments and
Archaeology
Policy ENV29 – Regional Scenic Areas and
Areas of Great Landscape Value
Policy ENV34 – Development in the Countryside
Policy DM1 – Development Management
Policy TRA2 – Walking, Cycling and Riding
Routes

Proposed Minerals Local Development Plan (PMLDP)

Policy MIN1 – Spatial Framework
Policy MIN2 – Environmental Protection
Hierarchy
Policy MIN3 – Cumulative Impacts
Policy MIN4 – Restoration
Policy MIN6 – Peat
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

◆ Representation(s):

▶ 232 Objection Letters

- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

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

Historic Scotland

Environmental Services

Scottish Government

RSPB Scotland

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

West of Scotland Archaeology Service

Scottish Power

Roads and Transportation Services (Clydesdale Area)

Scottish Gas Networks

The Coal Authority - Planning and Local Authority Liaison Department

Transport Scotland

Scottish Wildlife Trust

Scottish Natural Heritage

Health and Safety Executive

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 1.4km south of Douglas, 1.5km east of Glespin and 3.7km north of Crawfordjohn. The M74 motorway is located approximately 1.2km to the east of the site and Junction 12 of the M74 is located 5km north of the site.
- 1.2 Townhead Wood and Weston Wood form a conifer plantation and are located immediately to the north of the main area of the application site. A further conifer plantation is located to the south of the site. Paige Hill and Auchensaugh Hill are located to the east of the site and Weston Hill is located to the west of the site.
- 1.3 The operational Mainhill Surface Coal Mine is located 2.4km to the north east of the application site. The former Glentaggart Surface Coal Mine, which completed coaling in March 2011 and is now in the final restoration stage, is located 1.5km to the west of the application site.
- 1.4 The application site extends to 348ha and comprises open upland moorland used for sheep grazing and currently accommodates a conveyor belt which was used in conjunction with the former Glentaggart Surface Coal Mine. The site is accessed from the B7078, via the existing Mid Rig coal dispatch yard.
- 1.5 The closest individual residential properties are Weston Farm, located 600m to the north of the application site, Redshaw, located 650m to the north of the application site, Red Moss, located 950m south east of the application site, Earlsmill Cottage, located 1.1km to the west of the application site, and Hazelside, located 1.1km north of the application site. Weston Farm is also the closest property to the extraction area (1300m) and overburden mound (728m).
- 1.6 The Muirkirk and North Lowther Uplands Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) is located 2.4km to the southwest of the application site. The Red Moss SSSI and Special Area of Conservation (SAC) is located 390m to the south of the application site and 1.5km to the east of the proposed extraction area. The Millers Wood SSSI is located 600m to the west of the application site. The application site is also located within an Area of Great landscape Value (AGLV) and Special Landscape Area (SLA).

2 Proposal(s)

- 2.1 Planning permission is being sought for the extraction of up to 4 million tonnes of coal and 200,000 tonnes of other minerals by surface mining methods over a 10 year period. Following discussions the extent of the extraction area has been reduced by removing an area of deep peat know as Flow Moss.
- 2.2 The 10 year period can be considered in three broad phases:
 - Initial start-up phase – 6 months: this will comprise of preparatory works including establishment of site offices, car park, plant maintenance buildings, diversion of an overhead power line; formation of water treatment lagoons, hard standing areas with associated soil stripping to form these areas; and the formation of peat retention bund along the eastern edge of Dykehead Bog and the western edge of Flow Moss.

- Extraction of coal – 7 ½ years: Coaling would progress in a generally clockwise direction, starting from the south. Restoration of the site would be undertaken progressively at the latter stages of the development. Overburden would be stored in a main overburden mound, located in the west of the site, and in a smaller overburden mound within the centre of the site. The main overburden mound would rise some 68 metres above existing ground levels at certain locations. The second overburden mound would be approximately 20m above existing ground levels and would be placed on previously worked ground for a shorter period than the main mound (circa 3 years). Other soils/peat will be located in various locations around the site. It is noted that while the site extends to 348 hectares only approximately 140 hectares will be subject to extraction of coal and other minerals.
- Restoration 2 years: The final restoration phases are expected to last some 24 months with the site being brought back close to existing ground levels. The restoration strategy is designed to primarily create areas of wet heath across the site. Wherever practically possible, it is proposed to lift the vegetated layer of wet heath habitat in blocks prior to stripping soils. These would be stored separately prior to being used for restoration. It is considered that this strategy would enable a functioning wet heath eco-system to be created within 3-4 years following the cessation of coaling operations. An aftercare scheme will be put in place to ensure the maintenance of the site over a period of five years.

2.3 It is proposed that the site will be worked on a 24 hour basis, employing up to 104 directly employed site staff which includes plant operatives, plant maintenance operatives and site management. The proposed hours of operation are 07.00 hours Monday through to 13.00 hours Saturdays. Coal dispatch will take place between 07.00 – 19.00 hours Monday – Friday and 07.00 – 13.00 hours on Saturdays. Other than plant and equipment maintenance and water management, no mining operations will take place between 13.00 hours Saturdays to 07.00 hours on Mondays.

2.4 It is anticipated that the average number of vehicles will be 66.4 (66 coal and 0.4 other minerals) per day. Haulage of coal and fireclay will be by way of 6 axle, 42 tonne laden weight articulated tipper lorries each with a payload of approximately 29 tonnes. As noted above the existing access from Mid Rig onto the B7078 would be utilised. This access will be the coal dispatch point for the site, as well all other vehicles movements. The coal and other minerals would be transported along the M74 and use the established coal haulage route to the Ravenstruther rail terminal near Lanark along the A70. The applicant proposes to transport up to 1,000 tonnes of coal per week westwards through the settlements of Douglas and Glespin.

2.5 An Environmental Statement (ES) was submitted in support of the planning application, in line with the Environmental Impact Assessment (Scotland) Regulations 1999, as amended. Supplementary Environmental Information was also received, supplementing the ES. Reference is made to this assessment within Section 6 below.

3 Background

3.1 Relevant Government Advice/Policy

- 3.1.1 The National Planning Framework for Scotland 2 (NPF2) refers to ambitious emissions targets which will see Scotland move to a low carbon economy. Tackling climate change and reducing dependence on finite fossil fuels are two of the major global challenges. Nevertheless, NPF2 states that low carbon fossil fuel technologies mean that coal-based electricity generation can continue to make an important contribution to Scotland's energy mix. In addition, the protection of our internationally important peatlands is also important, given their role as carbon reservoirs.
- 3.1.2 Scottish Planning Policy (SPP) notes that *coal output is likely to continue to play a significant role in ensuring diverse and sustainable supplies of energy at competitive prices. Although development can raise significant environmental issues, extraction is necessary and important in the national interest.* SPP goes on to state that operators are responsible for determining the level of output from their sites whilst planning authorities are responsible for determining the acceptability of individual development proposals. There is a general presumption against extraction outwith areas of search identified in the development plan. There is also a presumption against surface coal extraction within these search areas unless the proposed development meets one of the following tests: (1) the proposal is environmentally acceptable, or can be made so by planning conditions and/or agreements, or (2) the proposal provides local or community benefits which clearly outweigh the likely impacts of the extraction. SPP provides a number of criteria to be considered when determining whether a coal extraction development is unlikely to be environmentally acceptable.
- 3.1.3 In relation to landscape and natural heritage, SPP notes that landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. Different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by local landscape character.
- 3.1.4 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.
- 3.1.5 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.
- 3.1.6 Technical Advice Note – Assessment of Noise provides up-to-date guidance on the methodology of assessing the potential for noise impacts.
- 3.1.7 All relevant national policy and advice is considered in the Assessment and Conclusions section of this report.

3.2 **Development Plan**

- 3.2.1 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)
 - Policy MP3 – Protection of Areas with National/Regional Environmental Designations (Category 2 Areas)
 - Policy MP4 – Protection of Areas with Local Environmental Designations (Category 3 Areas)
 - Policy MP5 – Visual Intrusion and Landscape Impact

- 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 MP16 – Opencast Coal Development – Operational Periods
- 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 MP26 – Extraction of Peat
- Policy MP30 – Protection of Landscape Features
- Policy MP32 – Noise Surveys and Limits
- Policy MP33 – Dust Assessment Study
- Policy MP34 – Tourism and Recreation
- Policy MP37 – Legal Agreements
- Policy MP38 – Monitoring of Mineral Workings
- Policy MP39 – Annual Progress Plan

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

- Policy STRAT5 – Rural Investment Area
- Policy CRE2 – Stimulating the Rural Economy
- Policy ENV4 – Protection of the Natural and Built Environment
- Policy ENV20 – Natura 2000 Sites Policy
- Policy ENV21 – European Protected Species
- Policy ENV23 – Ancient Monuments and Archaeology Policy
- Policy ENV29 – Regional Scenic Areas and Areas of Great Landscape Value
- Policy ENV34 – Development in the Countryside
- Policy TRA2 – Walking, Cycling and Riding Routes Policy

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

- Policy MIN1 – Spatial Framework
- Policy MIN2 – Environmental Protection Hierarchy
- Policy MIN3 – Cumulative Impacts
- Policy MIN4 – Restoration
- Policy MIN6 – Peat
- 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

3.2.4 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 exercise with the local community.

3.3.2 The applicant outlined their intentions for future surface coal mine developments in their 'Forward Strategy', which accompanied the proposal of application notice for this planning application. At the time, the applicant was considering three future surface coal developments, namely Glentaggart East, Auldton Heights and Broken Cross North East Extension. Since the publication of this document, the proposals for Glentaggart East and Broken Cross North East Extension have been progressed to planning applications. The applicant has however confirmed that it is no longer their intention to progress the proposals at Auldton Heights any further.

3.3.3 The applicant set out the measures taken to comply with PAC within the 'Pre-Application Consultation Report', submitted in support of the planning application. The following measures were undertaken by the applicant:

- 30/09/2010 – The applicant submitted a Proposal of Application Notice to the Council, Douglas Community Council, Locally elected members and external agencies with an interest in the development.
 - 08/10/2010 – An EIA Scoping request was submitted to the Council, external agencies and Douglas, Coalburn and Lesmahagow Community Councils.
 - 07 & 14/10/2010 – Newspaper notices were published in the Lanark Gazette advertising the public consultation events proposed within local settlements.
 - 16/10/2010 – Flyers were distributed and posted in shops, community facilities and businesses in local settlements.
 - 18/10/2010 – Public exhibition held at the Miners Welfare, Coalburn.
 - 19/10/2010 – Public exhibition held at the Jubilee Hall, Lesmahagow.
 - 20/10/2010 – Public exhibition held at the St Brides Centre, Douglas.
 - 20/10/2010 – Public exhibition held at the Glespin Hall, Glespin.
 - 21/10/2010 – Public exhibition held at the Community Hall, Brocketsbrae.
- In total, 87 individuals attended these events.

3.4 Planning History

3.4.1 No planning history exists for the application site.

4 Consultations

4.1 **Scottish Environment Protection Agency (SEPA)**: initially objected to the proposed development on the grounds of Flood Risk and impact on Ground Water Dependant Terrestrial Eco-Systems (GWDTE's). Having considered further information submitted by the application, SEPA has confirmed that they withdraw their objections, subject to a condition which requires the applicant to undertake hydraulic modeling to compare the existing watercourses against the proposed/diverted watercourses to ensure that there will be a neutral effect on flood risk. In addition, SEPA has requested that a condition is applied to require the submission of mitigation measures and restoration plans proposed for Moss and Shiel Burns and that a condition is used to require groundwater and surface water monitoring to be undertaken.

Response: Noted. Conditions 8 and 28 to 30 are proposed to address this request.

4.2 **Scottish Natural Heritage (SNH)**: provided detailed comments with regards to the proposed development and its potential impact on the natural environment. SNH

raise no objection to the proposed development, subject to a number of requirements and also make a number of recommendations with regards to mitigation measures to offset the proposed developments potential impact on the environment. SNH also recommend that the start date of the proposed development be delayed by two years to allow the restoration of the former Glentaggart Surface Coal mine to provide suitable habitat for hen harriers. Furthermore, SNH recommend that pre-start checks are undertaken for protected species on site and in areas which may be subject to tree felling, and that a species protection plan is prepared.

Response: Noted. The comments made by SNH are considered in greater detail within Section 6 of this report. In relation to the delay to the start date of the site, the Council is required to balance the economic benefits of the development against the environmental impacts. The restoration of former Glentaggart surface mine progressed well during 2010 and 2011, with large areas now containing established grasses etc. and it is anticipated that development at this site will not commence until summer 2012, providing additional time for restoration to progress. Whilst it is acknowledged that the foraging habitat will continue to improve within the former Glentaggart surface mine over the coming years, it is not considered that this is sufficient justification to delay the development. Conditions 30, 39, 44, 45 and 46 and a Planning Obligation are proposed to address the issues raised by SNH.

4.3 **Roads and Transportation Services (Clydesdale Area):** raise no objection to the proposed development. Any new access arrangements require to be designed in accordance with Council and national roads guidelines contained within the Guidelines for Development Roads (GfDR) and the Design Manual for Roads and Bridges (DMRB). It is also noted that the applicant should enter into a Section 96 agreement with the Council to cover any proposed haulage routes and that a dilapidation survey should be carried out on these routes. Finally, R&T request that the access road should be upgraded to a multi-use access road which can be utilised by Scottish Coal, timber contractors and wind farm contractors.

Response: Noted. The existing access onto the B7078 has been used for the past ten years for the dispatch of coal extracted from the former Glentaggart Surface Mine. The access arrangements are of an acceptable standard. Condition 47, 49 and 50 are proposed to ensure the access is upgraded and maintained to an acceptable standard. In terms of upgrading the access road for use in connection with timber extraction and windfarms, neither of these uses relate to the planning application. The track from the B7078 to the extraction area will not be utilised for the haulage of coal (as it will be transported via conveyor). The proposed development will therefore only result in light use of the road.

4.4 **Environmental Services:** raise no objection to the proposed development. Environmental Services comment on Noise, Vibration, Air Quality and Private Water Supplies. In relation to noise, it is noted that the daytime background noise environment of the closest residential dwellings is below 45dB $L_{Aeq(1hr)}$ and a condition requiring noise to remain less than 10dB $L_{Aeq(1hr)}$ below the background noise levels should be applied. Environmental Services go on to request conditions are used to ensure the proposed development will not have an unacceptable impact on nearby properties. Environmental Services also sought clarity with regards to a number of points contained within the 'Impact assessment of fine particulate emissions from non-road mobile machinery'. This was supplied by the applicant, and Environmental Services subsequently confirmed that they were satisfied with this assessment.

Response: Noted. Conditions 31 to 42 are proposed to control the aspects of the proposed development referred to by Environmental Services. The 'Impact assessment of fine particulate emissions from non-road mobile machinery' confirmed that the adverse effects of the non-road mobile machinery would be 'not significant'.

- 4.5 **Transport Scotland**: raise no objections to the proposed development and make no specific comment on the proposals.
Response: Noted.
- 4.6 **Scottish Gas Networks**: raise no objection to the proposed development and make no specific comment on the proposals. SGN confirm that there are no gas mains in the area of the application site.
Response: Noted.
- 4.7 **Scottish Power**: confirm that they have no objections to the proposed development. The applicant has engaged with Scottish Power to discuss the diversion of a power line which runs through the site.
Response: Noted.
- 4.8 **Scottish Water**: raise no objection to the planning application and make no specific comment on the proposals.
Response: Noted.
- 4.9 **Scottish Wildlife Trust**: initially objected to the proposed development on the basis of the impact of the development on Flow Moss (The original proposal sought to extract coal beneath the moss which would have resulted in the removal of the moss). The applicant has reconsidered their proposals however and has proposed to protect Flow Moss with an impermeable bund, restricting the extraction limit to ensure Flow Moss is not removed. On this basis, SWT removed their objection to the proposed development, on the condition that impermeable bunding is provided around the north and west of the moss to ensure the moss does not dry out. SWT also request that this bunding is left in situ after restoration.
Response: Noted. Drawings 25790 Rev.A to 25797 Rev.A illustrate that the bund will extend around the north and west of the moss. Condition 9 requires the bund to remain in situ when the site is restored.
- 4.10 **Roads & Transportation Services H.Q. (Flooding)**: raised no objection to the application subject to the provision of a sustainable drainage system, the provision of a flood risk assessment and drainage assessment, the provision of professional indemnity insurance, and the provision of a plan which illustrates the responsibilities of drainage apparatus.
Response: Noted. The applicant has liaised with the FPU during the processing of this application and has submitted a completed SLC Appendix 3 (Flood Risk Assessment Compliance Certificate) and Appendix 4 (Flood Risk Assessment – Independent Check Certificate). The applicant has also provided a copy of their consultant’s professional indemnity insurance. The applicant has also confirmed that the other requirements requested by the FPU are covered by Water Environment (Controlled Activities) Regulations 2011 (CAR) permitting process, regulated by SEPA. On this basis, I am satisfied that the requirements of the FPU have been satisfactorily addressed.
- 4.11 **Scottish Government Rural and Environment Directorate**: confirmed that they had no comments to make on the application.
Response: Noted.
- 4.12 **Historic Scotland**: raise no objection to the proposed development. Whilst Historic Scotland note that there shall be a significant adverse impact on the setting of Auchensaugh Hill cairn, the impact will be temporary in nature and the site will be

restored. Historic Scotland request that the undertakings set out in the proposed restoration plan be made conditional of the consent.

Response: Noted. Condition 8 requires restoration to be undertaken in accordance with an approved restoration plan, based on the proposals contained within the Environmental Statement.

- 4.13 **West of Scotland Archaeological Service:** do not object to the proposed development. WOSAS confirm that they generally agree with the Cultural Heritage section of the ES. WOSAS do however request that a condition is attached to the planning permission, if approved, to require a written scheme of investigation and the implementation of a programme of archaeological works for the site.

Response: Noted. Condition 43 requires a written scheme of investigation and programme of archeological works to be submitted to and approved by the Council, in consultation with WOSAS.

- 4.14 **RSPB Scotland:** initially objected to the proposed development based on the proposed developments impact on the peatland, with particular reference to Flow Moss. Following the submission by the applicant of further information regarding the impacts of the proposed development on the peatland and associated biodiversity, and the removal of Flow Moss for their proposals, RSPB confirmed that they do not object to the proposed development, subject to a number of conditions including (1) the removal of Flow Moss from the limit of excavation and the use of an impermeable bund, (2) that work does not commence at application site until the habitat within the former Glentaggart surface mine is functioning ecologically, (3) that a Habitat Management Group (HMG) should be set up, and RSPB should be a member, (4) a habitat management plan (HMP) should be submitted 3 months prior to commencement and approved prior to commencement, (5) the provision of annual report to the HMG on the monitoring results.

Response: Noted. The Flow Moss area has been removed from the extraction area and revised plans have been submitted to this effect. It is proposed to require the establishment of a HMG through a Planning Obligation, and provision shall be made for RSPB to be a member. Condition 45 requires a HMP to be provided prior to the commencement of development and the Planning obligation will set out the powers of the HMG and reporting procedures. In relation to the delay to the start date of the site, this was also requested by SNH and is discussed in paragraph 4.2 above. On this basis, it is recommended that RSPB's advice is not followed in this instance and their comments must therefore be noted as an objection.

- 4.15 **The Coal Authority:** supports the planning application, noting that this application will contribute to the policy framework for a diverse and secure energy supply and incorporates the principles of sustainable development.

Response: Noted

- 4.16 **Health and Safety Executive:** confirmed that they have no comments to make with regards to the planning application

Response: Noted.

- 4.17 **Douglas Community Council:** requested clarity with regards to the number of vehicle journeys passing through Douglas and Glespin in both directions and the anticipated onsite diesel consumption. The Community Council did not however provide comments on the proposals.

Response: A response to the Community Council was sent clarifying that up to 1,000 tonnes of coal was proposed to be transported through Douglas and Glespin, equating to up to 35 laden lorries and 35 unladen lorries per week on this stretch of the A70. In relation to diesel consumption, it was confirmed that this information was

not included within the application, but that the impact of the development on air quality was considered within the Environmental Statement. In addition, the applicant confirmed that the on-site plant would conform to the “Non-Road Mobile Machinery (NRMM) Directive 97/68/EC”. An assessment of the impact of the NRMM was subsequently submitted by the applicant and reviewed by Environmental Services, who confirmed that they were satisfied with the assessment. The impact of the proposed development on air quality is considered in paragraphs 6.4.61 to 6.4.64.

5 Representation(s)

- 5.1 The application was advertised as a schedule 3 development in accordance with Regulation 20(1)(c) of the Development Management Regulations, Development Contrary to the Development Plan, 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, 232 representations to the application were received.
- 5.3 The objections consisted of 7 individual letters and 225 proforma letters. A substantial proportion of the proforma letters have been signed by people who do not live in the locality.
- 5.4 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.

a) The surveys carried out to aid the assessment of the proposed development are inaccurate.

Response: The assessment of the proposed development is contained within an Environmental Statement and supplementary information. This assessment has been considered by a range of consultees, as set out in Section 4 above. The assessment within the ES is considered to be robust and accurate.

b) The proposed development will create dust which will adversely affect my amenity.

Response: The proposed development has been assessed in relation to its impact on the environment. Within this assessment, the impact of the development in terms of dust and fine particulate matter has been considered. The conclusions of the assessment consider that, subject to the implementation of mitigation measures, the proposed development will not create an unacceptable impact in relation to dust. Dust is considered in greater detail in paragraphs 6.4.61 to 6.4.64 below.

c) The proposed development will create noise which will adversely affect my amenity.

Response: The proposed development has been assessed in relation to its impact on the environment. Within this assessment, the impact of the development in terms of noise has been considered. The conclusions of the assessment consider that, subject to the implementation of mitigation measures, the proposed development will not create an unacceptable impact in relation to noise. Noise is considered in greater detail in paragraphs 6.4.57 to 6.4.60 below. Environmental Services has confirmed that they do not object subject to conditions.

- d) **My property will be damaged as a result of the blasting at the proposed quarry.**

Response: The proposed development has been assessed in relation to its impact on the environment. Within this assessment, the impact of the development in terms of vibration has been considered. The conclusions of the assessment consider that, subject to the implementation of mitigation measures, the proposed development will not create an unacceptable impact in relation to vibration. Vibration is considered in greater detail in paragraphs 6.4.65 to 6.4.67 below. Environmental Services has confirmed that they do not object subject to conditions.

- e) **The 24 hour operation will adversely affect the quality of life I experience at my property.**

Response: As referred to above, the proposed development has been considered in relation to its impact on the surrounding area by way of noise, dust, vibration and also landscape and visual impact. These issues are considered in Section 6 of this report. Based on that assessment, it is considered that the development would not significantly affect the quality of life of any residents living in proximity of the site. Environmental Services has confirmed that they do not object subject to conditions.

- f) **SPP states that no area should be subjected to coal extraction for 10 years or more.**

Response: This issue is discussed in paragraphs 6.4.77.

- g) **The proposed development may result in flooding to my property.**

Response: The potential for the proposed development to create flooding elsewhere was considered in detail by SEPA. SEPA confirmed that they were satisfied that the proposed development will not create increase the risk of flooding outwith the application site.

- h) **The proposed overburden tip may be subject to slippage, posing a health and safety risk.**

Response: As a result of the topography of the site, the location of the proposed overburden tip and the proposed design of the tip, it is considered that it will not result in a health and safety risk. The Health and Safety Executive were consulted with regards to the planning application and raise no objections.

- i) **The proposed development is located too close to my property.**

Response: The proposed development is located at least 600m from the nearest residential property. This separation is considered acceptable.

- j) **The proposed development may adversely affect the quality or quantity of water from the spring which provides fresh water to my house.**

Response: The potential impact of the proposed development on private water supplies within 7km of the application site is considered within the Environmental Statement. The assessment concludes that there will not be a significant impact on private water supplies. Environmental Services has confirmed that they are content with the assessment, but has recommended that a condition is used to ensure that if it is established that there is a deterioration to a private water supply, the operator is required to provide a satisfactory alternative. Condition 42 has been attached to this effect. On this basis, it is considered that there will not be an unacceptable impact on private water supplies.

k) The visual and landscape impact will adversely affect the amenity at my property.

Response: The visual impact of the proposed development is considered in paragraphs 6.4.33 to 6.4.41 of this report.

l) The proposed development will create air pollution which will cause a Health and Safety concern.

Response: The impact of the proposed development on air quality is considered in paragraphs 6.4.61 to 6.4.64 below.

m) There is no site boundary to ensure the site is enclosed.

Response: The site boundary is not currently enclosed. Condition 15 requires the site to be enclosed prior to the extraction of any coal.

n) No vehicles should be allowed to access the site on the road which passes Earlsmill.

Response: The proposals involve the sole access to the site via the B7078. Condition 48 is proposed to control.

o) The proposed development will have an adverse affect on the health of the local communities.

Response: The effects of the proposed development on noise, dust and vibration within the surrounding area is considered in paragraphs 6.4.57 to 6.4.67.

p) The proposed development will have a negative economic impact on the local communities. The proposed development will not generate any jobs.

Response: The impact of the proposed development on tourism and recreation is considered in paragraph 6.4.91. As set out in paragraph 2.2 above, the proposed development will give rise to up to 104 jobs.

q) The application site is not identified as being within an area of recoverable coal deposits in the Minerals Development Plan. The application should therefore be refused.

Response: The areas of known deposits of coal located on the adopted Minerals Local Plan and the Proposed Minerals Local Development Plan are based on information provided by the British Geological Survey (BGS). Whilst the information displayed on these plans is indicative of the general location of coal deposits, the exact extent of the coal fields within South Lanarkshire is unknown and can only be identified through a detailed site investigation survey. There is no presumption against mineral development which is located outwith areas of know deposits and the whole of South Lanarkshire is identified as an area of search.

r) The assessment of the proposed development on air quality and dust dispersal contained within the ES is insufficient. The proposal will lead to air pollution.

Response: The impact of the proposed development on air quality is considered in paragraphs 6.4.61 to 6.4.64.

s) The proposal has the potential to result in almost 10.4 million tones of CO₂ from the combustion and 31.56 million tones over the life of the mine.

Response: Whilst it is noted that the proposed development will give rise to the emission of carbon into the atmosphere, from both the operation it's self and the combustion of the extracted coal, national policy contained within both NPF2 and SPP acknowledges that there is a need for coal within Scotland's energy mix.

- t) **There is no need for coal to support Scotland's energy generation needs because Scotland has a capacity to generate vast quantities of renewable energy.**
Response: Whilst it is noted that Scotland has renewable energy sources, the infrastructure to harness these resources has not been established to allow Scotland to move entirely away from fossil fuel. It is envisaged that there will be a need to fossil fuels within the Scottish energy mix until at least 2020.
- u) **The transportation impact of the proposed development has not been adequately assessed. Only one route has been considered. No consideration is given to the proposed route through Douglas and Glespin.**
Response: The traffic and transportation impact of the proposed development is considered in paragraphs 6.4.54 to 6.4.56.
- v) **The proposed development will result in the loss of blanket bog, over 6m in depth, which has a high ecological value and carbon storage capacities. Furthermore, proposals to safeguard these areas of peat bogs are inadequate.**
Response: The applicant has revised their plans, removing the Flow Moss area which contained the deepest areas of peat from the extraction area. The peat depth survey of the site indicates that the areas of peat up to 3m to 4m in depth will be affected by the proposals, however the majority of the site affected by the proposals contains either no peat, or peat between 0 and 0.5m in depth.
- w) **The proposed development is located within an Area of Great Landscape Value. The proposed development would create an adverse landscape and visual impact, adversely affecting this area of protection.**
Response: The landscape and visual impact of the proposed development is considered in paragraphs 6.4.33 to 6.4.41 below.
- x) **The proposed development's impact on nearby SSSI's has not been satisfactorily assessed.**
Response: The impact of the proposed development on Sites of Special Scientific Interest and other protected sites is considered in paragraphs 6.4.4 to 6.4.14.
- y) **The ES only considers the potential of flooding on site. The assessment does not consider the potential of the development to cause flooding elsewhere nor the impact on groundwater and its potential impacts on the Red Moss SAC.**
Response: Further information has been submitted by the applicant to address issues raised by SEPA with regards to the impact of the proposed development on flooding elsewhere. In addition, the impact of the proposed development on groundwater is contained within the Environmental Statement. SNH has confirmed that they are satisfied that the development will not affect the Red Moss SAC.
- z) **The proposed development will result in cumulative impact with other opencast coal sites in the area.**
Response: The cumulative impact of the proposed development in conjunction with other minerals sites in the area is considered in Paragraphs 6.4.70 to 6.4.76.
- aa) **The proposal would extend the operational life of Glentaggart Surface Coal mine to 21 years, contrary to national and local planning policy which seeks working periods for coal development to be completed within 10 years.**

Response: This issue is discussed in paragraph 6.4.77 below.

bb) The applicant has a bad track record of restoring previous surface mines in South Lanarkshire.

Response: This is not a material planning consideration when determining this application. Nevertheless, the Committee should be aware that the Planning Service is satisfied with the standard of restoration achieved at the applications former surface mines at Dalquandy, Poniel and Glentaggart.

cc)The proposed development would adversely affect tourism in the Douglas Valley.

Response: The impact of the proposed development on tourism and recreation is considered in paragraph 6.4.91.

dd) The proposed development will adversely affect wildlife and biodiversity of the site.

Response: The impact of the proposed development on the natural environment is considered within Section 6 of this report.

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 Local Plan 2009 and the adopted South Lanarkshire Minerals Local Plan 2002.

6.2 National Planning Policy

6.2.1 NPF2 states that coal-based electricity generation can continue to make an important contribution to Scotland's energy mix. The principle of coal extraction does not therefore conflict with the vision for Scotland set out within NPF2.

6.2.2 SPP sets a presumption against surface coal mines unless they are located with a search area. As discussed below, the application site is located within a search area, as identified within the approved Structure Plan (Douglas Valley). There is also a presumption against surface coal extraction within these search areas unless the proposed development meets one of the following tests: (1) the proposal is environmentally acceptable, or can be made so by planning conditions and/or agreements, or (2) the proposal provides local or community benefits which clearly outweigh the likely impacts of the extraction. SPP states that surface coal extraction is unlikely to be environmentally acceptable if:

- **proposed site boundaries are within 500m of the edge of a community,**
The proposed application site is located over 1400m south of Douglas, the closest community to the application site.
- **it would have unacceptable impacts on individual dwellinghouses or sensitive establishments outwith communities and effects cannot be mitigated satisfactorily,**
The closest residential dwelling is located over 600m from the application site. The potential impacts of the development on the nearest residential properties has been thoroughly assessed within the Environmental Statement and consultation process. In turn, through a combination of proposed mitigation

measures and planning conditions the proposed development would not have unacceptable impact on these properties.

- **the proposal is for an extension to an existing site where the intention was known but not made explicit when the original application was approved,**

This proposal is a new mining site and not an extension to an existing site.

- **it will result in a period of disturbance to communities for more than 10 years,**

Consent is being sought for up to 10 years.

- **it is in an area already subject to other developments that also have negative environmental effects and the simultaneous or sequential working will result in an unacceptable cumulative impact on a local community,**

The environmental impact of the proposed development is considered throughout this report. The cumulative impact of the proposed development on the settlements of Douglas, Glespin and Crawfordjohn is considered in paragraphs 6.4.70 to 6.4.76 below.

- **haulage will be solely on roads which pass directly through communities, particularly if rail based transport is a viable option, or**

The applicant proposed to transport up to 1,000 tonnes of coal westwards along the A70 through the settlements of Douglas and Glespin. It is proposed to enter into a legal agreement with the applicant to control the movement of mineral carrying lorries travelling from Glentaggart East westwards through Douglas and Glespin (see paragraph 6.4.54 to 6.4.56 for further detail).

- **it will adversely affect any natural heritage or historic environment designation or site.**

As detailed within the remaining sections of this report, it is considered that the proposed development will not have an unacceptable impact on the natural or built environment.

6.2.3 Planning Advice Notes, PAN50 and PAN64, are relevant to the determination of this application. 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. 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. TAN – Assessment of Noise provides details of how noise should be measured and assessed. The advice contained within both PANs and the TAN has been considered, where appropriate, in the processing of this application and formulation of conditions and is in accordance with it.

6.2.4 In summary, the proposal accords with the vision within NPF2 and the relevant national planning policy contained within SPP. Further, in terms of the operational aspects of the proposal it accords with relevant PAN's.

6.3 Structure/Strategic Development Plan Policy

6.3.1 In terms of the 2006 Structure Plan, Strategic Policy 8 sets out the policy for the sustainable development of natural resources. Strategic Policy 8 c) supports developments which extend the supply of minerals at existing operational sites or in

the locations identified in local plans in the search areas identified in diagram 23 and Schedule 8. The application site falls within the Douglas Valley search area for open cast coal as identified in diagram 23 and listed in schedule 8.

6.3.2 Strategic Policy 8 d) contains a requirement to safeguard and enhance the Strategic Environmental Resources listed in schedule 7.

- (a) Ecological Resources: Consideration of the impact of the proposal upon the ecological resource is required with specific reference to European Protected Species. SNH were consulted with regards to the proposed development and did not object on grounds of impact on protected species. The impacts of the proposed development on protected species are set out in paragraphs 6.4.18 to 6.4.21 below.
- (b) Landscape and visual impact. The application site is within an area sensitive to cumulative visual impact. SNH were consulted with regards to the proposed development and did not object on landscape grounds. Consideration of the landscape and visual impacts and cumulative impacts of the proposed development are set out below.
- (c) Built Heritage – There are cultural heritage features adjacent to the application site however the ES concludes there will be no significant impacts in the long term. Comments have been made by Historic Scotland and WoSAS with regards to the application, who raise no objections in this regard.
- (d) Agricultural Land: the agricultural land within the site is not prime quality (described further in paragraph 6.4.42).
- (e) Undeveloped flood plain area: the application does not lie within a flood plain.

6.3.3 Strategic Policy 8 supports open cast coal and related minerals developments within the search areas and notes that outwith these areas there will be a general presumption against such developments. It notes that all proposals for new workings whether within or outwith search areas will need to be assessed against Strategic Policies 9 and 10. It goes on to state that local plans should set out criteria for assessing individual proposals, with priority being given to rail transport wherever feasible.

6.3.4 Strategic Policy 9A relates to the need for the development in terms of the relevant demand assessment. The specific criteria in this policy however do not apply to open cast coal extraction developments.

6.3.5 Strategic Policy 9B relates to the location of the development. The criteria in policy 9B which are relevant to this proposal are:

- a) 9B i) – ‘safeguard and avoid the displacement of investment from the development locations identified in Strategic Policies 1, 5, 6 and 8’. The application is within an area of search for open cast coal identified in Strategic Policy 8 and therefore complies with this criterion.
- b) 9B iv) ‘Safeguarding the environmental resources listed in Schedule 7 or identified in Local Plans’. As noted above the potential impacts on European Protected Species and Landscape (SLA) is discussed below.
- c) 9 B vi) ‘promote sustainable transport’. The majority of the coal extracted will be transported by conveyor to the Mid Rigg distribution centre and then to Ravenstruther rail terminal. Any coal transportation by road will be subject to a Traffic Management Agreement.

6.3.6 Strategic Policy 9C relates to the provision by the developer of appropriate infrastructure/mitigation measures. As set out below, it is considered that the

development proposals include sufficient measures to make the development acceptable. These are subject to condition.

- 6.3.7 Strategic Policy 10 relates to departures from the Structure Plan, which have to be justified against its criteria. From the above assessment, the only matters which may constitute a departure would be if the proposal has a significant adverse impact on European Protected Species that cannot be mitigated, or a significant adverse impact on the landscape. The assessment set out below confirms that the proposal does not constitute a departure so an assessment against Strategic Policy 10 has not been carried out.
- 6.3.8 The application also requires to be assessed against the proposed Glasgow and the Clyde Valley Strategic Development Plan (proposed SDP). Diagram 4 contains a diagram against which development proposals should be assessed. It is considered that the proposal is in accordance with the Spatial Development Strategy in that it is identified as an environmental component since the whole of South Lanarkshire is a search area for coal. The proposal accords with the spatial vision and strategy of the SDP but must also be acceptable to the local development planning and development management provisions of the local authority and considered against the relative policies in the adopted and emerging local plans and local development plans.

6.4 Local Planning Policy

- 6.4.1 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.
- 6.4.2 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. As described within the following section of this report, it is considered that the proposed development can be undertaken in accordance with policies contained within the development plan. It is considered that through the imposition and effective monitoring of appropriate conditions the general environment and the amenity of the surrounding area will be safeguarded whilst achieving the economic benefits of the minerals activity.
- 6.4.3 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.

- 6.4.4 The Ecological Impact Assessment contained within the ES considers the developments potential impact on a variety of the ecological resources including statutorily designated sites, non-statutory sites, protected species, notable species and notable habitats. The Muirkirk and North Lowther Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI), the Red Moss Special Area of Conservation (SAC) and SSSI and the Miller's Wood SSSI are located within 5km of the application site.
- 6.4.5 The SPA is located 2.4km from the site and is designated for its breeding populations of European important bird species, including Hen Harrier, Short-Eared Owl, Merlin, Peregrine and Golden Plover and for its wintering population of Hen Harrier. The ES notes that the foraging ranges for the raptor species mentioned above are generally considered to be 2km. One nest site, outwith the SPA but 2.1km from the application site, has been recorded, however no nesting sites for the above species are known within 2km of the site boundary. As a result of the distance of the site from the SPA and any nesting sites of the SPA qualifying species, and as a result of the coniferous forest located between the application site and the SPA, the ES concludes that it is unlikely that proposed development will create any direct or indirect effects on the qualifying interests of the SPA.
- 6.4.6 SNH agree that the proposal is outwith the 2km core foraging area from the SPA or any SPA connected birds. SNH consider that the proposal is unlikely to have a significant effect on any qualifying interests of the SPA and SSSI, either directly or indirectly.
- 6.4.7 The Red Moss SAC & SSSI is located 390m to the south of the application site and 1.5km to the east of the proposed extraction area. The Red Moss SAC & SSSI is designated for its active raised bog. SNH consider that the proposed development is likely to have a significant effect on the qualifying interest of the Red Moss SAC, and as a consequence the Council has a duty to undertake an 'appropriate assessment' prior to granting planning permission. The application site and the SAC & SSSI have a hydrological connection through the Black Burn, and some of the SAC & SSSI catchment is within the southern part of the application site. The development proposals could therefore affect water flow, quality and quantity entering the SAC & SSSI. In addition, dust from the processing of coal and the increased vehicle movement along the access track could affect the SAC & SSSI.
- 6.4.8 The applicant proposes to implement a number of measures to manage water within the site. These measures include the use of settlement lagoons and temporary site drainage ditches, the rate of pumping water from the void will be controlled to ensure the capacity of the lagoons is not exceeded and the discharge rates are therefore controlled, the drainage ditches along the access road will be upgraded and enhanced and buffer zones around water courses will be implemented. SNH consider that these measures will prevent deposition of sediment/nutrient and major changes in water flow which could lead to erosion, flooding and changes in the vegetation of the SAC & SSSI. In relation to water quantity, SNH considers that the impact will be minimal, because the majority of the Red Moss SAC catchment will not be affected and that water from the void will still enter the site following treatment. SNH also consider that the good restoration of the site will be important to replace the area supporting Flow Moss to as close to a functioning bog as possible.
- 6.4.9 In terms of the deposition of dust on the site, SNH note that the predominant wind direction in Scotland is from the south west and that the site is located to the south east of the application site, so dust will be blown predominantly away from the SAC. In addition, dust from mineral workings is largely deposited within 100m of the site.

Nevertheless, SNH request that dust monitoring equipment is provided immediately adjacent to the SAC.

6.4.10 SNH consider that the proposal will not adversely affect the integrity of the SAC if the following conditions are enforced;

- The applicant must deliver the mitigation measures set out within Chapters 9 & 12 and Appendix 13 of the Environmental Statement (relating to water, soil and dust management);
- An independent Ecological Clerk of Works is employed to monitor activities at the site and report the results to the Council;
- Monthly monitoring results with regards to water and dust are submitted to the Council, SNH and SEPA, and the recommendation for the alteration or cessation of operations where required to avoid damage to the SAC – dust monitoring should be located adjacent to the SAC and water monitoring points should be strategically located along Black Burn;
- The restoration of Flow Moss with 'restored turves' removed from other parts of the extraction area.

6.4.11 Whilst SNH consider that the proposed development raises natural heritage issues of national interest, they do not object subject the points listed above. In terms of the appropriate assessment, subject to the fulfillment of the points contained within 6.4.10, it is considered that the proposed development will not adversely affect the integrity of the Red Moss SAC.

6.4.12 Miller's Wood SSSI is located 600m to the northwest of the application site. The qualifying feature of the Miller's Wood SSSI is the upland birch woodland. The ES considers that the site is located at a sufficient distance from the development site not to be subject to direct impacts. The SSSI could however be potentially indirectly effected by a dust and changes in hydrology. SNH note that given the predominant wind direction, that dust from mineral workings is largely deposited within 100m of the SSSI and the proposed mitigation measures, the deposition of dust should be minimal.

6.4.13 SNH further confirm that the proposed transportation route via the conveyor belt then the B7078 would not adversely affect any designated sites.

6.4.14 On the basis of the above assessment, it is considered that the proposed development will not adversely affect the qualifying interests of any internationally or nationally designated sites.

6.4.15 In relation to habitats, the majority of the site is covered by wet heath habitat which is on Annex 1 of the Habitats Directive and is a UK Biodiversity Action Plan (UK BAP) priority habitat. SNH note that whilst the site is not designated, it is a habitat of European nature conservation importance. SNH consider that in the short term, after restoration, there will be a loss of the quality of the wet heather habitat, however in the longer term, if carefully restored, the wet heath should return to its current form.

6.4.16 Blanket Bog is also located within the application site at Flow Moss and Dykehead Bog. SNH welcomes the exclusion of Dykehead Moss and the majority of Flow Moss from the extraction boundary, but note that the proposed excavation limit of the development currently encroaches into the northern part of the Flow Moss. SNH therefore recommend that the limit of excavation is revised to remove the areas of deep peat within Flow Moss from excavation area.

- 6.4.17 In addition, SNH recommend that a Habitat Management Plan (HMP) is produced and implemented for the application area. SNH recommend that the HMP should focus on restoration of peatland at Flow Moss and Dykehead Bog and habitat creation for black grouse, that it is secured via a Section 75 agreement and approved prior to works commencing. In addition, SNH recommend that restoration of Flow Moss should commence prior to any extraction works being undertaken.
- 6.4.18 In addition to the consideration of designated site, the ES considers the potential impact of the proposed development on the following protected species; Otters, Water Voles, Bats, Badgers, Red Squirrels.
- 6.4.19 In relation to Water Voles and Red Squirrels, no evidence of these species were recorded on or in proximity of the site. This impact of the development on these species is considered to be either *not significant* or *non-existent*. Nevertheless, the applicant proposes the felling of some trees outwith the boundary of the application site to compensate for the loss of lekking areas for black grouse. SNH recommend that should squirrel dreys be found within these areas, survey work should be undertaken to establish if red squirrels are using these dreys.
- 6.4.20 Some evidence of Badgers were noted; however having undertaken further field survey work, this evidence was considered to be old and that there is no current interest in the site, or its buffer, from badgers.
- 6.4.21 In relation to Bats, no roost sites were found within the application site and the closest known roost site is located 800m from the boundary of the application site. Low levels of commuting and foraging bats were noted along the northern and southern boundaries of the site, adjacent to the existing woodland. The ES concludes that the significance of the impact on bats would be *minor*. As discussed above, the applicant proposes the felling of some trees outwith the boundary of the application site to compensate for the loss of lekking areas for black grouse. SNH recommend that any trees which provide a suitable roosting habitat for bats should be left standing.
- 6.4.22 Otters have been noted to make limited use of three burns within the application site (Moss Burn, Shiel Burn and tributaries to Black Burn). The ES notes that these burns are virtually fishless and therefore the habitat loss of these burns will be very limited. Indirect impacts on otters could occur if the operation impacted on fish populations downstream of the site. However given the limited number of otters noted downstream, any impact would be on the integrity of the local population only. The ES concludes that the impact on otters, following the implementation of mitigation measures, would be *non-significant*. SNH confirm that because there are no otter shelters within 200m of the site boundary, there are no licensing issues.
- 6.4.23 As a result of the location of the application site, the development also has the potential to result in a negative impact on certain bird species. The ES considers the bird species which have been recorded on and around the site and assesses the likely effects of the proposed development on these bird species. The ES draws together survey work carried out in relation to other forms of development in the area, starting in 2006, and data supplied by Scottish Natural Heritage. In addition, the ES was supplemented with additional surveys and assessment work undertaken in 2011.
- 6.4.24 The assessments consider the potential impact of the proposed development on a variety of bird species, including, but not confined to, Hen Harrier, Short-eared Owl, Merlin, Peregrine, Golden Plover, Black Grouse, Buzzards, Kestrels, Tawny Owls,

Oystercatchers and Lapwings. In many instances, only one or two records of sightings of these species were made. The species most likely to experience a significant impact as a result of the development are considered below.

- 6.4.25 No Hen Harrier nesting sites were recorded within the boundaries of the application site. It is therefore considered that the impacts of the development will be confined to impacts on foraging, however depending on the location of nesting sites at the commencement of operations, this could lead to the abandonment of a nest site. Potential effects are considered to range from nil to significant. Based on the worst case scenario, the Environmental Statement concludes that the effect is likely to be high and given the value of the receptor, the impact is considered likely to be *major*.
- 6.4.26 One short-eared owl nest has been recorded within the application site in the past (2005). If short-eared owls were to nest again in the application site, the proposed development could lead to the abandonment of a nest. The presence of short-eared owls on the site during breeding season was also noted to be low, and the use of the site and its surroundings appears to be intermittent. Given the intermittent use of the site and the low numbers using the site and the vicinity, the impact of the proposed development on short-eared owls is considered to be *minor*.
- 6.4.27 The ES notes that Goshawks nest in trees and there will therefore be no direct impact on this species nest sites. In addition, the ES notes that Goshawks are more likely to forage in woodland and farmland than on moorland. Effects on Goshawks are therefore likely to be confined to direct disturbance. One Goshawk nest has been identified in surrounding woodland. However, Goshawks generally have 2 or more nesting sites. The impact on Goshawks is predicted to be *not significant*.
- 6.4.28 Crossbills nest and forage within the plantations adjacent to the site and the application site will provide limited foraging opportunities to this species. Effects on Crossbills are therefore likely to be confined to direct disturbance. The impact on the species is considered to be *not significant*.
- 6.4.29 The application site has been identified as a site of regional importance for black grouse, with a number of lekking sites being identified within the site. SNH consider that the proposed mitigation will provide some additional lekking sites, however this will not completely mitigate the loss of key feeding areas. Nevertheless, SNH note that black grouse can be persistent in and around surface coal mines and offer no objection with regards to the loss of the site in this regard.
- 6.4.30 The ES sets out a number of measures to minimise and mitigate the impact of the proposed development on the species set out above. These include the phased restoration of the site, including the direct translocation of turfs, the provision of compensation habitats within the former Glentaggart Surface Coal Mine, monitoring for birds during the bird breeding season and the undertaking of works outwith the bird breeding season.
- 6.4.31 As a result of the proposed mitigation, the ES predicts that the impact on Hen Harries will reduce to *minor*, Short-eared owls will be *minor-beneficial*, Goshawks, Crossbills and Song Thrushes will remain *non significant*. The assessment also considered that the impact on other species will either remain *not significant* or become *minor beneficial*.
- 6.4.32 On the basis of the above assessment, it is considered that the proposed development will not adversely affect any internationally or nationally protected

species and it is therefore considered that the proposed development in accordance with Policies MP2, MP3 of the MLP and MIN2 of the PMLDP.

6.4.33 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).

6.4.34 A landscape and visual impact assessment (LVIA) was undertaken to consider the potential landscape and visual impact of the proposed development on the surrounding area. The study area extends to a 10km radius from the site and includes the settlements of Douglas, Glespin, Rigside, Coalburn and Crawfordjohn. The LVIA identifies two temporary sources of landscape and visual impact created by the proposed development:

- The removal of existing vegetation and landscape features from the site;
- The introduction of mining features such as the extraction void, overburden mound and associated infrastructure.

6.4.35 The LVIA notes that whilst the area surrounding the application site is relatively unpopulated, it is a developed landscape which features a range of modern development including agriculture, forestry, motorway, windfarm(s), industry and past and present mineral workings. The landscape quality and value varies across the study area, with some areas leading to 'busy/active' scenery and in other areas the landscape takes on a more scenic/tranquil quality. The site is located within a Plateau Moorland Landscape Character Area (LCA), with an Upland River Valleys LCA located to the north of the site. Prominent local hills are located to the east and west of the proposed extraction area and areas of forestry are located to the north and south of the site.

6.4.36 The LVIA sets out the mitigation incorporated within the design of the proposed surface mine to protect the visual amenity of residential communities and landscape character. Some of the key mitigation measures include, but are not limited to;

- Existing forestry to the north and south would be protected and retained.
- The proposed overburden storage is positioned to screen other mineral related activities from communities to the north of the site.
- The site has been designed to ensure the void is backfilled and restored in a progressive manner.
- Lighting of operational area will be managed to minimise direct views of the light sources.

6.4.37 The LVIA includes a viewpoint assessment, which considers the potential impact of the proposed development on 8 viewpoints within the study area. Photomontages have been prepared for these viewpoints. Two significant visual effects are considered likely from the junction of the A70 and the unclassified road leading to the residential property of Earls Mill, and from the residential properties located within Hillview Crescent, Glespin. Views of the proposed development will primarily be of the overburden mound, with the other operations associated with the development being screened by the mound.

6.4.38 The ES also includes an evaluation of the significance of the visual effects of the site operation and the site once restored on landscape character, designated landscapes, settlements, residential properties and routes through the area. A significant visual effect is likely from the village of Glespin. The clearest views of the site from the village will be from the east of the settlement, with a similar impact as to that experienced at Hillview Crescent. In addition, a significant visual effect is

predicted on the residential properties of Hazelside Lodge, Hazelside, Weston farm and Windrow Cottage, all located generally to the north/north-west of the site.

- 6.4.39 Scottish Natural Heritage were consulted with regards to the application and specifically commented on the proposed development's landscape and visual impact. SNH confirmed that they are of the opinion that the Environmental Statement provides a reasonable assessment of the proposed development and that due to the location of the surface mine the landscape and visual impacts are relatively limited. Nevertheless, SNH noted that the proposed overburden mound had the potential to create a significant adverse landscape and visual impact. SNH recommended that the applicant consider altering the profile of the overburden mound so that it is higher to the south and lower to the north, redesign the mound to create a more organic landform and phase the construction of the mound to build up and subsequently remove the northern section of the mound in a short period of time.
- 6.4.40 The applicant revisited their proposals for the creation of the overburden tip and followed the advice by SNH. SNH consider that the redesigned mound has addressed their concern and SNH further welcome the applicant's offer to enter into a Planning Obligation with the Council to ensure certain sections of the Townhead / Weston Woods are retained for the operation life of the site. SNH recommend that Planning Obligation to retain the forestry does not preclude any work within these areas of forestry for the improvement of habitat for black grouse.
- 6.4.41 Based on the above, it is considered that the proposed development will not create an unacceptable landscape and visual impact on the surrounding area, nor will it have a long term adverse affect on the quality of the Special Landscape Area and therefore accords with Policy MP5.
- 6.4.42 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 is primarily described by the MacAulay Institute for Soil Research as Grade 5.2 and 5.3 and 6.3. None of the application site is classified as 'Prime Quality Agricultural Land'. The proposed development does not therefore conflict with this policy.
- 6.4.43 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.
- 6.4.44 The Environmental Statement contains chapters which assesses both Hydrology (surface water) and Hydrogeology (ground water). In terms of Hydrology, three water courses (the Moss Burn, Sheil Burn and Black Burn) drain the site. The Black Burns drains to the south, into the Red Moss SAC & SSSI and the Sheil Burn and Black Burn drains north eventually into the Douglas Water.
- 6.4.45 The proposed development will result in the diversion of the Sheil Burn, which currently runs through the proposed extraction area. It is proposed that the burn and its tributaries will be diverted along the eastern and northern boundaries of the extraction area before joining the existing watercourse in the northern area of the application site. The route of the Moss burn will remain largely unaltered, however the proposed development will be located within the burn's catchment and affect its tributaries. In terms of the Black burn, again this water course will remain largely unaffected, however the development will be located within its catchment.

- 6.4.46 The applicant has proposed a surface water management scheme, which includes 4 water treatment lagoons, which will treat surface water pumped from the void, the use of interceptor ditches to channel clean rain water away from working areas, and the regular monitoring of the water flow and quality is undertaken to ensure that there is no major change. In addition, measures to mitigate the impact on the water environment include the detailed design of the diversion and reinstated routes of watercourses, and preparation of an emergency response plan to address spillages of fuels or oils etc.
- 6.4.47 In terms of groundwater, the applicant has completed a backfill risk assessment which sets out the measures required to ensure the backfilling of previously excavated rock will not adversely impact on groundwater quality. In addition, the applicant proposes the use of monitoring boreholes to monitor both dewatering and backfilling operations. The Environmental Statement considers that the development will not create a significant impact on groundwater.
- 6.4.48 SEPA were consulted with regards to the application and has confirmed that they have no objection to the proposed development. Condition 30 requires the provision of a groundwater monitoring plan to be provided.
- 6.4.49 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. As a result of the location of the application site, public access is currently limited, with no footpaths across the main part of the site. It is proposed to retain the access road from the B7078 up the main site. In addition, an access track from the A70 to the northern part of the site will not be affected by the proposals. It is considered that the development is in accordance with this policy.
- 6.4.50 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 43 is proposed to be attached to the planning permission to ensure archaeology resources are protected and recorded as appropriate.
- 6.4.51 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. 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 residential property is located over 600m from the boundary of the application site, and further still from the proposed extraction area. On this basis, it is considered that the proposed development complies with Policy MP11 and Policy MIN2.
- 6.4.52 Policy MP12 of the MLP requires applications for mineral extraction to be assessed with respect 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.

6.4.53 The proposed development's potential landscape and visual impact is discussed in paragraphs 6.4.33 to 6.4.40 and is not considered to create an unacceptable impact in this regard.

6.4.54 In relation to the proposed development's traffic and transportation impact, neither the Council's Roads nor Scottish Government Roads Departments have any objections to the proposal. The applicant proposes the routing of associated HGV primarily via the B7078 and onto the A70 eastwards to Ravenstruther Rail Terminal. The planning application also seeks to transport up to 1,000 tonnes of coal westwards through the settlements of Douglas and Glespin.

6.4.55 With regards to the route to Ravenstruther Rail Terminal, this is an established haul route and until recently was used to transport minerals from the Glentaggart surface coal mine. It is considered that the route eastwards along the A71 is acceptable and can accommodate the resultant traffic.

6.4.56 The planning application notes that up to 1,000 tonnes (approx 33 loads) of coal would require to be transported westwards to the applicant's site at Killoch. It is understood that this is due to coal quality issues. This would result in the coal being transported through the settlements of Douglas and Glespin. Scottish Coal had previously stated that they did not intend to transport coal from Broken Cross and Mainhill via this route. Consequently these movements were not explicitly controlled through previous consents. It is noted that transportation of coal along this route has generated complaints from the community. The applicant has advised that the haulage of coal would be transported on a 'backhaul' basis, i.e. HGV's travelling to Ayrshire empty would pick up loads of coal, therefore not resulting in any additional traffic along the A70 westwards. Nevertheless, this operation has led to laden coal vehicles travelling through the villages. Alternative routes via the M74 are available. Whilst these routes are longer, they can remove the transport of coal through the centre of settlements. On this basis, it is proposed to control the transportation of minerals extracted from Glentaggart East westwards through the settlements of Douglas and Glespin, taking account of the need to balance commercial operational requirements against the impact on the community. An HGV routing agreement will therefore be imposed controlling the routing of vehicles and a S96 agreement will be maintained to cover extraordinary expenses.

6.4.57 In relation to Noise, the ES considers the potential noise impact of the development. The baseline noise environment was measured at seven locations around the development, including locations in Douglas, Glespin, Earls Mill, Redshaw, Weston Farm and Andershaw Farm.

6.4.58 Noise predictions were calculated at various stages of the proposed development at the seven properties. Predictions indicate that noise from the proposed development will not result in an exceedance to the PAN50 recommended limits of 55LAeq during the daytime and 42LAeq during night-time at any property considered in the assessment and that they will *slight* to *neutral/slight* change in the noise environment.

6.4.59 The ES includes mitigation measures to ensure noise from the site is minimised. These measures include;

- The use of modern machinery to minimise noise,
- The use of warbling reversing alarms, rather than beepers,

- Working during the night will be behind the outer face of the tip
- Full operations will be restricted to daytime hours, with restricted operations taking place during night-time hours

6.4.60 Environmental Services have confirmed that they have no objection to the proposed development, and request conditions be placed on the planning permission, if granted, regarding noise mitigation, limits and monitoring. Subject to the inclusion of Conditions 1 and 31 to 35, it is considered that the proposed development will not create an unacceptable impact in relation to noise.

6.4.61 In relation to the applications impact on air quality, and the creation of dust, the ES contains a chapter on Air Quality. In addition, and on the request of the Council, the applicant commissioned an assessment of fine particulate emissions from non-road mobile machinery (NRMM), which assesses the emissions of fine particulate matter (PM₁₀ and PM_{2.5}) from the combustion of liquid fuels in the NRMM associated with the proposed development. The ES notes that many of the proposed operations, such as the extraction, handling and storage of materials, blasting, coal processing and storage and internal site haulage, have the potential to create dust. The primary receptors identified in relation to dust are local residential properties and nature conservation sites within the locality, particularly the Red Moss SAC & SSSI.

6.4.62 The assessment contained within the ES and supplementary information considers that, subject to the implementation of mitigation measures to address the potential impacts, the quarrying operation will not have significant effects on the representative receptors, by the creation of dust or impact on air quality. Furthermore, the additional assessments find that the effect of NRMM and HGV's transporting minerals from the site will be well within the limits set out in the Scottish Air Quality Standards and Guidance and that any effects would be not significant.

6.4.63 Mitigation measures put forward within the application to minimise dust includes;

- Minimising drop heights when loading and unloading dumptrucks,
- The use of sprays and bowsers to dampen down working faces, roads and processing areas,
- The grassing of overburden and soil storage mounds,

6.4.64 Environmental Services were consulted with respect of the ES and subsequently the supplementary information. Environmental Services concluded that the development is unlikely to create an unacceptable impact on air quality or on amenity through the creation of dust. It is proposed to attach Conditions 1 and 39 to 41 to ensure that appropriate mitigation measures are employed on the site and that a suitable scheme of monitoring and reporting is undertaken. Subject to the above, it is considered that the proposed development will not create an unacceptable impact on air quality.

6.4.65 In relation to Vibration, the ES identifies blasting as the principle source of vibration from the proposed development. Vibration can take the form of ground vibration or air overpressure. The ES considers the potential impact of the development in terms of vibration.

6.4.66 The ES presents the worst case predicted vibration levels at six locations around the development, including locations in Douglas, Earls Mill, Redshaw, Weston Farm and Andershaw Farm. The assessment finds that the worst case vibration levels expected at any sensitive property would be well within the recommended vibration limits set out within PAN50 Annex D. The assessment considers that all vibration levels will be imperceptible; however air overpressure may be perceptible, on

occasions, at the closest properties. The ES finds the impact on the closest residential properties to be *not significant*.

6.4.67 Again, Environmental Services have confirmed that they have no objection to the proposed development, and request conditions are placed on the planning permission, if granted, regarding vibration mitigation, limits and monitoring. Subject to the inclusion of Conditions 1 and 35 to 38, it is considered that the proposed development will not create an unacceptable impact in relation to vibration.

6.4.68 Based on the above assessment, I am therefore satisfied that the proposed development is in accordance with the Policy MP12 of MLP and MIN7 and MIN12 of the PMLDP.

6.4.69 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. The applicant has confirmed that they would be willing to make a community benefit contribution of 27.5p per tonne of coal in line with Council policy. In addition to the Scottish Coal contribution Douglas & Angus Estates have indicated that they will contribute a further 13.75 pence per tonne provided that the community benefit is distributed through the existing Mainshill Trust. It is important to emphasise that whilst these contributions are noted, they cannot be taken into account when assessing the acceptability or otherwise of the proposal in planning terms.

6.4.70 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. It is recognised that minerals can only be worked where they are found and as such this can result in surface coal mines being located in relative proximity to each other. The Environmental Statement has considered the issue of cumulative impact and concluded that there would be no significant impact. Consideration has been given to existing mineral developments in this area, having regard to the advice set out within SPP on cumulative impacts.

6.4.71 SPP notes that planning authorities should consider the cumulative impacts of minerals and other similar development such as landfill located within 5km of individual settlements. Three settlements are located within 5km of the application site, these being Douglas, Glespin and Crawfordjohn. In terms of Douglas, two operational coal mines at Mainshill and Broken Cross are within 5km of the site. In addition, the former Glentaggart and Poniel Surface Coal Mines and Poniel sand and gravel quarry are in restoration. The operational Mainshill Surface Coal Mine and the former Glentaggart Surface Coal Mine are located within 5km of Glespin. The operational sand and gravel quarry at Thirstone and operational hard rock quarry at Duneaton are within 5km of Crawfordjohn.

6.4.72 In relation to Douglas, two operational coal mines at Mainshill and Broken Cross are within 5km of the site. Broken Cross is located on the edge of the 5km area, approximately 7km from the Glentaggart East site. No views of the application site or operations will be possible from Douglas. Furthermore, it is proposed to restrict any mineral carrying traffic originating from the proposed site from travelling through Douglas. In addition, the former Glentaggart and Poniel Surface Coal Mines and Poniel sand and gravel quarry are in restoration. The works associated with these

three sites are limited and are due to be completed within the short term. As a result of the topography and the proposed routing of traffic, it is considered likely that the development will not result in an unacceptable cumulative impact with other nearby mineral developments.

6.4.73 In terms of Glespin, the former Glentaggart coal mine is currently in the restoration stage and no coal is being extracted. Large areas of the site have now been restored and the visual impact of the mine on Glespin has significantly reduced. Whilst further restoration works will continue at Glentaggart for another two to three years, these works will be relatively minor in nature and will work away from Glespin. In terms of Mainshill, whilst the boundary of the site is within 5km, it is on the very edge of this area, with no extraction taking place within this area. Furthermore, it is proposed to restrict any mineral carrying traffic from the proposed site from travelling through Glespin. Given the topography of the area, the cumulative landscape and visual impact of Glentaggart and Glentaggart East will be minimal. It is considered that there will not be an unacceptable cumulative impact on the settlement of Glespin.

6.4.74 In terms of Crawfordjohn, whilst two operational mineral sites are within the 5km assessment area, neither of these sites, nor the proposed Glentaggart East Surface Coal Mine, will be visible from Crawfordjohn. Furthermore, no minerals traffic is currently routed through Crawfordjohn. On this basis, it is considered that the proposed development will not create an unacceptable cumulative impact on Crawfordjohn.

6.4.75 In addition to the above, a number of windfarm proposals exist within the surrounding area, the closest of which are Andershaw Windfarm (approved by Planning Committee referred to the Scottish Ministers), Glentaggart Windfarm (CL/11/0461) and Middle Muir (not currently subject of an planning application) all located to the south of the application site. The cumulative impacts experienced for the proposed development and the proposed windfarms is primarily related to landscape and visual impact and impact on natural heritage interests. As discussed above, the landscape and visual impact of the proposed development will be limited and it is unlikely that the main part of the application site and the proposed windfarms will be seen together from any public road. Whilst SNH has confirmed that the proposals will not create additional habitat for hen harriers, they have not raised an objection in this respect.

6.4.76 Finally, it is noted that no objections from either the Council's or Scottish Government's Roads Departments was received. In this context, it is considered that granting permission for this proposal will not raise cumulative impact issues.

6.4.77 Policy MP16 of the MLP states that the Council will not permit proposals for minerals extraction where a proposal is likely to involve a total working period in excess of ten years, unless it can be demonstrated that there are significant environmental or community benefits to be gained by extending the period of operations. The proposed development involves the formation of a new surface coal mine. It is not an extension to the former Glentaggart mine and these workings are located over 1km to the west of the former mine. The applicant proposes to complete the extraction operations at the site within 8 years, with a further 2 years for infilling and restoration works. Condition 5 controls this aspect. On this basis, the proposed development complies with this policy.

6.4.78 Policy MP17 of the MLP states that the Council will require, where appropriate, surveys of properties which lie close to the site and which may be adversely affected through blasting or movement of heavy haulage. The Environmental Statement

concludes that with mitigation no residential property will be subject to impacts which would result in damage. No surveys are therefore considered necessary with regards to this development.

- 6.4.79 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. The traffic impact of the proposed development is assessed in the Environmental Statement and considered in paragraphs 6.4.54 to 6.4.56 above.
- 6.4.80 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. The applicant proposes to restore the majority of the application site to wet heath, based on the same level as the existing landform. The proposals involve the inclusion of a number of scrapes, ponds and pools of various shapes and depths. In addition, small areas of broadleaf woodland will be planted along the route of the Sheil Burn. The translocation of turf will be undertaken where possible to establish growth on the surface of the restored area as soon as possible.
- 6.4.81 SNH note that the proposed restoration would be challenging and that a detailed restoration plan should be provided before works commence. SNH also recommend that the aftercare period for the site should be 10 years, as opposed to 5 years which is generally applied to mineral extraction site.
- 6.4.82 Subject to the provision of a detailed management plan and suitable aftercare period, in addition to the proposed Habitat Management Plan, it is considered that the proposed development is in accordance with Policy MP19 of the MLP and Policy MIN 4 of the PMLDP.
- 6.4.83 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 agreed to provide a restoration guarantee bond for the proposed development and it is proposed to withhold the decision notice until this is received.
- 6.4.84 Policy MP26 of the MLP states that the Council will only permit the commercial extraction of peat where (1) the development does not consist with other policies of the development plan, (2) SNH have no material objections, (3) there are no concerns from Historic Scotland and the Councils Archaeological advisor and (4) there are no significant adverse impacts on the landscape. Policy MIN6 of the PMLDP states that for the ancillary extraction of peat associated with other mineral development, the Council will seek to ensure that best practice is used for the handling, storage and restoration of peat.
- 6.4.85 Whilst the application is not for the commercial extraction of peat, part of the application site is covered by peat which will require to be removed, stored and replaced to allow access to the coal beneath. Following discussions with SNH and the Councils Planning Service, the applicant has revised their proposals for the extraction of coal beneath Flow Moss. Instead they propose to safeguard both Dykehead and Flow Moss with an impermeable bund, thereby avoiding removal of

the areas of deepest peat with the site. Whilst a large proportion of the remaining area of the site is covered by peat, site investigations have demonstrated that much of this area is less than 0.5m deep, with the exception of a number of small pockets.

- 6.4.86 SNH, Historic Scotland and the West of Scotland Archeological Service were all consulted in relation to this application and raise no objections with regards to the proposed development. The landscape and visual impact of the proposed development is considered in paragraphs 6.4.33 to 6.4.41 above, and considered to be acceptable. Furthermore, as discussed throughout this report, the proposed development is considered to be consistent with all other policies within the development plan. On this basis, it is considered that the application is consistent with Policy MP26.
- 6.4.87 In relation to Policy MIN6 of the PMLDP, a method statement setting out how the peat will be stripped, handled and stored and subsequently replaced on restoration was provided and Condition 1 requires works to be undertaken in compliance with this statement. On the basis of the above, it is considered that the proposed development is consistent with Policy MIN6 of the PMLDP.
- 6.4.88 Policy MP30 of the MLP notes that the Council will seek to ensure that the development proposals respect the distinctive local landscape characteristics. The landscape and visual impact of the proposed development is considered in paragraphs 6.4.33 to 6.4.41. The restoration proposals for the development seek to restore the site to approximately the original landform. On this basis, it is considered that the development is consistent with this policy.
- 6.4.89 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 as part of the ES. As discussed in paragraphs 4.4 and 6.4.57 to 6.4.60, an assessment of the proposed development in relation to noise has been undertaken by the applicant and reviewed by Environmental Services who raise no objection. It is considered that the proposed development accords with policy MP32.
- 6.4.90 Policy MP33 of the MLP requires a dust assessment to be undertaken for all mineral development which should 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. As discussed in paragraphs 4.4 to 6.4.61 to 6.4.64, an assessment of the proposed development in relation to both dust and fine particulate matter has been undertaken by the applicant and reviewed by Environmental Services who raise no objection. It is considered that the proposed development accords with policy MP33.
- 6.4.91 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 application site is not currently visible from any tourist routes. The main overburden tip will however be visible from the A71 to the north and from Glespin. The overburden tip has been remodeled following comments from SNH to reduce its visual impact. SNH consider the visual impact of the mound to be acceptable. In terms of public rights of way, none cross the application site at any point. In terms of the use of the site for recreational purposes, the site may be used occasionally for walkers however there is no evidence of frequent use of the site. It is considered that

the proposed development will not result in an unacceptable impact on tourism and recreation, and that the development accords with this policy.

- 6.4.92 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. Whilst the application has been described by the applicant as an extension to the former Glentaggart Surface Coal Mine, the development proposal in fact represents the formation of a new surface coal mine. In addition, the former Glentaggart Surface Coal Mine was consented prior to the adoption of the South Lanarkshire Minerals Local Plan. On this basis, no presumption against the development exists as a result of Policy MP36.
- 6.4.93 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. If planning permission is granted, a planning obligation agreement securing a restoration bond, community benefit trust fund payments, a routing agreement, extraordinary road expenses, payments for mineral monitoring officer expenses and other matters would be concluded prior to consent being issued. It is important to emphasise that whilst these contributions are noted, they cannot be taken into account when assessing the acceptability or otherwise of the proposal in planning terms.
- 6.4.94 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. Should planning permission be granted, the Planning Service will put in place a monitoring regime.
- 6.4.95 Policy MP39 of the MLP notes that the Council will require a progress plan to be provided annual basis. Condition 11 requires the submission of an annual progress plan.
- 6.4.96 In light of the above assessment, it is considered that the proposed development is compliant with policies contained within the adopted Minerals Local Plan 2002 and the Proposed Minerals Local Development Plan.
- 6.4.97 The adopted South Lanarkshire Local Plan 2009 (SLLP) identifies the site as being within the rural investment area. Policy STRAT5: Rural Investment Area, notes that the Council will support sustainable communities within this area and states that all development should seek to enhance the environmental quality of the area or, where enhancement is not possible, environmental impacts should be mitigated. Whilst this policy is not focused on mineral developments, it is considered that, from the detailed assessment of proposed development, in relation to Mineral Plan policies, the proposed development will not significantly affect the environment and that the proposed restoration of the site could lead to environmental benefits for bird species.
- 6.4.98 Policy CRE2: Stimulating the Rural Economy, states that for non-residential development within rural areas, development should respect the landscape, countryside amenity and nature conservation interests complement the scale, design and character of the locality and promote environmental enhancement. 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 policy CRE2.

- 6.4.99 Policy ENV4: Protection of the Natural and Built Environment, notes that development which would affect areas of local/regional importance will only be permitted where the integrity of the protected resource will not be significantly undermined. These areas include RSA's, which are now SLA's. As discussed above, it is considered that the development will not adversely affect any built heritage or nature conservation sites.
- 6.4.100 Policy ENV12: Flooding Policy, states that the Council will take a precautionary principle and seek to avoid increasing flood risk by refusing permission for new development where it would be at risk of flooding or increase the risk flooding elsewhere. SEPA has confirmed that they are satisfied that the proposed development will not result in flooding on site or elsewhere and condition 28 requires hydraulic modeling to compare the existing watercourses against the proposed/diverted watercourses to ensure that there will be a neutral effect on flood risk.
- 6.4.101 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. Paragraphs 6.4.18 to 6.4.32 considers the potential impact of the proposed development on protected species and other species. The proposed development is not considered likely to create an unacceptable impact on these species.
- 6.4.102 Policy ENV29: Regional Scenic Area and Areas of Great Landscape Value states that particular care should be taken to conserve those features which contribute to local distinctiveness, including special qualities of river corridors, skyline and features, including prominent viewpoints etc. The South Lanarkshire Local Landscape Character Assessment revisited the extent of RSA's and AGLV's and established SLA's. The application site is located within an SLA. As set out in paragraphs 6.4.33 to 6.4.41 it is considered that the development is unlikely to create significant adverse impact on the SLA. The development is therefore considered to be in accordance with Policy ENV29.
- 6.4.103 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. As discussed above, it is not considered likely that the proposed development would create an unacceptable landscape and visual impact.
- 6.4.104 Policy DM1: Development Management requires all development to take fully into account the local context and built form. As discussed above, it is considered that the proposed development would not create an unacceptable impact on the landscape and visual amenity of the local area as a result of its location and the local topography.
- 6.4.105 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. It is also considered that the proposed development is also in accordance with national policy set out within SPP and other national policy guidance.

6.4.106 The development proposal will enable up to 4 million tones of coal to be recovered, contributing to the UK's energy mix, and addressing in part the nation's energy requirements. Through the detailed assessment of the proposal the following points are highlighted:

- The proposal is consistent with national planning policy and guidance.
- In terms of development plan policy, and the Proposed Minerals Local Development Plan, it is considered that the proposal is consistent with policy.
- With regard to consultation responses it is noted that no objections have been received, with the exception of the RSPB (discussed in paragraph 4.14), from consultees.
- That through appropriate assessment it is considered that the proposed development will not adversely affect the integrity of the Red Moss SAC, subject to the use of controls as set out in paragraph 6.4.10.

6.4.107 It is considered that the economic benefits associated with this development should be supported through the planning system, which is wholly consistent with Scottish Government's policy. Therefore it is recommended that a time limited planning permission be granted subject to the imposition of suitable planning conditions and agreements to control site operations and restoration works. The decision notice should not be issued until these legal agreements have been concluded.

7 Reasons for Decision

7.1 For the reasons set out in paragraphs 6.4.105 to 6.4.107 above.

Colin McDowall
Executive Director (Enterprise Resources)

5 December 2011

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Environmental Statement including,
 - Environmental Statement Volume 1 – Main Report ,dated April 2011,
 - Environmental Statement Volume 2 – Appendices, dated April 2011,
 - Environmental Statement Volume 3 – Non-Technical Summary, dated April 2011,
 - Environmental Statement Volume 4 – Landscape and Visual Amenity Figures, dated April 2011,
 - Environmental Statement Volume 5 – Confidential Appendix on Mammals and Birds, dated April 2011, and
 - Planning Application and Environmental Statement, Additional Information, dated October 2011.
for the Glentaggart East Surface Mine prepared by Scottish Coal.
- ▶ Application Plans
 - 25785 – Figure 1 – Location Plan
 - 25687 Rev.A - Figure 1.5 - Site Layout
 - 25786 – Figure 2 – Site Plan

- 25790 Rev.A – Figure 6 – Indicative Layout 6 months
- 25791 Rev.A – Figure 7 – Indicative Layout 12 months
- 25792 Rev.A – Figure 8 – Indicative Layout 24 months
- 25793 Rev.A – Figure 9 – Indicative Layout 36 months
- 25794 Rev.A – Figure 10 – Indicative Layout 48 months
- 25795 Rev.A – Figure 11 – Indicative Layout 60 months
- 25796 Rev.A – Figure 12 – Indicative Layout 72 months
- 25797 Rev.A – Figure 13 – Indicative Layout 84 months
- 25798 – Figure 14 – Geological Plan
- 25799 – Figure 15 – Geological Cross Sections
- 25800 – Figure 16 – Restoration Proposals
- 25826 – Figure 17 – Peat Retention Bund

► Consultations

Scottish Wildlife Trust	21/06/2011 & 03/11/2011
Historic Scotland	21/06/2011
Transport Scotland	07/06/2011 31/10/2011
The Coal Authority - Planning and Local Authority Liaison Department	13/06/2011
Scottish Natural Heritage	05/07/2011 24/11/2011
Roads and Transportation Services (Clydesdale Area)	15/07/2011
Scottish Gas Network	07/06/2011
West of Scotland Archaeology Service	07/06/2011
Scottish Power	07/06/2011
Environmental Services	07/06/2011
Scottish Water	07/06/2011
S.E.P.A. (West Region)	09/09/2011 01/11/2011 17/11/2011
Scottish Wildlife Trust	03/11/2011
RSPB Scotland	14/07/2011 22/11/2011
Scottish Government	29/06/2011 01/11/2011
Roads & Transportation Services H.Q. (Flooding)	29/06/2011

▶ Representations

- Representation from : Christine Park, 3 Douglas Drive, Cambuslang
G72 8NQ, DATED 24/11/2011
- Representation from : Sarah Pentland, 35/5 Castlevue Grove, Edinburgh
EH16 4BN, DATED 24/11/2011
- Representation from : S Marjanovic, 22/2a Buccleuch Street, Edinburgh
EH8 9JR, DATED 24/11/2011
- Representation from : Elizabeth Chu, 50/3 South Bridge, Edinburgh
EH1 1LL, DATED 24/11/2011
- Representation from : James Bryan, 21/1 Eding Place, Edinburgh
EH7 5RN, DATED 24/11/2011
- Representation from : Natalie King, 56 F1 Easter Road, Edinburgh
EH7 5RG, DATED 24/11/2011
- Representation from : James M Hamilton, Nayrnfield, 20A Devonburn Road
Near Lesmahagow
Lanark ML11 9PX, DATED 27/05/2011
- Representation from : Fiona Keenan, Flat 6, 7 Watson Crescent
Edinburgh, EH11 1HD, DATED
- Representation from : A Hurdkova, 120 Gilmore Place, Edinburgh
, DATED 04/10/2011
- Representation from : Roward Schofield, New House
Kitlocknowe, Carlops
Penicuik, EH28 9NJ, DATED 04/10/2011
- Representation from : Cornelia Altgaro, 3F2, 48 Marchmont Road
EH9 1HX, DATED 04/10/2011
- Representation from : Emmeline Noogland, 3F2
7 East Preston Street, Edinburgh, DATED 04/10/2011
- Representation from : G Carnall, 19 Allanford Park , Edinburgh
EH10 5DZ, DATED 04/10/2011
- Representation from : Daniel Mullins, 2 SW Cumberland St Lane, DATED
04/10/2011
- Representation from : Rachel Mc Crum, 90/5 Mayfield Road, Edinburgh
EH9 3AF, DATED 04/10/2011
- Representation from : Celia Phillips, 1F1 1 Lower Gilmour Place, Edinburgh
EH3 9NY, DATED 04/10/2011

Representation from : Jamie Finn, 11/7 Caledonian Road, Edinburgh
EH11 2DA, DATED 04/10/2011

Representation from : Maxine Beahan, 26/9 Fleming Place, Edinburgh
EH7 6GY, DATED 04/10/2011

Representation from : A T Mc Call, 30 East Park Road, Kintore, Aberdeenshire
AB51 0FE, DATED 04/10/2011

Representation from : Beth Howson, 38/23 South Clerk St, Edinburgh
EH8 9PS, DATED 04/10/2011

Representation from : Darla Eno, 2f1 Leamington Terrace, Edinburgh
EH10 4SW, DATED 04/10/2011

Representation from : Melisa Mincova, James Craig Court, Edinburgh
EH1 3BA, DATED 04/10/2011

Representation from : Stephen Paterson, 18/3 Royal Avenue, Edinburgh
EH3 6SS, DATED 04/10/2011

Representation from : Laurene Veale, 22/F5 Livingstone Place, Edinburgh
EH9 1PD, DATED 04/10/2011

Representation from : Owner/Occupier, 11/4 Upper Grove
Edinburgh, DATED 04/10/2011

Representation from : Charlie Goodwin, 2/1 World's End Close, 10 High Street
Edinburgh, EH1 1JD, DATED 04/10/2011

Representation from : Ruth McElroy, Baird House, Pollock Halls of Residence
18 Hayrood Park Road, Edinburgh, , DATED 04/10/2011

Representation from : Lucy Brown, 16 Main Street, Dalry
Castle Douglas, Kirkwood Brightshire, DG7 3UW, DATED
04/10/2011

Representation from : Steven Ebbinghaus, 15 1F1 Spittal Street, Edinburgh
EH3 9DY, DATED 04/10/2011

Representation from : Kate Chandler, 30/7 Iearmath Grove
Edinburgh, DATED 04/10/2011

Representation from : Lesley Martin, 6/2 Smithfield Street
Edinburgh, DATED 04/10/2011

Representation from : Vanessa Chamas, 29/9 Millar Crescent, Edinburgh
EH10 5HN, DATED 04/10/2011

Representation from : Juliet Neal, Flat 1/2, 9 Yorkhill Parade
Glasgow, G3 8Sw, DATED 04/10/2011

Representation from : Colin Howden, Flat 3f2, 2 St Leonards Bank, Edinburgh
EH8 9SQ, DATED 04/10/2011

Representation from : Daniel Fisher, 2-4 Dilfon Key
Edinburgh, DATED 04/10/2011

Representation from : Rasim Kaldes Laribi, 47 Kilrymont Road, St Andrews
KY16 8BP, DATED 04/10/2011

Representation from : Reigh Mclvor, 35/2 F1 Duke Street
Edinburgh, DATED 04/10/2011

Representation from : Piotr Gora, 11 Rosebank Crescent, Edinburgh
EH12 5JY, DATED 04/10/2011

Representation from : Chris Marks, 4 Claremont Park., Edinburgh
EH8 7PH, DATED 04/10/2011

Representation from : Ebony Ruggero, 15/3 Lauriston Gardens, Edinburgh
EH3 9HH, DATED 04/10/2011

Representation from : Joel Sharples, Flat 2F2, 17 Lutton Place, Edinburgh
EH8 9PD, DATED 04/10/2011

Representation from : Fiona Barrowman, 16/3 Allanfield
Edinburgh, DATED 04/10/2011

Representation from : Fiona Barrow, 16/3 Allanfield
Edinburgh, DATED 04/10/2011

Representation from : Cameron Barrowman, 16/3 Allanfield, Edinburgh
EH7 8YJ, DATED 04/10/2011

Representation from : Istael Martinez, 15/10 Rowtrelier, Edinburgh
EH10 4LZ, DATED 04/10/2011

Representation from : Jamie Hamilton, 18 Buchany, Daine, Perthshire
EH6 6HD, DATED 04/10/2011

Representation from : Mary Church, 13 Elm Row
3f1, Edinburgh, EH7 4HA, DATED 04/10/2011

Representation from : Elaine Wallace, 8 Sydney Place, Edinburgh
EH7 6SU, DATED 04/10/2011

Representation from : M Smith, Rigganfield, Kilncroft Terrace, Douglas
ML11 UPY, DATED 01/11/2011

Representation from : James B Smith, Rigganfield, 37 Kilncroft Terrace, Douglas
Lanark, ML11 0PY, DATED 17/08/2011

Representation from : Tony Milligan, Flat 2, 77 High Street
Dunblane, DATED 23/11/2011

Representation from : Mark Bateman, 61 High Street, Bonnybridge
FK4 1BX, DATED 23/11/2011

Representation from : Richard Hedges, 14 Park Road, Thackley

Bradford, BD10 OR2, DATED 23/11/2011

- Representation from : Blue Hesse, 7/6 Gillespie Place
Edinburgh, DATED 23/11/2011
- Representation from : Miguel Blazquez, 8/5 Southhouse Grove, Edinburgh
EH17 8EJ, DATED 23/11/2011
- Representation from : Fiona James, 6/7 Gillespie Place, Edinburgh
EH10 9HS, DATED 23/11/2011
- Representation from : Bill Joseph, Flat 3, 8 West Pilton Green, Edinburgh
EH4 4HT, DATED 23/11/2011
- Representation from : Nic Goodwin, Springwellbrae Cottage, Broughton
ML12 6HH, DATED 23/11/2011
- Representation from : Michael Vallance, 4/2 Fidra Court, Edinburgh
EH4 4SE, DATED 23/11/2011
- Representation from : Annabel Crowe, 15/3 Lauriston Gardens, Edinburgh
EH3 9HH, DATED 23/11/2011
- Representation from : Michael Starkey, 1/1 Lower Gilmore Place, Edinburgh
EH8 9NY, DATED 23/11/2011
- Representation from : R Valdes Larnbi, 46 Watson Avenue, St Andrews
Fyfe, KY16 8JE, DATED 23/11/2011
- Representation from : Sharon McBrearty, 1/1 FI Lower Gilmour Place, Edinburgh
EH3 9NY, DATED 23/11/2011
- Representation from : Rachel Waldrick, 120 Gilmore Place, Edinburgh
EH3 9PL, DATED 23/11/2011
- Representation from : Joanne Geaney, 15/01 Lower Bridge Street, Stirling
FK8 1AA, DATED 23/11/2011
- Representation from : John McIver, 93 Echline Drive, South Queensferry
West Lothian, EH30 9UX, DATED 23/11/2011
- Representation from : Zachary Laporte, 68 Anhalt Road, London
SW11 4NX, DATED 23/11/2011
- Representation from : Ross Edmond, 121 Comiston Drive, Flat 16
121 Comiston Drive, Edinburgh
EH10 5QU, DATED 23/11/2011
- Representation from : Molly Uzzell, 111/3 Easter Road, Edinburgh
EH7 5PP, DATED 23/11/2011
- Representation from : Soraya Bishop, 1/1 Lower Gilmore Place, Edinburgh
EH8 9NY, DATED 23/11/2011
- Representation from : Michael Dunn, G3/9 Lona Street, Leith

Edinburgh, EH6 8SP, DATED 23/11/2011

Representation from : Ellie Muniandy, 1F2 51 Marchmont Road, Edinburgh
EH9 1DT, DATED 23/11/2011

Representation from : Jenni Fulton, 22 Woodland Drive, Bo'ness
West Lothian, EH51 ONT, DATED 23/11/2011

Representation from : Caroline McManus, 24 Newmills Road, Balerno
Edinburgh, EH14 5SU, DATED 23/11/2011

Representation from : Kirsty du Rocher, 12/2 Robertsons Close, Edinburgh
EH1 1LY, DATED 23/11/2011

Representation from : Jacqui du Rocher, 10/1 Loganlea Terrace, Edinburgh
EH7 6NX, DATED 23/11/2011

Representation from : Pat O'Daly, 18 Cabin Eely way, Dublin 18
Ireland, DATED 23/11/2011

Representation from : Jane Carnall, 14 Hawthornbank Place, Edinburgh
EH6 9HG, DATED 23/11/2011

Representation from : Fiona MacKellar, 2/1 37 Kelvindale Ct, Glasgow
G12 0JG, DATED 23/11/2011

Representation from : Georgia Raffay, 25 Warrender Park Terrace, Edinburgh
EH19, DATED 23/11/2011

Representation from : Joe Cranwell, 20 Reulceillor Street
Edinburgh, DATED 23/11/2011

Representation from : Eva Aurley, 11 Muirfield Road
Dunbar, EH42 1GQ, DATED 23/11/2011

Representation from : Chris Cannon, 23/2 F4 Maryfield, Edinburgh
EH7 5AR, DATED 23/11/2011

Representation from : Alan Ramsay, 9/1 Saughton Gardens, Edinburgh
EH12 5TF, DATED 23/11/2011

Representation from : Mary Roca, 14 Meadowbank Crescent, Edinburgh
EH8 7AH, DATED 23/11/2011

Representation from : Jennifer Barton, 16 Portland Place, Edinburgh
EH6 6LA, DATED 25/10/2011

Representation from : James Hamilton, Nayrnfield, 20A Devonburn Road
Lesmahagow, Lanark, ML11 9PX, DATED 30/06/2011

Representation from : Amanda Byers, 2 Springhill Street, Douglas
Lanark, ML11 OPJ, DATED 08/08/2011

Representation from : Lesley Cronin, 4 Nursery Avenue
Douglas, DATED 08/08/2011

Representation from : Simon Gardiner, 22 Main Street, Douglas
ML11 0GW, DATED 08/08/2011

Representation from : Lisa Curley, 22 Main Street, Douglas
ML11 0GW, DATED 08/08/2011

Representation from : Moira Dale, Cample House, Cample
Thornhill, DATED 08/08/2011

Representation from : Owen Curley, 22 Main Street, Douglas
ML11 0GW, DATED 08/08/2011

Representation from : Joanne Curley, 22 Main Street, Douglas
ML11 0GW, DATED 08/08/2011

Representation from : Martin Cronin, 65 Springhill Road, Douglas
ML11 0QY, DATED 08/08/2011

Representation from : Lauren Curley, 22 Main Street, Douglas
ML11 0QW, DATED 08/08/2011

Representation from : A Peters, 4 Addison Gardens
Douglas, DATED 08/08/2011

Representation from : Simone McCormick, 69 Brownhill Avenue, Douglas
ML11 0PE, DATED 08/08/2011

Representation from : Eva Gardiner, 39 Dale Street, Douglas
Lanark, ML11 0RG, DATED 08/08/2011

Representation from : Michael Reilly, 17 Nursery Avenue
Douglas, DATED 08/08/2011

Representation from : Robin Monteath, 20 Vere Terrace
Kirkmuirhill, DATED 08/08/2011

Representation from : John Gillespie, 7 Main Street
Douglas, DATED 08/08/2011

Representation from : Amy Louise Pollock, 27 Kilncroft Terrace, Douglas
ML11 0PY, DATED 08/08/2011

Representation from : James Grant, 38 Main Street, Douglas
ML11 0QW, DATED 08/08/2011

Representation from : Daniela Milne, 5 Warrender Park Crescent, Edinburgh
EH9 1DX, DATED 08/08/2011

Representation from : C White, 38 Hill Street, Douglas
ML;11 0RG, DATED 08/08/2011

Representation from : Nikki Curley, 22 Main Street, Douglas
ML11 0QW, DATED 08/08/2011

Representation from : Mary Ormiston, 21 The Loaning, Douglas
ML11 0QE, DATED 08/08/2011

Representation from : Sarah Louise Rankin, 74 Springhill Street, Douglas
ML11 0NZ, DATED 08/08/2011

Representation from : Mr Kenny Sludden, Castleview, Colonels Entry
Douglas, ML11 0RY, DATED 07/06/2011

Representation from : Jane Lewis, 252 Portobello High Street, Edinburgh
EH15 2AT, DATED 05/10/2011

Representation from : Chris Jamieson, 78 Easter Drylaw Place, Edinburgh
EH4 2QQ, DATED 05/10/2011

Representation from : Karen Tostee, 120 Gilmore Place, Edinburgh
EH3 9PL, DATED 05/10/2011

Representation from : Susannah Compion, 40/1 Gillespie Crescent, Edinburgh
EH10 4HA, DATED 05/10/2011

Representation from : James McAsh, 39/2 West Nicolson Street, Edinburgh
EH8 9DB, DATED 05/10/2011

Representation from : Peter McColl, 23A Bath Street, Portoboud
Edinburgh, EH15 1HB, DATED 05/10/2011

Representation from : Edward Coulson, 12 Esfside West
Musselburgh, EH21 6PL, DATED 05/10/2011

Representation from : Owner/Occupier, 36 Luke Place
Edinburgh, DATED 05/10/2011

Representation from : Luke Hemmerson, 18 (2F3) Polwarth Crescent, Edinburgh
EH11 1HW, DATED 05/10/2011

Representation from : Jen Much, 3F1 4 Melville Terrace, Edinburgh
EH9 1LY, DATED 05/10/2011

Representation from : A Tibbit, 4 Elmwood Terrace, Edinburgh
EH6 8DF, DATED 05/10/2011

Representation from : Mike Ferrigan, 39 Forthview Crescent, Currie
EH14 5QX, DATED 05/10/2011

Representation from : Maria Pinkee, 34 Albany Park, St Andrews
Fife, DATED 05/10/2011

Representation from : Lewis White, 7/6 Strathallan Road, Edinburgh
EH9 2AG, DATED 05/10/2011

Representation from : Mandy Meikle, 42 Woolfords, By West Calder
Edinburgh, EH55 8LH, DATED 05/10/2011

Representation from : Gavin Lashley, 3 Blackford, Hill Grove

Edinburgh, EH9 3HA, DATED 05/10/2011

- Representation from : Andrew Ross, 52 Ashton Road, Gourrock
Inverclyde, PA19 1AA, DATED 05/10/2011
- Representation from : Heta Haaristo, 50 Kirkhill Road, Edinburgh
EH27 8JB, DATED 05/10/2011
- Representation from : Emma Coalburn, 182 Kings Park Road, Glasgow
G44 4SU, DATED 05/10/2011
- Representation from : Kadie Jacjek, 23 Primrose Lane, Kincardine
Fife, DATED 05/10/2011
- Representation from : Almuth Ernsting, 10 Talisman Drive, Aberdeen
AB10 7EX, DATED 05/10/2011
- Representation from : Lucio Marcello, Flat 2, 4 Devonshire Street
Glasgow, G12 0XE, DATED 05/10/2011
- Representation from : Carolina Berman, 49 Marchmont Crescent, Edinburgh
Eh9 1HL, DATED 05/10/2011
- Representation from : Cait Ni Cadlaig, 18/2 Loganlee Terrace, Edinburgh
EH7 6NT, DATED 05/10/2011
- Representation from : Francesco Bennenuti, 49 Rankeillor Street. Edinburgh
EH8 8H7, DATED 05/10/2011
- Representation from : Leslie Dible, 11A Kenmire Avenue, Edinburgh
Eh8 7HQ, DATED 05/10/2011
- Representation from : Carla Cribari-Assali, 4 Walker Street, Edinburgh
EH3 7LA, DATED 05/10/2011
- Representation from : E Marshall, 9 Craigleithhill Ave, Edinburgh
EH41 2HZ, DATED 05/10/2011
- Representation from : Shereen Benjamin, 2 Dalkeith Street, Edinburgh
EH15, DATED 05/10/2011
- Representation from : Helen Mein, Candlen, Bridgeend
Linlithgow, EH49 6NH, DATED 05/10/2011
- Representation from : Jon Black, 2/5 West Pilton Lea, Edinburgh
EH4 4ES, DATED 05/10/2011
- Representation from : Ivan Konstantinov, 16/28 Dumbied Kes Road, Edinburgh
EH8 8UU, DATED 05/10/2011
- Representation from : Steve Burgess, 23 Royal Park Terrace, Edinburgh
, DATED 05/10/2011
- Representation from : C M Pearson, 18 Hugh Miller Place, Edinburgh
Eh3 5JQ, DATED 05/10/2011

Representation from : Mark Linder, Clapham London
SW 4 7UW, DATED 05/10/2011

Representation from : Svenja Meyerricks, 565 Shields Road, Glasgow
G41 2RW, DATED 05/10/2011

Representation from : Lynn Jamieson, 1 Warrender Park Crescent, Edinburgh
EH9 1DX, DATED 05/10/2011

Representation from : Pat Poryden, 21 Dunrobin Place, Edinburgh
EH3 5HZ, DATED 05/10/2011

Representation from : Bruce Neil, 59 Brunswick Street, Edinburgh
EH7 5HT, DATED 05/10/2011

Representation from : David Somervell, 71 Nile Grove, Edinburgh
Eh10 4SN, DATED 05/10/2011

Representation from : P Canwell, 95 Joppa road, Edinburgh
EH15 2HB, DATED 05/10/2011

Representation from : Aileen Hamilton, Nayrnfield, 20A Devonburn Road
Lesmahagow, Lanark ML11 9PX, DATED 30/06/2011

Representation from : Mr James Hamilton, Nayrnfield, 20A Devonburn Road
Lesmahagow, Lanark ML11 9PX, DATED 30/06/2011

Representation from : Coal Action Scotland, by email, DATED 20/06/2011

Representation from : Stuart Field, Engine Arms Moorings, Rabone Lane
Smethwick, B66 3JH, DATED 22/11/2011

Representation from : Alison Clarke, 56 Victoria Road, Oxford
OX2 7QD, DATED 22/11/2011

Representation from : Mary Keynes, 37 Roundhay Avenue, Leeds
LS5 4DU, DATED 22/11/2011

Representation from : Sara Robin, 39 Westworth Road
York, DATED 22/11/2011

Representation from : G Howarth, 40 The Causeway, Diddingston Village
Edinburgh, DATED 22/11/2011

Representation from : Lorna, 52 Morningside Road
Edinburgh, DATED 22/11/2011

Representation from : Mathew McInemy, 52/1 Morningside Road
Edinburgh, DATED 22/11/2011

Representation from : Becky Brunning, 11 Perry Street, Bristol
BS5 0SY, DATED 22/11/2011

Representation from : Marion Kelly, Earlsmill, By Glespin

Douglas, ML11 0SQ, DATED 10/06/2011

- Representation from : Elizabeth Cowan, 38 Rankin Drive, Edinburgh
EH9 3DE, DATED 22/11/2011
- Representation from : Christie O'Connor, 27/1 Blackwood Crescent, Edinburgh
EH9 1RA, DATED 22/11/2011
- Representation from : Anna Oliver, 2 Solway Road, Glasgow
G64 1QW, DATED 22/11/2011
- Representation from : Hannah Ayre, 34 Dalketh Road, Edinburgh
, DATED 22/11/2011
- Representation from : Kirsty Haldane, 62/17, Causewayside
Edinburgh, DATED 22/11/2011
- Representation from : Amanda Livingstone, 47 Oxfangs Farm Grove, Edinburgh
EH13 9PP, DATED 22/11/2011
- Representation from : Alexander Lawrie, 2/5 Hutchison Place
Edinburgh, DATED 22/11/2011
- Representation from : David Lees, 41 Turret Road, Glasgow
G13 2HQ, DATED 22/11/2011
- Representation from : Silvana Palacios, 2 West Crosscauseway, Flat 3
Edinburgh, EH9 9JP, DATED 22/11/2011
- Representation from : Kirsten Scott, 0/1 Andrew Street, Paisley
PA3 2EP, DATED 22/11/2011
- Representation from : Diane McKay, 20 Borves Walk
Aberdeen, DATED 22/11/2011
- Representation from : David Massie, 252E King Street, Aberdeen
AB24 5BU, DATED 22/11/2011
- Representation from : Paul Gray, 42/11 Watson Crescent
Edinburgh, DATED 22/11/2011
- Representation from : Rachael McLean, 41 Lochearnhead Road, Glasgow
G33 6LQ, DATED 22/11/2011
- Representation from : Alexo McKay, 18/11 St Johns Hall, Edinburgh
EH8 9UQ, DATED 22/11/2011
- Representation from : Pam Ran, 6 Dalgety Road, Edinburgh
EH7 5UH, DATED 22/11/2011
- Representation from : Madeline Warren, 11 The Green, Alva
FK12 5JQ, DATED 22/11/2011
- Representation from : Jacky Thow, 30/5 Newhaven Road, Edinburgh
EH6 5PY, DATED 22/11/2011

Representation from : Jen Lambie, 6 Oakbank Road, East Calder
Livingstone, EH53, DATED 22/11/2011

Representation from : Tina Warren, 1/2 34 Appin Road, Glasgow
G31 3PD, DATED 22/11/2011

Representation from : John Patrick, 21 Glen Etive Place, Glasgow
G73 5PA, DATED 22/11/2011

Representation from : Annette Tilly, 4 Stanedyke, Edinburgh
EH16 6YE, DATED 22/11/2011

Representation from : Rosie Mellor, 16 George Square
Glasgow, DATED 22/11/2011

Representation from : Ada Blair, 4 Duddingston Mills
Edinburgh, DATED 22/11/2011

Representation from : Fiona Scott, Erskine House
Tarbolton, Mauchline
KA5 5NZ, DATED 22/11/2011

Representation from : Katy Marshall, 3 Queensferry Street
Edinburgh, DATED 22/11/2011

Representation from : John Broad, 168 Weir Road
London, SW17 0NP, DATED 22/11/2011

Representation from : Patrick Boak, 31 Baravie Road, Glasgow
G14 5AW, DATED 22/11/2011

Representation from : Sam Clarke, 56 Victoria Road, Oxford
OX2 7QD, DATED 22/11/2011

Representation from : D Marden, 4 Egcon Mews, London
NW1 , DATED 22/11/2011

Representation from : Antonia Serna, 76 White Street, Glasgow
G11 5DB, DATED

Representation from : David Ward, 2 Campsie House, Flat F Room 5
Glasgow. G20 5TT, DATED

Representation from : Aneeka Kelley, 37 Lonefork Avenue, Southhall
Middlesex, UB1 3QN, DATED

Representation from : Sarah Jones, Cairnross House, Kewnaugh Street
Glasgow, G3 8NP, DATED

Representation from : Emily Harult, 21D Wallace Street, Stirling
FK8 1NS, DATED

Representation from : Gavin Smith, 74 Main Street, Ochiltree
Ayrshire, KA18 2PB, DATED

Representation from : Emmanuela Kritinald, The Hetlenington Building
Glasgow University. Glasgow, DATED

Representation from : Enrico Sinatra, 13 University Gardens
Glasgow, DATED

Representation from : Poushan Maji, 4C Forth Crescent
Stirling, FK8 1LE, DATED

Representation from : Alan Fleming, 10 Talisman Drive
Aberdeen, AB10 7EX, DATED 29/06/2011

Representation from : Chris Weir, 512 Thisle Chambers, Murray Place
Falkirk, FK8 2EQ, DATED

Representation from : Michael McKenzie, Flat 2/1
1958 Paisley Road West, Glasgow, G52 1SR, DATED

Representation from : Erin Fulton, 22 Woodlands Drive
Bo'ness, EH51 0NT, DATED

Representation from : Katy Brown, 16 Chalets Spittal Hill
Stirling, K9 4LU, DATED

Representation from : Caroline Kemp, 8b Alloa Road
Stirling, FK7 5LT, DATED

Representation from : George Chubb, 11 Powis Terrace, Aberdeen
AB25 3PP, DATED

Representation from : Kaya Strachan, 4 Fairlie Park Drive, Partick
G11 7SR, DATED

Representation from : Ryan, 5 Hawthorn Way, Cambuslang
G72, DATED

Representation from : Rebecca Dunn, 17 Gordon's Mills Place
Aberdeen, AB24 2YQ, DATED

Representation from : Zeb Keanety, Flat 7, 12 Bayne Street, Stirling
FK8 9PQ, DATED

Representation from : Brian S Callum, 106 Marilyn Avenue, Appt 17
Enose Creek, SC 29449, DATED

Representation from : Sean Muir, 38C Hillhead Street, Glasgow
G72 8PZ, DATED

Representation from : Heather Williams, 11 Southpark Avenue
Glasgow, G12 8JA, DATED

Representation from : Adrian Young, Flat 2/1
71 Thornwood Drive, Glasgow, DATED

- Representation from : Farah Parry, The Free, Hetherington
13 University Gardens, Glasgow, DATED
- Representation from : Keith Fyans, Flat ½, 67 Odan Drive
Glasgow, G20 8AE, DATED
- Representation from : Jonathan Underhill, 2/2, Hathaway Lane
Maryhill, Glasgow, DATED
- Representation from : John Niven, G/L 48 Waverley Street
Glasgow, DATED
- Representation from : Hannah Tait, 3/2 5 Derby Street, Glasgow
G3 7NJ, DATED
- Representation from : Laim McCartney, 112 Dormanside Road
Glasgow, DATED
- Representation from : Ameen Jameel, Flat 0/2
29 St Andrews Drive, Glasgow, DATED
- Representation from : Yiorgos Katsaitis, Flat 3/1, 8 Dalcross Street
Glasgow, G11 5RF, DATED
- Representation from : Lewis Kennington, 0/1, 19 White Street
Glasgow, G11 5RR, DATED
- Representation from : Peter McDade, 2/2, 22 Clarendon Street
Glasgow, G20 7QD, DATED
- Representation from : Ryan McCoo, Hetherington Grove
Glasgow, DATED
- Representation from : Chloe Meehan, 63 Hathaway Lane, Maryhill
Glasgow, G20, DATED
- Representation from : George Bruce, 2/2, 18 Oakfield Avenue, Glasgow, DATED
- Representation from : Jack Oliver, Devonburn, 24 Bog Road
Devonburn, Lesmahagow, ML11 9PU, DATED 07/07/2011
- Representation from : Iona Oliver, Devonburn, 24 Bog Road
Devonburn, Lesmahagow ML11 9PU, DATED 07/07/2011

Contact for Further Information

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

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

CONDITIONS

- 1 This decision relates to the development described and assessed within the Planning Application Supporting Statement and Environmental Impact Assessment, including;
 - Environmental Statement Volume 1 - Main Report ,dated April 2011,
 - Environmental Statement Volume 2 - Appendices, dated April 2011,
 - Environmental Statement Volume 3 - Non-Technical Summary, dated April 2011,
 - Environmental Statement Volume 4 - Landscape and Visual Amenity Figures, dated April 2011,
 - Planning Application and Environmental Statement, Additional Information, dated October 2011.
 - Method Statement for Peat Handling
for the Glentaggart East Surface Mine prepared by Scottish Coal.

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

- 2 That the development hereby approved shall be implemented strictly in accordance with drawings;
 - 25785 - Figure 1 - Location Plan
 - 25687 Rev.A - Figure 1.5 - Site Layout
 - 25786 - Figure 2 - Site Plan
 - 25790 Rev.A - Figure 6 - Indicative Layout 6 months
 - 25791 Rev.A - Figure 7 - Indicative Layout 12 months
 - 25792 Rev.A - Figure 8 - Indicative Layout 24 months
 - 25793 Rev.A - Figure 9 - Indicative Layout 36 months
 - 25794 Rev.A - Figure 10 - Indicative Layout 48 months
 - 25795 Rev.A - Figure 11 - Indicative Layout 60 months
 - 25796 Rev.A - Figure 12 - Indicative Layout 72 months
 - 25797 Rev.A - Figure 13 - Indicative Layout 84 months
 - 25798 - Figure 14 - Geological Plan
 - 25799 - Figure 15 - Geological Cross Sections
 - 25800 - Figure 16 - Restoration Proposals
 - 25826 - Figure 17 - Peat Retention Bund

No change to the design of the proposed development shall take place without the prior written approval of the Council as Planning Authority.

- 3 That the development shall be carried out strictly in accordance with the plans hereby approved. If, due to unforeseen circumstances, it becomes necessary or expedient to materially amend the provisions contained within the approved documents or conditions, an application and statement of intent shall be submitted for the consideration of the Council as Planning Authority. All development shall adhere to the approved plans until such time as an amended application may be approved by the Council as Planning Authority.
- 4 That notwithstanding the terms of conditions 1 & 2 above, prior to the commencement of development hereby approved, a plan, based on '25825 -

Figure 18 - Mid Rig Site Support Area' shall be submitted to and approved by the Council as Planning Authority. The design and layout of the site support area shall be reconfigured to reduce the prominence and visual impact of the car park, buildings and structures to viewpoints, and in particular the B7078, from the south and to allow vehicles travelling along the access road from the extraction area to the B7078 to enter the wheel wash and weighbridge area. Thereafter, the site support area shall be constructed and laid out in accordance with the approved plan, to the satisfaction of the Council as Planning Authority.

- 5 That all coal and other mineral extraction operations on the site shall cease not later than 8 years from the commencement of development and the entire site shall be restored in accordance with the approved restoration scheme, including the removal of all plant, machinery, equipment, structures and buildings, (as required by condition 8) to the satisfaction of the Council as Planning Authority, not later than 10 years from the commencement of development.
- 6 From the commencement of development until its completion, a copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission shall be kept available for inspection on the site during the approved working hours.
- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (or of any order revoking, amending or re-enacting that Order), no additional buildings, structures or fixed plant, including that required for lighting the site shall be erected or installed within the site, without the prior written approval of the Council as Planning Authority.
- 8 That prior to the commencement of development hereby approved, a final detailed restoration scheme (based on Drawing 25800 - Figure 16 - Restoration Proposals) shall be submitted for the approval of the Council as Planning Authority. The submitted scheme shall take account of the comments of consultees received through the processing of the planning application including, without prejudice to the generality of the foregoing, those of Scottish Natural Heritage, RSPB Scotland and SEPA.

The plan should, in particular, provide detailed restoration details for the Moss and Shiel Burn and should include proposals to develop 'restored turves' within the area of Flow Moss to be removed by the excavation activity.

No deviation from the restoration plan approved through this condition shall take place unless agreed in writing by the Council.

- 9 That the peat protection bunds, the extent of which are shown on 'Drawing 25797 Rev.A - Figure 13 - Indicative Layout 84 months', shall be retained following the completion of coal extraction operations and the structure and integrity of the bunds shall not be compromised as a result of the backfilling and restoration works, to the satisfaction of the Council as Planning Authority.
- 10 That within one year of commencement of development, an aftercare scheme which details the steps to be carried out and their timing within the ten year aftercare period shall be submitted to and approved in writing by the Council as Planning Authority. The aftercare scheme shall make provision for:
 - A management plan and strategy
 - Cultivation/ fertilisation and weed control programmes
 - Maintenance of wetlands/ ponds/ drainage

- 11 That within one year from the date of commencement (and on that date each year thereafter), the operator shall submit to the Council as Planning Authority, an annual progress plan detailing:
- The extent of extraction operations undertaken that year;
 - Areas prepared for extraction;
 - The extent of backfilling;
 - The extent of restoration operations carried out;
 - Recent site survey undertaken within 1 month prior to the submission of the annual progress plan;
 - Current and anticipated production figures;
 - Destination and total tonnage dispatched within the proceeding year;
 - Remaining reserves;
 - Compliance with statutory permissions;
 - Site complaint logs and actions taken.
- 12 That unless otherwise agreed in writing by the Council as Planning Authority, no operations shall take place outwith the following hours of operation: 07.00hrs Monday to 13.00hrs Saturday, except as provided in (a) to (c) below;
- (a) No operations shall be carried out at the site on Sundays other than servicing, maintenance and testing of plant and any such maintenance shall so far as reasonably practicable be carried out at the proposed Plant Service Area/Coal Processing Area and shall be restricted to between 08.00 hrs and 16.00 noon.
- (b) The above restrictions shall not apply to pumping operations for the removal of water from the excavated areas, dewatering and water treatment operations and site security and supervision.
- (c) That no drilling operations shall be carried out between the hours 23.30hrs and 06.00hrs.
- 13 Notwithstanding Condition 12 above, no dispatch of coal shall take place outwith the following hours; 07.00hrs to 19.00hrs Monday to Friday and 07.00hrs to 13.00hrs on Saturdays, unless otherwise agreed in writing by the Council as Planning Authority.
- 14 Prior to the commencement of any works on site full details/ cross sections of the individual overburden mounds, sub soil mounds and top soil mounds shall be submitted to and approved by the Council as Planning Authority.
- 15 That where the outer operational boundary does not coincide with an existing suitable stockproof fence the operator shall provide and erect a stockproof fence, to the satisfaction of the Council as Planning Authority, within two months of the date of commencement. Thereafter, the fencing shall be maintained in good condition until final restoration is completed.
- 16 That the Water Treatment Areas 3 & 4, as shown on Drawing 25790 Rev.A, shall be securely fenced to prevent unauthorised access to the area, to the satisfaction of the Council as Planning Authority, said fencing shall be maintained in good condition until such time as the lagoon is removed as part of the restoration programme.
- 17 That no materials shall be worked or deposited in such a way that they may fall or be carried into any watercourses and the developer shall be responsible for the immediate treatment of any contamination of water which does arise as a result of any such occurrences.

- 18 That no foul or contaminated surface water shall be discharged from the site into either the ground water or surface water drainage systems and all such waters shall be treated to the satisfaction of the Council as Planning Authority prior to discharge to any watercourses.
- 19 That top soil, sub soil and soil making material shall only be stripped when they are in a suitably dry and friable condition (suitably dry means that the top soil can be separated from the sub soil without difficulty so that it is not damaged by machinery passing over it), except with the prior written approval of the Council as Planning Authority.
- 20 That all peat shall be stripped, handled, stored translocated and replaced in accordance with the approved Method Statement for Peat Handling, unless otherwise agreed in writing by the Council.
- 21 That all suitable soils, peat and soil making shall be recovered where practicable during the stripping or excavation operations and separately stored, on site, for use during restoration.
- 22 That topsoil, sub soil, peat and soil making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during site restoration. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their formation. The sward shall be managed in accordance with the appropriate agricultural management techniques throughout the period of storage.
- 23 That the site shall be kept clear of noxious weeds during extraction and restoration works to the satisfaction of the Council as Planning Authority.
- 24 That the movement of plant, vehicles and machinery on the site shall be carried out in such a manner as to avoid, as far as possible, the crossing of undisturbed or reclaimed land.
- 25 That all coal extracted from the site shall be transported from the coal processing area to the Mid Rig coal stockpile area via conveyor, unless otherwise approved in writing by the Council as Planning Authority.
- 26 At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must;
 - i be granted in favour of the Council as Planning Authority
 - ii be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
 - iii be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
 - vi either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by or on behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site

restoration and aftercare liabilities

v come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period.

No work shall begin at the site until (1) written approval of the Council as Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the Council as Planning Authority.

In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Council as Planning Authority.

- 27 That the northern face of the main overburden tip, as coloured BLUE on Drawing '25793 Rev.A - Figure 9 - Indicative Layout 36 months', shall be seeded during the first planting season after this area of the overburden tip has been tipped to the consented level, or within 42 months of commencement of development whichever is sooner, and the area shall be maintained as a grassed area thereafter until the removal of the overburden tip, unless otherwise agreed in writing by the Council as Planning Authority.
- 28 That prior to the commencement of development hereby approved, the operator shall submit to the Council as Planning Authority a report detailing hydraulic modeling which compares the existing watercourses within the application site against the proposed/diverted watercourses, with particular reference to flood risk. This report shall thereafter approved in writing by the Council as Planning Authority, following consultation with SEPA, prior to the commencement of development.
- 29 That prior to the commencement of development hereby approved, a detailed schedule of mitigation measures for the protection of the retained section of the Moss Burn shall be submitted to the Council. These measures shall approved in writing by the Council, following consultation with SEPA, prior to the commencement of development. Thereafter, the approved mitigation measures shall be implemented in full, to the satisfaction of the Council, unless otherwise approved in writing.
- 30 That prior to the commencement of development hereby approved, a detailed scheme of groundwater and surface water monitoring shall be submitted to and approved by the Council as Planning Authority, in consultation with SEPA & SNH. The scheme shall make provision for water monitoring throughout the duration of the development to highlight any potential areas of concern and shall make provision of monitoring the quality of the controlled waters during dewatering. The scheme shall include details of water management and mitigation.

For avoidance of doubt, water quality monitoring shall be undertaken along the Black Burn between the application site and Red Moss SAC. Water monitoring points shall be strategically located along the Black Burn and the results of the monitoring shall be submitted to the Council, SNH and SEPA on a monthly basis.

- 31 That with respect to the control of noise resulting from the operations at this site the developer shall comply with the following:
- (a) That between the hours of 07.00hrs and 23.00hrs, the nominal noise limit from site operations when measured as LAeq (1hr), shall not exceed the measured background noise limit at all noise sensitive premises in the vicinity of

the site (as set out in Table 7.4 of the Environmental Statement Volume 1 - Main Report), measured as LA90,T, by more than 10dB(A).

(b) Notwithstanding the terms of (a) above, where the background noise levels, measured as LA90,T, are less than 35dB(A), the nominal noise limit between the hours of 07.00hrs and 23.00hrs, measured as LAeq(1hr) shall be 45dB(A) at all noise sensitive premises in the vicinity of the site.

(c) That between the hours of 23.00hrs and 07.00hrs, the nominal noise limit measures as LAeq(1hr) shall be 42dB(A) at all noise sensitive premises in the vicinity of the site.

- 32 That prior to the commencement of any works on site the developer shall submit, for the approval of the Council as Planning Authority, a detailed scheme of site noise monitoring and mitigation and thereafter shall abide by the terms of the approved programme unless otherwise agreed in writing with the Council as Planning Authority.

This scheme shall be in line with Chapter 7 of the Environmental Statement and shall provide details of:

- Location of noise monitoring equipment
- Monitoring frequency
- Details of equipment to be used and experience of monitoring staff
- A programme of implementation
- Frequency of reporting the results to the Council as Planning Authority
- The process and steps to be taken in the event of a complaint regarding noise

- 33 That effective silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery operating on site. Save for the purpose of maintenance, no machinery shall be operated with covers open or removed.

- 34 That reversing alarms used on all plant and vehicles shall be either non-audible, ambient related or low tone devices.

- 35 That no blasting shall take place outwith the hours of 10.00hrs to 12.00 midday and 14.00hrs to 16.00hrs Monday to Friday and 10.00hrs to 12.00 midday on Saturdays, unless otherwise agreed by the Council as Planning Authority.

- 36 That levels of ground vibration, as a result of blasting operations shall not exceed a peak particle velocity of 6 mms⁻¹ for 95% of blasts, with no individual blast exceeding a peak particle velocity of 12 mms⁻¹ when measured at any vibration sensitive property in vicinity of the site.

- 37 That the developer shall, at all times, adopt good blasting practice and so far as is reasonably practicable shall not carry out blasting operations in adverse weather conditions.

- 38 That prior to the commencement of works on site, the developer shall submit, for the approval of the Council as Planning Authority, a detailed 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 Council as Planning Authority.

This scheme shall be in line with Chapter 8 of the Environmental Statement and

shall provide details of:

- Location of monitoring equipment
- Monitoring frequency
- Details of equipment to be used and experience of monitoring staff
- A programme of implementation

- 39 That prior to the commencement of works on the site, the developer shall submit, for the approval of the Council as Planning Authority, a detailed scheme for dust and air quality monitoring and mitigation and thereafter shall abide by the terms of the approved programme unless otherwise agreed in writing with the Council as Planning Authority.

This scheme shall be in line with Chapter 9 of the Environmental Statement and shall provide details of:

- Location of monitoring equipment
- Monitoring frequency
- Details of equipment to be used and experience of monitoring staff
- A programme of implementation

For avoidance of doubt, dust monitoring shall include points immediately adjacent to Red Moss SAC, the results of which shall be submitted to the Council, SEPA and SNH on a monthly basis.

- 40 That at all times during the operation water bowsers and sprayers, whether fixed or mobile, shall be available to minimise the emission of dust from the site. If the prevention of dust nuisance by these means is not possible, then the movement of soils, overburden, etc. shall cease temporarily until such times as the weather/ ground conditions allow.
- 41 That the developer shall ensure that sufficient water is maintained on site, at all times, to address the requirements for dust suppression.
- 42 That, where it is established that there is a deterioration to any private water supply in the vicinity of the site resulting from the surface mine operations at the site, a satisfactory alternative water supply shall be provided, in accordance with a timetable to be agreed with the Planning Authority, to the affected properties by the operator, to the satisfaction of the Council as Planning Authority.
- 43 That prior to the commencement of any works on site the developer shall secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, in consultation with the West of Scotland Archaeological Service, and approved 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 Archaeology Service.

- 44 That not more than 6 months prior to the commencement of development, pre-start checks shall be carried out to the satisfaction of the Council as Planning Authority, in consultation with Scottish Natural Heritage. The pre-start checks will

investigate the presence of the following species on site and within a suitable buffer:

- Bats
- Otters
- Water Voles
- Red Squirrels
- Badgers

and shall set out appropriate mitigation measures and an implementation programme, as required, which shall be carried out to the satisfaction of the Council as Planning Authority.

- 45 That prior to the commencement of development hereby approved, a Habitat Management Plan and Species, Breeding Birds and Habitat Protection Plan must be submitted to and approved in writing by the Council in consultation with SNH and RSPB. Once approved these plans should be fully adhered to and implemented.

A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council, SNH, RSPB and the developer and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims.

The HMP will operate for the full lifespan of the surface mine, including restoration. The mitigation identified in the HMP will be fully implemented in accordance with an associated legal agreement. Survey and monitoring of species and habitat will be carried out to assess the effectiveness of mitigation and will be specified in the HMP.

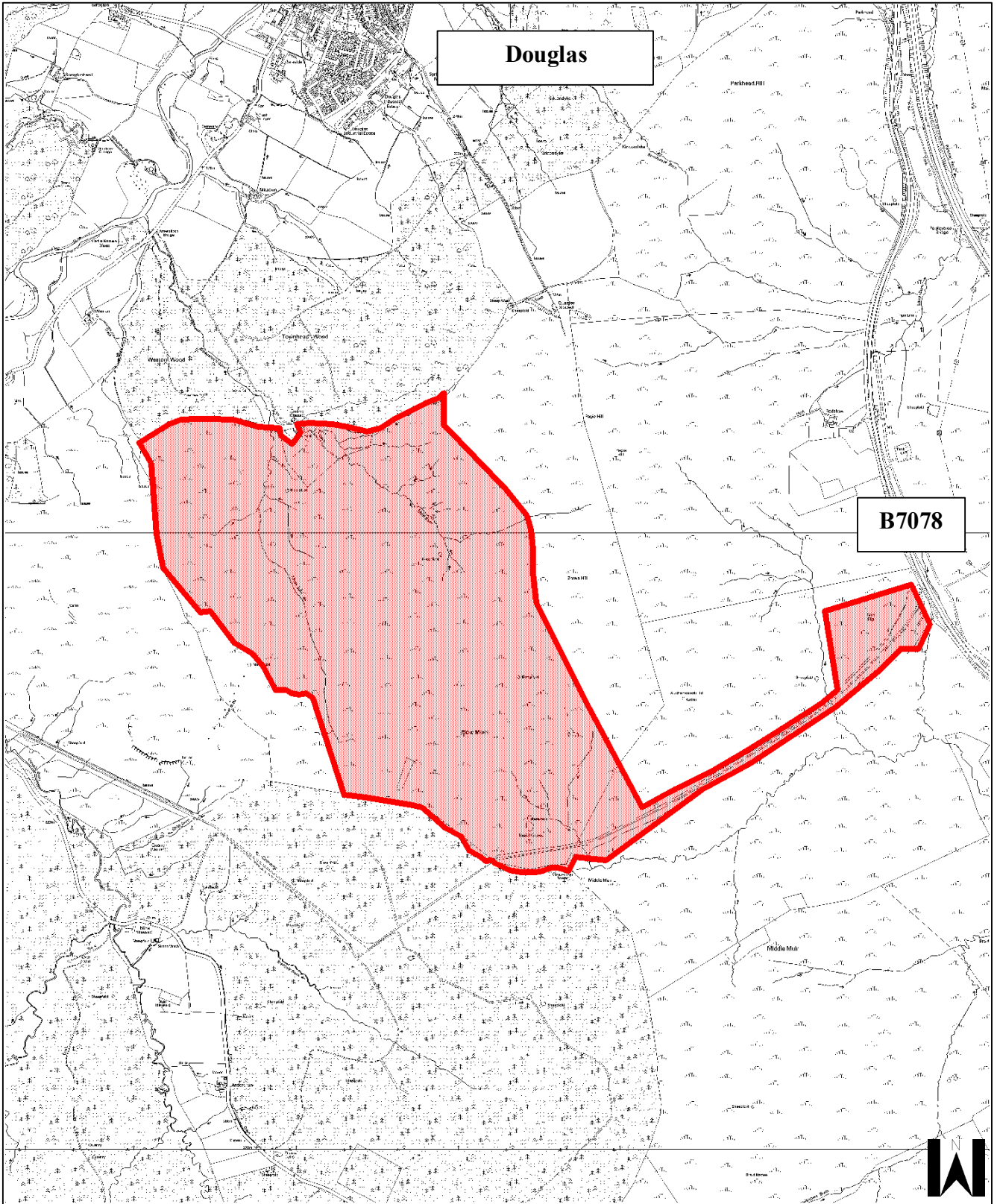
- 46 The removal of any trees and the cutting of rough grasslands that could provide habitat for nesting birds will take place outside the bird breeding season (March to July inclusive), unless a survey to establish the presence or otherwise of nesting birds has been undertaken and, where required, appropriate mitigating measures have been carried out to the satisfaction of the Council as Planning Authority.
- 47 That the visibility splays for access onto the B7078 shall be maintained at 2.5 x 215 metres north and south unless otherwise agreed in writing with the Council as Planning Authority and Council as Planning Authority.
- 48 That all coal and other mineral dispatch vehicles shall only use the access onto the B7078, unless otherwise approved in writing by the Council as Planning Authority.
- 49 That prior to the dispatch of coal or any other mineral from the site, the surface of the access road from the B7078 to the wheel wash shall be repaired and upgraded with concrete or tarmac, as required, to such a condition as to prevent ruts, potholes and ponding of water and shall be maintained in such a condition for the duration of this consent, to the satisfaction of the Council as Planning Authority.
- 50 That prior to the dispatch of coal or any other mineral from the site, the section of the access road from the B7078 to the entrance to the car park and offices shall be surfaced with concrete or tarmac, to the satisfaction of the Council as Planning Authority.

- 51 That prior to the commencement of development hereby approved, details of a wheel wash facility shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the approved wheel wash facility shall be installed and fully operational prior to the dispatch of any coal or any other minerals from the site. The operator shall ensure the wheel wash, as approved, is fully operational for the duration of the operations to the satisfaction of the Council as Planning Authority.
- 52 That all road-going mineral carrying vehicles shall pass through the operational wheel wash facility prior to entering the public road. The site operator 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.
- 53 That all road-going mineral carrying vehicles carrying materials from the site shall be adequately sheeted before entering the public highway.
- 54 That the internal access roads associated with this development shall be maintained with an even surface, to the satisfaction of the Council as Planning Authority.
- 55 That prior to the commencement of development hereby approved, details of the activities to be undertaken and the machinery and plant to be operated during daytime and night time hours shall be submitted to and approved in writing by the Council as Planning Authority and the site shall thereafter operate in accordance with these details, unless otherwise agreed in writing with the Planning Authority.

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 ensure that the Council as Planning Authority retains effective control of the development.
- 4 To ensure that the Council as Planning Authority retains effective control of the development.
- 5 To ensure that the Council as Planning Authority retains effective control of the development.
- 6 To enable the Council as Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 7 To ensure that the Council as Planning Authority retains effective control of the development.
- 8 These details were not submitted at the time of the application and are required. To ensure the application site is satisfactorily restored.
- 9 To protect areas of peat within the site from drainage.
- 10 These details were not submitted at the time of the application and are required. To ensure the application site is satisfactorily restored.
- 11 To enable the Council as Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 12 To ensure that the Council as Planning Authority retains effective control of the development.
- 13 To ensure that the Council as Planning Authority retains effective control of the development.
- 14 These details were not submitted at the time of the application and are required.

- 15 To ensure that the Council as Planning Authority retains effective control of the development.
- 16 To ensure that the Council as Planning Authority retains effective control of the development.
- 17 To protect the quality of watercourses.
- 18 To protect the quality of watercourses.
- 19 To minimise damage to the soils and sub-soils.
- 20 To minimise damage to peat.
- 21 To minimise damage to the soils, sub-soils and peat.
- 22 To minimise damage to the soils, sub-soils and peat.
- 23 To ensure the Council as Planning Authority retains effective control of the development.
- 24 To minimise damage to the soils and sub-soils.
- 25 To minimise vehicle movements within the site.
- 26 To ensure that provision is made for the restoration and aftercare of the site.
- 27 To minimise the landscape and visual impact of the operations.
- 28 To ensure a neutral effect on flood risk.
- 29 To protect watercourses and associated ecosystems.
- 30 These details were not submitted at the time of the application and are required.
- 31 To protect the amenity of properties within vicinity of the site.
- 32 These details were not submitted at the time of the application and are required.
- 33 To minimise the noise resulting from the operations.
- 34 To minimise the noise resulting from the operations.
- 35 To minimise the nuisance of blasting operations.
- 36 To minimise the nuisance of blasting operations.
- 37 To minimise the nuisance of blasting operations.
- 38 These details were not submitted at the time of the application and are required.
- 39 These details were not submitted at the time of the application and are required.
- 40 To minimise the nuisance of dust.
- 41 To minimise the nuisance of dust.
- 42 To ensure that a satisfactory water supply to private properties is maintained.
- 43 These details were not submitted at the time of the application and are required.
- 44 In the interests of protected species.
- 45 For the protection and improvement of habitat on the site.
- 46 In the interests of breeding birds.
- 47 In the interests of road safety.
- 48 To ensure that the Council as Planning Authority retains effective control of the development.
- 49 To prevent mud and deleterious material being carried out onto the public road.
- 50 To prevent mud and deleterious material being carried out onto the public road.
- 51 To prevent mud and deleterious material being carried out onto the public road.
- 52 To prevent mud and deleterious material being carried out onto the public road.
- 53 To prevent mud and deleterious material being carried out onto the public road.
- 54 To prevent mud and deleterious material being carried out onto the public road.
- 55 These details were not submitted at the time of the application and are required.



For information only

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