

Report

Report to:	Planning Committee
Date of Meeting:	3 November 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/0514
Planning proposal:	Extraction and processing of hard rock aggregates by quarrying methods (Section 42 application to vary condition 4 of planning permission CL/07/0070 to amend the extraction area)

1 Summary application information

Application type:	Further application
Applicant:	Hodge Plant Ltd
Location:	Duneaton Quarry Dod Wood West of Abington Services Abington

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: William Booth
- ♦ Council Area/Ward: 03 Clydesdale East
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - Green Belt and Rural Area
Policy 4 - Development Management and Placemaking
Policy 15 - Natural and Historic Environment
Policy 16 - Travel and Transport
Policy 17 - Water Environment and Flooding

Supplementary Guidance

Development Management, Place Making and Design

Non-Statutory Planning Guidance for Minerals

MIN 1- Spatial framework
MIN 2 - Environmental protection hierarchy - Category 1, 2 and 3 sites
MIN 4 - Restoration
MIN 5 - Water environment
MIN 7 - Controlling impacts from extraction sites
MIN 8 – Community benefit
MIN 11 - Supporting information
MIN 12 - Transport
MIN 13 - Legal agreements
MIN 15 - Site monitoring and enforcement

Proposed South Lanarkshire Local Development Plan 2

Policy 1 Spatial Strategy
Policy 2 Climate Change
Policy 4 Green Belt and Rural Area
Policy 5 Development Management and Placemaking
Policy 14 Natural and Historic Environment
Policy 15 Travel and Transport
Policy 16 Water Environment and Flooding
Policy 19 Minerals Development

◆ Representation(s):

▶	1	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ Consultation(s):

Roads Development Management Team
Health and Safety Executive
Environmental Services
TRANSCO
Roads Flood Risk Management
SEPA West Region
Scottish Natural Heritage
Historic Environment Scotland
Countryside and Greenspace
Transport Scotland
Scottish Water
Duneaton Community Council

Planning Application Report

1 Application Site

- 1.1 The application site consists of an existing hard rock quarry (Duneaton Quarry) which is located to the north of the B7078, approximately 800m west of the Abington Services at Junction 13 of the M74 motorway, some 1.9km to the south east of the settlement of Abington. The quarry is approximately 12.8 hectares in area. Access is taken directly from the quarry onto the B7078.
- 1.2 Quarrying commenced in 2009 and extraction is permitted until June 2029 following which the site will be restored. The restoration plan is to dress the quarry benches to allow scrub planting, softening the faces to allow a more natural profile with grassland and wetland habitats in the quarry bowl. The quarry produces Greywacke (a variety of sandstone) that is used for a range of products in the construction industry including road surfacing and concrete.
- 1.3 An ethylene pipeline (North West Ethylene Pipeline) runs underground through the south of the application site in the area that does not currently have planning permission for mineral extraction in the quarry. Shell UK are the pipeline operators and it is a high-pressure gas line that forms part of the UK ethylene pipeline network. In this instance, the pipeline provides a direct link between the refineries, storage and exporting facilities of Grangemouth in Scotland's Central Belt and Stanlow Refinery in Ellesmere Port in the North West of England and has been operating since the 1990s.

2 Proposal(s)

- 2.1 This application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and is an application for planning permission for the development of land but without compliance with a condition or conditions attached to a previous planning permission.
- 2.2 In this instance, the applicant wishes to vary condition 4 of planning permission Ref: CL/07/0070 (hereon referred to as the original permission) which granted planning permission for the quarry.
- 2.3 Condition 4 of the original permission states:-

That the site shall at all times be worked in accordance with the operational programme of works as set out in the Planning and Environmental Statement dated February 2007 accompanying the application, unless otherwise directed by these conditions or by the prior written approval of the Council as Planning Authority.
- 2.4 The applicant has requested that condition 4 be varied to read:-

That the site shall at all times be worked in accordance with the operational programme of works as set out in the Environmental Impact Assessment Report dated March 2020 accompanying the application, unless otherwise directed by these conditions or by the prior written approval of the Council as Planning Authority.
- 2.5 The applicant wishes to amend condition 4 to allow mineral extraction within an area of the quarry that, whilst fully within the red line boundary of the original permission, does not currently form part of the quarry extraction plan. The application is,

therefore, in essence to allow the alteration to the currently approved extraction plan to include this portion of the quarry. Currently, the quality of mineral within some of the approved extraction areas has not been as high as previously expected and, therefore, the intention would be to reduce mineral extraction in these areas and, if approved, use the new extraction area to make up the short fall of material experienced within the original quarry area. This current application does not propose any other change to the operation of the quarry or the variation of any other condition attached to the original permission.

- 2.6 If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development again but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

3 Background

3.1 National Policy

- 3.1.1 Scotland's Third National Planning Framework (NPF3) states that minerals make an important contribution to the economy, provide construction materials and energy supply as well as supporting employment. NPF3 recognises that the rural landscape is not just a recreational resource but also has a vital role to play in providing minerals as construction materials.
- 3.1.2 Scottish Planning Policy 2014 (SPP), Planning Advice Note 64 (PAN 64) 'Reclamation of Surface Mineral Workings' and PAN 50 'Controlling the Environmental Effects of Surface Mineral Workings' are of particular relevance to the determination of this application. PAN 1/2011 'Planning and Noise' also provides additional advice on best practice for developments that may generate noise but should be read in tandem with PAN 50 for mineral developments.
- 3.1.3 Scottish Planning Policy (SPP) states that when assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration, and potential pollution of land, air and water.
- 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 all 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 PAN 1/2011 also establishes best practice and the planning considerations that should be taken into account with regard to developments that may generate noise or developments that may be subject to noise.

3.1.7 All national policy and advice has been considered in the assessment section of this report.

3.2 Development Plan

3.2.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance as well as the Council's Non-statutory Planning Guidance – Minerals (2017).

3.2.2 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (Clydeplan) is the strategic development plan and has a strong focus on future growth and a broad spatial framework. Policy 15 Natural Resource Planning: Mineral Resources Spatial Framework states that an adequate and steady supply of minerals will be maintained, including a 10 year landbank of construction aggregates. In addition, minerals development will be supported where they are in accordance with Clydeplan's Vision and Spatial Development Strategy and individual proposals balance economic benefit against the protection of the environment and local communities from potential impacts.

3.2.3 The adopted South Lanarkshire Local Development Plan 2015 (SLLDP) contains the following policies against which the proposal should be assessed:-

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 3 Greenbelt and Rural Area
- ◆ Policy 4 Development Management and Placemaking
- ◆ Policy 15 Natural and Historic Environment
- ◆ Policy 16 Travel and Transport
- ◆ Policy 17 Water Environment and Flooding

3.2.4 The following approved Supplementary Guidance document supports the policies in the SLLDP and also requires assessment:-

- ◆ Supplementary Guidance 3: Development Management, Placemaking and Design

3.2.5 The approved Non-statutory Planning Guidance – Minerals (2017) contains the following policies against which the proposal should be assessed:-

- ◆ Policy MIN1 – Spatial framework
- ◆ Policy MIN2 – Environmental protection hierarchy
- ◆ Policy MIN4 – Restoration
- ◆ Policy MIN5 – Water environment
- ◆ Policy MIN7 – Controlling impacts from extraction sites
- ◆ Policy MIN 8 – Community benefit
- ◆ Policy MIN11 – Supporting Information
- ◆ Policy MIN12 – Transport
- ◆ Policy MIN13 – Legal agreements
- ◆ Policy MIN15 – Site monitoring and enforcement

3.2.6 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (LDP2). A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council they are, nevertheless, a material consideration. In this instance, the following policies are relevant:-

Volume 1

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 4 Green Belt and Rural Area
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy 14 Natural and Historic Environment
- ◆ Policy 15 Travel and Transport
- ◆ Policy 16 Water Environment and Flooding
- ◆ Policy 19 Minerals

3.2.7 It should be noted that LDP2 is only referenced should there be a specific conflict between a proposed policy and a policy within the approved SLLDP 2015.

3.3 Planning Background

3.3.1 An application for planning permission (CL/07/0070) was granted on 4 December 2007 for the extraction and processing of hard rock aggregates by quarrying methods subject to a legal agreement. Following completion of the legal agreement, planning permission was issued on 2 March 2009. The permission was granted with an extraction period of 20 years and 3 months from the date of commencement resulting in an extraction lifespan until 2 June 2029, with a further year allowed for restoration of the site. The legal agreement required the following planning obligations to be made:-

- ◆ Contributions to the South Lanarkshire Rural Communities Trust
- ◆ A restoration guarantee bond to cover the full costs of restoring the site
- ◆ Contribution to the ongoing employment of a Mineral Planning Monitoring and Enforcement Officer by South Lanarkshire Council
- ◆ Site restoration including habitat creation
- ◆ A habitat management agreement for the restored site
- ◆ The formation of a Technical Working Group to advise on restoration
- ◆ Vehicle routing
- ◆ A Section 48/96 Agreement to ensure that the B7078 is maintained to the appropriate standard for the duration of the site operations

Whilst attached to the original permission, the legal agreement is drafted in such a way that it applies to any subsequent permission on the site and, therefore, if this current planning application is approved, the obligations will still be required to continue to be met by the applicant. There would, therefore, be no requirement for a further legal agreement.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – note that the proposals would not change traffic movements and, therefore, have no objection subject to the continued maintenance of the access and Section 96 Agreement.
Response: Noted and, if successful, all previous conditions from the original permission would be replicated on any new permission including in relation to road safety and the road access. All planning obligations, including the Section 96 Agreement, will remain in place through the original Section 75 Legal Agreement.
- 4.2 **Transport Scotland** – no comments to make.
Response: Noted and, as set out in 4.1 above, there are no changes proposed that would impact upon existing traffic movements.
- 4.3 **SEPA** – have no objection to the application and, whilst providing detailed advice in relation to the water environment, have no further recommendations to make.
Response: Noted and all conditions attached to the original permission would be replicated if approval was granted.
- 4.4 **Historic Environment Scotland** – have no objections to the proposals.
Response: Noted.
- 4.5 **Scottish Water** – have no objection to the proposals but that the applicant must contact them in relation to any Scottish Water assets that may be affected by the proposals.
Response: Noted and the applicant is aware of this requirement should planning permission be granted.
- 4.6 **Roads and Transportation Services (Flood Risk Management)** – no objection subject to conditions to comply with the Council's Design Criteria and to complete the necessary forms and provide required information prior to commencement on site.
Response: Noted. If planning permission is granted, a condition to address this matter shall be attached.
- 4.7 **Environmental Services** – have no objections subject to the replication of conditions 18 to 29 of the original permission.
Response: Noted and these conditions will be replicated. The conditions relate to dust management, blasting practices and levels and noise limits. It should be noted that all these measures are currently in place on site and the Council has not had any complaints regarding the operation of the quarry and are, therefore, considered to be effective.
- 4.8 **Countryside and Greenspace** – have no objections to the proposals and give advice on what planting would be expected as part of any restoration plan. Also advise that on-going planting on the screen bunds should continue as per the requirements of the original permission.
Response: Noted and, if planning permission is granted, a new restoration plan will require to be approved due to the changes in phasing and a condition requiring this forms part of the recommendation. The planting requirements of the original permission on the screen bunds will be replicated as part of any new permission if issued.

4.9 **Health and Safety Executive (HSE)** – provided standard advice in relation to proximity to pipelines and directed the Council to their online enquiry web app for determining whether they would advise against or not advise against certain developments in relation to their proximity to a pipeline. Following completion of the web app in relation to the proposals, the HSE advice was ‘Do not advise against’.

Response: Noted. Whilst the HSE web app did not advise against the proposals in relation to the site’s proximity to underground pipelines, the Shell UK pipeline would require the pipeline to be relocated before any work could commence on the new extraction area. Whilst noting that the HSE do not advise against the proposals, it is considered that the relocation of the pipeline would be a matter for the applicant and Shell UK to consider outwith the regulatory role of the planning regime and would be done in conjunction with the HSE, if planning permission were to be granted.

4.10 The following consultees had no comments to make:-

- ◆ Transco
- ◆ Nature Scot / Scottish Natural Heritage
- ◆ Scottish Ministers (copy of Environmental Impact Assessment (EIA))
- ◆ Duneaton Community Council

5 Representation(s)

5.1 The application was advertised being both a schedule 3 and EIA development in the Lanark Gazette on 7 May 2020 and for constituting EIA development within the Edinburgh Gazette on 5 of May 2020. A minerals site notice was posted on 21 May 2020. No representations have been made following this advertisement.

5.2 Whilst not strictly a neighbour under the current legislation, it was considered appropriate to notify Shell UK of the application, given the pipeline that runs through the site. Following this notification an objection was received from Shell UK with the following concerns:-

(a) National Planning Policy 3 confirms the national importance and significance of the oil and gas sector to the Scottish Economy and the Government’s commitment to support and maintain the oil and gas industry including the safeguarding of existing pipeline infrastructure and works. SPP further confirms the national benefit of oil and gas production and the need to maintain and improve energy security. Circular 3/2015 (Planning Controls for Hazardous Substances) further advises that planning decisions must maintain appropriate safety distances between major hazards and other development. The impact of the proposed quarry extension on the pipeline is, therefore, a significant material planning consideration.

Response: It is not argued that the pipeline is an important part of Scotland’s infrastructure and the continued maintenance of the UK ethylene pipeline is part of the Scottish Economy and should be protected. The quarry proposals, however, only require the relocation of a small portion of the pipeline network. As noted in 6.3 below, NPF3 and SPP also put a high value on maintaining an indigenous supply of minerals within a Local Authority area. A condition requiring the safe relocation of the pipeline prior to any extraction being carried out in the ‘new’ extraction area forms part of the recommendation.

(b) Lack of supporting information regarding the safety of the pipeline within a quarry extraction area.

Response: The proposals to extend the extraction area of the quarry are predicated on the pipeline being relocated and, therefore, it is considered appropriate that the planning submission (and EIA Report) focus on this aspect as there is no intention to work the quarry with pipeline in situ. As noted in (a) above, a condition requiring the safe relocation of the pipeline prior to any extraction being carried out in the extraction area forms part of the recommendation to ensure this.

(c) The development is contrary to the SLLDP and LDP2.

Response: A full assessment of the proposals in relation to the development plan is carried out from sections 6.4 to 6.6 below.

(d) The applicant has not undertaken any discussions with Shell UK regarding the pipeline and the pipeline could not be relocated without the agreement of Shell UK.

Response: The applicant has submitted correspondence that they consider are attempts to enter negotiations with Shell UK in regard the pipeline relocation. A deed of servitude requires the pipeline to be relocated if requested. It is not for the Council to adjudicate in this civil matter or agree with either party in any legal matter of this nature.

(e) The proposed development would give rise to significant adverse impacts on the existing pipeline.

Response: Again, it is noted that the proposals being implemented are solely predicated on the pipeline having been relocated prior to the quarry extraction area being extended within the pipeline area. It is reiterated that a condition is recommended to ensure that no work can start until the pipeline has been relocated.

6 Assessment and Conclusions

6.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 42 of the Act states that:-

'On such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.'

6.2 This type of application, therefore, does not revisit the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent and whether it is acceptable to amend or delete as requested. Whilst, in essence, a Section 42 is an application to vary condition(s) on an existing permission, the process requires a new, stand-alone planning permission to be issued for the original development but with a new suite of conditions, including all those still thought to be relevant as well as the varied condition(s). Should the proposed amendment to the condition(s) not be acceptable, a Section 42 application is to be refused but without affecting the status of the original permission. In assessing whether any condition is still relevant, there would be the requirement to consider certain aspects of the development. In this instance, the applicant has requested that condition 4 is amended. However, it is noted that the nature of the legislation requires all conditions to be revisited as they may be linked or connected to these specific conditions. The main matters for consideration are, therefore, whether the proposed amendment to the condition proposed would undermine the reasons for the original conditions or the Development Plan position; and if it is

considered this Section 42 application does undermine either of these, whether there are material considerations which would outweigh this to allow permission to be granted.

6.3 National Planning Policy

- 6.3.1 Scotland's Third National Planning Framework (NPF3) states that Scotland's rural environment is more than a recreational resource and has a role to play in fulfilling the need for construction materials as well as supporting Scotland's ambition for diversification of the energy mix. The Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications, thus reinforcing the provisions of Section 25 of the Act.
- 6.3.2 SPP also states the need for an adequate and steady supply on minerals to be available to meet the needs of the construction, energy and other sectors. It also states that Local Development Plans should maintain a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas. SPP continues that extraction should only be permitted where impacts on local communities and other isolated receptors, local landscape character and the natural and water environment can be adequately controlled or mitigated. SPP does not prescribe a set separation distance between settlements and quarries. It states that the specific circumstances of individual proposals, including size, duration, location, method of working, topography and the characteristics of the various environmental effects likely to arise should be taken account of. When assessing mineral proposals, the planning authority should consider aspects such as landscape and visual impacts, transportation impacts, the effect on communities, cumulative impact, environmental issues such as noise and vibration and potential pollution of land, air and water as well as securing the sustainable restoration of sites to beneficial after-use following extraction.
- 6.3.3 PAN 50 'Controlling the environmental effects of surface mineral workings' provides detailed advice relevant to this application. PAN 50 takes a prescriptive approach in suggesting best practice for controlling such environmental effects. Accordingly, PAN 50 sets out an agenda for the most important issues that need to be satisfactorily addressed. These are: road traffic; blasting; noise; dust; visual impact and water contamination. It sets out quantitative and methodological requirements in terms of: noise, dust, road traffic impact and blasting within its respective Appendices.
- 6.3.4 PAN50 (Annex A) provides advice and guidance on the control of noise at minerals sites. PAN 50 Annex B advises on the control of dust at such sites and Annex C advises on the control of traffic at surface mineral sites. Annex D advises on the control of blasting at surface mineral sites which is not relevant to the assessment of this proposal as blasting is not required as part of the proposals.
- 6.3.5 PAN 1/2011 'Planning and Noise' also establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. It provides further detailed guidance, to be read in tandem with PAN 50, on noise assessments and noise mitigation measures.

- 6.3.6 PAN64 advises that Planning Authorities ensure that mineral operators treat reclamation of sites as an integral part of the overall planning process to be addressed comprehensively through a planning application submission.
- 6.3.7 In this case, the development would provide a supply of construction aggregates to the local construction market which would contribute to the SPP's aim of supporting the maintenance of a 10 year landbank of permitted reserves. The SPP defers to the Development Plan in terms of being the appropriate mechanism for assessment of a minimum ten year landbank and this is found in section 6.5 and 6.6 below. The Quarry has been in operation since 2009 with noise, dust and blasting controls in place since operations commenced as well as suitable traffic management since mineral exportation began. No complaints have been received in regard to amenity or transportation and it is, therefore, considered that they are effective and should be continued. A restoration plan has been agreed in principle and has been designed as bespoke to the land form that will remain following cessation of quarrying as well as being sympathetic to the surrounding landscape. It is, therefore, considered that the proposals are in line with National Planning Policy and advice. The overall acceptability of such a development must, however, also meet the other detailed policy and advice within the Development Plan as well as other Development Management criteria. These issues are considered in further detail in the report below.

6.4 Strategic Development Plan

- 6.4.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan and has a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 15 Natural Resource Planning: Mineral Resources Spatial Framework states that an adequate and steady supply of minerals will be maintained and minerals development will be supported where they are in accordance with, inter alia, Local Development Plans. The GCVSDP is a strategic document and, apart from supporting delivery of sustainable mineral extraction, it does not provide a level of detail for the assessment of a specific site of this nature and location but instead defers to the Local Development Plan in this respect.
- 6.4.2 Policy 15 also states that a landbank for construction aggregates equivalent to at least 10 years extraction shall form part of the required adequate and steady supply of minerals. Policy 15 states that Supplementary Guidance shall be published to set out how this landbank is to be achieved. Currently, there is no available Supplementary Guidance prepared by the GCVSDP.
- 6.4.3 It is, therefore, considered that the proposals would gain support from the strategic plan subject to meeting the relevant, detailed criteria of the Local Development Plan. This assessment is set out below.

6.5 South Lanarkshire Local Development Plan

- 6.5.1 At a local level the application requires to be assessed against the policy aims of both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance as well as the Council's Non-statutory Planning Guidance – Minerals, 2017 (NSPG). Several of the SLLDP Policies

overlap with the NSPG and are, therefore, taken in turn together as part of the following assessment.

- 6.5.2 SLLDP Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application is for development within the Green Belt as designated within the SLLDP and is, therefore, required to be assessed against Policy 3 below.
- 6.5.3 SLLDP Policy 3 'Green Belt and Rural Area' states that support will not be given for development proposals within the Green Belt, unless they relate to uses which must have a countryside location. As noted in 6.2 above, this application is not an assessment of the principle of a hard rock quarry but whether changes to the extraction area within the original application site are acceptable. The proposals, therefore, have no implications on the Countryside Strategy set out within the Development Plan through policies 1 and 3.
- 6.5.4 SLLDP Policy 2 'Climate Change' states that new developments should minimise and mitigate against the effects of climate change by being sustainably located, having no significant adverse impacts on the water and soils environments, air quality and Biodiversity (including Natura 2000 sites and protected species). The proposals would stop extraction in an area where the mineral is not of a high grade and, therefore, is in less supply and needs either blended with other materials or intensive grading and allow extraction within another area that has higher quality mineral which are in greater supply and need less processing which is good sustainable practice. It also involves the continuation of an existing quarry rather than the setting up of a new quarry. The site itself, whilst in a rural area has very good connectivity to the motorway and, therefore, is sustainably located to market.
- 6.5.5 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.5.6 The quarry face that would remain post extraction would be read as part of the remaining quarry and, therefore, there would be no additional visual impact when the site is restored. The proposals would also result in a depth of 9m which is lower than the figure that would result if no changes to the scheme were carried out. It is considered that this would further reduce the visual impact of the restoration of the quarry as it results in a more natural topography on the outer side of these faces. During extraction, the quarrying would be further screen bundled from view while the existing quarrying operations are hidden from view within the quarry bowl. It is considered that this would be effective in ensuring it had no adverse impact upon the landscape. The new proposed extraction area would not be closer to any residential property so that the existing noise limits would be met while, as noted previously, the quarry's dust, noise, blasting and traffic mitigation has been proven effective and it is considered that, subject to these continuing, there will be no additional impact upon the amenity of the area.

- 6.5.7 As noted throughout the report, the proposals require the relocation of an existing portion of a Shell UK's North West Ethylene Pipeline. Planning permission is sought for mineral extraction once the pipeline has been relocated, not whether it is acceptable to relocate the pipeline or to extract minerals whilst the pipeline is in situ. In this instance, Shell UK is the operator and owner of the pipeline but the applicant is the landowner and there is a legal agreement (deed of servitude) between both parties regarding the pipeline. As noted in section 5 above, Shell UK has objected to the proposals.
- 6.5.8 The applicant considers that the deed of servitude with Shell allows them to insist on the relocation of the pipeline to allow extraction. This is a separate legal matter and does not relate to the Council's function which is to decide whether or not a proposed development is acceptable and/ or desirable in the public interest. It is not for the Council to review ownership agreements, such as deeds of servitude, to consider their competency or come to a view as to their enforceability when determining a planning application. Nevertheless, condition 41 within the paper apart requires the safe relocation of the pipeline prior to any mineral extraction being allowed.
- 6.5.9 Policy 15: Natural and Historic Environment and the associated Supplementary Guidance provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. The proposed new extraction area is within the existing quarry boundary and on already cultivated farmland. There are no known archaeological sites within the development area. The original permission required a programme of archaeological works to be carried out in accordance with a written scheme of investigation to be agreed by WOSAS. Whilst there were no known archaeological features within the redline boundary when the original permission was assessed, the archaeological condition was used as quarrying, through the stripping of soils etc, always provides a good opportunity for ad hoc archaeological investigation. This proposal provides a positive opportunity for further archaeological investigation and, therefore, this requirement has been replicated as part of the recommended conditions. It is, therefore, considered that the proposals would not have any adverse impact upon the historic environment.
- 6.5.10 SLLDP Policy 16 Travel and Transport states that all new development must conform to the Council's current transportation guidelines. The mineral exportation rate would be unchanged and, therefore, subject to replication of the original permission's road conditions, the proposals accord with this policy criteria.
- 6.5.11 Policy 17: Water Environment and Flooding states that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The current excavations have not resulted in any adverse impacts upon the water environment and there are no additional water courses or springs located within the proposed extraction area that would require additional water management practices to be put in place.

6.6 Non-Statutory Planning Guidance – Minerals 2017

- 6.6.1 SPP directs Local Authorities to identify "Areas of Search" for minerals. However, due to the extensive range and geographical location of potentially economically viable mineral resources within South Lanarkshire, the Council considered that within the Non-Statutory Planning Guidance – Minerals 2017 (NSPG), the whole

Local Authority area should be treated as an "Area of Search". However, within this area of search there are areas which are either unsuitable for minerals development, or suitable for only limited minerals development, because of their environmental sensitivity. All minerals development must be environmentally acceptable and must also accord with the provisions of Policy MIN 2 "protecting the environment" in relation to historical and environmental assets, protected species, flood risk and communities. It is considered that for the reasons detailed above, the proposed development would not affect any natural or historical assets, including protected species and, therefore, accords with MIN2. In relation to protecting settlements and communities, it is considered that this assessment on amenity has been carried out through SLLDP Policy 4 above. Again, in relation to flood risk, it is considered that this assessment has been carried out above through SLLDP Policy 17. It is, therefore, considered that the proposals accord with MIN2.

- 6.6.2 SPP states "minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment" (paragraph 234). In addition, SPP states: "Plans should support the maintenance of a land bank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search" (paragraph 238). The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) Policy 15 also states the need for a construction aggregate landbank equivalent to at least 10 years of extraction. The need to maintain a minimum 10 year landbank of construction aggregate is, therefore, national and strategic policy.
- 6.6.3 In response to this, South Lanarkshire Council seeks, through NSPG Policy MIN 1- 'Spatial Strategy', to ensure that a supply of minerals continues to be available to serve local, national and international markets and so contribute to delivering sustainable economic development. In this context, the Council will take into account the need to maintain a land bank at all times within South Lanarkshire equivalent to at least 10 years extraction. At the same time, this objective has to be balanced against consideration of environmental issues and the potential effect of mineral extraction on communities.
- 6.6.4 In 2017, South Lanarkshire Council estimated the landbank to be at 10 years. Since 2017, there have not been any significant new aggregate reserves granted planning permission and, therefore, the landbank has dropped below 10 years. It is, therefore, considered that this application would result in a net addition to the landbank with no additional impact upon any communities. NSPG states that applications for new minerals development which will result in an unacceptable cumulative impact with other minerals development and landfill in the area will not be supported. It is considered that, in this instance, the proposals are not located in proximity to any other minerals or landfill development that would result in cumulative development.
- 6.6.5 NSPG Policy MIN4 'Restoration' states that planning permission will only be granted for mineral extraction where proper provision has been made for the restoration and aftercare of the site, including financial guarantees being put in place to secure restoration. Restoration proposals should not be generic and should relate to the specific characteristics of the site and the locale. Restoration proposals should consider providing opportunities for enhancing biodiversity, community recreation and access where at all possible. As noted above, suitable restoration is proposed

as part of this application. The legal agreement on site contains financial provision should the restoration obligations not be fulfilled and this would be in place should any new permission be issued.

- 6.6.6 NSPG Policy MIN 5 'Water Environment' states that mineral proposals which will have a significant adverse impact on the water environment will not be permitted. Consideration should be given to water levels, flows, quality, features, flood risk and biodiversity within the water environment. Flood Risk and the Water Environment have been addressed under SLLDP Policy 17 above.
- 6.6.7 NSPG Policy MIN 7 'Controlling Impacts from Extraction Sites' seeks to ensure all mineral development will not create an unacceptable impact through the generation of noise, dust and vibration. Mineral Operators are to ensure that appropriate monitoring regimes are proposed and, if permitted, shall be in place for the lifetime of the mineral operations. As noted above, the quarry has been in operation since 2009 with effect controls relating to noise, dust and vibration and, subject to the replication of these controls, it is considered that the proposals accord with this policy criteria.
- 6.6.8 NSPG Policy MIN 8 'Community Benefit' states that South Lanarkshire Council will encourage operators to contribute to the South Lanarkshire Rural Communities Trust (SLRCT), Quarry Fund or the Council's Renewable Energy Fund or similar mechanism. The quarry currently pays into the SLRCT which has been secured by the legal agreement and would continue to do so under any new planning permission. The rate is set at 5 pence per tonne of aggregate sold. Contributions or lack of contributions are not taken into account when assessing the acceptability or otherwise of proposals in relation to planning terms. This matter is for noting only and is not a material consideration to the assessment of this, or any other application.
- 6.6.9 NSPG Policy MIN 11 'Supporting Information' states that planning application submissions shall be accompanied by sufficient information and supporting documents to enable an application to be assessed and determined. This information should include, but not be limited to, a statement of intent, a method of working, measures to protect local amenity, landscape and visual impact assessment, details of restoration and aftercare and any ecological surveys necessary. The application submission included an Environmental Impact Assessment (EIA) Report and phasing plans as part of the suite of documents forming the application submission.
- 6.6.10 NSPG Policy MIN 12 'Transport' requires an assessment of potential traffic and transportation impacts of any new proposal to accompany the application for planning permission, including any cumulative impact. Proposals will not be supported if they are considered to create significant adverse traffic and transportation impacts. This assessment has been carried out under Policy 16 of the SLLDP and it is considered that the proposals comply with this policy criteria.
- 6.6.11 NSPG Policy MIN 13 'Legal Agreements' 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. As noted, any new planning permission for the site would also be subject to the provisions of the existing legal agreement.

- 6.7 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (LDP2). For the purposes of determining planning applications, the Council will continue to assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2, alongside the Reporters recommendations. A separate report on the outcome of the Examination of the proposed SLLDP2 which recommends that the modifications suggested by the Reporter are accepted is included elsewhere on the agenda. They are, therefore, a material consideration in determining planning applications.
- 6.8 In view of the above assessment, it is considered that the proposals to alter the extraction area at this established quarry accords with the development plan and would not have an adverse impact on the environment, residential amenity and road safety. The recommendation is, therefore, to approve the application which in turn will result in a new standalone planning permission being granted. The extant legal agreement will remain in place.
- 7 Reasons for Decision**
- 7.1 The request to extend the extraction area of an existing quarry is considered to have no additional planning implications subject to the replication of the previous suite of planning conditions and a condition relating to the underground pipeline within the proposed extraction area. The proposals, therefore, comply with National Policy, Policy 15 of the Glasgow and Clyde Valley Strategic Development Plan, Policies 1, 2, 3, 4, 15, 16 and 17 of the adopted South Lanarkshire Local Development Plan 2015 and associated Supplementary Planning Guidance, the Non-statutory Planning Guidance – Minerals (2017) and the Proposed South Lanarkshire Local Development Plan 2 (2020).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

12 October 2020

Previous References

- ◆ Planning Committee of 4 December 2007 (CL/07/0070)

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert dated 7 May 2020

►	Consultations	
	Roads Development Management Team	18.05.2020
	Health and Safety Executive	07.05.2020
	Environmental Services	09.10.2020
	Roads Flood Risk Management	08.06.2020
	SEPA West Region	10.06.2020
	Historic Environment Scotland	13.05.2020
	Countryside and Greenspace	28.04.2020
	Transport Scotland	19.05.2020
	Scottish Water	28.04.2020
►	Representations	Dated:
	Mr Penspen Ltd, Kirkby Lonsdale Business Park, Kirkby Lonsdale, Kirkby Lonsdale, LA6 2HH	07.05.2020
	Shell UK Ltd, Penspen Lands Office, Kirkby Lonsdale Business Park, Kirkby Lonsdale, Cumbria, LA6 2HH,	27.05.2020

Contact for further information

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 01698 455903
 Email: james.wright@southlanarkshire.gov.uk

Conditions and reasons

01. That all extraction operations on the site shall be discontinued no later than 2 June 2029 and that, within a period of 12 months from this discontinuance date, the entire site shall be restored in accordance with the approved restoration scheme (as required by condition 2) to the satisfaction of the Council as Planning Authority.

Reason: To ensure that the site is satisfactorily restored within an acceptable timeframe.

02. That no details of the restoration scheme are hereby approved. Within 12 months of the date of this permission, or unless otherwise agreed in writing by the Planning Authority, a detailed restoration, habitat management and aftercare scheme for the entire site shall be submitted for the written approval of the Council as Planning Authority and the restoration, habitat management and aftercare of the site shall be carried out to the satisfaction of the Council as Planning Authority in accordance with the approved scheme and timescale.

Reason: Further details are required on the restoration, habitat management and aftercare proposals to ensure suitable restoration of the site.

03. That if, due to unforeseen circumstances, it becomes necessary or expedient following commencement of works to materially amend the provisions contained within the approved documents or conditions, the developer shall submit for the consideration of the Council as Planning Authority, an amended application and statement of intent: the developer shall adhere to the approved plans until such time as an amended application may be approved by the Council as Planning Authority.

Reason: In order that the terms of consent may be considered should a change in operation become necessary.

04. That the site shall at all times be worked in accordance with the operational programme of works as set out in the Environmental Impact Assessment Report dated March 2020 accompanying the application, unless otherwise directed by these conditions or by the prior written approval of the Council as Planning Authority.

Reason: To ensure that the Planning Authority retains effective control of the development.

05. That before this planning permission is implemented on site, compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5 shall be submitted for the written approval of the Council, as Planning Authority and thereafter be carried out as approved for the lifetime of the development, hereby approved.

Reason: In the interests of flood risk and water management.

06. Notwithstanding the details shown on the stamped approved plans, that before this planning permission is implemented on site (including enabling works), the following details shall be submitted to and approved in writing by the Council as Planning Authority, and such details as may be approved, shall be implemented to the satisfaction of the Council as Planning Authority prior to the implementation of the permission hereby approved:-

- (a) detailed plans and elevations of all buildings, structures and fixed plant to be erected on the site, including the colours and type of external materials to be used;
- (b) details of the location, design and height of all new fences, walls and gates to be erected within or around the boundaries of the site;
- (c) a noise monitoring programme (to include provisions relating to equipment used, competence of monitoring personnel, frequency of measurement, programme of implementation, action to be taken when non-compliance is detected, parameters to be recorded, monitoring locations and submission of results to the Council as Planning Authority);
- (d) a vibration monitoring programme (to include provisions relating to equipment used, competence of monitoring personnel, frequency of measurement, programme of implementation, action to be taken when non-compliance is detected, parameters to be recorded, monitoring locations and submission of results to the Council as Planning Authority);
- (e) a detailed planting and management plan for the existing Dod Wood and screen bunding, detailing species to be planted, planting densities, tree protection measures, grass seed mixes and long term management proposals to ensure successful establishment.
- (f) a programme of archaeological works in accordance with a written scheme of investigation detailing methods of recording and recovery of any archaeological resources found.
- (g) details of the location, type and orientation of any external lighting to be erected.

Reason: In order to define the terms of the consent.

07. That in the first available planting season following implementation of this permission, the proposed area of coniferous planting to the south of the compound area and the existing Dod Wood shall be planted, and thereafter managed in accordance with the approved planting and management plan submitted in terms of condition 6(e).

Reason: To ensure that screen planting is carried out on site.

08. That before implementation of this permission, details of all soil screening mounds shall be submitted for the written approval of the Planning Authority. Once approved the mounds shall be implemented as such and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of visual amenity.

09. That in the first available planting season following the construction of the soil screening mounds as required by condition 8 shall be planted and thereafter managed in accordance with the approved planting and management plan submitted in terms of condition 6(e).

Reason: In the interests of visual amenity.

10. The site shall not operate outwith the hours stated below without the prior written approval of the Council as Planning Authority, and during these hours the site shall be adequately manned and supervised.

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

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

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(Scotland) Order 1992 (or of any order revoking, amending or re-enacting that Order), no buildings, structures or fixed plant, including that required for lighting the site, other than those approved under conditions 6a and 6k, shall be erected or installed within the site, without the prior written approval of the Council as Planning Authority.

Reason: In the interests of maintaining planning control of the site

12. The applicant or subsequent operator(s) shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site.

Reason: In the interests of road safety.

13. That all laden lorries leaving the site shall be sheeted before entering the public highway.

Reason: In the interests of road safety.

14. That for the duration of operations, all road-going mineral carrying vehicles (or other vehicles entering the processing area), shall pass through the operational wheel washing facility prior to entering the public highway.

Reason: In the interests of road safety.

15. The section of the access road between the wheel washing equipment and the B7078 shall be maintained in such condition as to prevent ruts, potholes and ponding of water and shall be kept clear of mud and dirt at all times, to the satisfaction of the Council as Planning Authority.

Reason: To minimise the chance of any debris from the site being carried onto the public highway; in the interests of road safety.

16. That with respect to the control of noise resulting from the operations at this site the developer shall comply with the following:-
- (a) that during the operational hours, as defined by Condition 10, the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 55 dB(A) LAeq, over any one hour period;
 - (b) that, during the non-operational hours, the nominal noise limit from site operations at all noise sensitive properties in the vicinity of the site shall not exceed 42 dB(A) LAeq, over any one hour period;
 - (c) that, for soil stripping and construction of permanent landforms, during operational hours and for no more than 8 weeks in any 12 month period, the nominal noise limit from site operations at all noise sensitive properties in the vicinity of the site shall not exceed 70 dB(A) LAeq, over any one hour period.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

17. That the operator shall at all times abide by the terms of all noise management contained within the Environmental Impact Assessment Report dated March 2020, including Appendix 1. For the avoidance of doubt, all references within this report to the noise management programme contained within section 10 of the Planning and Environmental Statement dated February 2007 of Planning Permission Ref: CL/07/0070 are considered to require compliance with this document and form part of the noise management programme approved by this condition.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

18. Efficient silencers shall be fitted to and used and maintained in accordance with manufacturer's instructions on all vehicles, plant and machinery used on the site. With the exception of maintenance, no machinery shall be operated with the covers open or removed.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

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

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

20. That the operator shall minimise dust emissions from the site by every practicable means, and shall at all times operate the site in full accordance with the dust monitoring and management plan contained within Environmental Impact Assessment Report dated March 2020. For the avoidance of doubt, all references within this report to the dust monitoring and management programme contained within section 11 of the Planning and Environmental Statement dated February 2007 of Planning Permission Ref: CL/07/0070 are considered to require compliance with this document and form part of the noise management programme approved by this condition.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

21. That, in the event of dust nuisance problems being created by operations on site, the operator shall take all reasonable remedial measures to minimise the transmissions of dust, to the satisfaction of the Council as Planning Authority.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

22. That at all times during operations, water bowsters and sprayers, whether fixed or mobile, shall be used to minimise the emission of dust from the site. If the prevention of dust nuisance by these means is not possible, then the movement of soils, vehicles, etc. shall temporarily cease until such time as the weather conditions improve.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

23. That the developer shall ensure that sufficient water is maintained at all times on site, to address the requirements for dust suppression.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

24. That no blasting shall take place on site outwith the hours of 10.00 hours to 16.00 hours Monday to Friday.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

25. That from the date of this permission until the cessation of operations, each blast shall be numbered consecutively. Ground vibration, as a result of blasting operations, shall not exceed a peak particle velocity of 6mm per second in 95% of each block of 20 consecutively numbered blasts, and no individual blast shall exceed a peak particle velocity of 10mm per second, all as measured at any vibration sensitive property. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface of any vibration sensitive property.

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

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

Reason: To minimise any nuisance and to protect the amenity of neighbouring properties.

27. That any stripping, stacking and replacement of topsoil shall be carried out when conditions are dry enough to avoid unnecessary compaction of the soils at any stage. The applicant shall give at least 7 days notice to the Council as Planning Authority prior to the commencement of any period of soil movements and the Council as Planning Authority reserves the right to suspend operations during adverse weather conditions or to impose such conditions as it sees fit for the safekeeping of the topsoil.

Reason: To preserve the quality of soils.

28. That the movement of plant, vehicles and machinery on the site shall be carried out in such a manner as to avoid, as far as possible, the crossing of undisturbed, reclaimed or restored land.

Reason: To avoid any unnecessary incursion onto parts of the site which are undisturbed or have been restored; in the interests of the general amenity of the site.

29. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive except with the prior written approval of the Council as Planning Authority.

Reason: To preserve the quality of soils.

30. That soils 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 passage over it).

Reason: To preserve the quality of soils.

31. That no soil shall be removed from the site.

Reason: To ensure sufficient soils are retained on site for restoration purposes.

32. That all soil storage mounds (temporary and permanent) 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 immediately following their formation. The sward shall be managed in accordance with the appropriate agricultural management techniques throughout the period of storage.

Reason: To preserve the quality of soils, and in the interests of the visual appearance of the site.

33. That without the prior written approval of the Council as Planning Authority, no trees within the application site shall be lopped, topped or felled, and the operator shall protect the same from damage.

Reason: To safeguard the ancient woodland to the site boundary.

34. 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, prior to the implementation of this permission. The fencing shall thereafter be maintained in good condition until final restoration is completed.

Reason: To ensure site safety and maintenance of boundary security.

35. All containers being used to store liquids (which have the potential to cause pollution) within the application site shall be labelled clearly to show their contents and located in a bund which shall be at least 110% of the capacity of the largest container stored within it.

Bunds shall conform to the following standards:-

- The walls and base of the bund shall be impermeable
- The base shall drain to a sump
- All valves, taps, pipes and every part of each container shall be located within the area served by the bund when not in use;
- Vent pipes shall be directed down into the bund;
- No part of the bund shall be within 10 metres of a watercourse;
- Any accumulation of any matter within the bund shall be removed as necessary to maintain its effectiveness.

Reason: To ensure the safekeeping of such liquids.

36. That unless otherwise approved in writing by the Council as Planning Authority, at the completion of final restoration, all remaining access roads and hardstandings are to be removed and the ground restored in accordance with the approved scheme (submitted in terms of condition 2).

Reason: To ensure suitable restoration of the site.

37. That unless otherwise approved in writing by the Council as Planning Authority, no material shall be imported to or deposited at the site.

Reason: For the avoidance of any doubt over what is approved.

38. That, in the event of extraction operations on any phase of the site ceasing for a period of 12 months or more, the Council as Planning Authority shall deem operations on site to have permanently ceased, and shall require immediate implementation of the approved restoration scheme (submitted in terms of condition 2), unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure that the Planning Authority retains effective control of the development.

39. That from the date of commencement of works on the site until completion of the final restoration, a copy of this permission and all approved documents and subsequently approved documents, shall be available for inspection in the site offices during approved working hours.

Reason: To ensure the site operator and visiting officials are aware of the approved details.

40. That within one year of the date of commencement of this permission (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 or restoration operations carried out;
- The extent of landscaping, nature conservation and agricultural works that have been implemented;
- Recent site survey;
- Current and anticipated production figures;
- Remaining reserves;
- Compliance with statutory permissions;
- Site complaint logs and actions taken.

Reason: To ensure that the Planning Authority is informed at regular intervals of the progress of the site; to assist with site monitoring; and to help inform development plan production.

41. That before this planning permission is implemented on site, the ethylene pipeline (North West Ethylene Pipeline) shall be relocated fully outwith the site boundary. Details demonstrating the safe relocation of the pipeline, including all required authorisations from the Health and Safety Executive shall be submitted for the written confirmation of the Planning Authority. .

Reason: In the interests of public safety.

42. That before this planning permission is implemented on site the operator shall obtain, and provide to the Planning Authority, written confirmation from Scottish Water and the National Grid that the predicted vibration levels at their respective apparatus within the vicinity of the site are within parameters acceptable to them.

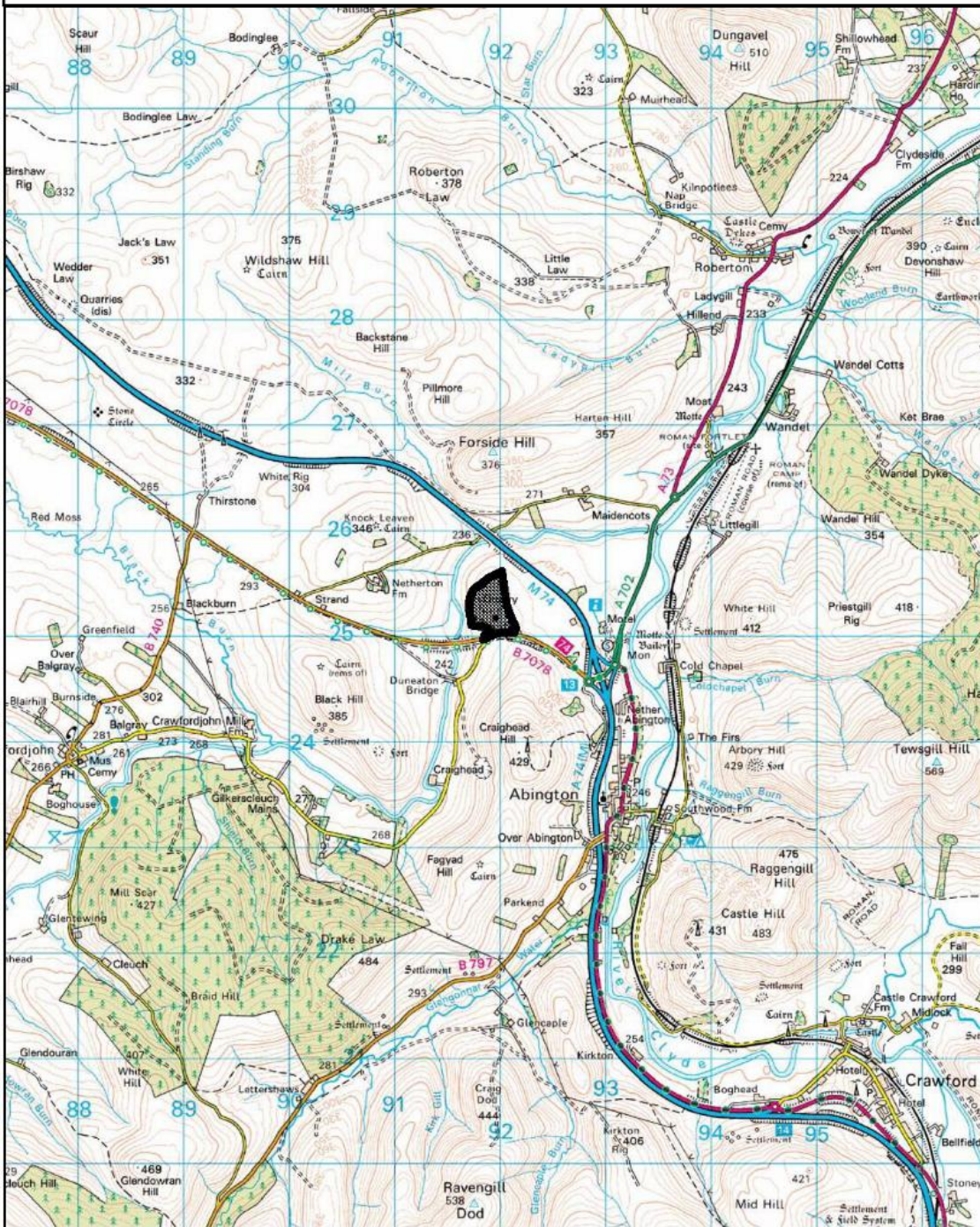
Reason: In the interests of public safety.

43. That before this planning permission is implemented on site but following the relocation of the pipeline required by condition 41, the operator shall obtain, and provide to the Planning Authority, written confirmation from Shell UK that the predicted vibration levels at their apparatus within the vicinity of the site are within parameters acceptable to them.

Reason: In the interests of public safety.

P/20/0514

Duneaton Quarry



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Date:
06/10/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development