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By email to:

[REDACTED]

Our ref: NOD-SLS-001-1
16 December 2019

Dear [REDACTED]

DECISION NOTICE

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 EXTENSION TO MINERAL EXTRACTION AND ASSOCIATED RESTORATION AND ENHANCEMENT WORKS AT HYNDFORD QUARRY, LANARK, SOUTH LANARKSHIRE, ML11 9TA

1. This letter contains Scottish Ministers' decision on the above planning application by Cemex UK Operations Limited.
2. On 29 January 2014, Scottish Ministers issued a Direction, under section 46 of the Town and Country Planning (Scotland) Act 1997, requiring the application made by Cemex UK Operations Limited dated 23 November 2012, to be referred to them for determination. This was because of the proposed development's potential impact on the New Lanark World Heritage Site (WHS), which is internationally recognised for its outstanding universal value (OUV), and on the wider setting. The proposed development comprises both a western and southern extension.
3. Following the decision by the Court of Session dated 9 May 2017 to quash the Scottish Ministers' previous Decision, to grant planning permission only for the southern extension, dated 7 December 2016, a targeted re-opening of the case was conducted by the Scottish Government Planning and Environmental Appeals Division (DPEA). The application was considered by public examination with two site inspections, further written submissions and a hearing session and was conducted by [REDACTED] a reporter appointed by Scottish Ministers for that purpose.

Reporters recommendation and Scottish Ministers decision

4. The reporter recommended that planning permission for the development should be granted subject to conditions and the imposition of a legal agreement. Scottish Ministers have carefully considered all the evidence presented and the reporter's conclusions and recommendations. For the reasons explained in this letter, Scottish Ministers disagree with

the reporter's recommendation to approve this application in its entirety. Scottish Ministers have decided to grant conditional planning permission for mineral extraction and associated restoration and enhancement works for the southern extension only and to refuse planning permission for mineral extraction and associated works for the western extension at Hyndford Quarry, Lanark.

The Proposal Site

5. The entire application site is within land designated as a rural area in the South Lanarkshire Local Development Plan 2015 (SLLDP). The boundary of New Lanark World Heritage Site (WHS) is located 600m north west of the application site. The proposed western extension area is located within the New Lanark World Heritage Site's Buffer Zone and the Falls of Clyde (Braxfield, Corehouse and Bonnington) Historic Garden and Designed Landscape area. Both the proposed western and southern extensions areas fall within the Middle Clyde Valley Special Landscape Area (SLA). The eastern edge of the application site is located within the Upper Clyde Valley and Tinto SLA. The Clyde Valley Woodlands National Nature Reserve (NNR) and New Lanark Conservation Area are located immediately adjacent (to the west) of the application site, with small portions of the two designations overlapping the application site. The Falls of Clyde Site of Special Scientific Interest (SSSI) is located adjacent to the west of the site. No extraction operations are proposed within the NNR, Conservation Area, SSSI or WHS. There are substantial tracts of Ancient Woodland; the closest associated with the Clyde valley both abuts and falls within landholdings within the western area. A number of listed buildings and Scheduled Ancient Monuments are located in the local area, but outwith the application site.

Development Plan Context

6. 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. Ministers must also have special regard to the desirability of preserving listed buildings, their settings and any features of historic or architectural interest which they possess. Furthermore, Ministers must pay special regard to the preservation or enhancement of conservation areas, including predicted effects on setting. In this case, the development plan comprises-

- The approved Glasgow and Clyde Valley Strategic Development Plan (2017) (Clydeplan);
- The adopted South Lanarkshire Local Development Plan (2015);
- The adopted South Lanarkshire Minerals Local Development Plan (2012); and,
- Associated Statutory Supplementary Guidance:
 - Sustainable Development and Climate Change (SG1);
 - Green Belt and Rural Area (SG2);
 - Development Management, Placemaking and Design (SG3); and,
 - Natural and Historic Environment (SG9).

The Reporter's Report of 20 June 2018

7. DPEA submitted a Report to Scottish Ministers on 20 June 2018 ("the report"). The full contextual background to the proposal is set out between pages 12 and 17 of the report. The issue of minerals supply and demand is set at pages 18-31 with the reporter's conclusions on this issue at pages 28-31. The issue of heritage and landscape impacts is set out at pages 32-61 with the reporter's associated conclusions at pages 49-61. Other matters are set out at pages 62-83 with the reporter's associated conclusions at pages 76-83. The

conclusions on the development plan and other material considerations are set out at pages 84–94. The reporter’s overall conclusions and recommendations are set out at pages 95–99 which draw on the reporter’s earlier conclusions in the minerals supply and demand, and heritage and landscape impact chapters. The reporter’s overall recommendation that planning permission should be granted, subject to conditions and specified planning obligations can be found at pages 98-99. A number of appendices are included at pages 99-183. A copy of the Report is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

8. The reporter finds that overall the proposed development complies with the provisions of the development plan and that there are no material considerations that would justify refusal. Overall the reporter concludes at paragraph 6.23 of the report that the proposal would:

- contribute to overcoming an identified shortfall in the minerals reserve (land-bank);
- protect and preserve the character, integrity and quality of the New Lanark World Heritage Site, its setting and Outstanding Universal Value;
- avoid compromise to the integrity of the Falls of Clyde Designed Landscape, its character and the objectives of its designation;
- safeguard listed buildings, their settings, and any features of special interest they possess;
- preserve or enhance the character or appearance of the New Lanark and Falls of Clyde Conservation Area;
- protect scheduled ancient monuments and their settings;
- not adversely affect the overall quality of special landscape areas;
- not harm nature conservation interests;
- support sustainable economic development; and
- provide an acceptable restoration scheme.

Scottish Ministers’ Intentions Notice of 18 February 2019

9. Ministers issued a Notice of Intention in respect of their determination of the application on 18 February 2019 giving notice to the applicant that they were again minded only to grant planning permission for the southern extension and to refuse planning permission for the western extension.

10. As agent for the applicant, you made representations in a letter of 29 March 2019 expressing concern in respect of the procedure followed. This concern related in particular to your interpretation of the Notice of Intention that Ministers’ decision to refuse planning permission for the western extension related to the estimated eight year extraction period and that no opportunity had been given to consider whether a shorter extraction period may be acceptable. This interpretation however does not reflect the reasoning of Ministers and this decision notice clarifies the position that the decision is not dependent upon the length of the period of extraction. Accordingly Ministers do not consider that there has been any procedural unfairness to the applicant as asserted in the letter of 29 March 2019.

Main Issues

Southern Extension

11. Scottish Ministers acknowledge that the southern extension is not located within the World Heritage Site (WHS) or its buffer zone and that it is not in contention. Scottish

Ministers accept and agree with the reporter's conclusions that this part of the proposed development does comply with the development plan and that for this part of the proposed development there are no other material considerations to indicate that the decision should be made otherwise than in accordance with the development plan.

12. Scottish Ministers agree with the reporter's findings at 4.116 that the southern extension could make a substantial contribution to the mineral supply to provide 1.4 million tonnes of mineral, that any adverse impact on designations or assets would be avoided, and that there would also be no significant adverse impact on the remains of non-designated assets. The reporter's further conclusion that the southern extension alone would be insufficient to support a land supply capable of meeting future growth assumptions, is considered in paragraph 18 of this letter

Western Extension – development plan consideration

13. Scottish Ministers agree with the reporter's findings in para 4.116, that the proposed western extension is the focus of concern and impacts, given the relatively greater sensitivity of this area within a World Heritage Site buffer zone, a Designed Landscape, a Special Landscape Area, and in proximity to a number of other heritage designations and assets. Scottish Ministers consider the western extension draws support from some development plan policies but that it conflicts with others, and recognise that a judgement on whether the western extension is in compliance with the development plan is accordingly finely balanced.

14. Given the acknowledged adverse effects of development within the western extension on the Bonnington Estate and wider Falls of Clyde Historic Designed Landscape and the Special Landscape Area, Scottish Ministers consider that these adverse impacts, on assets that include a designed landscape within the buffer zone of a world heritage site, are unacceptable. Scottish Ministers agree with the reporter at para 3.169 and throughout chapter 3 and conclusion in para 6.5 that there will be localised significant adverse effects on heritage assets within a small part of the Historic Designed Landscape and the buffer zone of the World Heritage Site. However Scottish Ministers consider that the nature and extent of the proposed development's physical impact upon this sensitive area are unacceptable. Accordingly, Scottish Ministers disagree with the reporter in that they consider that the proposals for the western extension are not in compliance with the development plan, particularly Policy 15 (Natural Resource Planning) in Clydeplan, Policy 15 (Natural and Historic Environment) of the South Lanarkshire Local Development Plan (SLLDP) and Policies MIN 1-4 (Environmental Protection and Restoration) in the 2012 Minerals Local Plan. Scottish Ministers have considered all material considerations and consider that there are none which indicate that planning permission for the western extension should be granted notwithstanding that it is contrary to the development plan.

Detailed reasoning for disagreeing with the reporter's findings in respect of the western extension

15. Taking each of the reporter's key conclusions as set out in 6.23 of their report in turn, this section sets out Ministers' reasoning for disagreeing with the reporter's findings in respect of the proposed western extension and their conclusions in respect of the development plan:

a) Contribute to overcoming an identified shortfall in the minerals reserve (land-bank)

16. Scottish Ministers agree with the reporter (as set out in 2.83 of the report) that Scottish Planning Policy (SPP) (Para 238), Clydeplan (Policy 15 'Natural Resource

Planning'), SLLDP (Policy MIN 1 'Spatial Framework') and the council's non statutory guidance all support maintenance of at least a 10 year land bank.

17. Scottish Ministers have considered the reporter's findings relative to the minerals supply and demand issue (chapter 2 of the report and conclusion at 6.23) and accept that the proposal would contribute to overcoming an identified small shortfall in the minerals reserve. However, Scottish Ministers note from the report (paragraphs 2.4 – 2.83) that the calculation of demand and supply is heavily disputed. The estimation of demand is somewhere in the range of 1.12 million tonnes per annum (lower assumptions of the New Lanark and Clyde Working Group) to 1.7 million tonnes per annum (a growth based assumption as advocated by the applicant). The estimation of supply by the reporter is that the current land-bank reserve would be 11,810,000 tonnes. Scottish Ministers accept that the growth based scenario advocated by the applicant would lead to a significant shortfall in the 10 year supply and that an approach based on the lowest recent annual extraction rate levels would give a land-bank of just above ten years.

18. Scottish Ministers have considered the reporter's conclusions that in planning for economic recovery and a return to higher extraction rates there would be a clear shortfall and justification for additional reserves. Scottish Ministers however also recognise that such calculations on minerals supply and demand are based on professional judgement and that there are variables such as the state of the economy and market conditions that could result in fluctuations, which those trying to estimate the landbank requirements may not be able to predict at the time. Scottish Ministers have taken the reporter's view into account and agree that there is a small shortfall in the landbank and that the southern extension would suffice in meeting that shortfall and demand. With regard to the western extension, Scottish Ministers conclude that while it would also contribute to increasing the available reserve of minerals and to economic growth, these benefits would not outweigh the identified adverse impacts. As a result, Scottish Ministers consider that the western extension conflicts with LDP Policy 1: Spatial Strategy, which states that the SLLDP will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy and that development that accords with the policies and proposals in the development plan and supplementary guidance will be supported.

19. Clydeplan Policy 15 requires that proposals should balance economic benefit against the protection of the environment and local communities from their potential impacts. Scottish Ministers have considered the sensitive nature of the western part of the application site being within the buffer zone of the New Lanark World Heritage Site, within the Falls of Clyde Designed Landscape and within a Category 3 Special Landscape Area. Scottish Ministers agree with the reporter (at 2.83 and 6.23) that the current land-bank position and relevant planning policy both support increasing the available reserve of minerals in South Lanarkshire, but that this support does not set aside the due consideration of other relevant planning policies and material considerations.

20. Scottish Ministers acknowledge that SLLDP Policy 15 (Natural and Historic Environment) and Policy MIN 2 (Environmental Designations) of the Minerals Local Development Plan seek to protect important natural and built heritage sites and features from adverse effects. Supplementary Guidance 9 'Natural and Historic Environment' (SG9) further expands and supports the objectives of SLLDP Policy 15. It states that development which will affect the integrity of Category 1 sites (international sites which include World Heritage Sites, their setting and buffer zones) following the implementation of any mitigation measures will not be permitted. Development which will adversely affect Category 2 sites (includes Designed Landscapes) and Category 3 sites (includes Special Landscape Areas) following the implementation of any mitigation measures will only be permitted if: a) there is

an over-riding need for the minerals to serve appropriate markets, and b) it is shown that the adverse impact of the proposed development can be mitigated to an acceptable degree, and/or c) the proposed development will result in a net improvement to Category 2 or 3 sites. The distinction to be drawn between Category 2 and 3 sites is that for Category 2 sites the appropriate markets referred to in a) above, must be of national importance, whereas for Category 3 sites they may be of regional or local importance only. In addition, the adverse impact for Category 3 sites referred to in b) above, will be evaluated as a “significant adverse impact”.

21. In Scottish Ministers’ view, the proposal would not serve a nationally important market but instead a regional market. There is therefore no over-riding need for minerals extraction within the sensitive western extension area. Scottish Ministers have taken into account the reporter’s acknowledgement at 2.79 that extraction could undoubtedly be sourced elsewhere. Scottish Ministers consider that the physical impact on this sensitive landscape would not be acceptable for any length of time. The disruption amounts to a significant adverse impact which cannot be mitigated to an acceptable degree. Scottish Ministers consider that the proposed mitigation does not outweigh the physical impacts and disruption caused to this sensitive area within the buffer zone and consider that no impact would be acceptable. Scottish Ministers agree with the economic and land supply case outlined in chapter 2 but also agree with the reporters conclusion that such support does not however set aside the due consideration of other relevant planning policies and material considerations. Overall, Scottish Ministers do not accept (3.152) that the identified negative implications in the western extension are partly offset by the economic and land supply case for the development. In this regard, Scottish Ministers consider that the western extension does not lead to social or economic benefits of national importance and fails to comply with policy (SLLDP Policy 15 ‘Natural and Historic Environment’ and Policy MIN 2 ‘Environmental Protection’) in relation to protecting designations.

22. Overall, Scottish Ministers do not accept the reporter’s findings that extraction in this sensitive western extension location is compliant with the development plan.

b) protect and preserve the character, integrity and quality of the New Lanark World Heritage Site, its setting and Outstanding Universal Value

23. The proposed western extension would bring development closer to the New Lanark World Heritage Site (WHS) than at present, and would introduce development within the buffer zone of the WHS.

24. The New Lanark World Heritage Site and its setting and buffer zone is identified as a Category 1 site (of international importance) in SLLDP Policy 15, which states that development which will adversely affect the integrity of such sites following the implementation of any mitigation measures will not be permitted. Supplementary Guidance 9 – Natural and Historic Environment (SG9) further expands and supports the objectives of SLLDP Policy 15. Policy 1 of Supplementary Guidance Policy 9: ‘Natural and Historic Environment’– New Lanark World Heritage Sites provides additional guidance and states that the character, integrity, authenticity and quality of the New Lanark World Heritage Site and its setting, recognised by UNESCO, will be protected, conserved and enhanced. Development will require to respect the sustainable future of the New Lanark World Heritage Site both as a viable community and as an internationally recognised heritage asset for educational and cultural enrichment.

25. Scottish Ministers have considered the reporter’s findings relative to the heritage and landscape impacts (chapter 3). In broad terms, the reporter concludes (Para 3.169) that

there will be some adverse impacts but overall concludes they are relatively limited and/or localised in nature, extent and/or time: the reporter concludes (i) there is no threat to the World Heritage Site, (ii) there is a relatively minor adverse impact compared with the overall value of the Falls of Clyde Historic Designed Landscape, and (iii) there is a significant adverse impact on part of the Falls of Clyde Designed Landscape portion of the Special Landscape Area within the buffer zone of the World Heritage Site. Scottish Ministers do not agree with the reporter's overall conclusions (Chapter 3 and 6.23) that following restoration there is no policy conflict, save for MIN2 relative to the Historic Designed Landscape (3.137). Scottish Ministers accept that the impacts will be limited but give them weight in this sensitive landscape within the buffer zone. Scottish Ministers consider that any adverse impact for any length of time is unacceptable at this location.

26. Scottish Ministers have taken into account the reporter's conclusion that there is nothing in the evidence to suggest the proposal is a threat to OUV of the New Lanark WHS. Scottish Ministers disagree and consider that *any* impact temporary or otherwise on the World Heritage Site buffer zone (and the Falls of Clyde Designed Landscape) affects the character of the site as a whole. Scottish Ministers have taken into account (paragraph 3.107) that the Environmental Statement 2012 states that the western extension has the potential to generate significant levels of impact on both the landscape and historic character of the area, which also includes the Buffer Zone of the New Lanark World Heritage Site. Scottish Ministers consider that there would be a temporary impact (estimated to be up to eight years) on the World Heritage Site buffer zone (and the Falls of Clyde Designed Landscape as addressed below). Scottish Ministers therefore do not agree with the reporter's conclusions (paragraph 6.23) that the proposed development would protect and preserve the character, integrity and quality of the New Lanark World Heritage Site, its setting and Outstanding Universal Value because in Scottish Minister view the buffer zone is sensitive because it also contains several designated heritage assets. Any impact, temporary or otherwise, within this sensitive site is not considered acceptable. Scottish Ministers consider the western extension to be contrary to SLLDP Policy 15 (Natural and Historic Environment), and Supplementary Guidance 9 (Natural and Historic Environment Policies NHE1 and NHE4) and Minerals Local Plan Policy MIN4.

c) avoid compromise to the integrity of the Falls of Clyde Designed Landscape, its character and the objectives of its designation

27. The Falls of Clyde is a Category 2 site – (National) Inventory of Gardens and Designed Landscape. Supplementary Guidance 9 (Policy NHE 4 – Gardens and designed landscapes) states that development affecting such areas will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance.

28. Scottish Ministers acknowledge that the proposed western extension would introduce development within the Falls of Clyde Historic Garden and Designed Landscape. Scottish Ministers disagree with the reporter's assessment (paragraph 6.23) that the proposed development would avoid compromise to the integrity of the Falls of Clyde Designed Landscape, its character and the objectives of its designation.

29. Scottish Ministers acknowledge (paragraphs 3.1 – 3.3) that since the previous 2014 report to Ministers, Historic Environment Scotland (HES) has replaced Historic Scotland. Scottish Ministers acknowledge that in its response to this case, HES have relied on previous submissions by Historic Scotland. Scottish Ministers have taken into account that

while Historic Scotland did not object to the proposal, but did consider that the development would have a direct impact on parts of the Falls of Clyde Designed Landscape, and there would be a direct impact on a number of heritage assets (reporter's summary report page 5).

30. Scottish Ministers have taken into account (3.122) that the Falls of Clyde Designed Landscape includes a collection of estates (Braxfield, Castlebank Park, Corehouse and Bonnington) and New Lanark, and that the environmental statement identifies a high magnitude of impact and a major significant visual impact on the Bonnington Estate, particularly from the summit of Peacock Hill. Scottish Ministers acknowledge that there is no dispute between parties that the proposal would have a significant impact on an element of the Designed Landscape (3.123). Scottish Ministers consider (from 3.136) that there would be a significant impact on part of the Falls of Clyde Designed Landscape with a loss of landform on which this part of the estate was originally laid out as well as impact on the Bonnington Estate boundary wall and a few mature parkland trees. Scottish Ministers consider (3.126) that following restoration there would be a perceptible change in the original landform and this would be a permanent change in the landscape that would have been evident in the historical estate layout.

31. Scottish Ministers consider that both mineral extraction and progressive restoration in the western extension will introduce significant disturbance into protected areas. Scottish Ministers consider that disruption to this sensitive landscape of even a period of up to 8 years (1.13) (which the reporter notes (3.151) is not an inconsequential time period) is not acceptable. Scottish Ministers consider that, because of the physical impacts of the western extension, and disruption upon this sensitive area, any time period would be unacceptable. It is Scottish Ministers' view that the western extension is in conflict with SLLDP Policy 15 (Natural and Historic Environment) as well as Supplementary Guidance 9 (Natural and Historic Environment Policy NHE4) and Policy MIN2 of the Minerals Local Plan 2012 which seek to avoid compromise to the integrity of the Falls of Clyde Designed Landscape, its character and the objectives of its designation.

d) safeguard listed buildings, their settings, and any features of special interest they possess

32. Scottish Ministers do not accept the reporter's conclusions in paragraphs 3.44 and 6.23 that there would be no unacceptable impacts on listed buildings. Scottish Ministers have taken into account (3.28) that the environmental statement assessed impacts upon the setting of Corehouse (a Category A listed building) to be potentially significantly adverse. Scottish Ministers have taken into account (3.43) that Historic Scotland considered the proposed development is likely to cause an impact of minor significance on Bonnington View House (A-listed), also known as Bonnington Pavilion, which was designed as a viewpoint and its focus is therefore directed towards the Falls of Clyde. In addition, Scottish Ministers take into account a minor impact to Harperfield House (B-listed); and minor impacts to Harperfield Stables and the Dovecot at Corehouse (both C-listed) (para 3.44) as predicted in the environmental statement. The reporter concludes that there would be no unacceptable impacts on listed buildings. However, Scottish Ministers have attached weight to the environmental statement findings and comments of Historic Scotland, and do not consider that any adverse impacts on listed buildings within this sensitive area within the world heritage site buffer zone are acceptable.

e) preserve or enhance the character or appearance of the New Lanark and Falls of Clyde Conservation Area

33. Scottish Ministers acknowledge (3.160) that the impact on views out from the conservation area is a matter of dispute between parties and that there would be a

temporary impact from a single view-point which is not on a defined walkway although it is in proximity to the curved walkway (south of Bonnington View House). Scottish Ministers accept the view of the reporter, the environmental statement and Historic Environment Scotland that any impact on the conservation area would be minor as the view from the conservation area would be restricted and at some distance of 250 metres. However, Scottish Ministers do not agree with the reporter's overall finding that a quarry extension would 'preserve or enhance' the character or appearance of the Conservation Area, because Scottish Ministers consider that any adverse impacts on designated assets within this sensitive area within the buffer zone are not acceptable.

f) protect scheduled ancient monuments and their settings

34. Scottish Ministers agree with the the reporter's conclusion at para 3.161 that there would be no harm to any scheduled ancient monuments and their settings and that this conclusion was not disputed by parties.

g) not adversely affect the overall quality of special landscape areas

35. SLLDP Policy 15 'Natural and Historic Environment' Category 3 (local) – Special Landscape Area and LDP Supplementary Guidance - Policy NEH16 (Landscape) states that development proposals within the Special Landscape Areas (SLA) will only be permitted if they satisfy the requirements of SLLDP Policy 3 and can be accommodated without significantly and adversely affecting the landscape character, scenic interest and special qualities and features for which the area has been designated. In this instance two SLAs are relevant and they are: Middle Clyde Valley and Upper Clyde Valley and Tinto. Policy NEH16 (Landscape) further states that within the SLAs and the wider landscape of South Lanarkshire, development proposals should maintain and enhance landscape character.

36. Scottish Ministers have taken into account the reporter's conclusions at (3.165) that the significant adverse impacts are on a relatively small portion of the Special Landscape Area, and her conclusion that awareness of the works would be limited. Scottish Ministers have taken into account that the proposed western part of the scheme would introduce development further into the Middle Clyde Valley Special Landscape Area. Scottish Ministers have taken into account (3.36) that the landscape character types which cover the Middle Clyde Valley Special Landscape Area were both 'high' in sensitivity to change. The impact of the proposed development would result in a substantial adverse impact to the Rolling Farmland, and a slight adverse impact to the Incised River Valley landscape types. Scottish Ministers do not consider that any adverse effects on designated assets within this sensitive area located within the buffer zone are acceptable.

37. As set out in 3.165, this special landscape area includes an area from Lanark through to Hamilton and there would be significant effects on a relatively small portion of this area. There would also be some visibility from the adjacent Upper Clyde Valley and Tinto Special Landscape Areas along the A70 and for a limited stretch from Hyndford Bridge to Sandilands. Scottish Ministers accept that these visual effects would be limited but consider there is an adverse impact. At 3.167 the reporter accepts that the site is a component of a wider fluvio-glacial landscape and can be viewed in the context of the glacial landforms north of the minor road at Bonnington Mains. And, these are considered to be of more notable value to an extent that they could be considered for Local Geodiversity Site Status. Scottish Ministers consider that the disruption and engineered change the proposed western extension development would do to the SLA designation, to landscape within it and to visual amenity amount overall to an adverse effect on the SLAs. Scottish Ministers therefore

disagree with the reporter's conclusions (6.23) that the proposed development would not adversely affect the overall quality of special landscape areas.

38. The western extension is designated for its cultural significance as part of a designed landscape and Scottish Ministers, having regard to paragraphs 13 to 14 of this letter, consider that further encroachment and mineral extraction within the Middle Clyde Valley Special Landscape Area is unacceptable and conflicts with Policy NHE16.

h) not harm nature conservation interests

39. Scottish Ministers do not accept the reporter's assessment that the proposed development would not harm nature conservation interests. Scottish Ministers have taken into account the findings (3.106) that over the period of the works the proposal would involve progressive excavation of Primrose Hill, loss of 3 parkland trees, impacts on Robbiesland Bog/Woodland. Scottish Ministers consider these impacts to be harmful to the nature conservation interests within this sensitive area located within a buffer zone.

i) support sustainable economic development

40. Scottish Ministers do not accept the reporter's assessment (6.23) that the proposed development would support sustainable economic development. They acknowledge the policy support for maintenance of a ten year land-bank and the positive contribution the proposals would have on local economic activity. However, they highlight the principles that should guide policy and decisions, as set out in paragraph 29 of Scottish Planning Policy which includes protection, enhancement and promotion of access to a range of assets including historic and natural heritage, landscape and the wider environment. When balanced against the adverse impacts on protected landscape, the policy support for maintenance of a ten year land bank and the positive contribution on local economic activity do not support a conclusion that overall the proposals represent sustainable economic development.

j) provide an acceptable restoration scheme

41. Scottish Ministers have taken into account the reporter's conclusion (paragraph 6.23) that the proposed development would provide an acceptable restoration scheme through conditions and a planning obligation. However, Scottish Ministers consider that the proposed mitigation does not outweigh the physical impacts and disruption caused to this sensitive area within the buffer zone and consider that no impact would be acceptable.

42. Scottish Ministers acknowledge that the reporter has considered the temporary nature of impacts in the report (3.153) and acknowledges that discounting impacts on the basis of future restoration is a matter to be carefully considered relative to the location and the nature of any impacts. The reporter states that there are some locations where the assessed impacts relevant to a specific proposal may not be acceptable even over a temporary period. Scottish Ministers accept the reporter's findings that the impacts would be limited but consider that no adverse physical impacts for any time period would be acceptable within this sensitive area.

43. The reporter (3.137) accepts that for the 8 years of proposed works there would be a significant adverse effect on part of the historic designed landscape. Scottish Ministers consider there is a degree of conflict with Policy MIN2. Scottish Ministers take the view that any disturbance of the World Heritage Site buffer zone in the western extension is unacceptable and is not outweighed by the need for a supply of minerals. Due to the nature

of the impact within this sensitive area on a number of heritage assets within the buffer zone Scottish Ministers do not consider that any time period would be acceptable.

44. Scottish Ministers have taken into account (3.126) that following restoration there would be a perceptible change in the original landform and this would be a permanent change in the landscape that would be different to the historical estate layout.

Acceptability overall with the development plan

45. Scottish Ministers consider that the proposed southern extension is compliant with development plan policy overall. Scottish Ministers, however, conclude that the western extension does not accord with the development plan. Scottish Ministers consider that both mineral extraction and progressive restoration in the western extension will introduce significant disturbance into protected areas. Disruption to this sensitive landscape for any time period, even that of up to 8 years, is considered to represent an unacceptable adverse effect which renders the western extension element of the proposal to be in conflict with key development plan policies: SLLDP Policy 15 and MIN Policies 1 - 4 (Natural and Historic Environment), and Supplementary Guidance 9 policies NHE1-World Heritage Site, NHE4 - Gardens and Designed Landscapes, and NHE16 - Landscape.

Material Considerations

46. Scottish Ministers have taken into account the material considerations considered by the reporter (and summarised at 6.19 - 6.22) including NPF3, SPP, Historic Environment Scotland Policy and Guidance, UNESCO and other publications, however they disagree with the reporter's conclusion (6.24). Scottish Ministers have considered all material considerations and consider that there are none which indicate that planning permission for the western extension should be granted notwithstanding that it is contrary to the development plan. Scottish Ministers consider that representations made to them do not raise any other material considerations.

The National Planning Framework 3 (NPF3)

47. The National Planning Framework 3 (NPF3) encourages economic activity and investment across Scotland, whilst protecting natural and cultural heritage assets. Scottish Ministers recognise that there are some benefits associated with the proposal (set out in paragraph 52 below) but overall conclude that the proposed western extension is in conflict with national spatial objectives in the context of the recognition given to Scotland's World Heritage Sites and historic environment as integral to the country's well-being and cultural identity.

Scottish Planning Policy

48. Scottish Planning Policy (SPP) Paragraph 147 states that World Heritage Sites are of international importance. SPP Paragraph 148 states that planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance. Scottish Ministers conclude that the proposed western extension conflicts with SPP in terms of adverse effects on the Falls of Clyde Designed Landscape.

49. As stated in paragraph 40 above, Scottish Ministers have given weight to the principles that should guide policy and decisions as identified in SPP. Scottish Ministers consider that the adverse impacts on protected landscape do not support a conclusion that

the proposal represents sustainable economic development. SPP Paragraph 28 sets out that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term, and that the aim is to achieve the right development in the right place; it is not to allow development at any cost.

50. In arriving at a decision to refuse planning permission for the western extension, Scottish Ministers have also placed emphasis on Paragraph 235 of SPP, in particular the 'policy principles' in relation to the extraction of resources. Scottish Ministers have balanced the need to ensure an adequate and steady supply of workable resources alongside the need to minimise the impacts of extraction on local communities, the environment and built and natural heritage. SPP aims to guide aggregate developments to the right (less sensitive) locations.

Historic Environment Scotland Policy and Guidance, UNESCO and other publications

51. Scottish Ministers also take into account the various other documents (Chapter 3 and Appendix 6) which were considered by the reporter including current Historic Environment Scotland Policy; the Retrospective Statement of Outstanding Universal Value for New Lanark; the Nomination of New Lanark for inclusion in the World Heritage list; the Operational Guidelines for the implementation of the World Heritage Convention; the UNESCO World Heritage Paper; the Xian declaration on setting; the New Lanark World Heritage Site Management Plan 2013-2018; and the concerns of the World Heritage Committee of UNESCO (3.148).

Other Matters

52. Scottish Ministers have given consideration to the other matters assessed by the reporter (4.86 - 4.121). Scottish Ministers accept the reporter's conclusion that the proposal would deliver jobs and contribute to economic growth. Whilst Ministers acknowledge these benefits that may arise from the whole development, they do not consider that they sufficiently weigh in favour of approval of the western extension. Scottish Ministers acknowledge (as detailed in appendices to the reporter's report) that while there is some support for the proposal, the proposed western extension to the quarry has attracted significant objection with concerns from the general public and from local community groups based on disruption within protected areas and regarding protection of the heritage value of the area. Scottish Ministers have also received correspondence and significant public representation in a postcard campaign opposing quarrying in the buffer zone of the WHS. The key planning matters raised in representations after the submission of the reporter's report to Scottish Ministers do not raise any new considerations.. In terms of impacts during the restoration and enhancement period, Scottish Ministers consider that any impacts of any period are unacceptable at this sensitive location. For the same reasons given in paragraph 40 of this letter, Scottish Ministers do not accept the reporter's assessment that the proposed western extension would contribute to sustainable economic development. Scottish Ministers have also considered the reporter's conclusion regarding the environmental information, ecology, nature conservation, flooding, the green network, the impacts on walking routes, and the effect on visitor numbers. Scottish Ministers consider that none of these matters are sufficiently material to conclude that planning permission for the western extension should be granted notwithstanding that it is contrary to the development plan.

53. Scottish Ministers have given consideration to the council's and reporter's view that refusal would be preferable to a partial approval and it would be better for the applicant to prepare a revised application for the southern extension only. The basis of this appears to

be that it would be easier to deal with a new application than to agree conditions for only the southern extension. Scottish Ministers consider that their previous decision and the section below address the issue of granting permission for only the southern extension with conditions. It is also noted that the applicant has invested significant time and money pursuing this application.

The Reporter's Supplementary Report of 10 June 2019.

54. Having carefully considered the evidence, on 18 February 2019, Scottish Ministers issued a Notice of Intention to grant planning permission for mineral extraction and associated restoration and enhancement works for the proposed southern extension only and to refuse planning permission for mineral extraction and associated works for the proposed western extension at Hyndford Quarry, Lanark. The case was then referred back to DPEA so that the reporter could advise Scottish Ministers on what conditions or legal agreements would be appropriate in respect of a permission granted on that basis. On 10 June 2019 a supplementary report was submitted to Scottish Ministers with recommended conditions set out in Appendix 1 ("the Supplementary Report"). A copy of the Supplementary Report is enclosed.

55. Scottish Ministers have given consideration to the content of the Supplementary Report and what conditions or legal agreements would be appropriate in respect of a permission granted for only the southern extension. Scottish Ministers agree with the reporter's findings and recommended conditions as set out in Appendix 1 of the Supplementary Report and adopt them as their own. Planning obligations and conditions are as set out in the appendix to this letter.

56. Scottish Ministers acknowledge that in recommending these conditions, the reporter has taken into account the Notice of Intention, the previous evidence as rehearsed through the 2018 re-opening of the case and the submissions of all parties as well as the terms of the relevant Circulars on planning conditions and legal agreements.

57. Scottish Ministers agree with the reporter that there is no need for a further legal agreement given that there is an extant agreement in place that covers the necessary matters relating to cessation of the current planning permission and to make provision to address wear and tear to the local road network.

58. Scottish Ministers acknowledge that the reporter's conclusions do not support any additional requirements for agreement to include establishment and provision for the involvement of a liaison group.

59. Scottish Ministers acknowledge that the majority of the conditions that were advised previously both in the context of the whole scheme (in so far as they remain applicable to the reduced scheme) and as advised in 2015 through the previous examination of the case are agreed by all parties.

60. Scottish Ministers have taken into account that the remaining issues considered related to the area to which the permission should apply (conditions 1 and 2), the application of a 50 metre buffer zone (conditions 1 and 2), the time periods that should apply (condition 3), the extent of the enhancement works (condition 7), hours of operation (condition 11), the requirement in terms of roads maintenance (condition 19) and the limit on the importation of materials (condition 21).

61. On the area to which the permission should apply, the proposed phase 1 (the western extension area) includes a strip of land outwith the Historic Designed Landscape and New Lanark World Heritage Site buffer zone referred to as the 'red area'. The reporter advises that the applicant considers this area should be included as part of any grant of planning permission for the southern extension to allow for better restoration of the quarry. The reporter advises that there may be an option to reserve this matter for further consideration through the suspensive nature of condition 2. However, the reporter's advice based on the description of the original application and her understanding of Ministers' Intentions letter is that all of Phase 1 is defined as the western extension. Consequently the reporter recommends that this area should be excluded from the terms of the reduced scheme and has included wording through condition 1 to this effect. The reporter's understanding of Scottish Ministers intentions in this regard is correct. That is, no consent is given for Phase 1 as shown on Plan P2/1842/5A – July 2013 – Proposed Block Phasing. Scottish Ministers have revised condition 1 to remove any ambiguity.

62. On the matter of the 50 metre buffer zone, Scottish Ministers have taken into account that the reporter has no details sufficient to demonstrate that 50 metres would represent the appropriate set back in the particular circumstances of Phase 2B. Scottish Ministers note that the reporter considers the sensitive treatment of the western boundary is necessary and a relevant planning matter to be addressed through condition. Consequently, Scottish Ministers agree with the reporter's consideration that the matters raised and the relevant points, in so far as they relate to amenity and the appropriate establishment of the boundary relative to sensitive areas of historic and recreational value, are most appropriately handled through a suspensive condition. In this respect Scottish Ministers agree with the reporter's proposed relatively minor adjustments to condition 2 to clarify its purpose and the matters to be addressed to secure that an acceptable boundary in the interests of amenity can be secured.

63. Scottish Ministers agree with the reporter's proposed timeframes for operation and restoration, ending in 2032 and 2034 respectively as specified in Condition 3.

64. On all other matters the reporter has found and Scottish Ministers agree that there is no reason to depart from the terms of the previously advised conditions and Ministers' do not consider the changes proposed by the applicant should be supported as they do not meet the terms of Circular 4/1998 and/or would represent a substantive change to the proposed development.

Overall Conclusion

65. For the reasons given above, Scottish Ministers hereby grant planning permission for mineral extraction and associated restoration and enhancement works for the southern extension only subject to the conditions set out in the appendix to this letter and refuse planning permission for mineral extraction and associated works for the western extension at Hyndford Quarry, Lanark and enclosures

66. The foregoing decision of Ministers is final, subject to the right, conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997, of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

67. A copy of this letter and enclosures has been sent to South Lanarkshire Council and parties who participated in the determination process. Other interested parties have received a letter advising that they can obtain a copy of this letter and enclosures from DPEA's website or from this office.

Yours sincerely



Chief Planner

APPENDIX TO MINISTERS DECISION NOTICE NOD-SLS-001-1 HYNDFORD QUARRY

PLANNING OBLIGATION AND CONDITIONS

Planning Obligation

Note: The following heads of terms for a Planning Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) remain relevant and are addressed by the extant obligation as agreed on 31 August 2016:

- a) An undertaking to cease, and not restart, operations under planning permission CL/11/0285, following commencement of operations under this permission.
- b) That the operator has an agreement under Section 96 of the Roads (Scotland) Act 1984 for the duration of the consent.

Planning Conditions

1. That notwithstanding the submitted plans there shall be no development or mineral extraction within the area identified as the New Lanark World Heritage Site Buffer Zone or the Falls of Clyde Designed Landscape identified on plan number P2/1842/2 – May 2012 and no consent is given for any part of Phase 1 as shown on Plan P2/1842/5A – July 2013 – Proposed Block Phasing.

Reason: To protect the New Lanark World Heritage Site buffer zone and to protect the Falls of Clyde Designed Landscape no consent is given for Phase 1.

2. That no development shall take place until plans have been submitted and approved in writing by the Planning Authority showing the extent of mineral extraction, landform, level details and screening along the western boundary of phase 2A and the whole of phase 2B as shown on plan number P2/1842/5A – July 2013. The approved plans shall demonstrate how appropriate boundary treatment will protect the heritage, landscape and visual amenity of the adjoining area. The approved plans shall be implemented unless otherwise agreed in writing by the Planning Authority.

Reason: To protect the heritage, landscape and visual amenity of the adjoining area which includes the setting of the New Lanark World Heritage Site(buffer zone), the Falls of Clyde Designed Landscape, the Middle Clyde Valley Special Landscape Area and recreational access along the Drove Road.

3. That all extraction operations on the site shall be discontinued no later than 31 December 2032 and that the entire site shall be restored in accordance with the approved restoration and enhancement plan or plans (as required by conditions 6 and 7) by 31 October 2034.

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

4. That the extraction operations shall proceed in accordance with phases 2A, 2B and 3, illustrated on drawing P2/1842/5A – July 2013 - Proposed Block Phasing, with each phase being worked progressively in that order.

Reason: To provide for progressive restoration.

5. Notwithstanding the terms of condition 3 above, in the event of extraction operations on site ceasing for a period of 12 months or more, the Planning Authority shall deem site operations to have ceased permanently, and the application site area shall be restored within a period of 24 months in accordance with the approved restoration plan or plans (as required by condition 6).

That, in the event of extraction operations on any phase of the site ceasing for a period of 12 months or more, the operator, within 2 months of the phase having been deemed to have ceased, shall submit, for the written approval of the Council as planning authority, an interim restoration scheme for that part of the site, to include timescales for restoration, and shall thereafter undertake the restoration as detailed within the approved plan in line with the approved timescales.

Reason: To secure the satisfactory reinstatement of the site.

6. That no mineral extraction operation shall commence within either phases 2A, 2B, or 3, as illustrated on drawing P2/1842/5A – July 2013 – Proposed Block Phasing, until a detailed restoration plan or plans for that phase, and any other areas of the application site to be restored during the period mineral extraction operations are taking place within that phase, has been submitted to and approved in writing by the Council as Planning Authority. The detailed restoration plan or plans shall include detailed information on landform levels, drainage (including ground water and surface water run-off flowpaths). Soil coverage, surface treatment, planting schedules, final boundaries, paths, signage, parking and the progressive restoration of the phase.

All restorative works shall thereafter be undertaken in accordance with the details and timescale stipulated within the approved detailed restoration plan or plans, unless otherwise approved in writing by the Council as Planning Authority.

Reason: These details were not submitted at the time of the application and are required. To ensure the application site is satisfactorily restored in a phased manner.

7. That no mineral extraction operations shall commence within each phases 2A, 2B or 3 as illustrated on drawing P2/1842/5A – July 2013 – Proposed Block Phasing until a detailed Enhancement Plan(s) for the corresponding Enhancement Zone (as listed below) has been submitted to and approved in writing by the Council as Planning Authority. The Enhancement Plan(s) shall clearly set out the proposed enhancement works and timescales for implementation, including detailed specifications for works associated with ecological and biodiversity enhancement, tree and hedgerow planting, fencing, information boards, footpath construction and management of existing woodland areas. All enhancement works shall be undertaken in accordance with the details and timescales stipulated within the approved Enhancement Plan(s). There shall be no deviation from the approved Enhancement Plan(s) including the timescales stated therein, unless otherwise approved in writing by the Council as Planning Authority. For avoidance of doubt, the Phases and corresponding Enhancement Zones are illustrated on drawing P2/1842/5 - Proposed Block Phasing – May 2012, and are as follows:

Phase 2A - Enhancement Zone B.
Phase 2B - Enhancement Zone C.
Phase 3 - Enhancement Zone D.

Reason: These details were not submitted at the time of the application and are required. To ensure the application site is enhanced in accordance with the approved details.

8. That no mineral extraction operations shall commence within Phases 2A, 2B or 3, as illustrated on drawing P2/1842/5A – July 2013 - Proposed Block Phasing, until a detailed aftercare scheme for that phase, and any other areas of the application site to be restored during the period mineral extraction operations are taking place within that phase, is submitted for the written approval of the Council as Planning Authority. The aftercare scheme shall specify the steps to be taken, the period during which they are to be taken, and who will be responsible for taking those steps to bring the land to the required standard.

Reason: To ensure effective landscape management to bring land to the required standard for the after uses.

9. Each individual phase of mineral extraction, or such other phase as may be subsequently approved in writing by the Council as Planning Authority, shall be substantially restored in a progressive and phased manner in accordance with the provisions of the approved restoration plan or plans submitted as a requirement of conditions 6 and 7. Thereafter, the aftercare scheme submitted as a requirement of condition 8 shall be implemented in a phased manner from the first planting season following completion of each individual phase wherever practicable taking into account proposed working arrangements.

Reason: To ensure satisfactory reclamation of the site and timeous completion of the work.

10. That no development hereby approved shall commence until a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent has been submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise agreed in writing by the Council as Planning Authority:

- 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 operator and the planning authority at the commencement of development;
- iv. 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 or, in the event that that index is no longer appropriate or applicable, such other comparable index as the Planning Authority, acting reasonably, decide between the said date and such relevant anniversary. The amount shall 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.

In the event the value of the guarantee held by the Council is less than the

calculated site restoration and aftercare liabilities (calculated through condition 38 below), the operator shall, within four months of the submission of the annual progress plan required through condition 38, deliver a further guarantee to cover all site restoration and aftercare liabilities. Such guarantee must, unless otherwise agreed in writing by the Council as Planning Authority, comply with parts i to v, above. If this further guarantee is not submitted within four months of the submission of the annual progress plan required through condition 38, all extraction operations shall cease until the Council confirms, in writing, receipt of an acceptable guarantee.

Reason: To ensure that provision is made for the restoration and after care of the site.

11. That unless otherwise agreed in writing by the Council as Planning Authority:

(a) No haulage vehicles shall enter or leave the site; before 07.00hrs and after 17.00hrs on Mondays to Fridays, before 07.00hrs and after 13.00hrs on Saturdays and at any time on Sundays.

(b) No operations or activity (except water pumps for the management of water, security or in connection with essential maintenance within the plant site area) shall take place at the site, before 06.30hrs and after 19.00hrs on Mondays to Fridays; before 06.30hrs and after 13.00hrs on Saturdays and before 08.00hrs and after 16.00hrs on Sundays.

No activities (except water pumps for the management of water, security or in connection with essential maintenance within the plant site are) shall take place on Public Holidays or Local Bank Holidays.

Reason: To ensure that the Planning Authority retains effective control of the development and in the interests of protecting local amenity.

12. That no development shall commence until a scheme setting out how noise from the site shall be managed and monitored has been submitted and approved in writing by the Council as Planning Authority. The scheme shall include:

- The day and night time nominal noise limits from site operations.
- Noise monitoring arrangements.
- Noise complaint process.
- Measures in relation to vehicle reversing alarms.
- Operation of vehicles, plant and machinery.
- Mitigation measures for temporary or exceptional operations.

The agreed scheme shall thereafter be implemented unless otherwise approved in writing by the Council as Planning Authority.

Reason: To minimise noise nuisance from the operation.

13. That no development shall commence until a detailed scheme setting out dust control and monitoring has been submitted to and approved in writing by the Council as Planning Authority. The scheme shall include:

- A dust management plan.
- Dust monitoring arrangements.
- Dust complaint process.
- Arrangements for ceasing operations if a dust nuisance is caused.

- Arrangements for dust suppression.

The agreed scheme shall be implemented unless otherwise approved in writing by the Council as Planning Authority.

Reason: To minimise the nuisance from dust.

14. That all aggregates laden lorries leaving the site shall be sheeted before entering the public road.

Reason: In the interests of road safety and protection of local amenity.

15. The operator shall at all times be responsible for the removal of mud or other materials deposited on the public road by vehicles entering or leaving the site.

Reason: In the interests of road safety.

16. That the visibility splays for access onto the A73 shall be maintained at 2.5 x 215 metres unless otherwise agreed in writing with the Council as Planning and Roads Authority.

Reason: In the interests of road safety.

17. That all mineral dispatch vehicles shall only use the site entrance onto the A73 shown on plan number P2/1842/2 – May 2012, unless otherwise approved in writing by the Council as Planning Authority.

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

18. That prior to the use of any new internal access roads a scheme setting how they will be surfaced and maintained and how debris will be prevented from being carried from them onto the public highway shall be submitted to and approved in writing by the Council as Planning Authority. The agreed scheme shall be implemented unless otherwise approved in writing by the Planning Authority. All existing internal access roads will be maintained in accordance with a scheme of works to be submitted to and approved by the Planning Authority within 3 months of the date of permission.

Reason: To minimise the impact on local amenity and the chances of debris being carried onto the public highway.

19. That in the event a written request is made by the Council the operator shall within 21 days of the written request being made submit, for the written approval of the Planning Authority, details setting out measures to minimise the deposit of mud and debris on the public road, including details of the timescale within which these measures will be taken. Thereafter these measures shall be implemented within the approved timescale.

Reason: To minimise the impact on local amenity and the chances of debris being carried onto the public highway in the interests of road safety.

20. That the exportation of mineral from the site shall not exceed 650,000 tonnes per annum, without the prior written agreement of the Council as Planning Authority.

Reason: In the interest of road safety and local amenity.

21. That the importation of cement and other materials required for site processing shall not exceed 50,000 tonnes per annum without the prior written agreement of the Council as Planning Authority.

Reason: In the interest of road safety and local amenity.

22. Prior to the commencement of the development hereby approved, a sign shall be erected adjacent to the exit road from the quarry, at a location to be agreed in writing with the Council as Planning Authority, warning motorists departing the quarry that they may encounter cyclists. The sign shall accord with Drawing P950 produced by the Department of Transport.

Reason: In the interests of road safety.

23. That, unless otherwise agreed in writing with the Council as Planning Authority, top soil shall only be stripped, stockpiled and replaced when it is 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).

Reason: To minimise damage to the soils and sub soils.

24. That all suitable soils, peat and soil making material shall be recovered where practical during the stripping or excavation operations and separately stored, on site, for use during restoration.

Reason: To minimise damage to the soils, sub soils and peat.

25. 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.

Reason: To minimise damage to the soils, sub soils and peat.

26. That no development shall commence until a scheme of weed control and a scheme of movement of plant, vehicles and machinery has been submitted and approved in writing by the Council as Planning Authority. The agreed scheme shall be implemented unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To minimise damage to the soils and sub soils.

27. That no development shall commence until a drainage plan has been submitted and approved in writing by the Council as Planning Authority. The drainage plan shall include:

- Measures to avoid contamination of surface and ground water.
- Treatment of any contamination.
- Managing any drainage from areas adjoining the site.

The agreed drainage plan shall be implemented unless otherwise agreed in writing

by the Council as Planning Authority.

Reason: In the interests of amenity and to protect watercourses from pollution.

28. All containers being used to store liquids within the application site shall be labelled clearly to show their contents, and be 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 and capacity.

Reason: To ensure the safekeeping of such liquids.

29. That prior to the commencement of development, a groundwater monitoring plan shall be submitted to and approved by the Council. The operator shall review and update the groundwater monitoring plan on an annual basis, in consultation with the Council and the Scottish Environment Protection Agency. The site operator shall monitor the levels and quality of groundwater in accordance with the approved plan for the duration of operations, unless otherwise approved in writing by the Council as Planning Authority.

Reason: In the interests of the water environment.

30. For the duration of extraction operations at the site, a flow meter record of any water that is abstracted from the River Clyde or from within the quarry shall be maintained on site and this record shall be made available to the Council as Planning Authority within 5 working days of a written request from the Council as Planning Authority.

Reason: In the interests of the water environment.

31. That not more than 3 months prior to the commencement of development within each phase of development a scheme for prestart checks shall be submitted and approved in writing by the planning authority, in consultation with Scottish Natural Heritage. The scheme for pre-start checks shall include:

- Measures for investigating the presence of otters, bats, badgers, amphibians and reptiles, birds and invertebrates within the site and within an appropriate buffer around the site.
- Mitigation measures to address impacts on otters, bats, badgers, amphibians and reptiles, birds and invertebrates.
- An implementation programme for such measures.

The agreed scheme shall be implemented in accordance with the approved programme unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interests of protected species.

32. The removal of any trees and the cutting of rough grasslands that could provide habitat for nesting birds will take place outside the bird breeding season (April to July inclusive), unless a survey to establish the presence or otherwise of nesting birds has been undertaken and, where required, appropriate mitigating measures have been carried out to the satisfaction of the Council as Planning Authority.

Reason: In the interests of breeding/nesting birds.

33. That prior to the commencement of the development, the Council as Planning Authority shall approve the remit and reporting frequency of an Ecological Clerk of Works (ECoW), in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency. The ECoW shall be appointed prior to commencement of development and remain in post until the completion of restoration works by the operator. The scope of work of the ECoW shall include:

(1) Monitoring impacts of operations and compliance with ecological best practice and the mitigation works or measures relevant to the development, as detailed within:

- the Restoration and Enhancement Plan(s), required through Conditions 6 and 7,
- the mitigation measures identified in Chapter 13 of the Environmental Statement (Volume 2 - November 2012) and those arising from the pre-start checks required under the terms of condition 31 above;
- the supplementary information, dated 7th May 2013, and;

(ii) the Species Protection and Habitat Management Plan required under the terms of condition 34 below to:

- Advise on adequate protection of nature conservation interests and implementation of restoration on the site.
- Monitoring of the impact of the development on protected species.
- Carrying out regular National Vegetation Classification habitat surveys of the site to establish any changes in habitat type.

Reason: In order to minimise the developments potential impact on the environment.

34. That prior to the commencement of development, a Species Protection and Habitat Management Plan shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with Scottish Natural Heritage and Scottish Wildlife Trust. Thereafter, the operator shall comply with the Species Protection and Habitat Management Plan and implement all mitigation measures contained within the Species Protection and Habitat Management Plan to the satisfaction of the Council as Planning Authority.

Reason: In the interests of protected, non-protected and habitats.

35. That prior to the commencement of development the operator shall submit for the Council's approval an archaeological mitigation strategy. Thereafter the developer shall ensure that the approved strategy is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the approved scheme.

Reason: In the interests of archaeology.

36. The operator shall install a borehole between the site processing plant area and the Hyndford Crannog within 6 months prior to the commencement of extraction operations in the Phase 3, as illustrated on drawing P2/1842/5A – July 2013 - Proposed Block Phasing.

Reason: In the interests of archaeology.

37. That within 1 year of the commencement of extraction operations within Phase 2B, as illustrated on drawing P2/1842/5A – July 2013 - Proposed Block Phasing, the operator shall submit for the written approval of the Council as Planning Authority a monitoring programme for the borehole to be installed under Condition 36 above.

Reason: In the interests of archaeology.

38. That on the 31st March of each year following the commencement of development and for the duration of extraction and restoration operations approved through this permission, an annual progress plan shall be submitted to the Council as Planning Authority. The annual progress plan shall detail:

- The extent of extraction operations undertaken that year.
- Areas prepared for extraction, including any soil stripping and removal of vegetation etc.
- The extent of restoration operations carried out.
- Recent topographical site survey undertaken within 1 month prior to the submission of the annual progress plan.
- Current and anticipated production figures.
- Total tonnage of minerals dispatched from the site within the preceding year.
- The total tonnage of cement and other materials imported into the site for processing
- Estimation of remaining reserve of sand and gravel material (which are likely to be exported from site).
- A calculation of the costs of restoring the area of the site disturbed by the development and the associated area of the site to be enhanced at that time.
- Progress on the implementation and success of the Habitat Management Plan.
- Compliance with statutory permissions and legal agreements.
- Site complaint log and actions taken.
- Any incidents involving pollution of watercourses.

Reason: 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.

39. That, within three months of completion of restoration works on site, a final progress plan containing the information listed in Condition 38 above, shall be submitted to the Council as Planning Authority.

Reason: 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.

40. That, within four weeks following the completion of extraction operations within each phase or such other phasing plan as may be subsequently approved in writing by the Council as Planning Authority, the operator shall give notice to the Council as Planning Authority of the completion of that phase.

Reason: In order to monitor the progress of the development. In accordance with Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as

amended).

41. That no development shall commence until a scheme of stock proof fencing or other means of enclosure (including its maintenance), for the operational boundary has been submitted and approved in writing by the Council as Planning Authority. The agreed scheme shall be implemented unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To ensure that there is adequate site security and to prevent unauthorised entry of stock onto the site.

42. 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 kept available for inspection in the site offices during the approved working hours.

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

43. Notwithstanding the details shown on the stamped approved plans, that before any work commences on the 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 unless otherwise agreed in writing by the Council as Planning Authority prior to the commencement of extraction works:

- (a) A detailed specification of all footpaths proposed within the application site.
- (b) Details of the location, style and height of all new boundary treatment such as fences, walls, gates and bunds and signage to be erected within or around the boundaries of the site.
- (c) Details of conveyor, including design, colour and route.
- (d) Details, including location and design, of pedestrian crossing points over the conveyor, where appropriate.

Reason: These details were not submitted at the time of the application and are required to ensure that the proposal is satisfactory.

44. That the operator shall permit access to the site to geo-scientists to study and document the geological and geomorphological record at the site as extraction proceeds, for the duration of the extraction operations. The documentation reporting the findings of the geological and geomorphological studies shall be retained on site and shall be submitted to the Council as Planning Authority within 28 days of a written request.

Reason: To ensure the geomorphological characteristics are recorded and made available.

45. At no time shall the site be artificially illuminated with the exception of vehicle lighting during the permitted hours of working as set out in Condition 11(b), to the satisfaction of the Planning Authority.

Reason: In the interests of amenity.