

Report to the Scottish Ministers



THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

Report by Dan Jackman and J Alasdair Edwards, reporters appointed by the Scottish Ministers

- Case reference: NOD-SLS-001
- Site Address: Hyndford Quarry, Lanark, South Lanarkshire, ML11 9TA
- Application for planning permission dated 23 November 2012 called-in by notice dated 29 January 2014.
- The development proposed: extension to mineral extraction and associated restoration and enhancement works
- Date of pre-examination meeting: 8 May 2014
- Date of hearings: 19-21 August 2014
- Dates of unaccompanied site visits: 30 July 2014 and 27 August 2014
- Date of accompanied site visit: 13 August 2014
- Date of further written submissions: 9 December 2014

Date of this report and recommendation: 20 February 2015



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**Extension to mineral extraction and associated restoration and enhancement works
at Hyndford Quarry, Lanark, South Lanarkshire, ML11 9TA**

• Case reference	NOD-SLS-001
• Case type	Planning permission call-in
• Reporters	Dan Jackman & J Alasdair Edwards
• Applicant	Cemex UK Operations Limited
• Planning authority	South Lanarkshire Council
• Other parties	New Lanark and Falls of Clyde Working Group
	Historic Scotland
• Date of application	23 November 2012
• Date case received by DPEA	12 February 2014
• Method of consideration and date	Hearing sessions (19-21 August 2014)
• Date of report	20 February 2015
• Reporter's recommendation	Grant planning permission

Reasons for Call-in

South Lanarkshire Council were minded to grant planning permission. The Scottish Ministers, in exercise of the powers conferred to them, directed that South Lanarkshire Council refer to them for the determination of the proposed development. The direction was given in view of the proposed development's potential impact on the New Lanark World Heritage Site, which is internationally recognised for its Outstanding Universal Value, and on the wider setting.

The Site

The called-in application has a site area of some 288 hectares. It covers the existing Hyndford sand and gravel quarry, and proposed extensions to mineral extraction areas to the south and west, south of Robiesland Farm within a meander of the River Clyde. The two extension areas, and the land surrounding them within the meander, is characterised by undulating grassland and a succession of small hills and mounds with intervening depressions and basins. An area of low lying wood is also found within the western extension around Robiesland bog and woodland. The section of the River Clyde to the west of the application site flows north within a tree-lined gorge with three waterfalls. A little further north, the River Clyde flows past the New Lanark mills and village.

Description of the Development

Hyndford Quarry has been in operation since the 1960's. It has extant planning permission to extract 650,000 tonnes of mineral per year up until the year 2027. The called-in application would extend the mineral operations 20 hectares to the south and 22 hectares to the west of existing operations. The extraction would involve stripping top soil, removing

sand and gravel for various construction products, and then restoring the land with the top soil reinstated and re-seeded with re-graded contours. New paths and substantial planting would also be provided as enhancements to the area. Extraction would start at the western end of the application site and move progressively eastwards with on-going restoration as mineral was removed. Works on the existing site would continue southwards before the southern extension was worked. The final extraction would occur under existing facilities for processing and stocking the mineral resource within the current consented application boundary. A long-term management plan would ensure that that restoration and enhancement proposals were maintained.

The Applicant's Case

Although development would be within the World Heritage buffer zone there would be no impact on the setting or the outstanding universal value of the World Heritage Site, its integrity or authenticity.

It is accepted that there would be some significant adverse impacts but these are localised and temporary. For example, on part of the Falls of Clyde Designed Landscape, Middle Clyde Special Landscape Area, New Lanark and Falls of Clyde Conservation Area, and the A-listed Bonnington View House.

The working group has overstated the impacts. And, any impacts would be outweighed by the overall benefits of the proposal in terms of demand for aggregate and the restoration proposals.

The proposals are capable of being controlled and monitored through conditions and legal agreements/obligations.

The applicant's assessment is generally supported by Historic Scotland and the council. The proposed development complies with the development plan overall and is supported by important material considerations, therefore permission should be granted.

South Lanarkshire Council's Case

The proposal is considered acceptable in principle at a strategic level. It is not at odds with the provisions of the strategic development plan.

The proposal is compliant with The proposal would be consistent with minerals local development plan policies MIN 1, MIN 4, MIN 5, MIN 6, MIN 7, MIN 12, and MIN 15. It would also comply with local plan policies STRAT 4, STRAT 7, CRE 2, ENV 7, ENV 12, ENV 21, ENV 23, ENV 24, ENV 25, ENV 26, ENV 29, and DM1.

A limited and temporary impact (up to eight years) on the World Heritage Site and buffer zone, and the Falls of Clyde Designed Landscape, is contrary to local plan policies ENV 4, ENV 22, and ENV 28, as well as minerals policy MIN 2. However, the impacts of development would be offset in the medium to long-term as restoration and enhancement of the site were undertaken. The impact would become neutral to beneficial. Therefore, approval would not represent a significant departure from the development plan.

The council's assessment is generally supported by Historic Scotland and the applicant. The proposed development complies with the development plan overall and is supported by important material considerations, therefore permission should be granted.

New Lanark and Falls of Clyde Working Group's Case

The integrity of the New Lanark World Heritage Site (and buffer zone), a category 1 site, would be adversely affected contrary to local plan policies ENV 4, ENV 7, ENV 22, and minerals local development plan MIN 2. As the integrity of a category 1 site would be compromised the economic argument in favour of minerals is irrelevant.

On the basis of relevant evidence, there is a 10 year land bank for minerals within South Lanarkshire. Even if there was found to be a minor deficiency in the land bank this cannot be used to justify a violation of a highly protected area. Any deficiency could be made up with a new application for the southern extension only.

There is no over-riding need for minerals at a national level and the restoration proposals are inadequate. Therefore, the harmful impact on the Falls of Clyde Designed Landscape and Bonnington View House cannot be set aside. The proposal is contrary to local plan policies ENV 4, ENV 28, and minerals policy MIN 2 as a result.

The proposed development would harm listed buildings, a conservation area, special landscape area, the rural economy, ecology, and accessibility to the green network contrary to local plan policies ENV 4, ENV 22, ENV 24, ENV 25, STRAT 4, STRAT 7 and CRE 2, as well as minerals policy MIN 6.

The short-term "temporary" impacts would be significant enough to refuse development, and the restoration is a pastiche which would leave a permanent and non-authentic scar on the landscape (including the loss of important fluvio-geomorphological landform).

The development is contrary to the provisions of the development plan and there are no material considerations which would justify setting-aside those provisions.

Historic Scotland's Case

The proposed 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. However, overall, it is not considered that the development would affect the historic interests (such as fall within Historic Scotland's remit), including impact on the Outstanding Universal Value of New Lanark World Heritage Site, such as to raise issues of national significance that warrant an objection.

Reporters' Reasoning and Conclusions

Having regard to the provisions of the development plan, and other statutory duties, the reporters' conclude that there is a shortfall in the 10 year land bank of minerals in South Lanarkshire, and that the proposed development would:

- contribute to an identified shortfall in the supply of minerals;
- preserve, protect and enhance the character, integrity and quality of the New Lanark World Heritage Site and its setting (and its Outstanding Universal Value);

- protect, preserve and enhance the Falls of Clyde Designed Landscape;
- 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 flora and fauna;
- stimulate the rural economy; and
- provide an acceptable restoration scheme.

Overall, the reporters' find that the proposed development complies with the provisions of the development plan. They considered all the material and arguments submitted (as outlined in the summaries of case) but find that none lead them to a different recommendation.

Recommendation

It is recommended that Scottish Ministers:

1. Adopt the conclusions of the applicant's environmental statement (and the reporters' findings where these contradict), and accept that sufficient environmental information has been submitted to assess the impacts of development.
2. Grant planning permission for the application subject to:
 - (i) the 47 conditions recommended in Appendix 1;
 - (ii) a legal agreement for contributions to cover extraordinary wear and tear on the public road network and associated cycle lanes in terms of section 96 of the Roads (Scotland) Act 1984;
 - (iii) a planning obligation in terms of section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) covering:
 - (1) an undertaking to cease, and not restart, operations under planning permission CL/11/0285, following commencement of operations under this permission.
 - (2) An undertaking to provide a long-term management plan (as part of the aftercare of the site) once quarrying has ceased on the application site; and the setting up of a liaison group to help guide the future management of the site.

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The Scottish Ministers
Edinburgh

Ministers,

We have the honour to report that, in accordance with our appointments, we have carried out a public examination into the proposed extension to mineral extraction and associated restoration and enhancement works at Hyndford Quarry. We conducted the examination with three site inspections, further written submissions, and three hearing sessions.

Two site inspections held on 30 July 2014 and 27 August 2014 were unaccompanied. An accompanied inspection was attended by all the main parties on 16 August 2014.

Further written submissions were sought on the recommendations of the examination report into the proposed South Lanarkshire Local Development Plan as far as relevant to the application proposed – particularly the provisions of policy 15. The deadline for responses was 9 December 2014.

The hearing sessions were held on 18-21 August 2014 at the Best Western Cartland Bridge Hotel, Lanark. The sessions discussed: (1) policy matters and supply of minerals; (2) heritage, landscape and visual impacts; and (3) legal agreements, obligations and conditions.

The attached report summaries the parties cases, together with a review of relevant development plan policies, and other material considerations. Our conclusions and recommendations are also contained in the report.

1. BACKGROUND

Site location and description

1.1 The existing Hyndford sand and gravel quarry is located within a large meander of the River Clyde approximately 3 kilometres south-east of Lanark. The existing quarry is accessed from the A73 (Hyndford Road). The quarry has a site area of approximately 200 hectares, of which at any one time approximately 65 – 75 hectares are operational land. The balance consists of silt and fresh water ponds, processing facilities, stockyards, a concrete block works, restored land and land awaiting extraction. The current quarry operation has planning permission until 2027.

1.2 Areas that have been worked for mineral and restored are generally flat, consisting of former silt ponds, or regarded quarry workings. These areas have been sown with grass and bounded by temporary fencing to allow the areas to be managed for sheep grazing and/or grass cropping. Some tree planting has been undertaken in line with the permitted development, or as agreed with the planning authority, but the majority of the areas to be planted are currently associated with disturbed operational land

1.3 The called-in planning application has a site area of approximately 288 hectares and covers the existing quarry and the land within the meander of the River Clyde to the south and west, south of Robiesland Farm.

1.4 There are two areas where it is proposed to extend mineral extraction. The southern extension consists of a further 20 hectares of undulating grassland that although within the currently approved planning permission is outwith the currently approved area for mineral extraction. The western extension consists of a further 22 hectares of land, west of the former drove road and Bonnington Estate boundary wall, and south of the minor road that serves Bonnington Linn hydro-electricity power station. This area also consists of undulating grassland but also includes a low lying wood. The general location, the proposed site boundary and the proposed new areas for mineral extraction are shown in document A.8(a).

1.5 Both the two new proposed extraction areas and much of the surrounding land within the meander is characterised by a succession of small hills and mounds mixed with intervening depressions and basins. This topography is called a kettle and kame topography and is formed by melting ice from retreating ice sheets.

1.6 The section of the River Clyde to the west of the site flows north within a gorge with three waterfalls, also formed by glacial activity. A little further north, the River Clyde flows past New Lanark mills and village.

1.7 The sides of the gorge are heavily wooded with a mixture of conifers and broad leaved trees. Adjacent to the proposed western extension is Robiesland Farm and East Lodge. Noticeable features within and adjacent to the planning application site are avenues of mature trees and groups of mature trees within the fields, indicating a former parkland design. Adjacent to the gorge and abutting the north-west corner of the application site are high stone walls, which were once part of a walled garden.

1.8 The natural and cultural heritage features within or adjacent to the planning application site have led to a number of planning designations that are set out in more detail in paragraphs 1.22 – 1.24 below. A more detailed site context plan is included as document A.8(b).

The Proposed Development

1.9 Hyndford sand and gravel quarry is currently operated by Cemex UK Operations Limited. Sand and gravel mineral extraction has taken place at Hyndford since the 1960's. Operations are currently regulated by planning permission reference CL/11/0285. Amongst many other limitations, the current operations must cease by 2027 and extraction is limited to 650,000 tonnes per annum.

1.10 The called-in planning application proposes to extend sand and gravel extraction to the west and south and at the same time consolidates and integrates these extensions with the existing operation. Apart from restoring the land after mineral extraction there are also various proposed enhancement works on land within the control of the applicant where no extraction is proposed.

1.11 Extraction itself occurs after the top soil and sub soil has been stripped and stored. The sand and gravel is removed by wheeled excavators working from terraces dug from the face. The mineral is loaded into a hopper and then transferred by a conveyor belt to the processing area. The minerals are washed, sorted and stored for use as various construction products.

1.12 The extraction, restoration and enhancement proposals would be developed in phases shown in document A.8(e) and summarised as follows:

- Extraction would start at the western edge of phase 1 (i.e. the proposed western extension) and work east to join the existing workings.
- The existing wood within this area would be felled and the peat trans located to another part of the quarry. The estate wall would be surveyed, removed, stored and rebuilt after restoration. The applicant estimates that phase 1 would be able to extract 3.3 million tonnes and take approximately 6 years
- At the same time as extraction operations commenced in phase 1, the zone A enhancement works would commence. This would include new paths, avenue tree planting and other feature woodland planting. Phase 1 and zone A works are shown in document A.8(f).
- The current extraction area and phase 2A (i.e. the area of extraction permitted by the current planning permission) would work southwards. Phase 2A extraction and zone B enhancement works are shown in document A.8(g). This combined area is estimated to have 3.1 million tonnes of reserves and again would take approximately 6 years to extract.
- Phase 2B is the proposed southern extension. It would extend the extraction area further south but within the overall site area of the current planning permission. Phase 2B extraction and zone C enhancement works are shown in document A.8(h). Phase 2B is estimated to have 1.4 million tonnes of reserves and would take approximately 3 years to extract.
- Phase 3 would occur after the previous phases. This would be the extraction of minerals under the area that is currently used for processing and stocking. This is estimated to have 1.7 million tonnes of reserves and would take approximately

3 years to extract. Phase 3 works and zone D enhancement are shown in document A.8(i).

- The overall restoration concept plan is shown in document A.8(l). Extraction is envisaged to be completed by 2032.

1.13 The timing of each phase is dependent in part on market conditions. The precise details of the phasing, restoration and enhancement works would be subject to planning conditions. Indicative cross sections of the likely changes to the topography as a result of mineral extraction are shown in documents A.8(j) and A.8(k).

1.14 At the hearing, the applicant also proposed that a long term management plan should be a requirement of a section 75 planning obligation, if planning permission was granted. This would be in order to address the long term maintenance of the restoration and enhancement proposals after mineral operations had ceased.

Planning application process

1.15 The proposed development is a major development and therefore pre-application consultation was required. This took place towards the end of 2010. The proposal in the pre-application consultation involved a larger site for the proposed western extension (see document A.1).

1.16 South Lanarkshire Council provided a formal scoping opinion in a letter dated 22 July 2011 (see document A.3). The planning application and environmental statement were formally submitted on 23 November 2012. The application and environmental statement were the subject of the council's normal consultation procedures. The replies received are summarised in chapter 7. On 18 February 2013, Scottish Ministers directed South Lanarkshire Council under Regulation 31 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 to notify them in the event that the council were minded to grant planning permission.

1.17 During the processing of the planning application, additional environmental information was submitted and the application slightly amended. The application was considered by the Planning Committee of South Lanarkshire Council on 17 December 2013 where it was decided to grant planning permission subject to conditions and a planning obligation (see document A.21). The planning application was called-in by Scottish Ministers on 29 January 2014. The reason given for calling in the application was the proposed development's potential impact on the New Lanark World Heritage Site, which is internationally recognised for its outstanding universal value, and on the wider setting.

The Development Plan

1.18 At the pre-examination meeting, it was agreed that the four main parties would attempt to agree the relevant policies of the development plan and other relevant policies and advice. The agreed list of relevant policies is set out in document B.15. The development plan consists of the Glasgow and Clyde Valley Strategic Development Plan (approved May 2012), the South Lanarkshire Local Plan (adopted March 2009) and the South Lanarkshire Minerals Local Development Plan (adopted June 2012).

Glasgow and Clyde Valley Strategic Development Plan

1.19 The main role of the strategic development plan is to set out a long term spatial vision and spatial development strategy in order to inform the preparation of local development plans. The overall aim is a future low carbon economy based upon sustainable economic growth. Spatial elements that would support this aim include the Glasgow and Clyde Valley green network and the local supply of natural resources where possible. The Glasgow and Clyde Valley Strategic Development Plan is included as document B.1.

1.20 Strategic Support Measure 8 encourages the development of a green network to contribute to economic competitiveness and quality of life. Strategic Support Measure 9 encourages the local supply of natural resources and the identification of broad areas of search for sand and gravel aggregates.

South Lanarkshire Local Plan

1.21 The written statement of the local plan is divided into two volumes. Volume 1 sets out the development strategy and volume 2 contains the more detailed policies and guidance. Both volumes are divided into topic areas and have to be read together. The South Lanarkshire Local Plan is listed as documents B.2 and B.3 and is included as a separate pack of documents.

1.22 The local plan also includes proposals maps. The strategy plan shows the site to be within an accessible rural area (policy STRAT 4) and the River Clyde to be part of the strategic green network (policy STRAT 7). Part of the application site area is also shown to include areas identified as strategic green network priorities.

1.23 On the environmental designation map (including the New Lanark Inset and Lanark settlement map), the existing quarry is shown to be partly within an area of great landscape value and partly within a regional scenic area (policy ENV 29). The southern extension is also shown to be within an area of great landscape value (policy ENV 29). The western extension is shown to be within the New Lanark World Heritage Site setting (policies ENV 4, ENV 7 and ENV 22), a historic garden and designed landscape (policies ENV 4 and ENV 28) and an area of great landscape value (policy ENV 29). The wood within the western extension is shown as an ancient woodland (policy ENV 4).

1.24 In addition to the above, within the general vicinity of the planning application site area there is also a conservation area (policies ENV 4 and ENV 25), some A listed buildings (policies ENV 4 and ENV 24) and a Site of Special Scientific Interest (policies ENV 4 and ENV 26).

1.25 Policy STRAT 4 – Accessible Rural Area Policy states that:

“The Local Plan strategy will be to build on the economic potential of the area’s high quality natural and built environment and tourism potential and to ensure these qualities are not eroded. Furthermore the Local Plan seeks to promote the development of the settlements within the area as more sustainable communities with their centres being supported to develop a wider role for the people they serve. Development will be directed within settlements and settlement boundaries are identified on the Proposals Map which identifies appropriate small scale expansion. However, new building development outwith settlement

boundaries will only be permitted where this forms part of a larger proposal for the rehabilitation or change of use of disused or redundant traditional buildings where this consolidates such groups. In addition, new build development unrelated to the rehabilitation or change of use of disused or redundant traditional buildings will only be permitted on gap sites within existing building groups. Isolated and sporadic development will generally not be supported except under the exceptional circumstances set down in Policy CRE 2 for development for agriculture or appropriate uses in the rural areas. Any housing development within the Accessible Rural Area should conform to policies CRE 1- Housing in the Countryside and any business or industrial proposals to CRE 2 – Stimulating the Rural Economy, in Volume 2: Development Policies.

All development should seek to enhance the environmental quality of the area, or where enhancement is not possible environmental impacts should be mitigated in line with STRAT 9 Environmental Mitigation and Enhancement Policy.”

1.26 Policy STRAT 4 cross refers to a number of other policies including policy CRE 2, which states that:

“In the rural area, the Council will initially seek to direct business and industrial proposals to sites within existing settlements identified for these purposes in the local plan, or within defined village envelopes where acceptable environment standards can be met. The Council will, however, endeavour to maximise job creation in rural areas outwith established settlements by encouraging development as set out below.

1. Agricultural or Appropriate Uses in the Rural Area – Non-Residential Development

The Guidance Notes for Countryside and Rural Economy Policy provides guidance on the range of uses that the Council would consider appropriate in principle within the countryside. It is not a definitive list of acceptable uses, but sets out the more common type of proposal that would be appropriate in the countryside subject to other planning considerations such as traffic, access, sustainable transport, design, amenity and impact on the environment being satisfactorily met.

Where the proposal is considered to offer a clear agricultural or economic justification for development in a rural location, it will be permitted where it can be demonstrated to the Council’s satisfaction that:

- a) The development supports agricultural or other appropriate uses in the rural area in terms of demonstrating a specific locational need;*
- b) There are no opportunities to convert or renovate an existing building;*
- c) The development cannot be integrated into an established settlement or building group;*
- d) The development respects the landscape, countryside amenity and nature conservation interests;*
- e) The development complements the scale, design and character of the locality and complies with the Council’s policies on siting and design as contained in ENV 34 ‘Development in the Countryside Policy’;*

- f) *The development meets access and parking standards and can be readily provided with services such as water, drainage and sewerage;*
- g) *The proposal promotes environmental enhancement.*

Parts 2 and 3 relate to the reuse or conversion of existing buildings or an extension to an existing building and are therefore not directly relevant.

1.27 Policy STRAT 7 – Strategic Green Network states that:

“The Local Plan identifies a Strategic Green Network as indicated on the Proposals Map, where creation of a framework of accessible green spaces and corridors will be supported. Where development is proposed within the Strategic Green Network, contributions may be sought under Policy STRAT 10 ‘Developers’ Contributions Policy’ to support wider actions to improve the area.

Council priority will be given to the development of Green Network actions and frameworks in the areas below as identified on the Proposals Map.

- a) *Clyde Gateway*
- b) *Clyde Valley*
- c) *East Kilbride*
- d) *Community Growth Areas.”*

1.28 Policy ENV 4 – Protection of the Natural and Built Environment states that:

“The Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment in accordance with National Planning Policy Guidance 14: Natural Heritage. In addition, the Council will seek to safeguard sites defined in Table 9.1 ‘Hierarchy of Natural and Built Heritage Sites’ ensuring that they are conserved and where appropriate enhanced.

Development which could affect areas of international importance will only be permitted where an assessment of the proposal indicates that it will not adversely affect its conservation interest and integrity. Proposals that would affect the relevant interest for which the site is designated will only be allowed if there is no alternative solution and there are imperative reasons of over-riding public interest and may require referral to higher level authorities.

In areas of national importance development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance.

In areas of local/regional importance development which would affect these areas will only be permitted where the integrity of the protected resource will not be significantly undermined.”

1.29 Policy ENV 4 therefore adopts a ‘hierarchical’ approach to the protection of the natural and built environment. Where an adverse impact is found, different tests apply to the proposals overall acceptability depending upon whether the designation is international,

national or local. Table 9.1 defines the hierarchy of natural and built heritage sites. In relation to the environmental designations identified in paragraphs 1.22 to 1.24 above the following are relevant:

International - World Heritage Site and its setting (buffer zone) (policy ENV 22)

*National - Category A Listed Buildings (policy ENV 24)
Conservation Area and their settings (policy ENV 25)
Historic Gardens and Designed Landscapes (policy ENV 28)*

*Local - Areas of Great Landscape Value (policy ENV 29)
Ancient Woodland*

1.30 Policy ENV 7 – New Lanark World Heritage Site states that:

“The character, integrity and quality of the New Lanark World Heritage Site and its setting, recognised by UNESCO and as identified on the Local Plan Proposals Map, will be protected, conserved and enhanced. The Council will promote additional planning measures including conservation area character appraisals, design guidance, and a review of the case for Article 4 directions to control minor forms of development. Proposals for development will be assessed against the detailed criteria of Policy ENV 22 in volume 2 Development Policies and 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.”

1.31 Policy ENV 22 – New Lanark Development assessment states that:

“In determining planning, conservation area and listed building consent applications within the World Heritage Site and its setting (buffer zone), the Council will not permit development that adversely affects the:

- historical and topographical character and landscape quality;*
- skylines and views to and from the Site;*
- area’s natural diversity and ecology; and*
- landscape and ecological links with the surrounding areas*

The following criteria will be applied when assessing proposals:

- Development must preserve, protect and enhance the character, integrity and quality of the New Lanark World Heritage Site and its setting (buffer zone);*
- Development shall be of a design and form which respects the visual envelope of the area and reinforces the essential character of the World Heritage Site and its setting (buffer zone) in its topographical and wider landscape setting;*
- Development shall be of a design quality to reflect and compliment the character, townscape and form of that part of the World Heritage Site to which it relates and shall respect historic plot patterns, street patterns, layout, building frontages, key views, landmarks and skyline;*
- Design of buildings shall reflect the scale, form, massing, proportions, roofscape, features and details of their context and materials will need to be of an appropriate size, colour and texture to the World Heritage Site and its setting;*

- *Development will not be permitted where it will result in the loss of important built or landscape features such as walls, traditional boundary treatments, ancillary buildings, trees or hedgerows;*
- *Development shall take full account of the archaeology of the site;*
- *Development will not be permitted on open spaces which make a positive contribution to the character of the World Heritage Site and its setting (buffer zone) or which provide important settings for, or views to and from existing buildings and features;*
- *Development will not be permitted which leads to the coalescence of the World Heritage Site and the settlement of Lanark.*

Proposals must also conform to ENV 24 – Listed Building Policy and ENV 25 Conservation Areas Policy.”

1.32 Policy ENV 24 – Listed buildings states that:

“Development affecting a listed building or its setting shall, as a first principle, seek to preserve the building and its setting, or any features of special architectural interest which it has.

The layout, design, materials, scale, siting and use of any development shall be sensitive to, and respect the character and appearance of, the listed building and its setting. Any proposals for repairs, alterations and extensions to listed buildings should demonstrate a sound knowledge and understanding of the building and demonstrate a full awareness of its cultural significance and all phases of its development.”

1.33 Policy ENV 25 – Conservation Areas state that:

“Development and demolition within a conservation area or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the Council to have amenity value shall be preserved. Given the importance of assessing design matters, outline planning applications will not normally be considered appropriate for developments in conservation areas.

Where an existing building, whether listed or not, contributes positively to the character of the conservation area, the ENV 24 listed buildings, shall apply. Where it does not, proposals for demolition will not be considered in the absence of a detailed planning application for a replacement development that enhances or preserves that character. Demolition will not begin until evidence is given of contracts let for the approved development.”

1.34 Policy ENV 26 – Sites of Special Scientific Interest states that:

“Development that affects a Site of Special Scientific Interest will only be permitted where an appraisal has demonstrated:

a) *the objectives of the designated area and the overall integrity of the area would not be compromised; or*

b) *any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance”*

1.35 Policy ENV 28 – Historic Gardens and Designed Landscapes states that:

“Development affecting Historic Gardens and Designed Landscapes shall protect, preserve and enhance such places and shall not impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value.”

1.36 Policy ENV 29 – Regional Scenic Areas and Areas of Great Landscape Value states that:

“Within the regional Scenic Area and Areas of Great Landscape Value, development will only be permitted if it satisfies the requirements of Policies STRAT 3 – 6 (as appropriate) and can be accommodated without adversely affecting the overall quality of the designated landscape area.

Within and outwith these areas, in providing for new development, particular care shall be taken to conserve those features which contribute to local distinctiveness, including:

- *The setting of settlements and buildings within the landscape*
- *The pattern of woodland, fields, hedgerows and tree features, particularly where they define/create a positive settlement/urban edge*
- *Special qualities of river corridors*
- *Historic landscapes; and*
- *Skyline and hill features, including prominent views.”*

1.37 Policies ENV 12 (flooding), ENV 21 (European protected species), ENV 23 (ancient monuments and archaeology) and DM 1 (development management policy) were also considered relevant by the four main parties but it was agreed that the proposal did not conflict with them.

South Lanarkshire Adopted Minerals Local Development Plan

1.38 The South Lanarkshire Adopted Minerals Local Development Plan sets out planning policies that apply specifically to minerals development and is included as document B.5.

1.39 Policy MIN 1 – Spatial framework states that:

“The council will seek to ensure an adequate and steady supply of minerals and maintain a land bank for construction aggregates equivalent to at least 10 years extraction. In considering all planning applications for mineral development, the Council will balance the economic benefit from the mineral development against potential impacts on the environment and local communities. The Council will seek to ensure that any development proposals for extraction, processing and deposition of material minimises and mitigates impact, having particular regard to the relevant policies and guidance contained both within

this local development plan and the South Lanarkshire Local Plan on the protection of the natural and built environment.”

1.40 Policy MIN 2 – Environmental protection hierarchy states that:

“The Council will seek to protect important natural and built heritage sites and features as listed in Table 3.1 from the adverse effects of minerals development. Development which will adversely affect the integrity of Category 1 sites following the implementation of any mitigation measures will not be permitted.

Development which will adversely affect Category 2 and 3 sites 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 the 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”.*

The sub headings relating to protected species, flood risk areas and settlements are not directly relevant. It should be noted that the environmental protection policies of the minerals local development plan and local plan have to be read together.

1.41 Policy MIN 2 therefore adopts a ‘hierarchical’ approach in a similar way to local plan policy ENV 4. However, the tests where an adverse impact is found relates to different degrees of need for minerals depending on the category of the designation. There are minor differences between minerals local development plan policy MIN 2 and local plan policy ENV 4 as to which categories the designations are grouped. Table 3.1 defines the hierarchy to be used in policy MIN 2. In relation to the designations set out in paragraphs 1.22 to 1.24 above the following are relevant:

“Category 1 World Heritage Site and its buffer (policies ENV 7 and ENV 22)

*Category 2 Category A Listed Buildings (policy ENV 24)
Historic Gardens and Designed Landscapes (policy ENV 28)
Ancient Woodland*

*Category 3 Special Landscape Areas
Conservation Areas (policy ENV 25)”*

1.42 Policy MIN 4 – Restoration states that:

“The Council will only grant planning permission for mineral extraction where proper provision has been made for the restoration and aftercare of the site. Restoration proposals should take account of the specific characteristics of the site and its locality and restore and/or enhance the landscape character of the area. Any opportunities for enhancing biodiversity, community recreation and access should be considered. The Council will normally require applicants to provide a restoration and aftercare bond or make other

financial provision to ensure full restoration and reinstatement of the site should the developer fail to implement the previously agreed restoration plan.”

1.43 Policy MIN 6 – Peat states that:

“Proposals for the extraction of peat will only be permitted where:

- *They do not conflict with any other policies in this plan and the South Lanarkshire Local Plan;*
- *The peat land is already degraded or significantly damaged by human activity; and*
- *The conservation value is low and restoration is not possible.*

For ancillary extraction of peat associated with other mineral development, the Council will seek to ensure that best practice is used for the handling, storage and restoration of the peat, in order to minimise potential degradation and promote active peat formation and where appropriate the creation of habitats of nature conservation interest”

1.44 Policy MIN 8 - Community benefit states that:

“The Council will encourage mineral operators working within South Lanarkshire to contribute to the South Lanarkshire Rural Communities Trust, Quarry Fund or the Council’s Renewable Energy Fund or another similar mechanism as appropriate. Contributions will be based upon an appropriate rate per tonne of minerals worked to be agreed between the operators and the Council and this will be reviewed as appropriate during the period of the local development plan.”

1.45 Policies MIN 5 (water environment), MIN 7 (controlling impacts from extraction sites), MIN 12 (transport), MIN 13 (legal agreements) and MIN 15 (monitoring) were also considered relevant by the main parties but it was also agreed that the proposal did not conflict with them.

Other policy and guidance

South Lanarkshire Local Development Plan

1.46 The South Lanarkshire Local Development Plan was submitted for examination in November 2013. It is included as document B.7. The report of examination was submitted to the council on 20 October 2014. The report of examination was therefore not able to be discussed at the policy hearing session. However, on 20 November 2014 the parties to the hearing were invited by way of a procedures notice to comment on any recommended changes in the report of examination and any conclusions that should be drawn. These comments are summarised in the respective cases of the main parties.

1.47 Proposed Local Development Plan policy 15 (natural and historic environment) is the equivalent policy to various natural and heritage protection policies set out above for the current local plan. Policy 15 adopts a similar ‘hierarchical’ approach as used in policy ENV 4 of the local plan and policy MIN 2 of the minerals local development plan. There were a number of unresolved representations in relation to policy 15, which the reporters appointed to hold the examination had to consider. They concluded that some changes to

the policy wording, the accompanying table and related glossary definitions were appropriate.

1.48 The recommended policy 15 - Natural and Historic Environment, table 6.1 – Hierarchy of Natural and Historic Environment Designations and additional glossary of terms states that:

“The Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. In addition, where specific designations are affected, as listed in Table 6.1 – Natural and Historic Environment Designations and as shown on the proposals map, the following applies:

Category 1, 2 and 3 sites

The Council will seek to protect important natural and historic sites and features, as listed in Table 6.1 and shown on the proposals map, from adverse impacts resulting from development, including cumulative impacts.

In Category 1 areas:

i) Development which could affect Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. Proposals where it cannot be ascertained that it would not adversely affect the integrity of the site will only be permitted where there are no alternative solutions and there are imperative reasons of overriding public interest.

ii) The Council will seek to protect and preserve the Outstanding Universal Value of New Lanark World Heritage Site. Development proposals affecting the world heritage site and its setting will be assessed against the detailed criteria set out in supplementary guidance. Development proposals within the buffer zone will be assessed for their potential impact on the site’s outstanding universal value.

In Category 2 areas development 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.

In Category 3 areas development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource.

Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected.

Protected Species

Development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation.

Development proposals must also take account of other relevant policies and proposals in the development plan and appropriate supplementary guidance.

Table 6.1 – Hierarchy of Natural and Historic Environment Designations

Category 1 (International)

*Special Protection Areas
Special Areas of Conservation
World Heritage Site and its setting and its buffer zone*

Category 2 (National)

*Scheduled Monuments and their setting
Category A Listed Buildings and their setting
National Nature Reserves
Sites of Special Scientific Interest
Inventory of Gardens and Designed Landscapes
Inventory of Historic Battlefields
Prime Agricultural Land (categories 1, 2 and 3.1)
The Water Environment
Ancient semi-natural woodland (categories 1 and 2a on SNH Ancient Woodlands Inventory)*

Category 3 (Local)

*Special Landscape Areas
Category B and C Listed Buildings and their setting
Other archaeological sites and monuments
Conservation Areas
Local Nature Reserves
Tree Preservation Orders
Other long established woodlands and woodlands of high conservation value
Peatlands
Country Parks
Core Paths and Rights of Way
Quiet Areas*

Addition to the Glossary of Terms

Setting (historic asset/place): The way in which the surroundings of a historic asset or place contribute to how it is experienced, understood and appreciated. Setting often extends beyond the immediate property boundary into the broader landscape.

World Heritage Site Buffer Zone: An area surrounding the nominate property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection. (UNESCO 2012).”

1.49 Recommendations contained within a local development plan examination report are largely binding on the council, which can only depart from them in specifically defined

circumstances. The council has to consider the examination report and then submit to Scottish Ministers various documentation, including the local development plan they wish to adopt. The council may then adopt the local development plan after a period of 28 days unless Scottish Ministers direct the council not to do so. Following adoption there is also a 6 week period within which a legal challenge can be made on a point of law. At the time this report was submitted to Scottish Ministers, it was understood that the council wished to consider the examination report in February 2015, with a view to adopt it in March 2015. The local development plan would replace the current South Lanarkshire Local Plan when formally adopted.

1.50 The local development plan frequently cross refers to supplementary guidance. The intention is that ultimately, the finally approved supplementary guidance will form part of the development plan. Supplementary guidance relating to the green belt and rural area and the natural and historic environment have been published for consultation and have been included in documents B.16 and B.17.

1.51 As part of the preparation of the local development plan, the landscape designations have been reviewed. Areas where special landscape protection is proposed are called Special Landscape Areas and there are some changes to the proposed boundaries. In the case of the planning application site area, the existing quarry has been removed from any landscape designation. However, both the western extension and southern extension fall within the Middle Clyde Valley Special Landscape Area (see document B.10).

Scottish Government policy and guidance

1.52 Scottish Planning Policy sets out Scottish Ministers' priorities for the planning system and is included as document C.1. A key policy principle is a presumption in favour of development that contributes to sustainable development. Paragraph 28 explains 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. Paragraph 29 provides principles to guide the assessment of whether a proposal contributes to sustainable development as follows:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;

- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

1.53 Paragraph 141 states that where planning permission is sought for development affecting a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest.

1.54 Paragraph 143 advises that development outwith a conservation area, which will affect its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area.

1.55 In relation to World Heritage Sites, where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its Outstanding Universal Value. The meaning of Outstanding Universal Value is given in the glossary.

1.56 Paragraph 148 in relation to Gardens and Designed Landscapes states that planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included within the inventory.

1.57 In relation to minerals development, paragraph 236 advises of the need to ensure that adequate supplies of construction aggregates are available. Paragraph 238 states that a land bank of permitted reserves for construction aggregates of at least 10 years should be maintained.

1.58 The National Planning Framework 3 was approved at the same time as Scottish Planning Policy. It aims to indicate the overall spatial strategy for Scotland and is included as document C.2. The overall planning objective is to encourage economic activity and investment across Scotland, whilst protecting natural and cultural heritage assets. Reference is made to the need for construction materials. There are also many references to protecting natural and cultural heritage assets. World Heritage Sites are also referred to in the context of increasing tourism in rural areas.

1.59 Scottish Historic Environment Policy is included as document C.16. It sets out Scottish Ministers' own policies in relation to listed buildings, conservation areas and historic gardens and designed landscapes. This includes guidance in relation to designation and how development proposals should be assessed.

1.60 Advice and guidance has also been provided specifically in relation to mineral development including Planning Advice Note 64 – Reclamation of surface mineral workings and Planning Advice Note 50 – Controlling the environmental effects of surface mineral workings. Other relevant circulars and planning advice notes are included in document section C – National Guidance and legislation.

Other policy guidance and advice

1.61 The operational guidelines for the implementation of the World Heritage Convention – July 2013 (see document I.2), provides guidance on various aspects of designating and protecting World Heritage Sites. The Xi'an declaration (see document D.9), is an international agreement amongst heritage professionals regarding the importance of setting.

1.62 The adopted Statement of Outstanding Universal Value for New Lanark is included in annex 1 of document H.20. It is an importance reference document for the management of any World Heritage Site. Document D.2 is the nomination document for New Lanark prepared in 2000 by Historic Scotland. It was an important document in securing agreement that New Lanark should be included as a World Heritage Site. Historic Scotland have also produced more detailed guidance in relation to setting and boundaries – see documents C.17 and CEM.27 respectively.

1.63 Documents D.6 and D.7 are the New Lanark Management Plan and New Lanark Management Plan Action Plan. Together the documents form the basis for the management of the New Lanark World Heritage Site. It was prepared as a partnership between New Lanark Trust, South Lanarkshire Council and Historic Scotland. The management plan identifies a number of management issues, for example, image, promotion and funding. The action plan lists specific actions to address the issues.

Legislative context

The Town and Country Planning (Scotland) Act 1997 (as amended)

1.64 Section 37(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) allows an application for planning permission to either be: (a) granted conditionally or unconditionally; or (b) refused. Section 37(2) requires those dealing with an application for planning permission to “have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.” Section 25 of the Act states that “where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicated otherwise – (a) to be made in accordance with that plan.” Within city regions (which applies in this case) section 24 of the Act confirms that the development plan consists of the strategic development plan, the local development plan, and any supplementary guidance issued in connection with those plans.

1.65 Under section 46 of the Act the Secretary of State may give directions requiring a planning application to be referred to him instead of being dealt with by a planning authority.

The Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended)

1.66 Section 14(2) of the Act places a duty on decision-makers in exercise of planning functions as follows: “in considering whether to grant permission for development which affects a listed building or its setting, a planning authority or the Secretary of State as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

1.67 Section 64 provides a similar duty in respect to conservation areas as follows: “in the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2) [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

The Roads (Scotland) Act 1984

1.68 Section 95 of the Act confirms that the deposit of mud (or similar) from a vehicle on a road is committing an offence which, if not cleared, the roads authority can claim expenses.

1.69 Section 96 provides a mechanism for an authority to reclaim monies for the extraordinary wear and tear on a road due to use by heavy, or other extraordinary, vehicles or traffic.

2. CEMEX UK OPERATIONS LIMITED - SUMMARY OF CASE

Background

2.1 The applicant's case is derived from its planning application and supporting documents, outline and full hearing statements, comments made at the hearing sessions, closing submissions, and further written submissions.

2.2 The applicant's position is supported by various professionals, including:

- Mr Mark Kelly, BA (Hons) Town and Country Planning, MRTPI, MIQ;
- Mr Smithyman, BSc (Hons) Geography, Dip Landscape Architecture, Part 4 Chartered Landscape Architect, Dip Town and Country Planning, Dip Urban Design, MLI; and
- Ms Victoria Oleksy, MA (with commendation) Historical Archaeology.

The Environmental Statement

2.3 The landscape and visual impact assessment contained within the environmental statement was produced using the professional methodology set out in the 'Guidelines for Landscape and Visual Impact Assessment, 2nd Edition' (document CEM.11(a)), and associated guidance on techniques and criteria for judging capacity and sensitivity of the landscape. A 3rd edition of the landscape guidelines has since been produced (document CEM.11(b)) but it is considered that the methodology used to assess the impact of the proposal is not dissimilar to the newest guidance. The same conclusions would have been reached. It is further noted that there is no obligation on a developer through the environmental impact assessment process to examine alternatives; these are only to be set out if investigated.

The Development Plan

2.4 The components of the development plan set out in paragraph 1.18 are agreed. It is also agreed that the principle aim of the development plan is to encourage sustainable economic growth but that this requires a consistent approval of minerals and protection of the supply of minerals.

Glasgow and Clyde Valley Strategic Development Plan

2.5 It is recognised at paragraph 4.60 of the strategic development plan (document B.1) that minerals are essential to economic growth but that consented reserves are constrained post 2021.

2.6 It is noted that the council considered in its committee report that "*in terms of Strategic Planning Policy the principle of the proposed development is acceptable, subject however to its assessment at a local level.*"

2.7 Paragraph 4.53 of the strategic plan supports the proposal where it states: "*in sustainability terms, it is important to minimise long distance imports of natural resources, whether from Scottish or UK sources or from international sources. As such, the SDP adopts the concept of local supply in terms of its strategic planning for natural resources.*"

2.8 It was suggested at the hearing sessions that the strategic support measures of the plan are not pass or fail tests but are there to guide local policy. For this application, it is the principles of the strategic development plan that are important.

2.9 In relation to Strategic Support Measure 9 (natural resources planning), the plan notes that indigenous resources are required and recognised that sustainable economic growth relies on mineral extraction.

2.10 With reference to Strategic Support Measure 8 (green infrastructure: an economic necessity), it is suggested that diagram 13 'Green Network Spatial Strategies' does not show that the area proposed for extraction lies at a key terminus of the green network. However, it is accepted that the proposed southern extension is covered by the Clyde Gateway Strategic Green Network designation but, as stated by the council, there would only be a temporary adverse impact on this designation after which there would be improved connectivity in the area through tree planting and path formation.

South Lanarkshire Local Plan

2.11 The proposal is consistent with the objectives of policy STRAT 4 (accessible rural area). The policy seeks to ensure that development enhances the environmental quality of an area, or where that is not possible, that mitigation measures are put in place. The mineral operations proposed would be satisfactorily mitigated. Furthermore, the existing use is for farmland with limited public access opportunities but the proposals would offer landscape enhancements and improved public access.

2.12 The proposed extraction would be in the right location with mitigation and environmental enhancement in the long term. Minerals can only be worked where they are found, and in this instance the western extension area would provide mineral with an above average gravel content lying adjacent to an existing working. For these reasons the proposal is compliant with policy CRE 2 (stimulating the rural economy).

2.13 The proposed development's restoration (see paragraphs 2.140 to 2.145) would involve extensive improvements to public access, improving connectivity with no unacceptable impact on the green network. Therefore, the proposal is compliant with policy STRAT 7 (strategic green network).

2.14 As explained in chapter 1, it is agreed that policies ENV 4 (protection of the natural and built environment), ENV 7 (New Lanark World Heritage Site), and ENV 22 (New Lanark development assessment) should be read together as a suite.

2.15 The impacts on the landscape and historic environment are temporary and can be mitigated. It is noted that the council consider the temporary impact contrary to policy ENV 4. However, the proposals would not affect the integrity of the landscape or historic environment because of the mitigation measures and long term benefits of a high quality restoration scheme. The proposals are progressive and, when considered as a whole, are not just about the extraction of a resource but include mitigation measures and restoration provisions. Policies ENV 4, ENV 7 and ENV 22 should be applied to the outcome of the proposals and not just specific parts of it. Accordingly, it is considered that the proposed development is compliant with policy ENV 4.

2.16 In terms of policies ENV 7 and ENV 22 the historical significance of the setting to parts of the Outstanding Universal Value of New Lanark World Heritage Site is fundamental. Policy ENV 22 aims to control the quality of new development in the World Heritage Site and its setting, and development should be assessed against the policy as a whole not on the merits of each criterion. It is implied that the setting of the World Heritage Site equates to the buffer zone but (as clarified in paragraphs 2.58 to 2.60) the buffer zone should not be viewed as being synonymous with the setting of a heritage asset.

2.17 In terms of policies ENV 4, ENV 7 and ENV 22, the impact on the World Heritage Site, its setting and buffer zone should be considered separately bearing in mind the function and role that each serve. The policies also do not preclude quarrying within the buffer zone as there is to be an assessment of whether adverse impacts would occur.

2.18 The area of proposed extraction would not be visible or audible from the New Lanark World Heritage Site due to distance, and lack of inter-visibility. The temporary aspects of the proposal should not be accorded adverse weight given the mitigation measure proposed and the overall outcome of the whole development. Accordingly, and following the arguments posed in paragraphs 2.64 to 2.84, the proposals are compliant with the objectives of policies ENV 7 and ENV 22.

2.19 For the reasons stated in paragraphs 2.118 to 2.122, and in tandem with the council's reasoning, there would be no harm to listed buildings as a result of the proposed development. Consequently, the proposal would comply with policies ENV 4 and ENV 24 (listed buildings). It is accepted that if there was harm to an A-listed building (for example Bonnington View House) the development would serve a regional market (with economic benefits at a regional level), so there would be a conflict with policy ENV 4. Then, a balancing exercise of the provisions of the development plan would need to be undertaken following the policy hierarchy set out in paragraphs 1.28 and 1.29.

2.20 Again, following the findings of the council and with reference to paragraphs 2.123 to 2.125, there would be no harm to the New Lanark and Falls of Clyde Conservation Area. The proposal would therefore comply with policies ENV 4 and ENV 25 (conservation areas). It is also noted that there are limited views from the conservation area of existing quarrying operations but these are not unacceptable. If the proposals were found to harm the conservation area then a policy balancing exercise would again be required as the proposal would provide regional not national benefits.

2.21 The outcome of the proposal should be tested against the objectives of policy ENV 28 (historic gardens and designed landscapes) and not the transitional elements i.e. what it is seeking to achieve rather than how it is to be achieved. Therefore, although the council identified the temporary impacts as contrary to policy ENV 4 and ENV 28, it is argued that the overall development is consistent with these policies as per arguments set out in paragraphs 2.93 to 2.117.

2.22 The landscape and visual impact assessment included within the submitted environmental statement (document A.5) indicates that there would be long term benefits arising from the proposed restoration enhancements. The integrity of the resource would not be undermined. Furthermore, the council considered that there would be no harm to special landscape area designations. Consequently, and following the points made in paragraphs 2.133 to 2.135, the proposal would comply with policies ENV 4 and ENV 29 (regional scenic areas and areas of great landscape value).

South Lanarkshire Minerals Local Development Plan

2.23 Policy MIN 1 (spatial framework) requires a steady supply of minerals with a 10 year supply now and throughout the lifetime of the plan. There are long lead-in times associated with extraction development, and therefore this policy recognises that sites take time to come forward. If there was less than a 10 year land bank there would be a presumption in favour of mineral development. If the land bank is more than 10 years then there is no limitation on further sites being consented as the policy requires “at least” a 10 year land bank.

2.24 Document CEM.29 provides further information on the applicant’s response to aggregate supply and demand. Through the hearing sessions it was suggested that the purpose of the land bank is to ensure sufficient resources throughout the plan-period. The recent 2014 figures supplied by the council give consented reserves of 18.75 million tonnes (see documents B.18). The 10 year land bank figures should be realistic and only take into account realistic production rates, regardless of whether a planning consent permits a higher output. It was advised that actual extraction rates should not be used as the average extraction over the last 8 years suggests an extraction rate of 1.68 million tonnes per year. The Minerals Products Association has also predicted a 10% rise in the mineral market in 2015.

2.25 Again, at the hearing sessions (and in document CEM.29) it was advised that the Westend Wood Quarry (used in the council’s land bank figure and owned by the applicant) should be restricted to 5,000 tonnes per year because of current operations and limitations. It is being kept going on a restricted basis to keep investment in people (skills/knowledge/jobs); to ensure that the planning consent does not lapse; and to meet market demand should it be needed. It was also advised that the cost of opening the Garvald Quarry site would be too onerous at today’s costs. It’s contribution to the land bank should therefore be removed. Even if it were to be bought over it would take some three years to become operational.

2.26 Considering the restriction at Westend Wood, the removal of Garvald, and existing extraction rates at Hyndford, the land bank would be down to 12.41 million tonnes or 7.3 years. This figure is well below the required figure suggested by the council of 17 million tonnes to provide a 10 year land bank. There is a need for aggregate and the proposed development would increase available aggregate reserves to 17,654,000 over the next 10 years equating to a 10.4 year land bank.

2.27 The mineral resource at Hyndford Quarry (and within the proposed extraction areas) is superior to that at Westend Wood. Quality of product is considered to be everything. The building industry needs coarse aggregate and sand. The applicant continues to search for alternative sites but lots are excluded due to quality and accessibility. The accessibility of mineral; the presence/quantity of lignite (coal); and coarseness are considerations on whether to pursue a site. Downstream products are primarily ready mix concrete which needs a mix of gravel and sand. A sufficient quantity of this resource for the construction industry is not available at this time. It was also noted at the hearing sessions that the mineral within the southern extension alone would not be of sufficient quality to meet the quality requirements.

2.28 Policy MIN 1 also requires consideration of economic benefits arising from proposed mineral development against potential impacts. Document CEM.29 elaborates on the need for minerals. The working group suggest that the need is for business expediency and that there is no urgency to quarry as the southern extension alone would provide a further 5 year supply. However, this ignores the geological characteristics of the western extension, its juxtaposition to the current excavation which would also operational advantage of accessing the area from the current quarry, and the investment certainty an approval would create. The proposed mitigation measures and conditions to safeguard the environment and amenity of surrounding communities would make any impacts acceptable. The proposal would therefore conform with policy MIN 1.

2.29 The proposals would not affect the integrity of the New Lanark World Heritage Site or its buffer zone because of a lack of inter-visibility with the former and because operations within the latter would be limited and temporary, resulting in an enhanced restoration of the area. Restoration is the ultimate “mitigation measure” and the policy should be applied to the overall proposal rather than its temporary impacts. For these reasons, and in keeping with the statements provided in paragraphs 2.58 to 2.90, the proposal would not fail to comply with the first part of policy MIN 2 (environmental protection hierarchy) in relation to protecting the World Heritage Site and its buffer zone.

2.30 As confirmed throughout the summary of case, in terms of the second part of policy MIN 2 (referring to category 2 sites including scheduled ancient monuments, A-listed buildings, gardens and designed landscapes, and ancient woodland; and category 3 sites including B and C-listed buildings, conservation areas, and landscape designations), the proposal would not adversely affect heritage assets. Following the provisions set out in paragraphs 1.39 and 1.40, if harm to category 2 sites would found it was agreed at the hearing sessions that the development would serve a regional market. In any event, the restoration would make significant improvements and enhancements to the area. By evaluating the proposal against the provisions of policy MIN 2 overall, it would be compliant.

2.31 Further to the above, the plan notes that “*it is recognised that whist the SLAs [special landscape areas] cover areas of known mineral deposits, the SLA designation will not automatically preclude mineral development within these areas, but there will be a greater consideration and weight given to the impact on landscape at the decision making stage.*” The plan also states that “*only a ‘significant adverse impact’ on a category 3 site shall be considered to be an ‘adverse impact’ for the purposes of policy MIN 2.*”

2.32 In relation to policy MIN 4 (restoration), the requirement for a restoration bond and a condition to control the restoration and aftercare (details to be approved prior to development commencing) is accepted. Policy MIN 4 requires “*proper provision*” to be made for restoration and aftercare. This has, and would be, suitably provided with sufficient reference to the landscape character of the area. Therefore, the proposal is compliant with the requirements of the policy.

2.33 The translocation and retention of the peat resource on the land to be excavated within the proposed western extension is a sustainable solution as the peat is currently degraded by the presence of woodland. The translocation of the peat resource and its future management would have nature conservation benefits. It is noted that both Scottish Natural Heritage and the Scottish Environment Protection Agency have no objection to the removal and translocation of the peat. Consequently, the proposal is compliant with policy MIN 6 (peat).

2.34 The objective of policy MIN 8 (community benefit) is to secure financial provision for communities adversely affected by the residual impacts of mineral extraction. The policy encourages contributions. The working group is incorrect in its understanding of the applicant's offer to provide community support via a contribution to the Aggregate Quarries Fund. The contribution carries no weight in the decision making process (as highlighted in the council's committee report).

Other Policies

The Proposed South Lanarkshire Local Development Plan

2.35 In agreement with the council, the proposed plan is considered to carry significant weight in decision-making as a material consideration (particularly as the examination report with generally binding recommendations has been made – see paragraph 1.45). The only difference in approach from the local plan is a lack of reference to the New Lanark World Heritage buffer zone. It is not unusual for proposals to transcend the publication periods of new policy and guidance, and it would not be practical, reasonable or appropriate for developments to be delayed to allow for such publication. There is already a strong planning policy base in place against which the application should be considered.

2.36 There is no disagreement between parties on the provisions of relevant policies 1 (spatial strategy), 2 (climate change), 4 (development management and regeneration), and 17 (water environment and flooding).

2.37 The proposed development would help to maintain jobs at Hyndford Quarry (21) and would also support 60 jobs indirectly in areas including haulage, sales, administration, environmental support and technical services. From a strategic perspective the applicant also employs 154 people with Hyndford being the company's key site in the country. The proposal would also support national policy to maintain sustainable economic growth through the provision of raw materials. The working group's point that the development would have an "*adverse impact on maximising the regenerative effect of the World Heritage Site as a major catalyst for future sustainable tourism*" is considered to be aspirational. In any case, the proposal would only have a temporary impact and longer term enhancement which would not conflict with any aspiration for future tourism. For these reasons the proposal is compliant with proposed policy 11 (economic development and regeneration) which supports activities that maximise economic development and regeneration.

2.38 Proposed policy 15 (natural and historic environment) provides a hierarchy of designations where different degrees of protection are afforded. Due to the temporary nature of impacts and mitigation measures it is considered that the proposal is consistent with the provisions of policy 15.

Scottish Planning Policy

2.39 The proposals were designed to be consistent with the provisions of national planning policy. Scottish Planning Policy (document C.1) includes a presumption in favour of development that contributes to sustainable development. Pertinent to the proposal the document also states that "*The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.*" And 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. The aim is to achieve the right development in the right place, it is not to allow development at any cost.”

2.40 The proposal meets with the principles of Scottish Planning Policy in supporting good design; giving due weight to net economic benefit; and protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment. The short term impact of development would be mitigated to offset harm. It was emphasised as the hearing sessions that the development proposed is not a trade-off between economic benefit and the environment – the proposal would be compatible with the national policy in terms of growing the economy and safeguarding the environment.

2.41 The proposals would have no adverse impacts on the setting of the New Lanark and Falls of Clyde Conservation Area. Consequently, satisfying paragraph 135 of Scottish Planning Policy which requires proposals do not harm the character or appearance of conservation areas.

2.42 Scottish Planning Policy states that where a proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its Outstanding Universal Value (paragraph 147). As demonstrated below, the setting and Outstanding Universal Value of New Lanark World Heritage Site would be protected because of a lack of inter-visibility with the proposed extraction areas and proposed mitigation measures. The proposals have also been designed to protect the Falls of Clyde Designed Landscape, as advocated by paragraph 148 of Scottish Planning Policy.

2.43 National policy also requires responsible extraction of mineral resources in paragraphs 234 to 248. It requires (paragraph 238) that plans maintain a land bank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identified areas of search. The document states that *“minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. NPF3 notes that minerals will be required as construction materials to support our ambition for diversification of the energy mix.”* Further, it is considered that the proposal complies with the policy principles to:

- Safeguard workable resources and ensure that an adequate and steady supply [of minerals] is available to meet the needs of the construction, energy and other sectors.
- Minimise the impacts of extraction on local communities, the environment and the built and natural environment.
- Secure the sustainable restoration of sites to beneficial after-use after working has ceased.

National Planning Framework 3

2.44 The framework’s (see document C.2) central purpose is to create a more successful country through increasing sustainable economic growth. The key reference to mineral working is made in paragraph 4.2 where it states that *“our mineral resources support the*

construction and energy sectors.” This recognises the connection between the exploitation of mineral resources and economic growth. It is also mentioned that Scotland’s World Heritage Sites and historic environment are integral to the county’s well-being and cultural identity.

Scottish Government Planning Advice

2.45 In preparing the proposals reference was made to the provisions of many Scottish Government planning advice notes (documents C.9 to C.14), in particular Planning Advice Note 50 (controlling the environmental effect of surface mineral workings) and Planning Advice Note 64 (reclamation of surface mineral workings).

Scottish Historic Environment Policy

2.46 This policy document supports informed change where it may impact on the historic environment (see paragraph 3.8.1 of document C.16). Due to the design and restoration proposals the development proposed is consistent with this approach. It is noted that Historic Scotland shares this view.

Proposed supplementary guidance

2.47 There is agreement with the council that draft supplementary guidance on ‘Green Belt and Rural Area’ (document B.16) and ‘Natural and Historic Environment’ (document B.17) carries weight as a material consideration being the most up-to-date thinking on the subjects.

New Lanark and Falls of Clyde Conservation Area Character Appraisal

2.48 The purpose of the conservation area is highlighted on page 8 of the character appraisal (document B.9) “*to protect the setting of the village [New Lanark] and the core of the Designed Landscape at the Falls of Clyde.*” Which, following points made below, the proposal would satisfy.

New Lanark World Heritage Site Management Plan 2013-2018

2.49 Within the management plan (document D.6) it is highlighted that “*in addition to perceived pressures from new development, there appears to be a general lack of awareness of the meaning or purpose of the site’s buffer zone which can lead to confusion and misunderstanding of planning issues. The ‘Operational Guidelines for the Implementation of the World Heritage Convention’ recommend that WHS allocate buffer zones to help protect the setting of the site. The buffer zone is considered to be more sensitive to development because of the potential impacts on the site. The buffer zone at New Lanark was allocated to take account of key views into and from the site as well as important relationships between the site and other buildings and land in the surrounding area.*” It is the impact on the World Heritage Site, and not its buffer zone, that is of concern (see the underlined section).

Retrospective Statement of Outstanding Universal Value for New Lanark

2.50 It was expressed at the hearing sessions that where the retrospective statement (document D.4) discusses the integrity of the New Lanark World Heritage Site the following

statement is of utmost importance because it omits reference to the buffer zone: “*The property encompasses all of the elements necessary to clearly express its Outstanding Universal Value and ensure complete representation of the property’s significance.*”

Nomination of New Lanark for inclusion in the World Heritage list

2.51 The nomination document identifies a distinction between those areas that contribute to the World Heritage Site and those within the buffer zone (see page 72 of document D.2).

Operational Guidelines for the implementation of the World Heritage Convention

2.52 According to the guidelines World Heritage Status does not afford any additional protection (See document I.2). The property must have an “*adequate protection and management system to ensure its safeguarding.*”

2.53 It is taken from paragraph 100 of the guidelines that there is no mention of safeguarding the integrity of the buffer zone; the concern is to safeguard the Outstanding Universal Value of the World Heritage Site itself.

UNESCO World Heritage Paper (25)

2.54 The paper (document CEM.21(a)) presents position statements by UNESCO’s advisory bodies as well as the World Heritage Committee following an expert meeting on World Heritage Sites and buffer zones. While it was considered that buffer zones could include (or indeed be used to define or protect) the setting of a World Heritage Site, they were, for the purposes of the Operational Guidelines, a management tool which could enable further protection of the Outstanding Universal Value, authenticity and integrity of a World Heritage Site. Indeed, it was recommended at the expert meeting that:

- a) the inscribed World Heritage property possesses the Outstanding Universal Value of the property as recognised by the World Heritage Committee; and
- b) any World Heritage buffer zone does not include Outstanding Universal Value but provides additional protection for the Outstanding Universal Value and integrity of the property.

Xi’an declaration

2.55 It is noted that the ICOMOS Xi’an declaration (document D.9) states that “*the setting of a heritage structure, site or area is defined as the immediate and extended environment that is part of, or contributes to, its significance and distinctive character.*” The declaration advises that buffer zones should protect setting which is an attribute of authenticity. However, it does not state that any established buffer zone should be viewed as being synonymous with the setting of the heritage asset.

Managing Change in the Historic Environment: Setting

2.56 Historic Scotland’s document (C.17) indicates that setting should be thought of as the way in which the surroundings of a heritage asset contribute to the understanding, appreciation and experience of that asset and by extension an understanding, appreciation and experience of that asset’s significance. The advice is clear that an impact upon setting

occurs where a proposed change would affect “...our ability to understand or appreciate the historic asset.”

Policy conclusions

2.57 In the context of the relevant documentation as agreed by all the interested parties it is considered that the council’s committee report was extremely thorough in its assessment of the proposal and its impact, and that, consequently in its application of policies, the recommendation to approve was the correct one. However, it is not accepted that the development would be contrary to policies ENV 4, ENV 22, ENV 28, MIN 2 and proposed policy 15 for the reasons set out above. In conclusion, the proposal does not conflict with the development plan or national policy. In any event, the council was correct in deciding, on balance, that the application should be granted in accordance with the council’s recommendation.

New Lanark World Heritage Site

The buffer zone and setting

2.58 Buffer zones are primarily required to ensure that any development or change within them is given adequate consideration as to how such change may impact on the Outstanding Universal Value of the World Heritage Site. Therefore, a buffer zone does not necessarily equate to setting. This approach is consistent with the advice from Historic Scotland to this application and to assessing development in other World Heritage Site buffer zones throughout Scotland (see document CEM.14 as an example).

2.59 Following advice from English Heritage (document CEM.10 on ‘The Setting of Heritage Assets’) it is suggested that setting is not a heritage asset in and of itself. The concern should be with impacts on the surroundings of the asset which adversely affect the significance of the asset.

2.60 It is clear from the above that a buffer zone and setting cannot necessarily be conflated. Further, it is clear that not all areas within a buffer zone, and indeed not all elements of setting, are equally sensitive to change or development. Consequently, it follows that changes resulting from development would not necessarily result in the realisation of an adverse impact upon a heritage asset.

Outstanding Universal Value

2.61 New Lanark World Heritage Site was inscribed as a cultural site of Outstanding Universal Value in 2001 meeting four of the required criteria (see document I.2, paragraph 77; and document D.4).

2.62 It is submitted that the Outstanding Universal Values associated with New Lanark are tightly focused on the village’s association with Robert Owen and his social, utopian and cooperative ideals. The village provides a tangible and material link reflecting these ideals and this time in history.

Impact on the World Heritage Site, setting and buffer zone

2.63 It is undoubted that the setting of New Lanark contributes to its significance. However, not all elements of setting contribute equally to the significance of a heritage asset.

2.64 During the nomination process the New Lanark Trust (see document CEM.22) stressed that while Outstanding Universal Value was clearly evident in New Lanark, that other areas proposed for inclusion (at that time) were demonstrably not of international significance and did not convey Outstanding Universal Value including the Bonnington Estate. This view was supported in correspondence between the World Heritage Coordinator in 2000 where it was presented that including elements of the surrounding landscape would “*dilute the nomination*” (see document CEM.22). Accordingly, it is clear that the iterative process of preparing the nomination resulted in the Falls of Clyde being excluded from the World Heritage Site and being included in the buffer zone.

2.65 Further separation between the World Heritage Site and the buffer zone is found in the draft management plan for New Lanark (document D.5, part 1, section 1.1.2) where it states that “*the boundaries were determined by a combination of past historic associations and the visual envelope; broadly, land visible from the historic village at the foot of the gorge is within the nominated site; that which forms part of the backdrop when looking down on or across the village and is not directly historically associated with New Lanark may be in the buffer zone.*”

2.66 While the buffer zone contains elements of the setting of New Lanark, it is clear that not all of the buffer represents the heritage setting of the World Heritage Site. This is because, as per the Xi’an Declaration, which defines setting as being “... *the immediate and extended environment that is part of, or contributes to, [a heritage asset’s] significance or distinctive character*” (document D.9, article 1), not all elements within the buffer zone contribute to the significance or character of New Lanark. Nor, as per Historic Scotland’s guidance on setting, do they contribute to an understanding, appreciation or experience of the World Heritage Site, its Outstanding Universal Value, authenticity and integrity. It is put forward that the proposed western extension to Hyndford Quarry, while included in the buffer zone, does not form part of the heritage setting of the World Heritage Site such that it contributes to its Outstanding Universal Value. However it should be noted that even if the area were found to be part of the setting of the New Lanark World Heritage Site, it does not directly follow that quarrying of the site will result in an adverse impact upon the Outstanding Universal Value.

2.67 Sensitivity to change within a designated buffer zone needs to be considered in terms of location within the buffer zone and relationship to the inscribed site, the type of change proposed and ultimately the resultant impact upon Outstanding Universal Value. It therefore follows that certain areas of buffer zones may be more sensitive to changes, dependent upon how that area of buffer zone supports the World Heritage Site. Indeed, such an argument was put forward by Historic Scotland at an early date following the inscription of the site on the World Heritage List.

2.68 In the information released by Historic Scotland (see CEM.22) was a precognition written by Historic Scotland with regard to the allocation of an area of housing at the Pleasance in the then proposed Lower Clydesdale Local Plan. In the document Historic Scotland set out that not all developments within the buffer zone will have a significant

adverse impact upon the World Heritage Site. In discussion of the housing allocation differentiation is made between the possibility of development within a low lying area, largely shielded from views from New Lanark and the area of higher ground beyond this, which Historic Scotland noted contributes significantly to New Lanark's back drop. While it is stated that development on this higher rising ground should be resisted because of potential impacts upon the value of the World Heritage Site (paragraphs 1.14-1.15 of CEM.22), it is argued by Historic Scotland that development in the lower lying area, where there is limited visibility, would '*... not constitute such a threat*' (paragraph 1.21 of CEM.22).

2.69 Such a statement by Historic Scotland reinforces the point that not all development within the buffer zone will result in an adverse impact upon the Outstanding Universal Value of the site. This point was reiterated by Historic Scotland in their consideration of this proposal.

2.70 As demonstrated above, several documents submitted as part of the nomination dossier indicate that the area proposed for quarrying has no direct historic link with New Lanark. Indeed, the 1995 review of the New Lanark and Falls of Clyde Conservation Area boundaries stated that this was the case. The adopted Conservation Area Character Appraisal has indicated that the current boundaries of the conservation area provide sufficient protection of the visual setting of New Lanark. This, along with consideration of the definition and function of buffer zones and the Outstanding Universal Value for which New Lanark is inscribed along with consideration of setting, were considered when undertaking the cultural heritage assessment and have been expanded upon here.

2.71 The specific area of land proposed for the western extension does not directly contribute to an understanding and appreciation of the significance of New Lanark as outlined in the Statement of Outstanding Universal Significance. Furthermore, the western extension would not harm the setting of New Lanark or reduce the ability to understand, appreciate or experience New Lanark and its Outstanding Universal Value.

2.72 Reference has been made throughout to the corroboration of Historic Scotland's assessment with that of the applicant's witness. It is reiterated here that Historic Scotland has found no '*... objectionable impact on the setting of the WHS or its constituent parts*' (document I.1, paragraph 4.7.3). Indeed in their comments to UNESCO, provided via the DCMS, Historic Scotland noted that, '*... the likely impact on the OUV, authenticity and integrity of the WHS is minimal and was not significant to any extent and certainly well below a level where we would consider lodging an objection.*' (document I.1).

2.73 The council has also noted that "*The proposed development is not therefore likely to create a direct adverse impact on the New Lanark WHS and its setting, its Outstanding Universal Value, Integrity or Authenticity.*" (document A.21, paragraph 6.4.23). Furthermore, the council states that "*... it is considered the setting of the WHS can be different from the area encompassed with the buffer.*" (document A.21, paragraph 6.4.27). This assessment corroborates that of Historic Scotland and that set out by the applicant.

2.74 In their consideration of the proposed development's compliance with the relevant planning policies, the Council, however, found the development to be technically contrary to criteria (1), (5) and (7) of policy ENV 22 of the local plan due to short term impacts. The council found the development contrary to these criteria as a result only of temporary adverse impacts upon the buffer zone and with regard to criterion (5) of policy ENV 22

because of removal of the Bonnington Estate boundary wall and up to three mature parkland trees during the extraction period. The applicant disagrees.

2.75 While the development will remove a portion of the Bonnington Estate boundary wall, mitigation proposed will ensure preservation by record and proposed reinstatement will ensure that the functional boundary is maintained, marking the historical extents of Bonnington Estate. As such, there will be no permanent loss of the boundary (though it will be reconstructed at a lower level above ordnance datum) and as such the development is considered to be compliant with this criterion.

2.76 With regard to criteria (1) and (7) of policy ENV 22 there is some difficulty with the parenthetical use of buffer zone in relation to setting. The council has sought to rectify the difficulties caused by this parenthetical use of the term buffer zone in policy 15 of proposed plan (document CEM.28). While the impact is located within the buffer zone, neither Historic Scotland, the council nor the applicant have found significant adverse impacts upon the World Heritage Site or its setting. Further they have, in general, agreed that buffer zone does not necessarily equate to setting. As set out in detail above, buffer zones, in and of themselves, have no intrinsic heritage value (the value of the site as an Inventory Garden Designed Landscape is dealt with below). Given this, it is not considered that the development is contrary to criterion (1) of policy ENV 22.

2.77 It has been argued here that area proposed for development does not form part of the heritage setting of the World Heritage Site, even if it were found to form part of the setting, its contribution to the significance of the asset, defined in the statement Outstanding Universal Value, must be seen to be neutral. Furthermore, the development is of such a type that it will not affect important views from the site. Consequently, the development cannot be said to be contrary to criterion (7) of policy ENV 22.

2.78 The council has indicated that it finds that the development complies with policy ENV 7 of the local plan. It has been shown that the area of Bonnington Estate which is proposed for mineral extraction is not historically or visually associated with New Lanark and in any case no significant adverse impact has been found upon the World Heritage Site and its setting. Therefore, the council's assessment is agreed.

2.79 It has been shown that there will be no significant adverse impacts upon the World Heritage or its setting. A buffer zone is a management tool designed to provide additional protection for the Outstanding Universal Value of a World Heritage Site. Whilst the development impact will be located within the buffer zone, the World Heritage Site, its setting and its Outstanding Universal Value will not be significantly adversely affected, as such the integrity of the buffer zone as an effective management tool remains intact. Therefore, the development is compliant with MIN 2 and other policies which seek to protect the World Heritage Site.

2.80 The working group also commented that development is not compliant with Scottish Historic Environment Policy (document C.16) and is incompatible with Historic Scotland's guidance on 'Managing Change in the Historic Environment-Setting' (document C.17). Their comments in relation to this are related to the less tangible elements of setting including "*historical, artistic, literary, linguistic and scenic associations*" (document CEM.26). It is acknowledged that such elements can make a contribution to setting and therefore to significance of heritage assets. However, it must be reiterated that not all elements of setting contribute equally to significance and that the proposed extraction area does not

directly relate to any of these elements of New Lanark's setting, as set out above. Therefore, the development cannot be said to be contrary to national policy, or national guidance on setting.

2.81 The environmental statement concludes that the proposed western extension would cause moderate to notable adverse significance of impact to Bonnington Estate and notable to substantial adverse significance of impact to the buffer zone in the short term during the operational life (up to eight years). Following final restoration, impacts were found to be beneficial in nature, giving rise to moderate beneficial significance of impact to Bonnington Estate and notable beneficial significance of impact to the buffer zone in the medium (10-15 years) and in the longer term (15-25+ years) (see paragraph 5.45, Table 15 of document A.5).

2.82 The environmental statement concludes (through its landscape and visual impact assessment) that *"although the boundary of to the World Heritage Site itself lies approximately 750 metres away at its closest point and the buildings associated with the Mill lies approximately 1.1 kilometres away, the immediate surroundings and landscape setting of New Lanark is associated with the lower sections of the gorge of the River Clyde, is therefore only very marginally affected by the presence of the proposed western extension."*

2.83 It is accepted that the above assessment missed that views from 'The Vu' property within the New Lanark World Heritage Site, and two properties on Braxfield Road (75 and 75a) in the buffer zone, would be able to view workings on Primrose Hill. Primrose Hill would be worked very early in the operation allowing early restoration or interim restoration works to be undertaken – any visual disturbance to this area from these viewpoints would be limited to a few weeks. The impact of development is considered to be moderately adverse from 'The Vu' and slightly adverse from those properties on Braxfield Road but, following restoration, generally neutral. The impact from these properties would not be significant or change the overall conclusion that the proposal is acceptable.

Other World Heritage Site Matters

2.84 In May 2009, Scottish Ministers called in a decision by Falkirk Council to approve a planning application for the erection of a distillery, visitor centre, restaurant, six retail units, a bonded warehouse and a gatehouse, with a SUDS pond and landscaping works immediately adjacent to the Antonine Wall World Heritage Site and within its buffer zone. Historic Scotland objected to this application noting that the wall, in the location of Cadgers Brae, crossed a low-lying area of ground instead of the more defensive strategic higher ground to the south and that the setting, including particularly the local topography, was key to understanding the course of the wall in this location (document CEM.4, paragraph 5.7). There is no evidence that ICOMOS (International or UK) had any objection to or concerns with this development.

2.85 The developer made the case that, as the Antonine Wall was not upstanding in the vicinity of Cadgers Brae, it could not be understood or appreciated in its setting except by the most informed of observers and through the use of maps (CEM.4, paragraph 3.18, page 18). In addition, to offset any impacts upon the setting of the Antonine Wall, the developer offered to provide interpretation of the Antonine Wall to increase understanding, appreciation and access to the Wall at this location (CEM.4, paragraph 3.24, pages 19-20).

Falkirk Council suggested that the Historic Scotland objections were academic and should be outweighed by the benefits of the proposal.

2.86 The reporter recommended Scottish Ministers refuse planning permission as he found that the benefits would not outweigh the impacts, particularly on the Antonine Wall. However, the Scottish Ministers disagreed with his interpretation and recommendation (see document CEM.5, paragraph 8).

2.87 This case is relevant to the Hyndford proposal because despite Historic Scotland's caution, included in their objection, the Antonine Wall World Heritage Site has not been placed on the World Heritage 'In Danger List' as a result of the development of the distillery and visitors centre at Cadgers Brae. This again indicates that an impact within a buffer zone and, in this case, on the setting of a World Heritage Site need not automatically result in significant adverse impacts upon the Outstanding Universal Value of the World Heritage Site. In addition, the ability to provide interpretive and enhancement features make these heritage assets more accessible and appreciable for all people.

2.88 The World Heritage Committee has recently placed Westminster Abbey & Palace World Heritage Site on the 'In Danger List' following consent for development in the vicinity – development considered by the committee to result in “*a substantial adverse impact on the important views to and from the World Heritage property*” (see document I.1, page 39). Only two other sites are on the 'In Danger List' as a result of impacts within their buffer zones and where “*specific and proven imminent threats or 'potential' [...] threats [...] which could have negative effects on its World Heritage Values*” (see document CEM.13) have been identified. These are Coro and its port, Venezuela (due to damage to structures, poor management, planning and conservation mechanisms), and Liverpool Maritime Mercantile City (due to a number of unsympathetic urban development projects). The working group has called into question the State Party's ability to effectively manage and conserve World Heritage Sites. It is recognised that poor management can put sites at risk but a joint UNESCO and ICOMOS monitoring mission to Edinburgh in 2008 found that “*the protection arrangements are sufficiently effective. Legislation corresponds to international standards; there is no lack of legal protection of heritage – as far as heritage conservation can be regulated by law.*” (See CEM.19, page 7).

2.89 Only two properties have ever had their World Heritage Status revoked – the Arabian Oryx Sanctuary in Oman (due to a reduced size in the sanctuary by 90% and a reduction in the number of Oryx from 450 to 67 with only four breeding pairs remaining – see CEM.8); and the Dresden Elbe Valley in Germany (due to the construction of a four lane bridge across the Elbe and within the World Heritage Site – see CEM.7).

2.90 UNESCO's recent concern is noted (see document CEM.17) in relation to New Lanark World Heritage Site and the proposed development (and that for housing – the Pleasance Housing Scheme). However, an expression of concern by UNESCO does not automatically result in a World Heritage Site being placed on the 'In Danger List'. Indeed, it was an expression of concern that led to the 2008 monitoring mission in Edinburgh by UNESCO and ICOMOS. Further, as can be seen from the examination of sites on the 'In Danger List' and those sites which have had their World Heritage Status revoked, and the fact that no significant adverse impacts are predicted upon New Lanark as a result of the proposed quarry extension, that it is unlikely that approval of the application would result in the World Heritage Site being placed on the 'In Danger List', let alone having its status revoked.

Falls of Clyde Designed Landscape

2.91 The Falls of Clyde Designed Landscape is a name employed by Historic Scotland to describe the four separate historic parks and gardens within 'The Inventory of Gardens and Designed Landscapes' (2006) that they maintain. The historic gardens consists of Braxfield, Castlebank Park, Corehouse and Bonnington, but also includes New Lanark Mills and village. Braxfield Historic Garden and Castlebank Park is located to the north-east of New Lanark, occupying fields and woodland that separate New Lanark village from the town of Lanark. Corehouse lies to the west of the steeply incised valley of the Clyde due west of Bonnington, and Bonnington occupies land to the east of the incised valley of the Clyde immediately to the south of New Lanark village.

2.92 The Falls of Clyde as a 'designed landscape' generally refers to the landscape setting of each of these individual elements centred around the Falls of Clyde itself. The area is considered of international significance due to the influence of the area on the Picturesque Landscape Movement in the UK and Europe. Visited by artists such as Jacob More (1760s) Alexander Nasmyth (1791) and J M W. Turner (1801) as well as poets William and Dorothy Wordsworth and Sir Walter Scott (1827), the path network associated with the Falls was developed in the 18th and 19th centuries together with viewpoints, planting and other incidents to enhance the visitor experience of this landscape, which with the development of the railway network in the 1850's became a major visitor attraction.

2.93 The baseline historic study (paragraph 2.27 of document A.5) concluded that other historic areas and estates including Corehouse, Braxfield Park (including Castlebank Park), Castledykes Roman Fort, Monteith House and parkland, Westraw, Carmichael House and parkland have been assessed as receiving no impact from the proposed development. The main findings of the landscape assessment (paragraph 5.49 of document A.5) concluded that "*no landscape impacts have been assessed as being caused to the historic setting and landscape character of the gorge of the River Clyde including The Falls of Clyde, Corehouse and Corra Castle.*" This is due to distance, intervening landform, including the location of the Falls of Clyde pathways generally within the incised valley and the presence of substantial woodland blocks preventing the occurrence of any landscape and/or visual impacts to these areas.

2.94 Although at one time the whole Bonnington Estate was managed as an integrated designed landscape, as can be clearly seen from 'William Forrest's map of the Country of Lanark, dated 1816' (see CEM.20, figure 1), since the sale of the estate in the 1930's, the various parcels of land have been managed to maximise agricultural usage, with the loss of many of the tree lined avenues and woodland policies, especially to the south. If the current unmanaged state of the area continues any historic value of the estate and its setting will be lost forever.

2.95 In terms of landscape character, the proposed western extension would cause moderate to notable adverse significance of impact to this section of Bonnington Estate in the short term during the operational life (up to eight years) and moderate beneficial significance of impact following final restoration in the medium (10-15 years) and in the longer term (15-25+ years) (see paragraph 5.45, table 15 of document A.5).

2.96 In terms of visual amenity the proposed western extension would cause moderate adverse significance of impact to the Drove Road and notable adverse significance of

impact to the serpentine track in the short term during the operational life (up to eight years) and slight to moderate beneficial significance of impact respectively following final restoration in the medium (10-15 years) and in the longer term (15-25+ years) (see panoramic photographs within figure 7 and the table contained within figure 7, sheet 3 of document A.5).

2.97 However, it is important to note that these levels of adverse landscape and visual impacts are generally confined to the immediate area, due to the marked variations in landform in proximity to the site. Effects to the remainder of the Bonnington Estate are generally either neutral, or beneficial in nature due to landscape management and enhancement works, as well as the establishment of new footpaths.

2.98 It is also suggested that the character and landscape setting of Bonnington Estate and parkland has severely declined following the loss of the mansion house in the early 1900's, the subsequent development of the Bonnington hydro-electric power station in 1927, and demolition of the mansion house in the 1950's. In particular, losses associated with veteran parkland trees, which are still in decline due to lack of management; the loss of water from the Falls of Clyde due to the power station's water intake which conveys water from the intake above Bonnington Linn to the turbines within the power station; plus the setting of the Pavilion (View House) and the high level path above the Falls of Clyde is further eroded by the location of a large concrete circular surge tank and exposed massive pipework taking water to the power station. Mention is also made of power lines crossing the parkland severely detracting from the historic setting.

2.99 Historic Scotland's Inventory (document D.10) notes that the parkland at Bonnington is degraded, noting also that "... *The area of square parks to the southeast of the walled garden has now lost its enclosure character and the woods with radiating rides indicated on Roy's survey have been felled and the land turned over to arable use.*" Given this, it is difficult to see how the south-eastern portion of the park at Bonnington, in its current state, allows for an understanding of the value of the estate, as a picturesque landscape.

2.100 It is also noted that the existing quarry is visible just beyond the Bonnington Estate wall and is currently accommodated in the landscape and does not cause a significant reduction in the ability to understand or appreciate the significance of the designed landscape.

2.101 Nevertheless, there will be a loss of landform in the south-east corner of the Bonnington Estate as part of the extraction process. This will include a portion of Primrose Hill which appears to have been topographical feature which influenced the original, but no longer extant parkland planting in this area. Furthermore, the quarry extension will be visible from some locations within the Bonnington designed landscape, most notably from Peacock Hill - a key location for significant long or panoramic views. While important views from this location are primarily on a north/south access, taking in views over New Lanark and Lanark to the north and Tinto Hill in the south, the quarry has the potential to affect an observer's experience of these views. Historic maps indicate that this hillock is not only important in terms of current views but that it also provided an important viewing location in the past as evidenced by the location of a possible view-house or folly on its summit. [Note: Ministers may wish to refer to grid references provided in paragraph 4.76 for the location of Primrose Hill, Peacock Hill and other identified landmarks.]

2.102 While the area of extraction would result in a final landform which is lower than the natural landform, and indeed will result in the restoration of the boundary wall at lower level, the restoration proposals have the potential to re-establish a connection between the south-eastern corner of the estate with the wider designed landscape. This, combined with the proposed interpretation, could increase understanding and appreciation of and access to the Bonnington Estate. Therefore, the proposed restoration and enhancement proposals mitigate this impact to an acceptable level and it is noted that Historic Scotland and the Council have satisfied themselves as to the appropriateness of this.

2.103 Given their extensive areas and continued use within the modern, evolving landscapes a preference for preservation *in situ*, often applied to archaeological sites and monuments is not particularly practicable in preserving the heritage value of designed landscapes. In fact, it is arguable that no intervention within these landscapes would result in a loss of features which contribute to the value of the landscapes. As such, proposals for development within gardens and designed landscapes have been granted planning permission, especially where the development includes mitigation to offset impact or enhance important elements of landscapes. Consented development at Auchincruive in Ayrshire and Fasque Estate in Angus are cited as examples that there is not an automatic presumption against development within gardens and designed landscapes, but rather that each case should be judged on its own merits.

2.104 The environmental statement found that there would be significant adverse impacts upon the Falls of Clyde Designed Landscape. However, it is reiterated that the proposed extension would not unduly harm an observer's ability to understand or appreciate the Falls of Clyde as a significant Picturesque Landscape. In terms of local plan policy ENV 4 it is clear that the objectives of the designation have not been compromised though an observer's experience of the Bonnington landscape will be affected during the extraction period. However, as noted above, mitigation could enhance understanding, appreciation and experience of the overall Falls of Clyde Designed Landscape. These restoration and enhancement works form part of the application and following the completion of these works there will be beneficial impact upon the landscape. As such, the development complies with local plan policies ENV 4 and ENV 28, and minerals plan policy MIN 2. Inventory Garden and Designed Landscapes are Category 2 sites within policy MIN 2. Following the restoration and enhancement works, the development will result in a beneficial impact, so the development should be regarded as compliant with MIN 2 in this regard.

Geodiversity and geomorphology

2.105 In response to the working group's concern about geodiversity and geomorphology it is suggested that while the area represents a good example of an ice-contact landform, it is by no means either unique with the locality, or within Scotland as a whole. In relation to geodiversity, many of the best examples of geodiversity designations are associated with old quarry workings where mineral extraction has exposed examples of geological horizons, faulting, or ice sheet contact and are left exposed for educational study and interpretation. Such areas could be included within an agreed restoration scheme along with interpretation boards as part of the New Lanark World Heritage Site Management Plan.

2.106 Based on 1950's aerial photograph (see document CEM.20, figure 4) it is suggested that the best examples of the ice-contact landform and undisturbed fluvio-glacial landforms within the application site appear to be located to the south of the existing quarry within an

area already permitted for extraction and within the proposed southern extension. The working group are unopposed to the southern extension but object to the western extension based on the loss of one of the best examples of undisturbed fluvio-glacial landform within Scotland. This argument is unsustainable.

Walking routes

2.107 As an integral part of the development, mitigation measures to reduce visual impacts to adjacent receptors and walking routes include for the creation of small screening bunds around the perimeter of the extraction area, including alongside the serpentine road (path WN 04 - see document A.5 and Phase 1 proposals in document A.8 (f)) at the commencement of operations. These will be carefully designed/constructed so that whilst the bunds are of sufficient height to screen the main working areas from view, they still enable receptors walking within the adjacent parkland to retain panoramic views across the site. These bunds would generally be no more than approximately 1.5 metres high. Their exact shape, height and location to achieve this are capable of being monitored and controlled by planning conditions.

2.108 The level of visual impacts as stated above have been assessed as worse case scenarios and are generally associated with the construction and removal of the screening bunds, limited areas of workings visible above these bunds over short timescales (a few weeks/months), as well as some impacts associated with the bunds themselves changing foreground visual amenity.

2.109 It is also important to note that part of the area subject to mineral workings will be fenced off from the public in line with both the Mines and Quarries Act and Health and Safety requirements. This will include the full extent of Primrose Hill, so views over the quarry from this location will be curtailed. In any event, the retained southern half of this hill will also be planted with trees as part of the landscape enhancement works, so would be fenced off to protect the trees from grazing animals.

2.110 With regards to the old Drove Road (path WN 05 - see document A.5, Volume 2), it is the applicants intention to close this road during the operational life of the western extension, until the track and wall are reinstated. Therefore, there would be no visual impacts associated with this path/track during the operational life in the short term (up to eight years).

2.111 Turning to the other footpaths and walking routes within the Falls of Clyde Designed Landscape, these relate to footpaths contained within the incised valley associated with the Clyde Walkway Recreational route (core path CL/321405 – see document A.5 Volume 2), which runs along the eastern valley from New Lanark to Bonnington Linn where it crosses the Clyde. This route is predominately within the gorge itself, although a section rises up the valley sides to join the line of the hydroelectric pipes to the Pavilion and the adjacent surge tanks before dropping again into the gorge. This is to the north of the walled garden and is capable of gaining partial views over the parkland, but the hillocks along the southern boundary of the central parkland area curtail views of the development area itself. Therefore, there would be no visual impacts associated with these paths.

2.112 Further non designated ‘*de facto*’ paths also exist that rise from the gorge to the south of Corra Linn that link with the location of the walled garden as well as the serpentine road. These paths would have probably been associated with paths from the mansion

house through the parkland, both to the southern knoll and to Corra Linn. Views of the proposed extraction area from this location are generally curtailed by the walled garden and surrounding vegetation, although glimpses may be gained towards Primrose Hill. Therefore, there would be very minimal or no visual impacts associated with these paths during the operational life in the short term.

2.113 It is also possible to cross the central drain by a farm gate to the east of the walled garden that crosses the adjacent field to run north-south along the route of the original 'western avenue' gaining access to Bonnington Linn, the 'Ironbridge' and the southern path that links with Tulliford and the old Drove Road, plus restricted access to Primrose Hill itself. Views of the proposed western extension would be possible from these locations. However, the height and location of perimeter screening bunds within the higher ground adjacent to the extraction area will generally curtail views of the Phase 1 development, apart from working the upper sections of Primrose Hill, which is expected to last only a few months. Therefore, there would only be very minimal visual impacts associated with these paths during the operational life in the short term (up to eight years).

2.114 As described above, a view of the a distant, partial view of the upper elevations of Primrose Hill that partly forms the proposed western extension from one south facing property within Bankhead Farm, off Braxfield Road (identified on OS mapping as 'The Vu'), lies within the designation. Other sections of this view obtained from a small section of Braxfield Road itself and two adjacent properties (No. 75 and 75a Braxfield Road) lies outwith the designed landscape boundary. It is considered that views of this section of the development would give rise to a Moderate adverse significance of visual effects whilst the area is disturbed. Once the area has been restored the effects are generally Neutral or beneficial in nature as woodland planting matures.

Additional mitigation measures

2.115 Additional mitigation measures, such as phasing and direction of working, are also incorporated within the proposals to offset potential adverse impacts. For instance, mineral extraction commences within the western extension so that the area can be restored early within the life of the development. The proposals also include for the commencement of extensive management and enhancement works to the remaining areas of Bonnington Estate that fall within the planning boundary at the start of development works as well as other previously restored areas within Hyndford Quarry. This will help bring maturity to the surrounding landscape and increase biodiversity early within the development.

2.116 Although significant levels of landscape and visual impacts are present during the operational period, partly mitigated by screen bunding, these are relatively short lived and in the long term will provide substantial improvements to the historic character of the southern half of Bonnington Estate. This relates to both the re-introduction of planting as well as the implementation of long term management programmes as part of the proposed mitigation measures, which commence at the same time (or prior, depending on the season) as the initial development works. Therefore by the time the western area has been extracted and the landform restored after some eight years, tree growth will have already started to have make a difference visually to the currently denuded state of the Bonnington Estate.

Designed Landscape conclusion

2.117 Based on the proposals as a whole, including restoration, mitigation and enhancement measures, working within the proposed western extension would generate no significant impacts on the landscape character and visual amenity to the Falls of Clyde Designed Landscape. Therefore, whilst there are adverse impacts in the short-term, which only effect a very small proportion of this designed landscape, in the medium to long-term, the proposals would not adversely affect the integrity of the designed landscape and the development is assessed as being compliant with the development plan. The level of predicted effects are also capable of being monitored and controlled by planning conditions and the proposed planning obligation.

Listed Buildings

2.118 Bonnington Pavilion is category A-listed primarily because it is an important and early example of a building and garden feature specifically designed to enjoy a picturesque view (document D.12). Given the function of the building as a garden feature within the Bonnington Estate and the fact that it was designed with specific views over Corra Linn, it is obvious that setting of the pavilion is key to understanding and appreciating its significance. Evidence indicates that the building has been subject to a number of modification since its early 18th century construction, and it is reported in the McGowan report that it was ruinous in 1772 but had obviously been restored by 1822 (document H.16, page 59). More recently, it has been both directly and indirectly impacted upon by the construction and existence of Bonnington Power Station. The stairs, which were originally orientated towards the terraced walk so that visitors could promenade along the path and straight up into the pavilion, were re-orientated to allow for the excavation of the pipe trench which is located immediately east of the stair (document D.12).

2.119 The approach from the former Bonnington House along the terraced walk or along the curved path from the walled garden contribute to an understanding of how a visitor was meant to encounter the pavilion. Both walks were originally lined with trees and woodland surrounding Bonnington House and along the east side of the walled garden would have prevented views of the parkland in the southeast of the estate. As it is today, views of the area to the south-east of the walled garden are limited as result of topography, though there will be some visibility from the curved path. However, the development of Bonnington Power Station (also a listed building) in the 1920's had a significant impact upon the pavilion and in many ways severed it from the rest of the designed landscape at Bonnington with the pipes cutting the entrance off from the terraced walk. The surge tank located immediately south-east of the pavilion dominates the building. McGowan's Designed Landscape Management Study states that "*the continuity of the terrace path is now severed by the aqueduct pipes serving the Power Station, although they can be crossed at a point. The setting of the building is compromised further by a large surge tank beside the building*" (page 59).

2.120 The function of the building to provide picturesque views over the Falls can still be appreciated, however, the design intention which sought for a visitor to proceed along the terraced walk, straight up the stairs and into the pavilion overlooking the Falls can no longer be experienced.

2.121 The proposed quarry extension would not be visible from the pavilion. Historic Scotland note that the quarry may impact upon views from the terraced walk which forms

part of the setting of the pavilion and therefore consider there could be a minor impact upon the pavilion's setting. However, as outlined above it is unlikely, given topography and historic tree cover around Bonnington House that the area of the quarry was visible from the pavilion or approaches to it or departures from it in the past. Furthermore, the quarry extension would not prevent or detract from an observer's ability to understand or appreciate the building's importance as an early picturesque landscape feature, which is appreciable despite previous impacts upon its setting by the Power Station. Consequently, there would be no significant impact upon the listed building or its setting. This assessment is shared by the council (see paragraph 5.6 of document A.21). There is no breach of policies ENV 4 and ENV 24.

2.122 The environmental statement assessed impacts upon the setting of Corehouse to be potentially significantly adverse. Historic Scotland agreed with this, though it did not consider that impacts reached a level which warranted objection. Corehouse was revisited in advance of the hearing sessions and it was considered that the current height of the trees in immediate vicinity of the house and the distance to the proposed extraction area would greatly limit any impact of the proposed development upon the setting of the building. Impacts are therefore not considered to be significantly adverse and as such the development can be seen to comply with policy MIN 2 in this respect. The council revised its conclusion on this matter at the hearing sessions and agreed that there would be no harm to Corehouse.

New Lanark and Falls of Clyde Conservation Area

2.123 At its nearest point the proposed extraction boundary is located some 230 metres from the conservation area. The proposed western extension would be visible from very limited areas of the conservation area; primarily this visibility would be in the vicinity of the Walled Garden at Bonnington. New Lanark itself and the majority of the conservation area (with the exception of some limited visibility at Bankhead) would not be inter-visible with the quarry extension. Indeed, the character appraisal (document B.9) makes several references to the significance of the "contained", "enclosed", and "secluded" setting of New Lanark and the importance of maintaining this. As the extraction area would be well beyond the conservation area boundaries its setting would not be harmed.

2.124 Regardless of inter-visibility, the proposed extension would not impact upon an observer's ability to understand, appreciate or experience the significance of the conservation area. The development would not have a significant adverse impact upon the value of the conservation area.

2.125 Based on the proposals as a whole, including restoration, mitigation and enhancement measures, working within the proposed western extension would generate no significant impacts on the landscape character and visual amenity of the conservation area. Therefore, whilst there are adverse effects in the short term, which only affect a very small proportion of the conservation area, in the medium to long term, the proposals would not adversely affect the integrity of this site. Therefore, it is agreed with the council that the proposal complies with policies ENV 4 and ENV 25 of the local plan, and policy MIN 2 of the minerals plan.

Bonnington Estate Boundary Wall

2.126 The environmental statement considered the boundary wall along the eastern extent of Bonnington Estate to be of regional heritage value. While it is part of the estate and included within the boundaries of the Falls of Clyde Designed Landscape, it cannot on its own be considered to be of national importance. Indeed, it is as a result of its association with the Bonnington Estate and its age that it is elevated to regional value. Similar features throughout Scotland are largely considered to be of local value.

2.127 The boundary wall extends along the southern and eastern boundaries of Bonnington. It is in variable condition along this length. South of Robiesland it contains entrances into modern agricultural fields. At the south-eastern corner of the estate the wall turns west, follows along the line of some remnant boundary trees and descends the hill towards the river. The wall is in less good condition along this southern boundary with numerous area of tumble. Towards the river, near the remains of Old Tulliford, it is little more than a turf covered bank.

2.128 While the wall is a visual feature today map regression shows that the boundary was historically lined with trees. This is shown on Roy's 1752-55 map and later OS maps indicate that the entire south-eastern corner of the estate was planted (document A.5, figures 6 & 10 in chapter 16). This suggests that the wall was not necessarily an important visual feature in the development of the picturesque landscape and parkland at Bonnington. Rather, it was more likely important functionally as an ownership boundary and possibly to keep livestock or game.

2.129 The environmental statement noted that the removal of a portion of the wall would result in an impact of high magnitude and moderate significance. It suggests that the wall should be recorded to a high level, to understand its layout design, materials and method of construction (factors listed as being of possible importance by Historic Scotland's guidance on 'Managing Change in the Historic Environment - Boundaries' (document CEM.27)). This would provide preservation of the existing wall by record prior to its removal. Recording of the wall would also allow for its reinstatement along the same line, to the same design and with the same material. This would allow the reinstatement and long-term retention of the wall's function as a boundary for the Bonnington Estate, albeit at a different height above ordnance survey.

2.130 Reinstatement of the wall would be undertaken with regard to Historic Scotland's *Managing Change* guidance on boundaries, particularly paragraph 5.7 which gives guidance on rebuilding (CEM.27).

2.131 Historic Scotland have indicated that they welcome the restoration and enhancement proposals included in the application, including specifically the "... *the rebuilding, on its original alignment, of the 18th century estate wall that marks the eastern boundary of the designed landscape*" (document A.10(c)). As noted above, although this reinstatement will be at a different level, it will allow the functional retention of the wall as a boundary feature. All work undertaken in recording the wall and reinstating it will be undertaken in line with Historic Scotland guidance. Therefore, it is considered that impacts upon the wall can be mitigated to an acceptable level and comply with development plan in this respect.

Boathaugh

2.132 The Boathaugh remains (a non-designated remains of a former house) are located some 132 metres beyond the proposed southern extension area. While there is potential for impacts upon the setting of Boathaugh, it should be noted that the permitted quarry extends to within 230 metres of the remains. It is unlikely that the proposed extension of the quarry by around 100 metres would materially increase the impact on setting. There would be no direct impact upon the remains, its former garden grounds, or its visual connection with the River Clyde. There would be no significant impact on the undesignated remains as a result of development.

Special Landscape Areas

2.133 It is acknowledged that the landscape and visual assessment contained within the environmental statement assessed the impacts on various landscape character types rather than assessing impact on the Middle Clyde Valley Special Landscape Area in its own right. However, the findings of the assessment process in terms of overall significance levels still apply to the designation itself.

2.134 It was concluded that the Rolling Farmland and Incised River Valley 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. These would be short-term (less than 10 years). However, following mitigation (see the restoration proposal section below) the result would be beneficial to the landscape.

2.135 Based on the proposals as a whole, including restoration, mitigation and enhancement measures, working within the proposed western extension would generate no significant impacts on the landscape character and visual amenity to the Middle Clyde Valley Special Landscape Area. Therefore, whilst there are adverse effects in the short-term (up to eight years), which only effect a very small proportion of this landscape designation, in the medium to long-term, the proposals would not adversely affect the integrity of this designation and the development is assessed as being compliant with the development plan. The level of predicted effects are also capable of being monitored and controlled by planning conditions and the proposed planning obligation. The proposal is therefore consistent with local plan policies ENV 4 and ENV 29, and minerals policy MIN 2.

Ecology

2.136 The applicant used the services of JDC Ecology to advise in ecology matters. The bog at Robiesland would naturally be treeless and it is only via the relatively recent intervention of human cut drains that has led to colonisation of trees on the site. The peat accumulation is around 2.2 metres and demonstrates that the site was a bog long before 1750.

2.137 It is refuted that the Robiesland woodland is an ancient woodland. Scottish Natural Heritage define ancient woodland as land that is currently wooded, and has been continually wooded, at least since 1750. Ordnance survey mapping from the 1860's shows the site as wooded, and incorporated into within woodland that has the appearance of being plantation woodland of the Bonnington Estate. It is submitted as probable that the drainage

ditches cut in this bog have led to the growth of trees as the peat surface dried out (a view shared by Scottish Natural Heritage). The age of the current trees is closer to 80 years.

2.138 The bog material would be translocated using specialist contractors who will carry out a detailed study of the site before works are undertaken to create a hydrological feature similar to how Robiesland bog would have been thousands of years ago (an open water body). Once it is demonstrated that the body could hold water it will be drained and the translocation of the bog will be undertaken, in accordance with a method statement prepared by the specialist consultants. When the peat has been translocated, the hydrology can then be controlled to re-wet the peat with the objective of restarting the growth of sphagnum mosses. This will preclude the planting of new trees on this site. The study and methodology for translocation and management can be controlled by condition.

2.139 A buffer of at least 200 metres has been implemented to ensure that ancient woodland around the River Clyde, and the wildlife reserve to the south of the proposal, is not harmed from the proposed development. Otter is only an occasional visitor to the existing woodland/bog and no resting places have been recorded there. Otters have been recorded using the existing quarry. Bats forage over the area as part of their wider foraging territory and have also been found foraging over the restored areas of the existing quarry. There would be no harm to these species as a result of the development. The existing trees are sub-optimal for bat roosts. It is noted that the restoration proposals would provide for significant woodland planting which could provide new foraging for bats and other species within eight years. It is also noted that the existing quarry has its own wildlife value with otters, pink footed geese (500 on restored land), sand martin nests, breeding ringed plover, teal, snipe, yellowhammer, twite, meadow pipit, skylark (on restored land), bats, bullfinch, jack snipe, lapwing, golden plover, oystercatcher and badger recorded. Development would therefore be compliant with local plan ENV 22 and minerals policy MIN 6.

The Restoration Proposals

2.140 The design associated with the restoration scheme was an iterative process that evolved over a number of years from October 2009. Various versions of the overall masterplan and site restoration plan were produced cumulating in a final version in October 2013.

2.141 The restoration pays attention to the physical attributes of the area, namely the characteristic landform formed by the forces of erosion and deposition associated with the last Ice Age when large ice sheets that covered the area (or following retreat of the ice), created many features that distinguish the landscape of the area today, in particular the steep incised gorge of the Clyde, its many waterfalls and rapids, as well as the numerous geomorphological features within the locality including eskers, drumlins, kettle holes, and wash out holes.

2.142 The physical surface characteristics associated with the geology and geomorphology of the area strongly influenced and guided the restoration design, particular the landform, gradient and scale. The new landform would be contoured back into the surrounding land and landscaped in accordance with a carefully thought out restoration scheme seeking to reflect the historic parkland setting.

2.143 Another important factor in the physical design of the western extension was associated with the reinstatement of the Bonnington Estate boundary wall. Rather than simply reinstating it along the adjacent restoration contours, the line of the wall is to be re-graded and backfilled with material left after quarrying operations in order to both reduce overall gradients as well as increase the overall elevation of the wall. This serves several purposes:

- to reinstate the western boundary of Bonnington Estate along its original line, albeit at a different level;
- to reinforce the role of the wall as a physical barrier separating the restoration of the parkland from the remainder of Hyndford Quarry; and
- to make the setting of the wall more naturalistic in appearance as well as allowing disabled access along the path/track.

2.144 As far as the physical surface characteristics of landform, gradient and scale are concerned, the proposed final design within the western extension compares favourably with those that currently exist within the Bonnington Estate. The proposed restoration contours would be in keeping with and reflect the main physical characteristics and scale of the designed landscape.

2.145 In conclusion to this matter, the design iterations were developed over a period of four years, during which time full consultations were held with both statutory and non-statutory bodies in order to achieve a restoration scheme that is in scale and context to the setting of the designed landscape and compliments and enhances both the area that would be subject to mineral extraction, as well as adjacent areas that are to be managed and enhanced.

Benefits

2.146 The following positive benefits are identified as a result of the proposed development:

- a restoration scheme that is in scale and context to the setting of the Falls of Clyde Designed Landscape and would complement and enhance the area – therefore overall an improvement to the parkland character of the area;
- improved connectivity in the area through tree planting and path formation and enhancement;
- landscape enhancements that will ultimately lead to an increase in biodiversity in the area;
- in the context that minerals can only be worked where they are found, the proposals would release mineral with above average coarse context lying adjacent to an existing working;
- a continuation of supply of mineral resources to support the construction sector thereby securing sustainable growth in the economy;

- sustaining employment directly/indirectly;
- continued payment of business rates;
- continuation of Annual Aggregates Levy payments resulting in circa £10 million over the life of the project (based on £2.10 per tonne);
- contribution to the council's Aggregates Fund amounting to 5 pence per tonne.

Legal Agreements, Planning Obligations and Conditions

2.147 The planning conditions proposed by the council are agreed. The applicant will also seek to agree the extent of any stopping up order which is required under Section 208 of the Town and Country Planning (Scotland) Act 1997. The applicant is also prepared to enter into an agreement under section 96 of the Roads (Scotland) Act 1984 to cover extraordinary damage to the public road network. In addition, subject to agreeing the precise terms with the council, the applicant is willing to enter into a section 75 planning obligation to: (1) secure contributions to the council's Aggregates Quarry Fund; (2) undertake to cease operations under the existing consent in the event that the application is granted and the permission is implemented; and (3) prepare a long-term management plan for the implementation and continued maintenance of the restoration/enhancement proposals.

Southern extension only

2.148 Section 32B of the Town and Country Planning (Scotland) Act 1997 (as amended) would not be engaged as the application is not being varied by the applicant. The relevant issue is whether Scottish Ministers can grant permission for the southern extension only by way of a condition attached to the permission (in which case the *Bernard Wheatcroft* case is relevant in that the High Court indicated there was no reason for a housing proposal to be reduced by condition).

2.149 It is proposed that the issue is whether the substance of the application would be altered and it is submitted that it would not be should only the southern extension be permitted as it would merely be the extent to the material to be extracted that would be reduced. The situation with the Overburns decision (document B.13) is different in context as the appellant suggested amendments to make an unacceptable development acceptable – that is not the case here.

2.150 There is sufficient information in the environmental statement about the southern extension to assess its impacts and conditions could be amended acceptably to account for the southern extension only. It is noted that there is only one objection to the southern extension (Sir William Lithgow regarding the Boathaug) but those concerns have been adequately resolved. It is stressed that there is no reason why both the western and southern extensions should not be granted. However, if Scottish Ministers were not convinced there is no reason why the southern extension could not be granted alone.

Conclusions

2.151 The following conclusions can be drawn from the applicant's case:

- Although development would be within the World Heritage buffer zone there would be no impact on the setting or the outstanding universal value of the World Heritage Site, its integrity or authenticity.
- It is accepted that there would be some significant adverse impacts but these are localised and temporary. For example, on part of the Falls of Clyde Designed Landscape, Middle Clyde Special Landscape Area, New Lanark and Falls of Clyde Conservation Area, Bonnington Pavilion.
- Any impacts would be outweighed by the overall benefits of the proposal in terms of demand for aggregate and the restoration proposals.
- The working group has overstated the impacts.
- The proposals are capable of being controlled and monitored through conditions and legal agreements/obligations.
- The applicant's assessment is generally supported by Historic Scotland and the council.
- The proposed development complies with the development plan overall and is supported by important material considerations, therefore permission should be granted.

3. SOUTH LANARKSHIRE COUNCIL - SUMMARY OF CASE

Background

3.1 The council's case is derived from its planning committee report, outline and full hearing statements, comments made at the hearing sessions, closing submissions, and further written submissions.

3.2 The committee report (document A.5) recommended that the planning committee grant planning permission for the proposal subject to conditions; the promotion of a stopping-up order; planning obligations to cease an extant planning permission on the application site (CL/11/0285) and make financial contributions to the Aggregate Quarry Fund; and a legal agreement to ensure payment for exceptional wear and tear on the roads.

3.3 The report describes the application site, outlines the proposals, and summarises the findings of the environmental assessment. The report also includes relevant development plan policies, government advice and policy, and other material considerations. It describes the pre-consultation measures taken by the applicant, the planning history of the site, and gives an overview of the role of Historic Scotland. A summary of all consultation responses and representations is provided.

3.4 Sand and gravel operations at Hyndford Quarry were consented in 1964. Existing consent under CL/11/0285 requires extraction operations to end on 31 December 2027. The extension proposed would combine with the extant planning permission to form one consent. This would allow extraction until 2032. The applicant has indicated no that it has no intention to further extend Hyndford Quarry if the current proposal is approved.

The Role of Historic Scotland

3.5 Historic Scotland is directly responsible to Scottish Ministers for safeguarding the nation's historic environment, and promoting its understanding and enjoyment. It provides advice and guidance in relation to world heritage matters and for ensuring compliance with the UNESCO World Heritage Convention.

The Development Plan

3.6 The components of the development plan set out in paragraph 1.18 are agreed. The main objective of the development plan is sustainable economic growth. Achieving sustainable economic growth requires securing investment and jobs, an adequate supply of mineral resources, and protecting the environment.

Glasgow and Clyde Valley Strategic Development Plan

3.7 The broad principles and strategic support measures of the strategic development plan are relevant to the proposed development in setting the context for the more detailed policies contained within the local plan and minerals local development plan.

3.8 The application site is shown in diagram 15 of the plan within a broad search area for aggregate minerals. Therefore, subject to the application and assessment of detailed

policies, the principle of development at a strategic level is acceptable. There is no presumption against mineral extraction within the application site.

3.9 Strategic support measure 9 (natural resources planning) states that low carbon economic growth requires the use of indigenous resources. This measure is checked by the need to protect the environment as another element critical to a low carbon economic future (see strategic support measure 8).

South Lanarkshire Local Plan

3.10 The application site is identified within the 'accessible rural area' where policy STRAT 4 (accessible rural area) applies. The policy seeks to build on the economic potential of the rural area. As identified there would be a temporary adverse impact on a number of designations, however the restoration and proposed enhancements would offset these negative impacts and result in a beneficial impact within the local area. Consequently, the proposal would comply with policy STRAT 4.

3.11 Following the provisions of policy ENV 4 (protection of natural and built environment), an adverse impact on the New Lanark World Heritage Site would only be permitted where its conservation interest and integrity were safeguarded unless there was no alternative and an overriding public interest in allowing a scheme to proceed. Furthermore, any adverse impact on an A-listed building, conservation area or garden or designed landscape would require to be overcome by social or economic benefits of national importance.

3.12 It was confirmed at the hearings that there is overlap between policies. In particular, policies ENV 4 should be read in directly with policies ENV 7 (New Lanark World Heritage Site) and ENV 22 (New Lanark development assessment). The requirements of policy MIN 2 (environmental protection hierarchy) of the minerals local development plan are also similar, where the World Heritage Site and buffer zone are identified as a category 1 site (see paragraph 1.40).

3.13 It is accepted that in the local plan, and the minerals local development plan, the New Lanark World Heritage buffer zone is equated to the setting and that policies ENV 7 and ENV 22 apply both to the World Heritage Site and the buffer zone. However, any assessment of effect within the buffer zone or from the buffer zone onto the World Heritage Site has to be assessed in the context of the purpose of the buffer zone. This approach to the interpretation of these policies is supported by paragraphs 5.9 and 5.10 of the local plan, where it states that the "*central aim of the policy is to protect the 'critical heritage capital' of the World Heritage Site*", and that "*the council will give significant weight to the values of the World Heritage Site, which include its setting (buffer zone).*" This suggests that the critical heritage capital is the World Heritage Site not the buffer zone, and that different values can be given to the significance of the world heritage site and the buffer zone.

3.14 The provisions of policy ENV 22 are set out in paragraph 1.31, which provides each of the eight detailed criteria to assess development. For the reasons stated in paragraphs 3.48 to 3.60, the proposal is found to technically breach policy ENV 22 by failing to comply with the following three criteria:

- development must preserve, protect and enhance the character, integrity and quality of the New Lanark World Heritage Site and its setting (buffer zone);
- development will not be permitted where it will result in the loss of important built or landscape features such as walls, traditional boundary treatments, ancillary buildings, trees or hedgerows;
- development will not be permitted on open spaces which make a positive contribution to the character of the World Heritage Site and its setting (buffer zone), or which provide important settings for, or views to and from, existing buildings and features.

However, this assessment is based on the short term impacts of the proposal, and it would satisfy the other criteria (see paragraph 1.31) applicable from policy ENV 22. The following restoration and enhancement of the application site would ultimately benefit the World Heritage Site and its surroundings in keeping with local plan policies ENV 4 and ENV 7.

3.15 Local plan policy ENV 23 (ancient monuments and archaeology) protects scheduled ancient monuments and their settings from development. Policy MIN 2 also gives scheduled monuments category 2 protection. Following the reasoning in paragraph 3.72, the proposal would have no harm on any monuments.

3.16 Policy ENV 24 (listed buildings) requires proposals to preserve listed buildings, their settings, or any features of special architectural or historic interest they possess. Minerals policy MIN 2 also identifies A-listed buildings as category 2 designations, and B and C listed buildings as category 3 designations. Policy ENV 4 also identifies A-listed buildings as nationally important, and B and C listed as of regional and local importance. As set out in paragraphs 3.67 3.68, there would be no harm to listed buildings.

3.17 Policy ENV 26 (sites of special scientific interest / national nature reserves) provides safeguards for these designations, while policy ENV 4 identifies these being of national importance. With reference to paragraph 3.79, the proposed development would not harm any nearby reserves or sites of interest.

3.18 Conservation areas are protected by local plan policy ENV 25 (conservation areas) where proposals should not harm the area or its setting. Policy MIN 2 also gives conservation areas category 3 protection. While policy ENV 4 identifies conservation areas being of national importance. For the reasons provided in paragraphs 3.69 and 3.70, the proposal would not harm the New Lanark and Falls of Clyde Conservation Area, or its setting.

3.19 Policy ENV 28 (historic gardens and designed landscapes) requires development to protect, preserve and enhance such designations (see paragraph 1.35). Policy MIN 2 conveys category 2 status to these designations. While policy ENV 4 identifies such areas being of national importance. There are temporary impacts on the Falls of Clyde Designed Landscape (see paragraphs 3.61 to 3.66) which result in the proposal being considered contrary to policy ENV 4, ENV 28 and MIN 2. However, these impacts would be overcome once the restoration and enhancement was undertaken.

3.20 Special landscape areas are protected through local plan policies ENV 29 (regional scenic areas and areas of great landscape value) and ENV 4 (local or regional importance).

Policy MIN 2 also provides category 3 protection. The proposal complies with these provisions (see paragraphs 3.73 to 3.75).

3.21 The council endeavours to maximise job creation in rural areas by encouraging development of an appropriate form in the right locations through local plan policy CRE 2 (stimulating the rural economy). For the reasons stated in paragraph 3.83 the proposal satisfies this policy.

3.22 Part of the proposed western extension is covered by the Clyde Gateway Strategic Green Network supported by policy STRAT 7 (strategic green network). For the reasons in paragraph 3.84 there would be no conflict with this policy.

South Lanarkshire Minerals Local Development Plan

3.23 For the purposes of applying development plan policies it is agreed that the mineral extracted from the Hyndford Quarry would serve a regional market. The plan acknowledges that minerals are only to be worked where they are found. In this instance, the application site contains a significant amount of mineral that could be accessed and processed through existing infrastructure facilities including the plant site, lagoons and haul road. Mineral extraction at Hyndford Quarry has been undertaken for a number of years without causing any substantial complaint from the local community or an unacceptable impact on the environment.

3.24 The South Lanarkshire Minerals Local Development follows the requirements of Scottish Planning Policy by ensuring a steady supply of minerals and the maintenance of a land bank for construction aggregates equivalent to at least 10 years extraction through policy MIN 1 (spatial framework). There is a policy presumption in favour of minerals development if a 10 year land bank is not maintained. Equally, it is argued that less weight should be given to proposals where a sufficient land bank is maintained. The policy also requires that the council balance the economic benefit from mineral development against the potential impacts on the environment and local communities. For the reasons stated in the summary below, together with compliance with mitigation measures stated within the environmental statement and adherence to conditions, the proposal is acceptable.

3.25 Hyndford Quarry directly employs 13 people. A further 50 indirect jobs are associated with the quarry. The proposed development would have a positive impact on the local economy through continued employment and provision of raw material necessary for sustainable economic growth.

3.26 There is no blasting associated with the proposed development. It is therefore considered that there would be no adverse vibration arising from operations. Furthermore, mitigation measures (controlled by condition) could control dust from the site, and operations could be carried out within set noise parameters. It is noted that the site currently operates without vibration, noise or dust nuisance.

3.27 The output of the quarry is estimated to be between 500,000 and 650,000 tonnes per annum, although recent output has been closer to 450,000. Extracting 600,000 tonnes per annum would give rise to an average of 102 loaded heavy goods vehicles leaving daily (204 trips per day). However, The quarry is operational and so daily traffic intensity would not significantly increase as a result of the proposal.

3.28 In terms of cumulative impact, there are three mineral sites within five kilometres of the application site. The committee report provides more information on these sites but it is considered that the activity and transportation demands arising from these sites in conjunction with the proposed development would not result in any significant adverse cumulative impacts.

3.29 A minerals operator survey was carried out in 2013 and 2014. These provide the background to the council's assumptions on demand and supply. There is a clear increase in supply in the last 12 months with two new quarries and mineral output increase. The 2013 survey concludes that additional reserves of sand and gravel are required at the end of the 10 year period to maintain output, and that almost half the sand and gravel extracted within South Lanarkshire comes from Hyndford Quarry.

3.30 The council has a responsibility to maintain a 10 year land bank of permitted aggregate reserves. The Overburns quarry appeal decision (document B.13) considered that a land bank of 17 million tonnes would address 10 years demand for aggregate for the market area which quarries within South Lanarkshire serve. It is suggested that Ministers are not bound by the Overburns decision. It is accepted that 1.7 million tonnes could be extracted per year but not, at this point, the 20 million that the reporter in that appeal decision suggested.

3.31 The land bank must consist of permitted reserves which are available over the 10 year period. It is agreed that the consented reserves are 18,750,000 tonnes but the available reserves until 2023 are calculated to be 15.73 million tonnes up to 2023 (as taken from the 2014 survey – see paragraph 2.4.2 of document B.18) . Contrary to the applicant's position, it is believed that the Westend Wood and Garvald reserves are available and could come forward. It is also considered that developers/operators should come forward with proposals that would meet market demand and provide the quality the market requires. However, the land bank in South Lanarkshire is constrained toward the end of the 10 year period as a result of a number of quarries becoming exhausted.

3.32 It is noted that the proposed westerly extension contains a greater proportion of gravel than in other parts of the quarry. Hyndford Quarry has historically been deficient of gravel reserves relative to sand reserves. The gravel within the westerly extension would be beneficial to the local and regional economy, and in maintaining the quarry's output going forward. The continued contribution to the sand and gravel land bank is an important consideration in favour of the proposed development.

3.33 Approval of the proposed extension to Hyndford Quarry would increase the consented reserve at the quarry and would therefore extend the life of the quarry (estimated to be between 16.1 and 19.8 years). This would address the small shortfall of consented and available reserves at the end of the 10 year land bank within South Lanarkshire in the longer term, by guaranteeing a steady supply of construction aggregate to the central belt of Scotland. Conditions can ensure that the operations are monitored.

3.34 The protections provided by policy MIN 2 are described throughout the policy section. Proposals should be assessed against short term, long term and overall impacts. Restoration can be considered a form of mitigation. Therefore, the terms of policy MIN 2 (environmental protection hierarchy), in stating "*following the implementation of any mitigation measures*", allows an assessment of the proposed development and its restoration proposals. This position is supported by paragraphs 3.5 and 3.17 of the

minerals local development plan. It is noted that the supportive text for policy is relevant to the interpretation of policy but is not policy itself as in *R (on app of Cherkley Campaign Ltd) v Mole Valley District Council [2014]* (submitted as part of the council's closing submission).

3.35 There would be no significant cumulative impacts as a result of the proposed development and other mineral developments in the area consistent with policy MIN 3 (cumulative impact). See paragraphs 6.4.88 to 6.4.92 of document A.5 for more details.

3.36 Proper provision has been given by the applicant for the restoration and aftercare of the site under the terms of policy MIN 4 (restoration), and as advised by annex D of Planning Advice Note 64 (document C.9). Further information can be sufficiently sought through conditions.

3.37 The proposal would not harm the water environment as protected by policy MIN 5 (water environment) – see paragraph 3.81. Policy MIN 6 (peat) requires best practice in handling, storage and restoration of peat. As stated in paragraph 3.77, the proposal would comply with best practice. Also, any environmental impacts would be protected as per policy MIN 7 (see paragraph 3.82).

3.38 The funding sought through policy MIN 8 (community benefit) would be collected by the council following which interested parties could seek a contribution from the community fund to address the impacts of the development or for an un-related project. The funding is sought by the minerals plan policy but, as a volunteered financial gain, should not be considered in the decision-making process. Policies on transport (MIN 12) and legal agreements (MIN 13) are not disputed.

Other Policies

The Proposed South Lanarkshire Local Development Plan

3.39 The Proposed South Lanarkshire Local Development Plan is a material consideration as the settled view of the council. The recently submitted report of examination into that plan gives it additional weight as a material consideration. The recommendations of that report require a change to policy 15 (natural and historic environment) to include an assessment of proposals within the buffer zone against their potential impact on the Outstanding Universal Value of the New Lanark World Heritage Site. This change demonstrates that:

- development is not precluded within the buffer zone;
- it is the impact upon the World Heritage Site not the buffer zone that is assessed;
- that any impact should be assessed against the Outstanding Universal Value of the site.

3.40 In terms of the other relevant policies, the proposed development would comply with:

- policy 1 (spatial strategy) in promoting sustainable economic growth;

- policy 2 (climate change) in utilising existing plant and facilities, not being at risk of flooding, and being unlikely to have a significant impact on the natural environment;
- policy 4 (development management and place making) in protecting amenity from dust, noise, air pollution and vibration;
- policy 11 (economic development and regeneration) in having a positive impact on the local economy through continued employment and provision of raw material necessary for sustainable economic growth;
- policy 17 (water environment and flooding).

The proposal would fail to comply with all of the provisions of policy 15 for the same reasons given in relation to failure to comply with minerals policy MIN 2 - the temporary nature of impacts on the World Heritage Site and buffer zone, and on the Falls of Clyde Designed Landscape.

Proposed supplementary guidance

3.41 Supplementary guidance is also material considerations until adoption following the adoption of the proposed local development plan, when it will become part of the development plan.

Scottish Planning Policy

3.42 The relevant policy contained within the approved Scottish Planning Policy and National Planning Framework 3 does not significantly differ from that contained within the consultation drafts of these documents, which were considered in the committee report. The assessment and conclusions contained within the committee report therefore stand.

3.43 Scottish Planning Policy advocates the balancing of costs and benefits over the longer term. It is argued that the proposed development would contribute to sustainable development by providing net economic benefit, making efficient use of land, and protecting the cultural and natural environment. The provisions of the development plan are consistent with those of Scottish Planning Policy.

National Planning Framework 3

3.44 The National Planning Framework 3 supports the protection of the environment but also provides support for construction through the supply of minerals. It is noted that the Clyde walkway (close to the application site) is part of a national development – the Clyde Walkway Long Distance Route.

Scottish Government Planning Advice

3.45 The control of noise, dust and traffic can be controlled by condition following the provisions of Planning Advice Note 50 (controlling the effects of surface mineral workings). Best practice on the reclamation of mineral sites given in Planning Advice Note 64 (reclamation of surface mineral workings) has been undertaken by the applicant.

Nomination of New Lanark for inclusion in the World Heritage list

3.46 The nomination document (document D.2) was prepared for the purposes of gaining world heritage status alone, and is therefore not to be used in assessment of the proposal.

Other policy comments

3.47 It is suggested that in relation to heritage designation documents is that these relate to an international convention - The Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention). Therefore, these should only be considered to the extent that they have been incorporated into Scots or UK law. Further, that drafts, preparatory documents, and submissions as to what should be in documents should not be referred to in determining the meaning of the finally agreed document. These points are raised in response to the working group and other parties reliance on a number of preparatory and other documents (mainly core documents D and F) in relation to the intent of the designation of the New Lanark World Heritage Site including the buffer zone and the meaning of Outstanding Universal Value. The primary concern should be on the Scottish Government documents, such as Scottish Planning Policy that bring the effect of the World Heritage Site designation into Scots Law and the trickle down from the Scottish Planning Policy to the development plan. It is submitted that one only needs to refer to other documents where there is ambiguity.

New Lanark World Heritage Site

3.48 The application site is located entirely outwith the New Lanark World Heritage Site, some 600 metres to the south-west. The closest part of the extraction area is located 900 metres from the world heritage site. As a result of local topography, and natural and built screening, the extraction area would not be visible from within the New Lanark World Heritage Site. The proposed development would not result in unacceptable visual impact on the world heritage site. Consequently, the potential impact of the proposed development on the New Lanark World Heritage Site is confined to impact on the character, integrity and quality of the buffer zone and potential impact on the setting of the site.

3.49 The majority of visitors to the area would visit New Lanark and the Falls of Clyde. Visitor experience of the gorge and New Lanark would be unaffected by the development. In the long-term, following restoration, the application site would deliver an improved area, through tree planting, footpath construction, and other improvement works, which would support the World Heritage Site and provide additional opportunities to visitors to the site.

Outstanding Universal Value

3.50 In line with the Adopted Statement of Outstanding Universal Value – United Kingdom 2011 (document D.4) the level of authenticity at the New Lanark World Heritage Site is identified as being high, and the integrity of the village is close to that of the nineteenth century.

3.51 The location of the proposed extraction areas would mean that there would be limited inter-visibility from the World Heritage Site. Therefore, the proposed operation would not likely adversely affect the value of New Lanark World Heritage Site as it relates to the interchange of human values, its architectural merits, or the living traditions of the site, and the ideas and beliefs of Robert Owen. The proposed development would not adversely

affect the factors which contribute to the integrity and authenticity of the New Lanark World Heritage Site.

3.52 It is noted that ICOMOS-UK consider that the buffer zone of New Lanark World Heritage Site relates to the its Outstanding Universal Value, which is at odds with Historic Scotland's view. Historic Scotland's stance is preferred in this instance because:

- there is limited inter-visibility between the application site and New Lanark World Heritage Site;
- the buffer zone is not included within the World Heritage Site;
- the buffer zone is within the Falls of Clyde Designed Landscape designation;
- the application site is not located within the immediate setting of the World Heritage Site, nor within important views to or from it;
- the restoration proposals would provide benefit to the area; and
- Historic Scotland is a statutory consultee whereas ICOMOS-UK is not.

3.53 Having regard to the findings of the environmental statement, the advice provided by Historic Scotland, and based on the consideration of the nature and location of the proposed development, it is considered that the extraction operation would not be visible or audible from New Lanark World Heritage Site. The proposed development is unlikely to create a direct adverse impact on the World Heritage Site and its setting, its Outstanding Universal Value, integrity or authenticity. Whilst there may be inter-visibility, this would be limited and temporary and would not adversely affect the character, integrity and quality of the World Heritage Site and does not therefore merit refusal of the proposal.

New Lanark World Heritage Site Buffer Zone

3.54 The buffer zone is an area surrounding a World Heritage Site in which development may harm the site's setting, views or attributes. The buffer zone add a supplementary degree of protection to a World Heritage Site. Its purpose is therefore to ensure that planning decisions around a World Heritage Site fully consider the potential impact which they might have upon those elements which contribute to the outstanding universal value of the World Heritage Site itself. Development within the buffer zone is not precluded, but does require stringent assessment.

3.55 The geographical area of the setting of the New Lanark World Heritage Site and its buffer zone differ. Whilst there may be some coincidence between the two areas, the setting is different than the area encompassed within the buffer zone, and certain areas in the buffer zone do not form part of the setting.

3.56 The proposed extraction would encroach around 20 hectares into the eastern periphery of the 667 hectare buffer zone of the World Heritage Site. Whilst on completion of restoration, the development would permanently change the original landform within this part of the buffer zone, it is noted that the proposed restoration profile of the western extension would reflect the gradients of the surrounding area and wider landscape setting.

3.57 Whilst it is accepted that there would be a temporary negative effect of some eight years on the buffer of the World Heritage Site during extraction operations, it is not considered that there would be a resulting negative effect on the character, integrity and quality of the World Heritage Site or its setting. The proposal would ultimately lead to the enhancement of the buffer zone.

3.58 The restoration of the site, including planting and landscaping proposals which would reflect and potentially improve the parkland character of this part of the buffer zone would ensure any functional role it plays is adequately addressed.

3.59 The proposal would not conflict with the aims of the New Lanark World Heritage Site Management Plan 2013-2018, and would positively contribute to aim 4 to improve access to and within the World Heritage Site following restoration.

3.60 As a result of the temporary negative impact on the buffer zone during extraction and restoration operations; the removal of trees (see paragraph 3.76); and the removal of the boundary wall (see paragraph 3.71) the proposed development would be contrary to three criteria of policy ENV 22 (see paragraph 3.14), and minerals policy MIN 2. However, these impacts would be for a short period (up to eight years) before restoration with enhancement, tree planting and rebuilding the boundary wall. The development has the potential to improve the area, to the benefit of the World Heritage Site and its setting, once restoration is completed. The effect in terms of policy ENV 22 would become neutral to beneficial over time. For these reasons the proposal would comply with local plan policies ENV 4 and ENV 7.

The Falls of Clyde Designed Landscape

3.61 The Falls of Clyde Designed Landscape was designated following an assessment against seven criteria: work of art; historical; horticultural, arboricultural, silvicultural; architectural; scenic; nature conservation; and archaeological. The proposed development should be assessed against its impact on these criteria.

3.62 The historical enhancement of the natural scenery around the Falls of Clyde through landscape design gives the designed landscape a high value as a work of art. However, as views to the extraction site from the gorge and other popular pathways would be restricted it is not considered that the development would significantly affect this quality of the designed landscape.

3.63 The development and appreciation of picturesque landscape theory is noted as being of historical significance to the Falls of Clyde and surrounding estates. It is acknowledged that the proposal would have an adverse impact on the picturesque parkland landscape within the Bonnington Estate during extraction operations. However, the restoration and enhancement proposals would result in long term and permanent benefits to the parkland.

3.64 The Inventory notes that the designed landscape has little horticultural value, and none is recorded of value within the Bonnington Estate. In terms of architectural and archaeological interest there would be no significant adverse impact on listed buildings or scheduled ancient monuments within the designed landscape.

3.65 The designated area is known and recorded for its outstanding contribution as a scenic landscape. The proposed development would cause an adverse impact on the scenery within part of the Bonnington Estate during extraction. However, this impact would be mitigated following restoration and enhancement.

3.66 In conclusion, the proposed development would cause a temporary significant adverse impact within the Falls of Clyde Designed Landscape technically contrary to local plan policies ENV 4 and ENV 28, and minerals policy MIN 2. However, the need for minerals together with the restoration and enhancement proposals mean that on balance there would be long-term improvement of the designed landscape.

Listed Buildings

3.67 Bonnington View House (A-listed), also known as Bonnington Pavilion, was designed as a viewpoint and its focus is therefore directed towards the Falls of Clyde. The environmental statement suggests that the presence of Bonnington Power Station has a negative impact on the setting of the Bonnington Pavilion. This, however, is mainly caused by the presence of modern poorly designed fencing. Historic Scotland considers the proposed development is likely to cause an impact of minor significance on the pavilion. Views of the application site from the Pavilion are affected by topography, trees, power lines and distance to the proposed workings, and the adverse effect of the proposed development on the pavilion is not considered significant.

3.68 The environmental statement predicts no direct impact on any A-listed buildings. A moderate indirect impact on Corehouse (A-listed); a minor impact to Harperfield House (B-listed); and minor impacts to Harperfield House, Stables and the Dovecot at Corehouse (both C-listed). These findings were agreed at the hearing session where it was conceded that there would be no impact on Corehouse. The proposed development would not result in an unacceptable impact on any listed buildings, or their integrity. The development is therefore compliant with local plan policies ENV 4 and ENV 24, and minerals policy MIN 2.

New Lanark and Falls of Clyde Conservation Area

3.69 The western boundary of the application site abuts the New Lanark and Falls of Clyde Conservation Area. The closest extraction would be some 220 metres from this conservation area. The extraction operations would be visible from limited parts of the conservation area, principally in the south eastern extent near the walled garden.

3.70 However, views would be interrupted to the extraction area from this point due to the distance and intervening topography. Any impact from extraction would be indirect on the setting of the conservation area and temporary. The proposals to re-introduce structure planting and improve opportunities for public access through the formation of footpaths are not considered likely to adversely affect the setting of the conservation area or its setting. Having regard to the New Lanark and Falls of Clyde Conservation Area Character Appraisal, it is considered that the development would not result in an adverse impact on the conservation area. The proposal would therefore comply with local plan policy ENV 4 and ENV 25, as well as minerals policy MIN 2.

Bonnington Estate Boundary Wall

3.71 It is accepted that the Bonnington estate wall is one of the last remaining built heritage features relating to the former parkland, which survives as a relatively prominent feature in good condition. Whilst it is acknowledged that the wall would be reinstated on land of differing topography than existing, it is considered that the mitigation measures put forward by the applicant (to rebuild the wall) are acceptable, and sufficient to offset the adverse impact.

Scheduled Ancient Monuments

3.72 The proposal is predicted to have a minor impact on four scheduled ancient monuments during extraction – Hyndford House, Crannog; Corra Castle; Blackhouse Burn; and Cleghorn. There is no objection from Historic Scotland in relation to the impact on these monuments. Furthermore, the West of Scotland Archaeological Service are satisfied that any on-site archaeological remains can be protected/recorded by use of a planning condition. The proposal would therefore comply with local plan policies ENV 4 and ENV 23 in this regard. The proposal would technically not be compliant with policy MIN 2 but that can be set aside as there would be no direct harm to a scheduled ancient monument as a result of development, and the minor impact would be temporary.

Special Landscape Areas

3.73 The proposed western and southern extensions would be located within the Middle Clyde Valley Special Landscape Area. The designated landscape extends from Lanark northwest to the edge of Hamilton but excludes the existing Hyndford Quarry site. It is significant due to a combination of landscape qualities and uniquely important sites, including its scenic qualities, cultural features, semi-natural woodlands, and accessibility.

3.74 The visual impact of the extraction areas would be restricted to the local area (up to one kilometre from the extraction area), and longer views would be constrained as a result of intervening topography and screening. This also applies to walking routes in the area. Consequently, it is considered that the impact of the proposal on the Middle Clyde Special Landscape Area would be limited, and that the development would not create a significant adverse impact on the landscape qualities and unique sites of the designation. Furthermore, the restoration and enhancement proposals would result in an improvement of the landscape through the creation of footpaths, structure planting and reinstatement of historical features.

3.75 The application site is also located on the edge of the Upper Clyde Valley and Tinto Special Landscape Area. No mineral extractions are proposed within this designation but enhancement works are proposed. Views from this special landscape area to the southern extension would be possible from the A70 from Hyndford Bridge to Sandilands. However, these views would be restricted by intervening topography and transient. It is considered that the proposal would not have a significant adverse impact on this special landscape area. Therefore, in this matter the proposal is compliant with local plan policies ENV 4 and ENV 29, and minerals policy MIN 2.

Ecology

3.76 An area of 1.5 hectares of woodland would be felled as part of the proposed western extension. This area is incorrectly identified within the minerals local development plan and the local plan as an Ancient Woodland. The woodland is actually 'an area of long established woodland or woodland of high conservation value'. A further three mature trees (part of the parkland landscape) would also be lost as a result of the proposed quarrying in the western extension. The tree loss would create an adverse impact but this would be offset by new structure planting as part of the restoration proposals which would significantly exceed the area being felled. It is noted that Scottish Natural Heritage has no objection to the felling.

3.77 An area of peat below the aforementioned woodland would require removal and storage during the extraction period. It is argued that this peat resource is currently being deteriorated by the trees. In any case, it is believed, together with Scottish Natural Heritage and the Scottish Environment Protection Agency, that the translocation of the peat resource could be suitably addressed through a method statement (controlled by condition) and thereafter implemented successfully. The proposal would comply with policy MIN 6.

3.78 Scottish Natural Heritage is content with the findings of the species protection plan for otters and bats. Further details on survey records and impacts of on-site traffic, and pre-start checks could be suitably controlled by condition. Consequently, it is argued that there would be no adverse impact on protected species. The proposal is consistent with policies ENV 4 and ENV 21 (European protected species – see paragraph 1.37), and MIN 2.

3.79 Any impact on the nearby Falls of Clyde Site of Special Scientific Interest (450 metres from the nearest extraction point) and the Clyde Valley Woodlands National Nature Reserve (200 metres from the nearest extraction point) would be indirect through hydrology and hydrogeology. Scottish Natural Heritage and the Scottish Environment Protection Agency did not object to the proposal. Monitoring of drainage and habitat can be controlled by condition to ensure no adverse harm to these designations. This aspect is consistent with local plan policies ENV 4 and ENV 26, and minerals policy MIN 2.

3.80 There would be no significant impact on nature conservation or biodiversity interests. Indeed, it is argued that the restoration proposals should improve habitats and biodiversity in the area.

Other Matters

3.81 There would be no 'wet working' on the site below the water table. It is therefore suggested that conditions could suitably control measures to ensure no adverse effect on the water environment. In consideration of the submitted flood risk assessment, it is also agreed that the risks of flooding from the proposal are low. Consequently, the proposal would comply with policy MIN 5.

3.82 A condition would ensure a satisfactory record of any archaeology found. Site monitoring could be controlled by condition satisfying policy MIN 15. Noise, dust and vibration and air pollution could all be suitably controlled by condition satisfying policy MIN 7, and local plan policy DM1 (development management).

3.83 In assessing the proposals, and considering job retention (see paragraph 3.25), the development would be in right location and environmental impacts could be successfully mitigated with benefits to the local area. Therefore, the proposal is compliant with policy CRE 2.

3.84 It was confirmed during discussions that only a small portion of the proposed western extension would be within the green network identified in the local plan. There may be a temporary impact on the green network during extraction but enhancement following restoration. The proposal is therefore compliant with policy STRAT 7.

Legal Agreements, Planning Obligations and Conditions

3.85 It is considered that the planning application should be granted subject to the planning obligations and conditions set out within the committee report, and that these requirements comply with the relevant tests contained within Scottish Government circulars 4/1998 on planning conditions and 1/2010 on planning obligations.

3.86 It is noted that the applicant has volunteered to make a contribution to the Aggregate Quarries Fund (as per policy MIN 8). A planning obligation covering the following issues would also be required:

- contributions to the Aggregate Quarries Fund, or similar community benefit fund;
- contributions to cover extraordinary wear and tear on the public road network and associated cycle lanes, in terms of section 96 of the Road (Scotland) Act 1984;
- an undertaking to cease, and not restart, operations under planning permission CL/11/0285 following commencement of operations under this permission;
- provision for the establishment of a management group to advise on the management of the western extension area including the restoration and other works agreed to be undertaken by the developer (as suggested at the hearing).

3.87 The proposed extension to the quarry would not increase traffic onto the A73 but would prolong the life of the operation. Payment for extraordinary wear and tear on the public road network and the provision of signage to warn cyclists of heavy goods vehicles is therefore justified. This would be consistent with minerals policies MIN 12 (transport) and MIN 13 (legal agreements).

3.88 The cessation of the extant planning permission CL/11/0285 would ensure clear changes in the phasing of the development, and ensure that all parties would know what is being implemented when, as well as aiding monitoring as the development progresses.

3.89 A stopping up order under section 208 of the Town and Country Planning (Scotland) Act 1997 (as amended) would be required to stop up the part of the drove road located on the proposed extraction site.

Southern extension only

3.90 Planning permission for the southern extension only should not be recommended. To grant such a limited permission is either incompetent or, if competent, the change is so

substantial that it should not be considered. Section 32B of the Town and Country Planning (Scotland) Act 1997 (variation of application referred to Scottish Ministers) requires an application by the applicant for a variation of the planning permission. Such an application would require details of the proposed variation with such new environmental information as it required to support the variation. The applicant has not applied for such a variation and therefore it is not competent for the Scottish Ministers, of their own volition, to grant consent subject to a variation. In any event, sub-section 32B(3) states that if there is “a substantial change” then the Scottish Ministers “are not to agree the variation.”

3.91 It is argued that the following would amount to development which would be, in substance, different from that currently proposed:

- deleting the western extension with all the restoration “benefits” that have been promised in respect of that extension;
- the requirement substantially to change and re-work the phasing of the extraction, particular as phase 1 (western extension) was intended to work back into the main quarry area;
- the conditions that will be required to safeguard the parliamentary wall and drove road;
- the consideration that might be required in respect of restoration “benefits” linked to the southern extension only.

3.92 It is accepted that under sub-section 32B(4) the Scottish Ministers could require notification of the variation so that there could be further consultation. However, if there is need for further consultation that is a clear indication that the variation is substantial.

3.93 The following legal submissions were produced to support the view that the southern extension should not be recommended, Ministers should note these for their own purposes (they can be viewed within the council’s closing submission): *Bernard Wheatcroft Ltd v Secretary of State for the Environment (1982)*, and *Walker v Aberdeen City Council 1998*.

Conclusions

3.94 The following conclusions can be drawn from the council’s case:

- The proposal is considered acceptable in principle at a strategic level. It is not at odds with the provisions of the strategic development plan.
- A limited and temporary impact (up to eight years) on the World Heritage Site and buffer zone, and the Falls of Clyde Designed Landscape, is contrary to local plan policies ENV 4, ENV 22, and ENV 28, as well as minerals policy MIN 2.
- However, the impacts of development would be offset in the medium to long-term as restoration and enhancement of the site were undertaken. The impact would become neutral to beneficial. Therefore, approval would not represent a significant departure from the development plan.

- The proposal is compliant with The proposal would be consistent with minerals local development plan policies MIN 1, MIN 4, MIN 5, MIN 6, MIN 7, MIN 12, and MIN 15. It would also comply with local plan policies STRAT 4, STRAT 7, CRE 2, ENV 7, ENV 12, ENV 21, ENV 23, ENV 24, ENV 25, ENV 26, ENV 29, and DM1.
- The council's assessment is generally supported by Historic Scotland and the applicant.
- The proposed development complies with the development plan overall and is supported by important material considerations, therefore permission should be granted.

4. NEW LANARK AND FALLS OF CLYDE WORKING GROUP - SUMMARY OF CASE

Background

4.1 The New Lanark and Falls of Clyde Working Group is an umbrella group made up of:

- Save Our Landscapes.
- ICOMOS-UK.
- New Lanark Trust.
- The Garden History Society of Scotland.
- Lanark and District Civic Trust.
- The Royal Burgh of Lanark Community Council.

4.2 It's case derives from its representations, outline and full hearing statements, comments made at hearing sessions, closing submissions, and further written submissions. The group's response on heritage matters are based on an examination of designation documents, and contemporaneous documentation between parties during the New Lanark World Heritage inscription process. Expert opinions from the following have also been used (see document H20):

- Professor Michael Lynch, who as Chairman of the Ancient Monuments Board of Scotland was privy to the detailed case made for inscription of New Lanark.
- Professor Ian Donnachie, who is the leading historical authority on Robert Owen and New Lanark.
- Susan Denyer, Secretary of ICOMOS-UK.
- Professor Jukka Jokilehto, Special Advisor to the Director General of UNESCO's International Centre for the Preservation and Restoration of Cultural Property and a leading international authority on World Heritage and Outstanding Universal Value.
- Peter McGowan and Christopher Dingwall, two of the foremost landscape architects and landscape and garden historians in Scotland
- Ed Archer, a local historian.

4.3 It is opposed to the proposed western extension of Hyndford Quarry, which it suggests would represent an incursion into the buffer zone of New Lanark World Heritage Site and the Falls of Clyde Designed Landscape. Subject to appropriate conditions, it does not oppose the proposed southern extension. Ultimately, its view is that the proposal should be rejected because it is contrary to policy and that there are no material considerations which would justify permission being granted.

4.4 Supporting its stance, it is noted that the proposal has attracted a high level of public opposition. This includes 12,000 objection letters from people living in every Parliamentary constituency in Scotland, and from 35 countries. A petition of more than 7,000 names was also submitted in opposition to the proposals. A summary of the representations is provided in chapter 8. It is believed that this range of opposition to a simple quarrying proposal is unique and reflects the value of the area both as an international tourist attraction and as a truly world class, and accessible, heritage asset.

The Environmental Statement

4.5 The environmental statement is deficient in its approach, and consequently undermines the applicant's case. It relies heavily on selective use of its own assessment and value of the area, and fails:

- to identify alternatives to the proposed development
- to use or pay sufficient regard to original designation documents
- to identify the meaning of "integrity" or "authenticity"
- to adapt the environmental assessment to New Lanark World Heritage Site, its setting and buffer zone
- to relate its findings back to planning policies
- to provide adequate geological assessment.

The Role of Historic Scotland

4.6 Historic Scotland is the only organisation with an interest in heritage matters to have made a representation and not objected. Historic Scotland's response is contrary to assurances given when the site was nominated that quarrying would not occur in the buffer zone, which reflects both deficient procedure and faulty analysis.

4.7 In the nomination document (D.2) Historic Scotland wrote that "*open cast mineral working takes place between Bonnington and Hyndford, beyond the buffer zone. The draft local plan policy prevents its expansion into the buffer zone.*" Further assurances were given by Historic Scotland that mineral working would not occur within the buffer zone prior to the application now under scrutiny.

4.8 It is inconceivable that the council would have recommended approval of the application had the principal statutory consultee (Historic Scotland) objected. Ministers' highly unusual decision to call-in the application indicates that they were not confident of the robustness of Historic Scotland's response. Also, UNESCO's World Heritage Committee has recently expressed concern about the potential adverse impact of the proposal on the New Lanark World Heritage Site's Outstanding Universal Value.

4.9 Pre-application discussions between Historic Scotland and the applicant were inappropriately informal where Historic Scotland indicated no objection 'in principle' to quarrying in the New Lanark World Heritage Site buffer zone. Historic Scotland then confirmed that it would not object at the application stage because of assurances it had given at the pre-application stage. Its analysis was flawed in finding no inter-visibility between the proposed extraction site and the world heritage site. Its response was also contrary to its objection to a housing proposal (the Pleasance housing scheme) where the potential impact on the setting of the World Heritage Site was of concern.

4.10 Historic Scotland's failure to understand the rationale behind the boundaries of the buffer zone are at the heart of the disregard that it has shown for the area when confronted by the quarry proposals. Procedural negligence led to an early decision not to oppose the proposed development, and a reluctance to face the consequences or error has led to an unwillingness to correct its position when presented with meticulously researched evidence (from the group) that reveals the deficiencies of its original position. This represents an unambiguous failure by the State Party.

The Development Plan

4.11 It is agreed that the development plan comprises the approved Glasgow and Clyde Valley Strategic Development Plan, the adopted South Lanarkshire Local Plan, and the South Lanarkshire Minerals Local Development Plan. The list of planning policies contained in document B.15 is also agreed.

4.12 The proposal would involve quarrying in an area that enjoys near-congruent protective designations and features. No economic reason can be found to justify the proposal against such a high level of protection. It is stressed that the interdependent nature of many of the policies and the aggregate effect of them makes a compelling case against the proposed development.

4.13 In general terms, it is agreed that the development plan encourages sustainable economic growth but highlighted that cultural and heritage assets are an important component of sustainable economic growth. There is no shortage of minerals as the whole of South Lanarkshire is identified as an area of search. Development plan policies are intended to filter where mineral extraction could occur. In this instance, policies MIN 2 and ENV 4 (see below) are clear that the proposed western extension should not go ahead. Such development should be directed to less sensitive areas. A full policy analysis is provided within the working group's hearing statement in table 6.

Glasgow and Clyde Valley Strategic Development Plan

4.14 It was submitted at the hearings that no policy sits in isolation, and that Strategic Support Measures contained within the strategic development plan provide the basis for the rest of the development plan; although not site specific they are considered to be, and act as, policies.

4.15 The proposed western extension would lie at the terminus of the Glasgow and Clyde Valley Green Network identified in the strategic development plan, and protected by Strategic Support Measure 8 (green infrastructure: an economic necessity). This network is the focus for action by many regional and local greening initiatives, providing access for education and enjoyment as well as improving biodiversity. While the principles of landscaping and improved access contained in the proposals are consistent with Strategic Support Measure 8, the quarrying and loss of landform and geology would be contrary overall.

4.16 Strategic Support Measure 9 (natural resources planning), which supports the use of indigenous aggregate supplies, is predicated on the identification of broad areas of search to meet any aggregate shortfall. This measure does not give any over-riding priority to low-carbon developments and recognises that mineral search areas are to be refined at the local level. In combination with Minerals Local Development Plan policies (see below), the proposal does not comply with this support measure.

South Lanarkshire Local Plan

4.17 Policy ENV 4 (protection of the natural and built environment) is a strategic policy which provides a hierarchical framework for the assessment of development proposals in light of a range of designations. It is noted that a development harming international designations, such as a World Heritage Site and its setting (buffer zone), could be

compliant with policy ENV 4 if there was “*no alternative solution and there are imperative reasons of overriding public interest*” but since the applicant does not make this claim this may be set aside. The proposal does not accord with ENV 4.

4.18 For the reasons given in paragraphs 4.81 to 4.84, the proposal would have an adverse impact on the setting of Bonnington View House (A-listed), and potentially on the setting of Corehouse (A-listed). Therefore, the proposal is contrary to policies ENV 4 and ENV 24 (listed buildings).

4.19 The New Lanark and Falls of Clyde Conservation Area should not be compromised in any way. Consequently, and following the arguments presented in paragraph 4.80, the proposal is contrary to policy ENV 4 and ENV 25 (conservation areas).

4.20 As presented in paragraphs 4.68 to 4.79, it is agreed that the proposal would have a temporary and adverse impact on the Falls of Clyde Designed Landscape, but furthermore – and contrary to the council and applicant’s opinions – the restoration proposals would not provide long term enhancement. Therefore, the proposal is considered contrary to policy ENV 4 and policy ENV 28 (gardens and designed landscapes).

4.21 In relation to New Lanark World Heritage Site, it is agreed that policies ENV 4, ENV 7 (New Lanark World Heritage Site), and ENV 22 (New Lanark Development Assessment) should be read together.

4.22 For the reasons stated in paragraphs 4.55 to 4.67, it is considered that the council’s conclusion that there would be no impacts on the Outstanding Universal Value of the New Lanark World Heritage Site is based on an unreasonably narrow interpretation of the UNESCO operational guidelines (document I.2). Accordingly, the proposal is contrary to policies ENV 4 and ENV 7.

4.23 The council consider that the proposals contrary to three of the assessment criteria of policy ENV 22, but find that it would become neutral to beneficial after restoration. This conclusion depends on the acceptability of the restoration proposals. For the reasons stated in paragraphs 4.90 to 4.93 the proposed restoration is not acceptable. And, as iterated in paragraphs 4.55 to 4.67, the proposal fails to comply with the majority of the criteria set out in policy ENV 22 (and the provisions of policy ENV 4 and ENV 7) in relation to impact on the New Lanark World Heritage Site, its setting and buffer zone.

4.24 Further encroachment of the Middle Clyde Valley Special Landscape Area would render the designation meaningless. At the hearing sessions it was suggested that that there was a distinction between the impact on the landscape in the proposed southern extension and the western extension (both covered by the special landscape area designation) in that the western extension is also designated for its cultural significance as part of a designed landscape. And, in addition, the western extension has more geomorphological significance. Therefore, the impact of the proposals on the southern extension would be acceptable but not on the western extension. In these circumstances, as there was no overriding need for the development, the proposal would fail policies ENV 4 and ENV 29 (regional scenic areas and areas of great landscape value).

4.25 Policy STRAT 4 (accessible rural area) is applicable as it seeks to build on the economic potential of the accessible rural area’s (of which the application site is within) high quality natural and built environment. The proposed development is contrary to this policy,

and also to the provisions of policy CRE 2 (stimulating the rural economy) which deal with stimulating the rural economy for the reasons stated in paragraph 4.95.

4.26 Policy STRAT 7 (strategic green network) supports the principles of Strategic Support Measure 8. The Clyde Valley is identified in the development plan as a potentially nationally important leisure and tourist resource. Due to the loss of landform from quarrying, and authenticity following restoration, there would be a harmful impact on this resource contrary to policy STRAT 7 (and the provisions of Strategic Support Measure 8).

South Lanarkshire Minerals Local Development Plan

4.27 The whole of South Lanarkshire is identified in the Minerals Local Development Plan as the search area for aggregates. The plan states that “*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.*” Consequently, there is no need to compromise areas of sensitivity such as the New Lanark World Heritage Site, its setting and buffer zone.

4.28 Policy MIN 1 (spatial framework) is based largely on the national policy aim of securing a 10 year forward supply of aggregates in any market area. It was agreed that the proposed development would serve a regional market but argued that even if there were a shortfall in the 10 year land bank this would be insufficient to override the protective designations covering the proposed western extension. It is noted that the policy “*seeks to ensure*”, not ensure, an adequate supply of minerals and maintain a 10 year land bank. A shortfall in the land bank does not provide a presumption in favour of development – maintenance of a land bank is not an absolute requirement and must be weighed against environmental factors. It is also noted that at the rate of output (constrained to 650,000 tonnes per year) that the existing consents at Hyndford Quarry would allow it to extract for a period of nine to ten years, by which time the applicant (or other operators) would have the opportunity to find other less sensitive sites within the search area.

4.29 In support of the above argument, it is agreed that there are 18.75 million tonnes of consented reserves in South Lanarkshire. 16.3 million tonnes is extractable within the next 10 years. The council assumes that 1.7 million tonnes would be required every year for the next 10 years. This assumption is opposed. The 2013 local development plan monitoring statement (document B.6) found extraction rates in South Lanarkshire to be 1.13 million tonnes per year. South Lanarkshire’s quarries are currently operating well below capacity. The 2013 monitoring statement suggests additional annual production of 150,000 tonnes following the opening of two quarries – this would take the annual output to 1.285 million tonnes, some 3.45 million tonnes below the estimated extractable land bank. Even if the 2002 level of output was taken (1.45 million tonnes), when the economy was performing well, then this would imply demand of 14.5 million tonnes over 10 years, which is 1.8 million tonnes below the current extractable reserves.

4.30 The council’s estimated land bank of 17 million tonnes is excessive when tested against any reasonable assumption. Even if correct, the small shortfall (which amounts to less than five months output at this rate) could be met by the proposed southern extension of Hyndford Quarry or another alternative. In failing to provide alternatives (see paragraph 4.5) the applicant has placed additional pressure on decision-makers to allow the proposed application. Furthermore, even if an urgent need for sand and gravel occurred at

a national level the proposed extensions could not help to meet it as both the existing and proposed consents would be limited to an annual extraction rate of 650,000 tonnes.

4.31 Hyndford quarry has operated outside the New Lanark World Heritage Site buffer zone since the 1960's. According to Professor Boulton (see document H.20), there is no shortage or alternative sources of sand and gravel in South Lanarkshire. Therefore, it is implausible that access to the mineral deposits within the buffer zone is required for the quarry's continued viability. Also, as quarrying is proposed sequentially (one area at a time with restoration) this would preclude mixing reserves from one part with another. Consequently, the argument about quality of the mineral product is felt to be unfounded.

4.32 Policy MIN 2 (environmental protection hierarchy) provides no distinction between the New Lanark World Heritage Site and its buffer zone both being defined as category 1 sites. A development which would cause an adverse impact on the integrity of a category 1 site following the implementation of any mitigation measures would not be permitted by policy MIN 2. Restoration is not a form of mitigation. Therefore, the proposed development is contrary to policy MIN 2.

4.33 Furthermore, the integrity of the Falls of Clyde Designed Landscape, located within the buffer zone, would be harmed by quarrying of the landform and ultimate loss of geological, landform, and heritage assets, including the parliamentary wall. The designed landscape and the A-listed Bonnington View House (see paragraph 4.81) would be adversely affected by the proposed development. Policy MIN 2 identifies these sites as category 2 designations (see paragraphs 1.40 and 1.41). There is no over-riding need for minerals at a national level (each party agreed that the proposed development would serve a regional market); the restoration proposed is inadequate and is not considered a form of mitigation in any case; and there would be no net improvement to the area. Consequently, the proposal would again fail to comply with policy MIN 2 on this account.

4.34 The restoration proposals are not appropriate to satisfy policy MIN 4 (restoration). There is no indication of any expert advice to suggest that the restoration proposals would ensure that the character of the area (western extension) would not be significantly altered. No expert geomorphological advice was taken outside the environmental statement which deals only with the individual merits of the landforms, and not with the feasibility of respecting the character of the fluvio-glacial landforms in the restoration. For these reasons, and those presented in paragraphs 4.90 to 4.93, the proposal is not compatible with policy MIN 4.

4.35 Turning to policy MIN 6 (peat restoration), the existing peat bog area on the application site represents a landform favouring peat accumulation typical of the kame and kettle topography of the ice margin complex of the surrounding area. For this reason it adds to the understanding of the existing fluvio-glacial landscape and should be preserved. Paragraph 4.89 outlines concerns about translocation of peat. Consequently, the proposed development would fail to comply with policy MIN 6.

4.36 In relation to policy MIN 8 (community benefit) it is noted that should the western extension go ahead the monies collected should go back to improving the site and surroundings.

Other Policies

The Proposed South Lanarkshire Local Development Plan

4.37 The proposed local development plan (document B.7) is a material consideration but that no weight should be given to those policies which are in dispute through the examination process, such as policy 15 (natural and historic environment). Even if found to be material, the proposal would fail to comply with the policies of the proposed plan. Policies 1 (spatial strategy) 2 (climate change), 4 (development management and place making), 11 (economic development and regeneration), 15 and 17 (water environment and flooding) are applicable.

4.38 Similar to the assessment under local plan policy STRAT 4, it is believed that the environmental impact of the proposal would be sufficient for the proposal to fail to comply with policy 1.

4.39 Policy 11 supports activities that maximise economic development. The proposal would continue employment and provide aggregate necessary for construction. However, the economic benefits arising could be achieved by identifying alternative sources of aggregate within the area of search. Furthermore, there is a risk to tourism if the proposal goes ahead. A survey carried out by the group (document H.5) indicates that 73% of 110 people would be less likely to visit if the proposal went ahead. There are 200 jobs associated with the New Lanark World Heritage Site compared to 13 at the quarry. Other quarries can be found in South Lanarkshire but New Lanark and the Falls of Clyde are irreplaceable. Even if there was no impact on tourism it is felt that the economic benefits of the proposals are outweighed by the environmental dis-benefits.

4.40 In relation to policy 15, the outcome of this called-in application should inform the policy wording of the proposed local development plan not the other way around. Scottish Ministers will be invited by the group to ensure that the plan, namely policy 15, takes into account the professional evidence submitted to this application, and the reporters' conclusions. Policy 15 as it now stands cannot provide sufficient protection for the Outstanding Universal Value of New Lanark World Heritage Site or the visual and functional attributes of the buffer zone.

Scottish Planning Policy

4.41 Ultimately the proposed development would entail the removal of something irreplaceable and replacement with something different. Therefore, the proposal could not be considered to be "sustainable development" as described on page 29 of Scottish Planning Policy (document C.1). It is suggested that the economic benefit is being pitched against the cultural and heritage assets of the area. However, the cultural and heritage assets are highlighted as being of economic benefit in their own right also, bringing tourists to the area for some 300 years.

4.42 The development plan is up-to-date. Therefore, the presumption in favour is sustainable development set out on page 9 and paragraph 33 of Scottish Planning Policy is not directly applicable.

4.43 Paragraph 151 of Scottish Planning Policy notes that non-designated heritage assets (the Parliamentary wall for example) are an important part of Scotland's heritage and should be protected and preserved wherever feasible.

4.44 Paragraph 238 identifies the need to identify areas of search for aggregates. It is derived from Scottish Planning Policy that as South Lanarkshire has identified such an area is should be more proactive in guiding aggregate developments to the right (less sensitive) locations. There is no need to place pressure on environmentally sensitive areas to meet a small shortfall in supply.

National Planning Framework 3

4.45 It was noted at the hearing sessions that paragraph 4.7 of document C.2 recognises that "*a planned approach to development helps to strike the right balance between safeguarding assets which are irreplaceable, and facilitating change in a sustainable way.*" Paragraph 4.19 of the Framework recognises that need to take a landscape-scale approach to environmental planning to safeguard important ecosystems. And, paragraph 4.27 notes that rural Scotland provides significant opportunities for tourism, outdoor sports and recreation, including World Heritage Sites.

Scottish Historic Environment Policy

4.46 In relation to designed landscapes, Annex 5, paragraph 5 of document C.16 states that "*the condition of the site today and its overall integrity are important elements of the selection process.*" At the time of designation (2006) those elements regarded as degrading the Bonnington Estate were in situ and should not now be counted against its integrity.

Proposed supplementary guidance

4.47 Limited weight should be given to proposed supplementary guidance (documents B.16 and B.17) before their final approval as they may be subject to change.

New Lanark and Falls of Clyde Conservation Area Character Appraisal

4.48 Pages 28 and 29 on "setting" and "views" are highlighted from document B.9. The appraisal states that when "*approaching New Lanark by road or on footpath, more extensive views are obtained from the higher ground with the woodland landscape and parkland of both Bonnington and particularly Corehouse Estate being prominent.*" This confirms that there is a connection between the World Heritage Site and the Falls of Clyde Designed Landscape.

New Lanark World Heritage Management Plan 2013-2018

4.49 This plan (document D.6) carries significant weight being approved by various parties including Historic Scotland, the New Lanark Trust, and the council. Of particular importance are the aims at paragraphs 5.2 to 5.9, primarily to work together to build on the further potential of the site and maintain a high-quality historic environment. It's partner document – New Lanark World Heritage Site Action Plan 2013-2018 (document D.7) – is also highlighted due to its function as directing specific actions. In particular, it is noted that

action 5.2.1 for the New Lanark Trust is to “*consider measures to enhance and promote understanding of the geomorphology of the site.*”

Retrospective Statement of Outstanding Universal Value for New Lanark

4.50 This document (H20 Annex 1) was adopted 10 years after the site was designated and is key to understanding the reasons for the nomination. It should be read in conjunction with the ICOMOS ‘Advisory Committee Report’ (document D.3), and the ‘Nomination of New Lanark for inclusion in the World Heritage List’ (document D.2).

Nomination of New Lanark for inclusion in the World Heritage List

4.51 Document (D.2) is fundamental to understanding the Outstanding Universal Value of New Lanark. It is valuable as the most detailed assessment of the site. It is clear from the text that the buffer zone is there to protect New Lanark.

Operational Guidelines for the Implementation of the World Heritage Convention

4.52 The guidelines (document I.2) state that Outstanding Universal Value “*means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole.*”

4.53 It is noted that planning policies ENV 7, ENV 22 and MIN 2 confer protection on the World Heritage Site and its buffer zone that go beyond the protection of the Outstanding Universal Value. For example, policy ENV 7 confers protection on “*the character, integrity and quality of New Lanark World Heritage Site and its setting*”, and that development “*will require to respect the sustainable development of New Lanark World Heritage Site both as a viable community and as an internationally recognised heritage asset for educational and cultural enrichment.*”

Policy conclusion

4.54 The proposal is not in accordance with the development plan. The proposal does not comply with any policy relevant to it. There are no material considerations which would allow the highest level of protection bestowed on the World Heritage Site and its buffer zone, the area entered into the Inventory of Gardens and Designed Landscapes, the special landscape area, and the conservation area, to be set aside for some inchoate and uncertain economic benefit. The thrust of the argument for the proposal is pseudo-economic, in that the extension to the quarry would allow jobs to be maintained and possibly increased in number, thus fostering economic development in some uncertain fashion for an uncertain period. There is no evidence stating how the sand and gravel market will look in 10, 15 or 20 years’ time, and so the essential predicate for the proposition that the proposal complies with the development plan is the national policy that advises the council to maintain a 10 year land bank. On one view it does that already; on another, it allows itself the entire county as an area of search, thus enabling a widespread search if the market conditions so dictate. But this form of ‘economic development’ is a false prospectus, because it must be balanced against the protective mechanisms which society (by democratic means) already set in place expressly to inhibit development in this very location.

New Lanark World Heritage Site

Outstanding Universal Value, Setting and Buffer Zone

4.55 The Xi'an declaration (document D.9) defines "setting" as "*the immediate and extended environment that is part of, or contributes to, its significance and distinctive character.*" There can be no doubt, either in terms of the World Heritage Site or planning policy, that the buffer zone represents the immediate setting of the World Heritage Site. To support this view, it is noted that the justification for local plan policy ENV 22 states "*this policy aims to control the quality of new development in the World Heritage Site and its setting (buffer zone).*" Thereafter, the two are equated with setting and buffer zone employed systematically together throughout the local plan with no scope for ambiguity. Furthermore, it is noted that the reporter examining the proposed minerals local development plan (see document B.4) stated "*I regard the buffer as being equivalent to the setting of the World Heritage Site.*"

4.56 It is obvious that the part of the buffer zone which includes part of Lanark is neither a natural or designated landscape, but it clearly forms part of New Lanark's setting. Equally, it is possible that some of New Lanark's wider landscape setting lies outside the buffer zone, but it is clear that the proposed western extension is part of New Lanark's immediate landscape setting.

4.57 The nomination document (D.2) states that "*the designed and natural landscape forms the setting and ambience of New Lanark and is intimately bound up with the value of the site.*" The explicit reference to 'designed landscape' in this quote, and further that the significance of the sublime landscape, is derived from the juxtaposition of the gorge with the parkland, so both are essential to New Lanark's interpretation.

4.58 The first management plan for the World Heritage Site (submitted alongside the nomination document) stated that "*the landscape backdrop to New Lanark forms an essential part of its universal significance.*" In addition, the ICOMOS advisory document (D.3) states that "*Owen commissioned artists' views of New Lanark that firmly place it in this awesome, yet designed, cultural landscape.*" The role that the landscape setting has contributed to the Outstanding Universal Value of New Lanark and its understanding has been demonstrated beyond doubt.

4.59 There are two relevant links between landscape setting and Outstanding Universal Value that are directly relevant to the proposed development. The first relates to the role that the Falls of Clyde Designed Landscape played in attracting visitors to New Lanark and in promulgating the social philosophy of Robert Owen. The second relates more generally to the landscape setting of New Lanark that was influenced in creating the community that Owen desired and affects our ability to interpret it today.

4.60 There is a tangible link between landscape setting and the promulgation of Owen's views as evidenced in the ICOMOS advisory document (D.3) which stated "*because of its location, on the route from Lanark to the famous Falls of Clyde, the mills became one of the features of a tour of Scotland. Contact with distinguished visitors and a high level of public consciousness widened Owen's ideas.*" Based on an examination of the visiting books kept at New Lanark Professor Donnachie prepared a peer review paper which concludes "*the motivations of visitors to New Lanark and the falls combined picturesque tourism with the*

reformist tendencies emerging at the time...it is appropriate that the historic dimension of the community, as a focus of social conscience and environmental conservation, is sustained in its role as a UNESCO World Heritage Site and visitor attraction.” Donnachie’s statements (documents H.13 and H.20) also suggests that *“beyond New Lanark and the ideas it represents, the landscape and natural environment continue to attract large numbers of visitors, the multiplier effect on the town and South Lanarkshire being very considerable. The fact is that the community and the environment are integral in the perception visitors have of the World Heritage Site.”*

4.61 Further and important evidence of the continuing link between the landscape setting of New Lanark, including Bonnington and the Falls of Clyde, is found in the mural by Alasdair Gray entitled ‘The Falls of Clyde’ (or ‘The Kirkfield Mural’) – see document H19. The mural’s essential vantage point is the Bonnington Parkland. It shows New Lanark, Lanark, Bonnington Linn, Corra Linn, the Bonnington Iron Bridge, the View House, and the pipes and other features associated with Bonnington Power Station. The mural encapsulates the enduring unity of Lanark, New Lanark and the Falls of Clyde. It confirms the tangible role that the landscape setting plays in the Outstanding Universal Value of the World Heritage Site.

4.62 In relation to the more general landscape setting, the nomination document (I.2) states that *“the designed and natural landscape forms the setting and ambience of New Lanark and is intimately bound up with the value of the site.”* The retrospective statement of Outstanding Universal Value (document H20 Annex 1) also states that *“New Lanark is an exceptional example of a purpose built 18th century mill village, set in a picturesque Scottish landscape near the Falls of Clyde.”* The recent UNESCO World Heritage Committee meeting commented that *“it is recalled that the Outstanding Universal Value of the property emphasises the contribution of Robert Owen’s philosophy of industrial towns being developed within sublime landscapes, and that the buffer zone was therefore acknowledged as providing an essential setting for the property, through the way it illustrates the importance of locating factories in healthy and inspirational places.”*

4.63 To further cement the argument that the landscape setting is a key component of the World Heritage Site, it is noted that Historic Scotland originally intended to include the upper Falls of Clyde (Corra Linn and Bonnington Linn) within the World Heritage Site boundaries until late in the nomination process.

4.64 The operation guidelines also suggest that *“the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection”* should be included within the buffer zone.

4.65 In light of the above submissions, it is argued that the landscape setting of New Lanark is functionally important as a support to the property and its protection, and that any attempt to narrow its role to direct visual impacts would be erroneous.

4.66 A full understanding of the attributes and their relationship to Outstanding Universal Value emerges from details in the nomination document (D.2) and ICOMOS advisory document (D.3). Study of these alongside the retrospective statement of Outstanding Universal Value provides an understanding of the rationale for the inscription of the World Heritage Site. These, together with the rationale behind the boundaries of the site and its buffer zone, demonstrate how the Falls of Clyde Designed Landscape contributes to the Outstanding Universal Value of the New Lanark World Heritage Site. Therefore, the

applicant's assessment that the proposal would have no impact on the features within the site or its buffer zone that contribute to Outstanding Universal Value is unsound. The proposed quarry would create a significant and irreversible damage to the setting of the World Heritage Site, it would also have a detrimental impact on the Outstanding Universal Value of the site. Therefore, the proposal would be contrary to local plan policies ENV 4, ENV 7, and ENV 22, and minerals local development plan policy MIN 2.

4.67 Guidance on heritage impact assessments (document C.17) states that "*authenticity relates to the way attributes convey Outstanding Universal Value and integrity relates to whether all the attributes that convey Outstanding Universal Value are extant within the property and not eroded or under threat.*" 'Landscape setting' is an essential attribute that conveys Outstanding Universal Value. If this is irrevocably damaged then the integrity of the World Heritage Site is damaged. It is noted that guidance from ICOMOS refers to the possibility of reducing or rehabilitating areas. However, the landscape cannot be restored to the way it was before being quarried. Attempts at restoration based on a fundamentally altered landscape form would represent an inauthentic way of conveying Outstanding Universal Value.

The Falls of Clyde Designed Landscape

4.68 The proposed western extension would represent an incursion into the designed landscape which would directly conflict with the central purpose of the protective policies, which aim to conserve and enhance it.

4.69 Scottish Historic Environment Policy sets out seven criteria to be used when assessing the value of a landscape, and what they mean, as follows: "*to be deemed as being of national importance, and therefore included in the Inventory, a site will usually have to meet a majority of the criteria. In particular it would have to be demonstrated that it had sufficient integrity in its design to merit inclusion.*" The Falls of Clyde was ranked as 'Outstanding' on four of the criteria employed, and 'High' on two others. Having reviewed the 2006 inscription of the designed landscape, it is submitted that the Bonnington Estate (part of the overall designation) contributes to the following four criteria:

Work of art: "*Throughout the 18th and 19th centuries drives, paths, viewpoints and other incidents were constructed in the surrounding estate landscapes to enhance the experience.*"

Historical: "*Bonnington Estate had a major influence on the picturesque tourist industry.*"

Architectural: Six features are listed of interest – the Bonnington Pavilion; the Fountain Bowl (Lady Mary's Well); the foundations of the Fog House/Summer House and connecting iron bridge; "*a good drystone wall running from New Lanark to the end of the estate, south of Robiseland and down towards the Clyde*"; a lodge house (East Lodge); and Bonnington Power Station.

Scenic: Under descriptions of drives and approaches – "*the drive gives a good approach to the estate running from high ground with views over the park at Bonnington below, and to Corehouse beyond*"; and parkland – "*the parkland at Bonnington is of an undulating appearance which is the result of fluvio-glacial*

deposits of sands and gravels. These formations, sometimes referred to as 'kame and kettle' are formed as a result of fast melting snow during the iron age."

4.70 The Inventory of Gardens and Designed Landscapes notes that the Bonnington Parkland is "*degraded but views from the approach road give a good idea of how it must have been.*" The nature of degradation is identified as (a) tree loss, and (b) loss of 'enclosure character' of part of the parkland. This situation is reversible without the need to quarry the land.

4.71 Tree loss is an absurd reason to justify the destruction of the natural landform of the designed landscape. Emphasis on tree loss is evidently exaggerated as the Inventory entry was made as recently as 2006. The nature and extent of degradation has not altered materially since that time. Therefore, tree loss, and other features of the area judged by the applicant to detract from the designed landscape designation, had already been taken into account when the assessment for inclusion in the Inventory had been made.

4.72 The Inventory emphasises that "*whilst the name Falls of Clyde is a collective for the above site it must be remembered that the designed landscapes of each estate area important within their own right.*" Therefore, by permanently altering a distinct natural part of the Bonnington Estate landscape, as well as permanently altering noted features such as the boundary wall (see paragraphs 4.85 to 4.87) and removal of mature trees, the proposed development inherently undermines the integrity of the designed landscape.

4.73 The local plan identifies the area as a whole (the World Heritage Site, the buffer zone, the designed landscape, and the setting of herniate assets) as forming "*a unique assemblage with significant associations with Scotland's natural and cultural history.*" This interdependence means that undermining the integrity of an integral part of any of the estates within the designed landscape would undermine the integrity of the designation as a whole.

4.74 In addition, the natural fluvio-glacial landform is fundamental to the interpretation of the designed landscape and hence its integrity. In particular, the impact on views would be permanent and this would undermine the ability of visitors to interpret the designed landscape. Further, it is submitted that that the council's suggestion that the impact is local (i.e. confined to less than one kilometre) is misleading in its implication. Replication of the characteristic fluvio-glacial topography is impossible in any reasonably authentic manner. It is not only the slope replication which poses the challenge to future interpretation, but the new feature which would be created by the substantial hollow, the form of which would be inexplicable in terms of fluvio-glacial processes.

4.75 The proposed western extension would also harm views, historic understanding, and the unique sense of place (including its ambience, quietness, and quality of natural landform) as experienced from:

- the beech-lined estate approach road from the A82 to Robiesland, after the turn to Bonnington Mains, which would overlook the extraction area and then permanently altered landform following quarrying;
- the route west of Robiesland (at East Lodge) which would follow the extraction site boundary, where bunds would also be unsightly and provide little screening;

- Lady Mary's Walk, particularly the panoramic view at its high point (grid reference NS 888790 42220);
- the high path (Curved Terrace) above Corra Linn that connects the Bonnington View House to the gorge and the walled garden (grid reference NS 884 414 to 884 413);
- the historic circular walkway from Bonnington House along the terrace to the View House, then to the walled garden (grid reference NS 88440 41270) and onto Peacock Hill (grid reference NS 88670 41300);
- two seldom used paths which are of historic importance: Green Avenue that runs roughly south from Robiesland Cottage (grid reference NS 89040 41740) and by the avenue of trees that runs south west through a mature avenue of trees from the high point of Lady Mary's Walk (grid reference NS 88790 42220).

4.76 Development would also have detrimental impacts in views from Bankhead to the designed landscape, and on the following viewpoints of importance within the designed landscape:

- Peacock Hill / Gentleman's Mound (grid reference NS 88670 41300).
- Prominent Peak (grid reference NS 89070 41300).
- Hillocks (grid reference NS 892 416, NS 89200 41860, NS 890 409, and NS 885 421).
- Drummonds Hill (grid reference NS 886 404).

4.77 Two historical maps of the Bonnington Estate have been uncovered by the group of which much has been learned about its features of interest. The western extension threatens the ability to deepen the interpretation of the estate by damaging its landform.

4.78 The crucial and unavoidable effect of quarrying in the designed landscape is that the natural landform, which is its fundamental attribute, would inevitably be altered permanently. Geologically this would be obvious, and it is equally obvious that the permanent impact of the proposed development would be detrimental to the interpretation of the landscape and would be experienced from a wide range of routes and viewpoints throughout the landscape. The effects would be experienced not only from individual viewpoints, but as people experienced the landscape historically and as they experience it today by travelling through it. The cumulative adverse effects experienced by visitors during a visit and over time therefore would be magnified far beyond that which is suggested by the approach employed in the environmental statement.

4.79 The evidence presented by the group demonstrates that the proposed western extension would undermine the integrity of the area in its role not only as a designed landscape but also as the setting (buffer zone) of the World Heritage Site, and by extension on the attributes of the World Heritage Site. The proposal is therefore contrary to local plan policies ENV 4 and ENV 28, and minerals local development plan policy MIN 2.

New Lanark and Falls of Clyde Conservation Area

4.80 The proposed development would not result in a limited and temporary impact on the conservation area as asserted by the council. The outcome of the impact is determined by the acceptance of the restoration proposals as a permanent arrangement which would interact with the conservation area and its setting. The temporary period of eight years of mineral workings would be harmful to the conservation area (particularly from the walled garden), but also the proposed restoration (as a pastiche) is inappropriate to the special architectural and historic interest of the conservation area. The proposal is therefore contrary to local plan policies ENV 4 and ENV 25, as well as minerals local development plan policy MIN 2.

Listed Buildings

4.81 Bonnington View House was built by James Carmichael in 1708 and is recognised as being the first building in Scotland (and possibly Britain) built as a viewing pavilion. Together with the approach terrace, it acted as a link between the two parts of the landscape – the beautiful parkland of the Bonnington Estate and the sublime view of the river gorge and Corra Linn.

4.82 Consequently, the setting of Bonnington View House is considered to be both the focus on the falls and the Bonnington parkland. Although the proposed extraction area would not be visible from View House it is noted that Historic Scotland setting guidance (document C.17) advises that “*key viewpoints from approaches, routeways...natural features, etc. should be considered*” as part of setting. Therefore, an appropriate delineation of the setting is the circular walk from the site of the former Bonnington House, along the terrace to the View House, then following Curved Terrace (the high path above Corra Linn) to the walled garden, and following the path to the top of Peacock Hill which provides a significant panoramic viewpoint across the parkland.

4.83 The Historic Scotland setting guidance also clarifies that impact “*should not be confined to whether key views to and from the historic asset...are interrupted.*” Instead, the focus is on “*our ability to understand and appreciate the historic asset.*” The council suggest that there would be no significant impact on the View House due to “*topography, trees, power lines and distance from the proposed workings*”. However, this response reflects a poor understanding of ‘setting’ and the reference to power lines (which may be temporary in heritage terms) confuses the impact on views and the ability to interpret the landscape.

4.84 The permanently altered landscape would be clearly visible from both along the Curved Terrace and Peacock Hill. These walks were laid out to be appreciated as you progressed through them, not just from specific viewpoints, and are each inter-related. The impact of the proposal on the historic walk, which being centred on View House constitutes its setting, would be diminished by the permanently altered landform, which would be particularly visible from Peacock Hill. Further impact on the setting is likely to include a diminution of the ‘sense of place’ as a natural landform would be scarred permanently by a significant industrial intervention. All this is considered contrary to local plan policies ENV 4 and ENV 24, and minerals local development plan policy MIN 2.

Bonnington Estate Boundary Wall

4.85 The effective loss of the parliamentary wall is of particular concern. This boundary wall follows the section of track known as the Drove Road as it passes East Lodge at Robiesland and runs southwards and then abruptly runs south west to the former river crossing at Tulliford. The loss of the boundary treatment (the enclosure wall and track itself) would be permanent, since the wall would be replaced on a quite different topography. The subtle outline of the wall against the skyline would be lost, as its trajectory would become downwards rather than upwards then downwards as now when walking in a southerly direction. It should be noted that this wall is of at least national significance as a rare Parliamentary Wall and the southerly section is in a good condition, and has been cared for by the resident of East Lodge. Apart from the loss of the route itself, east–west views would be irrevocably removed with the full effect of the proposed bowl especially obvious through gateways, one of which existed to form the entrance to the tradesman’s entrance to Bonnington House, by the southerly side of Robiesland bog) as is clearly visible on the 19th century OS maps – an understanding that would be lost irrevocably.

4.86 The wall’s significance has not been fully recognised. Historic Scotland noted in its Scoping Opinion: “*Is this boundary wall significant (check 1st edition OS)?*” This is not evidence of an application well considered. The wall is important to our understanding of the designed landscape as it marked the enclosure of the estate by Sir James Carmichael. It required a Parliamentary Act in 1717 to be enacted to be constructed. According to research conducted by a local historian, Ed Archer, considerable detail about the construction of the wall and the route that it followed can be found in the Burgh records, and the quality of construction was unusually high (see document H.20). It is very unusual to have an early 18th century wall survive in such good condition.

4.87 McGowan and Dingwall’s assessment (document H.16) suggests that the function of the wall in separating the two landscapes (inside and outside the designed landscape) will be diminished by reducing the definition between them: “*Changing the boundary definition of the designed landscape provided by the wall in views from within the designed landscape due to the lowering of its vertical alignment to the level of the reduced landform, resulting in more openness and significantly diminishing its function as a visual boundary.*” This being the case the Group cannot accept that its dismantling and reconstruction on a radically altered topography can be achieved without an unacceptable loss of authenticity. The loss of the wall is considered contrary to local plan policies ENV 4 and ENV 28, and minerals policy MIN 2 (as the wall is a component of the Falls of Clyde Designed Landscape), but also to the provisions of Scottish Planning Policy (see paragraph 4.43).

Middle Clyde Valley Special Landscape Area

4.88 The Middle Clyde Valley Special Landscape Area has recently had its boundaries reviewed. It is clear that the boundaries are defensible and described in the review (document D.10) as being built on permanent physical landscape features. The existing quarry operations were removed from the landscape designation at the review. Further encroachment of this landscape designation by the proposed development would render the designation meaningless – protected in name until it is expedient to destroy it. The impact on views to and from this special landscape area are also of utmost importance (particularly from Lady Mary’s Walk and from the Drove Road). The proposal would be inconsistent with local plan policies ENV 4 and ENV 29.

Ecology

4.89 It is warned that the translocation of peat is a developing technique that is not always successful and that dealing with complex ecological systems inevitably entails a risk of failure. The applicant's acceptance that the peat bog would cease to be active means that it cannot comply with the local plan policy ENV 22 because removing the bog would damage the area's natural diversity and ecology, and minerals policy MIN 6.

The Restoration Proposals

4.90 The proposal would cause the integrity of the designed landscape and landscape setting of New Lanark to be lost, and the integrity of the World Heritage Site to be damaged. The loss of landform would be permanent and irreversible despite any restoration.

4.91 It is proposed to replicate an approximation of a tree planting scheme seen on the 19th century map of the area. The planting would be centred on the circular hillock at the immediate edge and within the proposed extraction area. Tree planting makes this a prominent feature on the 19th century map. However, it is crucial to appreciate that the planting was chosen to reflect the particular topography of the natural landscape. Since the proposed western extension would slice the circular hillock in half the natural topography would be lost, replacing one rounded side with a steep slope. Planting trees on the altered landscape feature would therefore be a pastiche and deeply inauthentic.

4.92 The proposed development inevitably requires a permanent alteration of landform. The chaotic and complex pattern of kettles and kames, including a lowland raised bog, would be replaced by an elongated bowl running from east to west, with uncharacteristic steep sides, uniformity and depth. The permanent lowering of the boundary treatment (the Drove Road and Parliamentary wall) would also create a fundamentally altered aspect across the entire landscape.

4.93 Scottish Natural Heritage commented that "*we are aware that any restored landform would have little if any geomorphological value, being as it would be entirely artificial.*" This is the nub of the issue. A designed landscape is founded on natural landform and if the landform is radically altered then its integrity and authenticity is destroyed. Proper provision has not been made for the restoration contrary to minerals policy MIN 4.

Other matters

4.94 The proposed footpath extensions offered by the applicant are more limited than implied. The total additional paths amount to little more than 1.5 kilometres, much of which can already be walked today. The temporary replacement of the Drove Road is likely to provide an especially unattractive route as an industrial site would emerge on either side of it. The provision of a visitor car park in the north-east corner of the quarry would not reinstate the historic access of the Bonnington Estate and would create a new entry to the Falls of Clyde previously unknown. This demonstrates that the applicant has failed to understand the context, that the Falls of Clyde is centred on the network of paths and tracks around the area with natural entry points from New Lanark, Lanark, The Beeches, and opposite Lanark Loch (the racecourse). Whilst the principles of landscaping and improved access contained in the proposals are consistent with strategic support measure 8 (see paragraph 4.16), the significant prejudice to authenticity in the interpretation of such a

strategy by the proposed landform destruction is unacceptable. Development would similarly be contrary to local plan policy STRAT 7 (see paragraph 4.27).

4.95 The proposal ignores the structures and funds available to enhance the area, including Save Our Landscapes' own proposals for enhancing the area, without the need to quarry for minerals. The claimed benefits of the proposed restoration scheme is exaggerated in large part due to the alternative mechanisms to improve access and enhance the designed landscape, which are entirely ignored in the environmental statement. The very long timescale proposed for quarrying also detracts from any benefits. By failing to build on the economic potential of the area the proposal is also contrary to local plan policies STRAT 4 and CRE 2 (see paragraph 4.25).

4.96 It is noted that the working groups' public consultation of 110 people indicates that the public amenity impact of the proposed extension is negative, even after restoration. The evidence shows that the western extension would likely have important negative knock-on effects on the local economy by deterring visitors. Undoubtedly, these effects would be cumulative as awareness of the extraction would increase if it were to go ahead. In contrast, there is clear potential for developing the area around the Falls of Clyde by improving access to it, replanting trees, and improving information for the public on the area's history. The consultation suggests that this would make people more likely to visit the area, stay for longer, and hence increase spending in the local area.

4.97 Safety is a concern of the wider public represented by the group due to the location of the quarry in the immediate vicinity of an area used for leisure. Although there is a safety programme for quarries they cannot be secured against determined trespassers. And, it is noted that the proposed extension would be within 200 metres of the Falls of Clyde Wildlife Reserve, where young adults play.

Legal Agreements, Planning Obligations and Conditions

4.98 It is noted that the stopping up of part of the Drove Road could mean a period where there was no alternative route inconveniencing regular users and visitors. However, it was intimated at the hearing session that the working group would be reluctant to object to the a future stopping up order should permission be granted.

4.99 No progress has been made on a 'holistic management plan' proposed by the applicant and it is uncertain how this would be constructed under a planning obligation. The idea of a liaison group involving the New Lanark Trust and local community council's is welcomed as there is concern about the "aftercare" of the site. The council could act as the coordinator of such a group.

4.100 There is broad agreement with the proposed conditions. However, it was noted that where a condition requires consultation there should be consideration of whether the New Lanark Trust and/or a local community council should also be involved.

Southern expansion only

4.101 The working group has not objected to the proposed southern extension. However, it did highlight at the hearing session that it held reservations about the use of conditions to restrict and control the southern extension only.

Conclusions

4.102 The following conclusions can be drawn from the working group's case:

- The integrity of the New Lanark World Heritage Site (and buffer zone), a category 1 site, would be adversely affected contrary to local plan policies ENV 4, ENV 7, ENV 22, and minerals local development plan MIN 2.
- As the integrity of a category 1 site would be compromised the economic argument in favour of minerals is irrelevant.
- There is no over-riding need for minerals at a national level and the restoration proposals are inadequate. Therefore, the harmful impact on the Falls of Clyde Designed Landscape and Bonnington View House cannot be set aside. The proposal is contrary to local plan policies ENV 4, ENV 28, and minerals policy MIN 2 as a result.
- The proposed development would harm listed buildings, a conservation area, special landscape area, the rural economy, ecology, and accessibility to the green network contrary to local plan policies ENV 4, ENV 22, ENV 24, ENV 25, STRAT 4, STRAT 7 and CRE 2, as well as minerals policy MIN 6.
- The short-term "temporary" impacts would be significant enough to refuse development, and the restoration is a pastiche which would leave a permanent and non-authentic scar on the landscape (including the loss of important fluvio-geomorphological landform).
- On the basis of relevant evidence, there is a 10 year land bank for minerals within South Lanarkshire.
- Even if there was found to be a minor deficiency in the land bank this cannot be used to justify a violation of a highly protected area. Any deficiency could be made up with a new application for the southern extension only.

5. HISTORIC SCOTLAND - SUMMARY OF CASE

Background

5.1 Historic Scotland's case is derived from its consultation responses, outline and full hearing statements, and comments made at the hearing sessions. Historic Scotland does not object to the proposal.

Roles

5.2 Historic Scotland were consulted on the content of the environmental statement and on the proposed planning application. Historic Scotland is restricted to its statutory remit to respond only to matters about A-listed buildings, scheduled ancient monuments, and gardens and designed landscapes (as per the terms of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended)). Issues regarding B and C listed buildings, and the conservation area, were directed to the council's archaeology and conservation advisory service.

5.3 As advised in Scottish Government Planning Circular 3/2009 on the notification of planning applications, Historic Scotland will only object to a planning application when it considers that a proposal raises issues of national significance. Each application is assessed individually and therefore the response will differ depending on the circumstances of each case. This is why Historic Scotland objected to a housing development affecting the New Lanark World Heritage Site (the Pleasance housing application) but does not object to the Hyndford proposal.

5.4 UNESCO is the governing body which agrees inscription of nominated World Heritage Sites which are considered to manifest Outstanding Universal Value, and satisfy protection and management requirements. The UNESCO World Heritage Committee is also responsible for monitoring the State of Conservation of inscribed properties, and where necessary, making recommendations to concerned countries. In this respect the committee is aided by State Parties and other non-government organisations.

5.5 The State Party is the UK Department for Culture, Media and Sport, with aspects devolved to the Scottish Government's Historic Environment Policy Unit, which undertakes State Party functions in Scotland where this relates to areas of devolved responsibility. The State Party's role is to protect and manage World Heritage Sites alongside local authorities. To clarify, the State Party role, which previously sat with Historic Scotland, is distinct from the agency's role in the planning process, and that the State Party is not involved in responding to planning consultations.

5.6 ICOMOS-UK is the UK National Committee of International Council on Monuments and Sites. At an international level, ICOMOS develops best practice in the conservation and management of cultural sites, and has a special role as adviser to the UNESCO World Heritage Committee on cultural World Heritage Sites. Further information on ICOMOS-UK is provided in paragraph 7.3 below.

The Environmental Statement

5.7 The environmental statement was found to be detailed, reasonably clear and easy to follow. The baseline gave a good account of all the information that informs the assessment, including all the features considered to be relevant to the development in terms of the matters of interest to Historic Scotland and that were requested to be considered at the scoping stage. The assessment criteria used are clear and understandable and have been applied in a consistent manner to those heritage assets identified in the baseline information. Criteria for assessing significance are also in keeping with national policy and guidelines for the historic environment.

5.8 Overall, whilst there were some concerns about the assessment of some of the setting aspects, the most significant impacts are considered to be dealt with fairly.

New Lanark World Heritage Site

5.9 Following an unsuccessful attempt at World Heritage status in the 1980's the New Lanark World Heritage Site was inscribed in 2001. The area inscribed was smaller than that previously sought and followed debate on the extent of the heritage site and its buffer.

5.10 The nomination document (document D.2) used to apply to the UNESCO World Heritage Committee was essentially the application form for World Heritage status. The document provides the detailed justification for the boundaries of the New Lanark World Heritage Site. The nomination document has no planning status and is not a material planning consideration – being produced at the time of nomination for that purpose alone. However, it is considered that Historic Scotland's position on the Hyndford proposal is not at odds with the attention paid to the landscape setting of New Lanark in the nomination document. The landscape setting of New Lanark is an essential part of its significance and key to its appreciation.

5.11 There are various published international guidance in relation to World Heritage Sites, including the Xi'an declaration on setting - the content of which is conveyed through Historic Scotland's guidance on setting (document C.17), and the 'Operational Guidelines for the Implementation of the World Heritage Convention' (document I.2). The former guidelines aim is to facilitate the implementation of the convention; where the protection and management of World Heritage Sites is dealt with through domestic laws, policies and procedures.

5.12 Some assurances were provided in the past about a restriction on further quarrying based on the planning designations at the time of nomination. These were provided in correspondence between fellow professionals. However, it is now argued that parties must work within existing designations in assessing impacts on the New Lanark World Heritage Site and its Outstanding Universal Value.

5.13 The aim of the 'Operational Guidelines for the Implementation of the World Heritage Convention' is to facilitate the implementation of the convention; where the protection and management of World Heritage Sites being dealt with through domestic laws, policies and procedures.

Assessment of impact on New Lanark World Heritage Site

5.14 The landscape setting of New Lanark World Heritage Site is significant, and there is an intellectual relationship between the setting and the village.

5.15 In assessing the quarry proposal, although there could be minor impacts due to views of the Bonnington Parkland from specific parts of the World Heritage Site, it is not considered this would be significant enough to raise concerns. Furthermore, the key aspect in the assessment of the setting is that there is no inter-visibility between the western extension of the quarry and the World Heritage Site itself. Whilst inter-visibility is not the only issue that needs to be taken into account, it is a key issue and in terms of setting must be given most weight. There is no inter-visibility with the core of the World Heritage Site. Whilst there may be some views of the margins from the World Heritage Site to the general area of the development these are not of sufficient significance to justify an objection.

5.16 It would have been helpful for the environmental statement to consider the setting of New Lanark in greater detail following the various policy guidance. However, having assessed the proposal following a detailed site visit, and in conjunction with the assessment of the impact on the Falls of Clyde Designed Landscape, the conclusion is that the proposed quarry extension would not significantly change the ability to understand, experience or appreciate the New Lanark World Heritage Site. Although the proposal may have some impact on the ability to appreciate, for example, the relationship between the surrounding landscape and the approach to the Corra Linn Bonnington Pavilion, the degree of change is not such that refusal of permission would be reasonable.

Outstanding Universal Value

5.17 Scottish Planning Policy (at paragraph 147) requires planning authorities to protect and preserve the Outstanding Universal Value of World Heritage Sites.

5.18 The Outstanding Universal Value refers to a World Heritage Site itself and cannot be transferred to areas beyond its boundary (for example to the buffer zone). At the time of nomination there was an informed decision as to which areas to include within the New Lanark World Heritage Site and those areas which would form its buffer zone.

5.19 In assessing the impact on the Outstanding Universal Value of New Lanark World Heritage Site, it is not considered that there would be a significant impact on the value, authenticity, or integrity, such that it would be reasonable to object to the planning application. While all of the surrounding landscape and such important sights as the Falls of Clyde undoubtedly contribute to the setting of New Lanark and combine to create an important ensemble, the reasons for the inscription of New Lanark are tight and specific and it is considered difficult to argue that the quarry has any significant impacts in these terms.

The Buffer Zone

5.20 It is noted that UNESCO's operational guidance (document I.2) defines a 'buffer zone' as, "*an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection.*"

5.21 The buffer zone surrounding the New Lanark World Heritage site follows the boundaries of existing designations (at the time of nomination), including the New Lanark Conservation Area, Lanark Conservation Area, and Area of Great Landscape Value, and a Site of Special Scientific Interest. In addition, the buffer zone boundary took account of the proposal to designate the Falls of Clyde as a designed landscape, which followed in 2006. The drawing of the boundary also took account of key views into and from the site as well as important relationships between the site and other buildings and land in the surrounding area.

5.22 Consequently, it is argued that the buffer zone has no prescribed heritage value, and that there is no presumption against development within it. This is reinforced by the omission of any mention of 'buffer zone' in Scottish Planning Policy. The purpose of a buffer zone is to 'flag up' potential for an impact on a World Heritage Site should a development be proposed within it.

5.23 The New Lanark World Heritage Site buffer zone includes parts of the World Heritage Site's setting where development may impact the Outstanding Universal Value, but not all areas are equally sensitive to development. Furthermore, it should be noted that the setting of New Lanark World Heritage Site extends beyond the buffer zone (to the summit of Tinto for example).

5.24 It is accepted that the boundaries of the buffer zone reasonably delineate the area in which development could have the potential to impact on the Outstanding Universal Value. However, different parts of the buffer zone are more sensitive to different types of development. Historic Scotland's view is that quarrying in this area would not significantly impact on the setting of New Lanark World Heritage Site.

5.25 The important thing to note is the emphasis on the buffer zone in protecting the World Heritage Site, rather than emphasising the intrinsic value of the areas within the buffer zone, which in the case of New Lanark are protected through separate designations. In the case of the proposal, it is concluded that the impact in question is such that it would not threaten the integrity of the World Heritage Site, or that it would be likely to have an impact on the function of the World Heritage Site. One reason for not objecting was based on the principle that the buffer zone of a World Heritage Site does not preclude development in that area, but seeks to ensure that all development within that area is considered carefully in terms of its likely impact on the Outstanding Universal Value, authenticity and integrity of the World Heritage Site itself.

The Falls of Clyde Designed Landscape

5.26 Scottish Planning Policy requires planning authorities to protect and seek to enhance designed landscapes. Further, Scottish Historic Environment Policy stresses that, "*careful regard must be given to the specific qualities, character and integrity of gardens and designed landscapes.*" And, that "*informed change should be managed carefully with the aim of ensuring that significant elements justifying designation are protected and enhanced.*"

5.27 It is accepted that the loss of features of the designed landscape may reduce its integrity but that not all features are equally important. It is possible to have a significant

impact on the Falls of Clyde Designed Landscape without an associated impact on the Outstanding Universal Value of the New Lanark World Heritage Site.

5.28 It is agreed that the proposal would have a major significant impact on part of the Falls of Clyde Inventory designed landscape (as concluded in the environmental statement). The quarrying of this area of the Bonnington Estate will result in the loss of landform on which this part of the designed landscape was originally laid out as well as the boundary wall and a few mature parkland trees. However, given the extensive loss of woods and parks that historically characterised this part of the designed landscape, it is not considered that the impact will be significant enough to warrant an objection.

5.29 In addition, given the topography and orientation of the Bonnington Estate, the main views are mostly inward-looking towards and across the falls and the river. The quarry may be visible for short sections of the wooded picturesque walks along the Clyde, but given the wooded nature of the valley and focus on the view towards the Corra Linn and the river, it would not have a significant impact on the understanding, appreciation and enjoyment of the picturesque qualities of the Bonnington designed landscape.

5.30 In relation to restoration following quarrying, it is accepted that this will not be wholesale restoration of the Bonnington landform and its designed landscape, but the creation of a new landscape, which will reflect elements of the historic landscape. The restoration proposals do not mitigate the impact of the quarry. Instead the proposals will reinstate built elements which will be removed during the extraction process as well as elements of the designed landscape which were lost during the 20th century. This includes the rebuilding, on its original alignment, of the 18th century estate wall that marks the eastern boundary of the designed landscape, together with its associated drove road that linked Lanark with the historic ferry crossing at Tulliford to the south. The reinstated landscape will be slightly undulating to reflect the fluvio-glacial character of the landform. Planting proposals include replanting the circular wood and parkland trees with appropriate species. It was recommended that the relocation of the extraction boundary may slightly reduce the direct impact of the proposal on the designed landscape.

5.31 Although not proposed, any works to conserve and repair the Corra Linn Bonnington Pavilion and Bonnington walled garden would be welcomed.

5.32 The concept restoration plan now shows the extraction boundary moved to the 182 metre above ordnance datum contour line. This revision is in line with the suggested mitigation and would result in the retention of the historic entrance drive into the Bonnington Estate and some of its green edge to the south, including a prominent knoll and a single parkland tree.

5.33 In relation to the Bonnington estate wall, it is noted that it is a feature of the designed landscape but has no other protection. However, it is considered that a clear estate boundary be included in any reinstatement.

5.34 It is not accepted that there would be any risk to the Falls of Clyde Designed Landscape designation boundary as a result of granting planning permission for the proposed development.

Listed Buildings

5.35 The environmental statement's conclusions that there would be no direct impacts on the A-listed buildings is accepted.

5.36 The Corra Linn Bonnington Pavilion (A-listed) was designed as a viewpoint with its focus towards the Falls of Clyde (evidenced by a large picture window). It was linked to the former Bonnington House by a tree-lined avenue (the terraced walkway), the line of which is still clearly defined in the landscape. Views to the walkway from the pavilion may be affected by the proposal to a minor degree. However, the argument presented by the Working Group that the whole of the Falls of Clyde Designed Landscape forms part of the setting of the pavilion is not accepted or would follow policy guidance.

5.37 The views towards the Bonnington Estate from Corehouse (A-listed) are important to its setting. However, the findings of the environmental statement that the main setting of the house is dominated by surrounding woodland are accepted, and it is agreed that the views to the Bonnington Estate are more distant. There is potentially an indirect moderate impact on Corehouse but not sufficient enough to raise an objection.

5.38 The Falls of Clyde Bonnington Power Station Weir and Bridge (A-listed), and Falls of Clyde Bonnington Station with Tank and Pipes (A-listed) were omitted from the environmental statement's assessment. However, it is considered that there would be no inter-visibility between the extraction site and the weir and bridge, and that there would be only limited impact (due to vegetation and position) to the tank and pipes. Consequently, any impact on the setting of these buildings would be insufficient to raise an objection.

5.39 Many properties within New Lanark are A-listed but due to the heavily wooded gorge their settings are localised and restricted to views out of the valley. There would be no inter-visibility with the proposal. Therefore, no objection is raised.

Other Matters

5.40 The conclusions of the environmental statement that there would be no harm to scheduled ancient monuments in the area are agreed.

Legal Agreements, Planning Obligations and Conditions

5.41 Historic Scotland is content with the council's proposed conditions in relation to its interests (restoration). In relation to conditions, it is noted that there would be no need for it to be consulted on the restoration scheme.

Conclusions

5.42 The following conclusions can be drawn from Historic Scotland's case:

- The proposed 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.
- However, overall, it is not considered that the development would affect the historic interests (such as fall within Historic Scotland's remit), including impact

on the Outstanding Universal Value of New Lanark World Heritage Site, such as to raise issues of national significance that warrant an objection.

6. OTHER MAIN PARTIES - SUMMARIES OF CASES

The Woodland Trust Scotland

6.1 In the procedures notice, dated 15 May 2014, further written submissions were requested in relation to:

- Impacts on The Clyde Valley Woodlands National Nature Reserve.
- Impacts on the Falls of Clyde Site of Special Scientific Interest.
- Relocation of the area of peat.
- Loss of woodland in phase 1 (i.e. the proposed western extension).
- Impacts on protected species.

This request was directed at the Scottish Environment Protection Agency, Scottish Natural Heritage, Scottish Wildlife Trust, The Woodland Trust, South Lanarkshire Council and the applicant.

6.2 The Scottish Environment Protection Agency, Scottish Natural Heritage and Scottish Wildlife Trust mainly relied on their original consultation responses. Their comments in relation to the procedures notice are therefore included in chapter 7. The comments from the applicant and South Lanarkshire Council are included in chapters 2 and 3 respectively.

6.3 The Woodland Trust is the United Kingdom's leading woodland conservation charity. It objects to the planning application due to the loss of ancient woodland. Ancient woodland (i.e. land that has been continually wooded since at least 1750) has a rich habitat of some 256 species. Ancient woodland sites are irreplaceable and cannot be recreated. Scottish Natural Heritage has confirmed that woodland will have been present at this site for several hundred years.

6.4 The proposal will result in the direct loss of 1.46 hectares of ancient woodland. This would be contrary to Scottish Planning Policy (paragraphs 146-148 of the 2010 Scottish Planning Policy but paragraphs 216-217 of the 2014 Scottish Planning Policy) and the Scottish Government's Control of Woodland Removal Policy. Ancient woodland is also considered a category 3 designation in Policy 15 of the proposed South Lanarkshire Local Development Plan where development affecting the woodland would only be permitted if there were no significant adverse impact. Clearly, the removal of the woodland would be contrary to this policy.

6.5 Two European protected species were found to be present within the woodland, which indicates the significance of the habitat. The proposal suggests that the area of peat that the woodland is upon will be relocated. However, no details are provided as to how this can be done or any contingency measures if it is unsuccessful. Ancient woodland cannot be recreated. Therefore, any new planting should be considered as compensation and not mitigation.

6.6 In addition to the direct impacts, the Trust is concerned about the indirect impacts of blown dust from the quarry to the other larger areas of ancient woodland nearby. Lichens found in ancient woodlands are particularly sensitive to dust pollution. Noise from the

quarry operations could also disturb other wildlife species found in the nearby ancient woodland.

Sir William Lithgow Bt, LLD, CEng

6.7 Sir William commented on the original planning application and indicated that he wished to be involved in the examination process. However, he was unable to attend the pre-examination meeting or the hearing sessions. On 2 August 2014, he made further written representations. The comments received from the applicant in response to these further representations are included in chapter 2.

6.8 Sir William supports the objections made by the New Lanark and Falls of Clyde Working Group. However, in addition he objects to the southern extension due to the impact on Boathough and its surroundings.

6.9 Boathough falls within the planning application site area and shown on the maps, aerial photographs and photographs attached to his written submission. It is a 'bonnet lairds' house probably 15th – 16th century, located on the banks of the River Clyde at an important crossing point on a historical route to Lanark. Boathough is of historical importance because of its connection with William Lithgow (Sir William's namesake and ancestor), who was a 17th century traveller and writer. His books have been in print for 5 centuries.

6.10 Sir William refers to the objections to the planning application by T C Smout (Emeritus Professor of Scottish History, University of St Andrews) and Esmund Bosworth (Emeritus Professor of Arabic Studies, Manchester University) who both refer to William Lithgow's historical importance and therefore the need to protect Boathough.

6.11 Sir William considers that Boathough should have been listed because of its historical associations. The property should have been inspected and included within the assessments of the proposal's impacts. The general area has a unique cluster of natural and built heritage including, the Falls of Clyde, New Lanark World Heritage Site, the former Bonnington Estate and Boathough. The whole area should be protected from irreversible, low grade extraction operations. It is hard to understand how the relevant statutory bodies can have so little understanding or appreciation of the harm that will be caused. Planning permission should be refused.

7. CONSULTATION RESPONSES

Introduction

7.1 The comments received by South Lanarkshire Council from organisations during the processing of the planning application are summarised in this chapter. Comments received from individuals are summarised in chapter 8.

7.2 New Lanark and Falls of Clyde Working Group is a combination of groups objecting to the planning application. The individual comments from the organisations that make up the Working Group are included in this chapter, with the exception of Save Our Landscapes. The comprehensive written submissions made by Save Our Landscapes are incorporated into chapter 4. Historic Scotland's comments are summarised in chapter 5.

Consultation responses

7.3 International Council on Monuments and Sites – UK (ICOMOS – UK). ICOMOS – UK is the United Kingdom committee of ICOMOS. ICOMOS is an international non-government organisation, which has particular responsibility for advising the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in connection with the World Heritage Convention. The proposed western extension of the quarry is on land that is subject to designations of national and international significance. The proposal would be significantly contrary to a number of development plan policies for the following reasons:

- The boundaries of the New Lanark World Heritage Site and its buffer zone were carefully considered. The incorporation of the nationally important Falls of Clyde Historic Garden and Designed Landscape reflects the importance of the landscape setting to the Outstanding Universal Value of New Lanark. The topographical characteristics provide an essential links between the designed landscape, the Falls of Clyde, New Lanark and Owen's ideas. The destruction and irreversible change to the topography from quarrying would damage the integrity and threaten the Outstanding Universal Value of the World Heritage Site.
- Historic Scotland and the environmental statement have failed to correctly understand the reasons for the various designations and have placed too much weight on inter-visibility. Historic Scotland has not explained why it considered quarrying to be a threat in the nomination document but not now.
- The restoration proposals are two-dimensional and do not mitigate the harm caused.
- There is no shortage of sand and gravel deposits in South Lanarkshire. Mineral extraction should be directed to locations where proposals would not conflict with the development plan.

7.4 Lanark and District Civic Trust objected to the planning application because the western extension will result in mineral extraction within the buffer zone of New Lanark World Heritage Site and within the designed landscape of Bonnington Estate. The proposal would irreversibly change the topography and would be contrary to Policies MIN 2 and MIN 3 of the South Lanarkshire Minerals Local Development Plan and Policies ENV 4, ENV 7, ENV 22 and ENV 28 of the South Lanarkshire Local Plan. The site is important for

the setting of New Lanark. The general area should be exploited for tourism, which would have a longer term economic benefit than for mineral extraction.

7.5 New Lanark Community Council objected to the planning application. Quarrying within the western extension is unnecessary (as there are many years of reserves left for the existing quarry) and unacceptable as the site is protected as part of the World Heritage Site buffer zone in the South Lanarkshire Minerals Local Development Plan. The proposed enhancement works would be better achieved without creating a different landscape due to the extraction operations.

7.6 New Lanark Trust had no objection in principle to the southern extension of the quarry, subject to there being an acceptable impact on the drove road and estate boundary wall. However, it objected to the proposed western extension of the quarry for the following reasons:

- The site falls within the buffer zone of the World Heritage Site, is located within the Falls of Clyde Historic Gardens and Designed Landscape and within an Area of Great Landscape Value (now called Special Landscape Areas). The irreplaceable change to the topography of the site would destroy fluvioglacial features that should be retained as a coherent tract of unaltered landforms for future interpretation.
- The mitigation measures do not compensate for the adverse impact and therefore the proposal is contrary to Policy MIN 2 of the South Lanarkshire Minerals Local Development Plan and Policies ENV 4, ENV 7, ENV 22 and ENV 28 of the South Lanarkshire Local Plan.
- The proposal would result in the destruction of the drove road and visually important estate boundary wall.
- The new planting would only be an imitation of the original Bonnington Estate and the future understanding and interpretation of the historic landscape would be compromised by the radical change to the topography.
- The recently approved World Heritage Site Management Plan advocated the development of the buffer zone for public enjoyment and understanding. This would be compromised if the proposal went ahead.
- Supplies of sand and gravel can be adequately met from existing consented reserves.

7.7 Royal Burgh of Lanark Community Council objected to the planning application due to the following:

- The area covered by the extension is of historical significance, an area of outstanding beauty, close to New Lanark World Heritage Site and used for outdoor leisure. The mineral extraction would detract from these features, deter tourism and visitors and is therefore unsuitable.
- The road network would be unable to handle the traffic.
- The site of the existing quarry is in poor shape and the extension can only exacerbate the problems.
- There is no need for an extension as the existing quarry still has significant remaining life.

7.8 Royal Society for the Protection of Birds (Scotland) had no objection to the planning application or supplementary environmental information subject to the following conditions:

- The development to make a contribution to offsite peat restoration.
- The proposed restoration plan provides for enhanced habitat features.
- That a habitat management group be set up to oversee the delivery of a habitat management plan that should be submitted at least 3 months before development commences and subject to annual reports.
- All vegetation clearance should be undertaken outwith the bird nesting season.
- A financial bond for restoration and aftercare in accordance with Policy MIN 4 should be provided.

7.9 Scottish Environment Protection Agency originally objected to the planning application on the grounds of insufficient information. However, the Scottish Environment Protection Agency considered that the supplementary environmental information demonstrated that a significant impact on the ground water environment was unlikely to occur. Any permission should be subject to a condition requiring a detailed habitat plan to create a new blanket bog and wet woodland of the same ecological value as the wetland to be relocated.

7.10 Scottish Natural Heritage originally objected to the planning application on the grounds of insufficient information. However, Scottish Natural Heritage considered that the supplementary environmental information was sufficient to demonstrate that unacceptable impacts to the adjoining Site of Special Scientific Interest (and National Nature Reserve) were unlikely to occur. Any permission should be subject to the following conditions:

- Details of the methodology and timetable for relocating Robiesland Bog should be submitted for approval.
- Regular monitoring of the drainage regime to make sure that the ecological integrity of the adjoining Site of Special Scientific Interest is not compromised.
- Species protection plans covering otters, bats, badger, amphibians and reptiles, birds and invertebrates.
- Appointment of an Ecological Clerk of Works with a clearly defined role, scope and duration.
- Access for geo-scientists to study and document the geological/geomorphological record at the site as extraction proceeds.

7.11 Scottish Power and Scottish Water had no objections.

7.12 Scottish Power Generation Limited comment that some of the suggested enhancement works are on land in their ownership. Tree planting and other works may not be appropriate close to power cables or above the tunnels serving the power station.

7.13 Scottish Wildlife Trust did not object to the southern extension. However, it objected to the proposed western extension due to the loss of the Robiesland Bog peat land and wet woodland as it considered that the successful relocation would be unlikely. In addition, the following should be noted:

- In the event that planning permission is granted, workings should be east to west to reduce the potential disturbance to the breeding pair of peregrine falcons.
- The tensions between designed landscape planting and nature conservation interests would need to be resolved in any approval of the detailed enhancement plans.

- Long term maintenance arrangements need to be addressed if planning permission is to be granted.

7.14 South Lanarkshire Council's Countryside and Greenspace Service had no objections subject to conditions regarding phasing of the enhancement works and arrangements for long term management and maintenance.

7.15 South Lanarkshire Council's Environmental Services had no objection subject to conditions relating to dust management and noise control.

7.16 South Lanarkshire Council's Flood Prevention Section had no objection subject to conditions and reference to standard design advice.

7.17 South Lanarkshire Council's Roads and Transportation Service had no objection subject to conditions and a section 96 agreement.

7.18 The Architectural Heritage Society of Scotland objected to the proposal as it stands but not to further extensions of the quarry workings as such.

7.19 The Garden History Society is a voluntary society dedicated to the conservation of Scotland's rich heritage of gardens, parks and designed landscapes. The western extension falls within the Bonnington Estate, which is part of the Falls of Clyde Designed Landscape and part of the buffer zone for New Lanark World Heritage Site. The estate is relatively free from damaging development and its condition was considered when it was included within the Inventory of Historic Gardens and Designed Landscapes in 2006. Any neglect is repairable and a quarry is not necessary to secure restoration or enhancements. The Garden History Society objected to the proposal because it would be contrary to Scottish Planning Policy 2010, Scottish Historic Environment Policy 2011, Policy MIN 2 of the South Lanarkshire Minerals Local Development Plan and Policies ENV 22 and ENV 28 of the South Lanarkshire Local Plan.

7.20 Transport Scotland had no objection

7.21 West of Scotland Archaeology Service recommended refusal of planning permission as the proposal would be contrary to planning policies designed to protect the World Heritage Site, World Heritage Site buffer zone, the Falls of Clyde Historic Garden and Designed Landscape and archaeology. However, if the council was minded to grant planning permission, a condition should be attached requiring the approval of an archaeological mitigation strategy.

8. REPRESENTATIONS

Petition

8.1 Save Our Landscape organised a petition with 7006 signatories, which stated, “*I am opposed to any quarrying in the Buffer Zone of the New Lanark World Heritage Site.*” The petition was gathered between Easter and November 2012 and predated the submission of the planning application.

Pro-forma Letters of Objection

8.2 In the committee report, it was stated that the council received some 10,900 pro forma style letters collated by Save Our Landscape. The file passed to the Directorate for Planning and Environmental Appeals contained 11,124 letters (for a copy see Appendix 5). The letters were from addresses throughout Scotland, the rest of the United Kingdom and internationally. The pro forma letters included the following key points:

- The proposal would adversely affect the Falls of Clyde designed landscape, which is an essential part of the buffer zone of the New Lanark World Heritage Site.
- Mineral extraction would destroy the natural fluvial-glacial topography, the drove road and estate wall.
- Tourism would be threatened by the proposal.
- There are adequate supplies of sand and gravel in South Lanarkshire and the existing quarry has 8 years of reserves.
- The restoration proposals would do little to enhance the area and other mechanisms are more appropriate.
- The proposal would be contrary to Policy MIN 2 of the South Lanarkshire Minerals Local Development Plan and Policies ENV 7, ENV 22 and ENV 28 of the South Lanarkshire Local Plan.

Individual Letters of Objection

8.3 In the committee report, it was stated that the council received 546 individual letters of objection. The file passed to the Directorate for Planning and Environmental Appeals contained 565 individual letters. However, some letters were duplicates, some were pro forma letters and it included letters from organisations and Sir William Lithgow, which in this report are summarised in chapters 6 or 7.

8.4 Taking these into account, there were 521 individual letters or e-mails objecting to the proposal written between December 2012 – November 2013. It should be noted that some individuals wrote more than once, generally in response to the initial planning application and then again, when the scheme was amended.

8.5 The letters and e-mails were from addresses throughout Scotland, the rest of the United Kingdom and internationally. The letters and e-mails frequently referred to a previous visit to the area and included the following key points:

- The proposal would be detrimental to the setting and buffer zone of the New Lanark World Heritage Site.
- Development would create a harmful precedent making it harder to resist further proposals.
- Assurances were given that there would be no further quarry development in the buffer zone.
- Granting planning permission would harm Scotland's reputation for conservation and would risk the removal of New Lanark from the list of World Heritage Sites.
- A quarry would harm the experience of visiting and appreciating the Falls of Clyde.
- The proposal would remove the natural topography, which would be detrimental to the Falls of Clyde Historic Garden and Designed Landscape.
- The quarry would create an unacceptable visual impact for local walkers.
- The quarry would destroy the drove road and part of the estate wall.
- The quarry would increase noise, dust and traffic in the area.
- The quarry would harm the adjoining Site of Special Scientific Interest.
- The proposal would result in the loss of the Robiesland peat moss, which is a rare habitat.
- The natural geological features should be left as a coherent group.
- Harm would be caused to badgers, bats and the nearby breeding pair of Peregrine Falcons.
- The proposal would be contrary to Policy MIN 2 of the South Lanarkshire Minerals Local Development Plan and Policies ENV 4, ENV 7, ENV 22 and ENV 28 of the South Lanarkshire Local Plan.
- The proposal would be contrary to Scottish Planning Policy and the Scottish Historic Environment Policy.
- There are less disruptive mechanisms to enhance the area than extending the existing quarry.
- The restoration proposals are inadequate and do not represent an enhancement.
- New quarries should be directed to areas that are not protected by planning policies.
- There is no need for more sand and gravel quarries as there are adequate existing reserves with planning permission.
- The existing quarry has reserves until 2027 and so there is no need for an extension.
- The jobs created at the quarry are small in number and relatively temporary.
- The quarry risks far greater economic loss as it would reduce visitors and tourism spend.

Letters of Support

8.6 There were 8 letters of support making the following key points:

- There is a need for good quality sand and gravel products.
- Seeking alternative supplies elsewhere would increase travel costs.
- The proposal would support existing jobs at the quarry.
- The proposal has addressed all reasonable concerns.
- There will be no impact on New Lanark.

8.7 One objector also indicated that if the restoration proposals could be guaranteed they would not object to the proposal.

Aileen Campbell MSP

8.8 Constituents objecting to the quarry and those supporting the proposal contacted their local MSP. Aileen Campbell MSP organised a small survey to help appreciate the opinion of her constituents who reside in or near New Lanark. Fifty-four questionnaires were received out of 385 distributed. Whilst no claim is made as to the methodology employed, the overwhelming number of residents who responded were against the quarry extension.

8.9 Aileen Campbell MSP asked that the Planning Committee and Scottish Ministers consider the survey before reaching a decision. The key responses were as follows:

- Do you agree with the proposal by CEMEX to extend the Hyndford Quarry – No 96%, Yes 4%.
- The proposal could negatively impact on New Lanark's World Heritage Status and damage an important scenic area – Strongly Agree 89%, Agree 7%, Disagree 4%.
- The proposal will bring jobs and investment to the local economy - Agree 4%, Neither Agree or Disagree 22%, Disagree 31%, Strongly Disagree 43%.
- The proposal could have a detrimental effect on tourism in New Lanark and the wider community – Strongly Agree 87%, Agree 7%, Disagree 6%.
- I am content with CEMEX's plans for restoration and enhancement of the affected area – Strongly Disagree 73%, Disagree 17%, Neither Agree or Disagree 4%, Agree 6%.

8.10 On 27 November 2014 Aileen Campbell MSP passed onto Scottish Ministers a briefing note prepared by the New Lanark and Falls of Clyde Working Group. The key points made were as follows:

- The proposed western extension to the quarry has attracted considerable opposition from the public and local community groups.
- By calling in the planning application Scottish Ministers recognised the potential impacts and the national importance of the management of World Heritage Sites

- South Lanarkshire Council attached weight to the advice of Historic Scotland. Historic Scotland's position has attracted considerable criticism because the nomination document gave assurances that the buffer zone would be protected from any extension of the quarry.
- UNESCO's World Heritage Committee has passed a motion expressing concern and that no decision should be taken without a full heritage impact assessment being undertaken.
- The proposed South Lanarkshire Local Development Plan reverses the explicit link between the buffer zone and setting that exists in the existing (ie 2009 Local Plan). The Local Development Plan Examination Report accepted this change without the benefit of impartial and expert evidence.
- Planning policies for the New Lanark World Heritage Site should be developed in the light of the decision on the Hyndford proposal. The Working Group intends to make representations to Scottish Minister's asking them not to allow the adoption of the South Lanarkshire Local Development Plan.
- Orkney, the Antonine Wall and New Lanark World Heritage Sites each have a buffer zone. Historic Scotland say that the role of the buffer zone is misunderstood but its own interpretation is questionable. It is important for Scotland's reputation in the management of World Heritage Sites that such an important issue is clearly and transparently addressed.

Claudia Beamish MSP

8.11 Claudia Beamish MSP met with objectors and CEMEX. In a letter to the council, she made the following key points:

- The proposal is located within the buffer zone of the New Lanark World Heritage Site and must be subject to the highest scrutiny.
- It is noted that CEMEX have amended the application in response to concerns.
- There are concerns that the relocation of the peatland habitat is not realistic and these must be investigated.
- The glacial formations at the site need to be addressed and their rarity and quality taken into account.
- The measures recommended by the Scottish Wildlife Trust to protect Peregrine Falcons should be adopted.
- Should the development go ahead any restoration must be appropriate and proportionate.
- It is accepted that an extension may be preferable to a new quarry elsewhere and that there is a need for sand and gravel products generally.
- I wish to submit a mild objection to the western extension but I have no objection to the southern extension.

Requests for Call-in

8.12 In February 2013, Save Our Landscape and ICOMOS – UK wrote to the Scottish Government requesting that the planning application be called-in for the following reasons:

- New Lanark World Heritage Site and buffer zone is of international interest and importance.
- Historic Scotland's advice regarding the application is unsound.
- The proposal is contrary to Scottish Government policy.
- Commitments have been given that quarrying would not be permitted in the buffer zone.

Pro-forma Call-in Letters

8.13 After consideration by the Planning Committee of South Lanarkshire Council on 17 December 2013, 298 pro forma letters, addressed to the First Minister, were received requesting that the planning application be called in for the following reasons:

- There have been more than 11,500 letters of objection.
- The nomination document for World Heritage status gave assurances that the quarry would not be allowed to extend into the buffer zone.
- Historic Scotland has failed in its role as advisors to Scottish Ministers.
- The quarry supports only 10 jobs whereas the New Lanark World Heritage Site supports 200. There are adequate supplies of sand and gravel left at the existing quarry and plenty generally.

Individual Call-in Letters

8.14 One hundred and thirty three individual letters addressed to Scottish Ministers were passed onto the Directorate for Planning and Environmental Appeals. However, some of these letters were duplicates. The vast majority of letters were written after consideration by the Planning Committee on 17 December 2013. The letters requested that the planning application be called-in for the following reasons:

- The decision would be of national importance and should be made after a more detailed independent assessment.
- The proposal would be harmful to a protected historic garden and designed landscape, which is also an important component of the New Lanark World Heritage Site.
- A commitment had been given that quarrying would not be permitted in the buffer zone of the New Lanark World Heritage Site.
- The council have set aside the views of some 11,500 local, national and international objectors and a petition signed by 7000 people.
- Scotland's international reputation for conservation is at stake.

- Historic Scotland's advice has been inconsistent and based on inadequate analysis.
- The proposal would breach a number of important planning policies.
- The proposal would harm Scotland's tourism industry.
- The proposal would result in the destruction of a historic drove road and estate wall.
- Noise and dust pollution could harm the Falls of Clyde nature reserve.

Other Letters

8.15 After consideration by the Planning Committee on 17 December 2013, Cameron Buchanan MSP, Aileen Campbell MSP, Patrick Harvie MSP, Jim Hume MSP, Joan McAlpine MSP, Graeme Pearson MSP and Dave Thompson MSP requested or passed on constituent requests for the planning application to be called in.

8.16 In January 2014, ICOMOS-UK, New Lanark Trust, The Garden History Society, Save Our Landscape and the Scottish Civic Trust asked Scottish Ministers to call-in the planning application for the following reasons:

- The impact on New Lanark World Heritage Site and its buffer zone.
- Adequacy of the environmental impact assessment.
- Impact on the Falls of Clyde Historic Garden and Designed Landscape.
- The role of key national agencies in the consideration of the application.
- The implications of the proposals for the New Lanark World Heritage Site Management Plan.
- There were over 11,500 letters of objection.
- The credibility and reputation of the Scottish planning system.

8.17 On 31 December 2013, Sir William Lithgow also wrote to Scottish Ministers supporting the representations made by Save Our Landscape but also adding a specific interest in relation to Boathough and the competence of Historic Scotland as additional reasons for calling-in the planning application.

8.18 On 20 December 2013, Councillor Vivienne Shaw, who is a member of the Planning Committee and had proposed that the application be refused, wrote to Scottish Ministers requesting that the application be considered by the Scottish Government and be refused.

8.19 Whilst the report was being finalised in January and February 2015 some 450 pro-forma letters were sent to the Minister for Local Government and Community Empowerment. These pro-forma letters, also from addresses throughout Scotland, the rest of the United Kingdom and internationally made the following key points:

- The proposal lies within the buffer zone of the New Lanark World Heritage Site where assurances were given that quarrying would be prevented.

- UNESCO's World Heritage Committee has expressed its concern about the proposal.
- The Falls of Clyde are recognised as a historic designed landscape in its own right.
- 70,000 people visit the Falls of Clyde supporting some 200 jobs. The 13 jobs at the quarry are not under threat and there are plenty of mineral resources elsewhere.
- A survey found that 87% of visitors were less likely to visit the area if the quarry went ahead.
- Public consultation has supported Save Our Landscapes' proposals for community led improvements.
- There is strong public, community and expert organisation opposition to the proposal.
- Scottish Planning Policy recognises the importance of the historic environment as a cultural and economic asset.

8.20 At the same time 143 individual letters of objection were received by the Scottish Government. Many had previously written to the council objecting to the application or to Scottish Ministers asking the application to be called in. The key points made are included in paragraph 8.5 above.

9. REPORTERS' REASONING AND CONCLUSIONS

Determining Issues

9.1 Scottish Ministers are required to determine this called-in application 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.

9.2 Having regard to the provisions of the development plan the main issues in this application are whether the proposed development would:

- contribute to an adequate and steady supply of minerals;
- preserve, protect and enhance the character, integrity and quality of the New Lanark World Heritage Site and its setting;
- protect, preserve and enhance the Falls of Clyde Designed Landscape;
- 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;
- harm any scheduled ancient monuments or their settings;
- adversely affect the overall quality of special landscape areas;
- harm flora and fauna;
- help stimulate the economy; and
- provide an acceptable restoration scheme.

Adequacy of the Environmental Statement

9.3 The environmental statement was produced in accordance with responses from statutory parties on the scope of its content. It was prepared with regard to (and in response to) the most up-to-date professional landscape guidance; development plan policy; and other relevant policy and guidance. New landscape guidance has been published since the preparation of the environmental statement, but its findings are consistent with the new guidance.

9.4 The working group suggest various failings of the environmental statement (see paragraph 4.5). The environmental statement identifies and analyses alternatives (see chapter 5.0, document A.5). In addition, we find that the environmental statement predicts impacts in relation to the New Lanark World Heritage Site, the Falls of Clyde Designed Landscape, listed buildings, the Falls of Clyde and New Lanark Conservation Area, scheduled ancient monuments, archaeology, and non-designated heritage items. Historic Scotland were involved in the scoping of the content of the environmental statement and did not indicate the need for a further assessment. Further, it is noted that the responses provided by the applicant to the planning examination provided further analysis into heritage, landscape and geological impacts, and more information on Outstanding Universal Value, as well as considering the matters of authenticity and integrity relating to the World Heritage Site.

9.5 We consider the content of the environmental statement to be satisfactory. Unless otherwise stated, for the purposes of our conclusions and analysis we agree with the conclusions of the environmental statement. Scottish Ministers are invited to do likewise.

The Development Plan

9.6 For the area covering the application site the development plan comprises the approved Glasgow and Clyde Valley Strategic Development Plan (2012); the adopted South Lanarkshire Local Plan (2009); and the adopted South Lanarkshire Minerals Local Development Plan (2012).

9.7 The proposed South Lanarkshire Local Development Plan is anticipated to be adopted by the council in March 2015. This follows the release of the report of examination into unresolved issues on that plan. Consequently, it is highlighted to Ministers that once adopted, the development plan would comprise the aforementioned strategic plan, minerals plan, and the South Lanarkshire Local Development Plan (and any associated, and approved, supplementary guidance).

9.8 There is no dispute from parties that the overarching theme of the development plan is to secure sustainable economic growth, and that achievement of such is not solely a component of economic development but of providing an adequate and steady supply of minerals, and protecting built and natural heritage assets. We agree with this analysis.

The Glasgow and Clyde Valley Strategic Development Plan

9.9 The strategic development plan identifies the application site as being part of a broad area of search for surface coal (see diagram 15, document B.1). It is also partially located within and adjacent to the Glasgow and Clyde Valley Green Network (see diagram 13).

9.10 Within the strategic development plan diagrams 3 (spatial development strategy and indicative compatible development) and 4 (sustainable location assessment) provide a framework for making development decisions. Diagram 3 highlights that mineral and surface coal workings within identified 'natural resource search areas' would be in line with the strategic plan's strategy of delivering sustainable low carbon growth. In addition, diagram 4 suggests that if a development is in line with the spatial development strategy, then subject to local plan assessment, it would be considered a sustainable location. The proposed development would be within a natural resource search area and would be in line with the spatial development strategy. Therefore, subject to detailed assessment at the local level, the proposal is compatible with the Glasgow and Clyde Valley Strategic Development Plan.

9.11 Paragraph 1.2 of the strategic development plan states that "*the details of policy are devolved*" to the local level. The strategic support measures within the strategic development plan "*provide additional explanation and interpretation*" for the detailed policies, if needed. Therefore, they are not policies but provide an overview and guidance for local authorities preparing local development plans. However, a proposal could be inconsistent with a strategic support measure.

9.12 It is noted that Strategic Support Measure 8 (green infrastructure: an economic necessity) identifies that the green network contributes to the economic competitiveness of the city-region. And, that Strategic Support Measure 9 (natural resource planning) states

that low carbon economic growth requires that indigenous supplies of natural resources continue to be developed.

The South Lanarkshire Local Plan

9.13 The principal parties have taken different approaches to the application of the local plan policies. The applicant suggests that the policies should be applied to the development overall where mitigation is a key consideration. The working group consider that restoration is not mitigation, but in any case suggest that a temporary impact would be sufficient to fail local plan policies irrespective of restoration. The council suggest a multi-stage approach where the development can be assessed at different stages; this has led to what we would describe as a ‘technical’ breach of policies where development would result in a significant temporary impact on an asset but would be acceptable following restoration in the medium to long-term.

9.14 Within the local plan there is no mention of a staged approach to the assessment of development proposals. A theme of local plan policy is whether a development proposal would adversely affect the interests of a designation or asset, or its setting if appropriate. A development proposal could therefore be assessed against its overall impact but could equally be non-compliant with policy where an adverse impact was deemed so significant that it would be unacceptable even if only for a temporary period. Mitigation is considered below.

Policy ENV 4

9.15 Local plan policy ENV 4 (protection of the natural and built environment policy) seeks to ensure the conservation and, where appropriate, the enhancement of natural and built heritage sites. The policy splits sites into three categories of importance: international; national; and local/regional. Identified sites are illustrated in a table with a link to other corresponding and relevant local plan policies.

9.16 The following provides an assessment of the proposed development against policy ENV 4 and other specific policy requirements. A further section provides an assessment against other relevant local plan policies.

Policies ENV 4, ENV 7 and ENV 22 (New Lanark World Heritage Site)

9.17 According to policy ENV 4, developments which could affect international sites (including the New Lanark World Heritage Site) “*will only be permitted where an assessment of the proposal indicates that it will not adversely affect its conservation interest and integrity.*” Proposals are only to be permitted if they would adversely affect the conservation interest if there is “*no alternative solution and there are imperative reasons of over riding public interest*”.

9.18 Policy ENV 7 (New Lanark World Heritage Site) requires the character, integrity and quality of the New Lanark World Heritage Site and its setting to be protected, conserved and enhanced. It directs that proposals should be assessed against the criteria in policy ENV 22 (New Lanark development assessment), and will be required to respect the sustainable future of the World Heritage Site.

9.19 Policy ENV 22 opposes planning applications “*within the World Heritage Site and its setting (buffer zone)*” that would adversely affect: historical and topographical character and landscape quality; skylines and views to and from the Site; the area’s natural diversity and ecology; and landscape and ecological links with the surrounding area. The policy provides eight criteria to be applied when assessing proposals.

9.20 The working group argue that the proposed development would affect the conservation interest of New Lanark World Heritage Site, its setting and buffer zone, and that the applicant has not sought to argue that there is no alternative or an overriding public interest. The proposal would fail to protect, enhance or conserve the World Heritage Site and its setting, and would fail to comply with criteria in policy ENV 22.

9.21 The applicant and Historic Scotland suggest that the development would not affect the conservation interest of the World Heritage Site and its setting. The council concluded that there would be a temporary impact on the conservation interest but that this would become neutral to beneficial following restoration. Similarly, the council consider that the proposal would be contrary to policy ENV 7 and three criteria of policy ENV 22 but find that the impact of the proposed development would become neutral to beneficial over time.

9.22 The proposed southern extension is not located within the New Lanark World Heritage Site or its buffer zone. The principal parties agree that the proposed southern extension is not in contention. Instead, dispute relates to mineral extraction in the proposed western extension which is identified on the local plan proposals map as being within the “*New Lanark World Heritage Site Setting*”.

9.23 The western extension is located in the ‘accessible rural area’ some 750 metres south of the New Lanark World Heritage Site. It would be more than 1,100 metres from the New Lanark mill buildings. It would occupy around 22 hectares of the identified 667 hectare New Lanark World Heritage buffer zone. Currently, the land to be worked within the western extension is primarily grassland pasture used for grazing.

9.24 No development is proposed within the boundary of the New Lanark World Heritage Site. The proposed western extension would only be visible from two locations on the margins of the World Heritage Site at ‘The Vu’ property and from the footpath to the south of Bonnington View House (the curved walkway).

9.25 The significance of the visual impact from these two locations would be limited by:

- intervening trees (particularly so when in leaf) and landform;
- the distance to operations (around 250 metres from the conservation area and over 750 metres from The Vu);
- the provision of bund screening;
- the short period where visible operations would be undertaken (for example a matter of months to extract material from Primrose Hill);
- the progressive restoration of the site following extraction.

Considering these factors we agree with the conclusions of the environmental statement, and the views of the applicant and Historic Scotland, that the visual impact from New Lanark World Heritage Site would not be adverse.

9.26 In certain atmospheric conditions, depending on wind direction (or on a still day), quarry operations could potentially be heard from within the World Heritage Site. However, the current quarry operations were not audible on our site visits from within the World Heritage Site or in locations near the extraction site, and parties did not press audibility as a major issue. Indeed, current management of the Hyndford Quarry requires noise mitigation measures. The proposed western extension would bring development closer to the World Heritage Site than present. However, noise limitation conditions are recommended to control noise levels (see Appendix 1). We are unaware of any evidence that quarrying the western extension would alter the current ambience of the World Heritage Site.

9.27 The local plan proposals map identifies an area surrounding the World Heritage Site as “*New Lanark World Heritage Site Setting*”. In addition, there are several references to the “*World Heritage Site and its setting (buffer zone)*” throughout the local plan, including the table accompanying policy ENV 4, and the text of policy ENV 22.

9.28 The working group suggest that the buffer zone is the immediate setting of New Lanark World Heritage Site and that the proposed western extension area, being within the buffer zone, is part of the New Lanark’s landscape setting. This is disputed by the applicant, the council and Historic Scotland. These parties argue that not all areas within the buffer zone contribute to the setting or Outstanding Universal Value of the World Heritage Site. The buffer zone ensures that development which may adversely affect the conservation interest of the World Heritage Site are “flagged up” and assessed accordingly. Therefore, development is not precluded within the buffer zone. There are areas within the buffer zone which correspond with the setting of the World Heritage Site but the western extension area is not such an area.

9.29 Although there are instances where the local plan (including within the South Lanarkshire Minerals Local Development Plan) refers to setting and buffer zone together, the council (the authority responsible for writing, adopting and implementing the provisions of the local plan), suggest that the two are not one in the same. The buffer zone, although part of the formal nomination, is not part of the World Heritage Site and conveys no statutory protection or heritage value in its own right. Rather, it is an administrative boundary which follows the boundaries of other heritage designations, including the Falls of Clyde Designed Landscape covering the proposed western extension area.

9.30 All parties agree that ‘setting’ can include more than the property boundary and immediate surroundings of a heritage asset. Following the content of the Xi’an Declaration (document D.9, article 1) and Historic Scotland’s guidance on setting (document C.17) we find that setting can include views to and from assets, other non-visual factors such as historical, artistic, literary or other sensory factors, and sense of place.

9.31 Historic Scotland’s setting guidance advises identifying the importance of an asset; its setting; and then the impact of a proposed development on that setting accounting for any mitigation.

9.32 New Lanark is an asset of international importance. The setting of New Lanark World Heritage Site extends further than its boundary and immediate surroundings. There is a visual connection to the landscape surroundings with views along the Falls of Clyde and its gorge from the mill buildings, and to the surrounding estates and beyond to the summit of Tinto from views on the margins of the Site.

9.33 In terms of non-visual setting, the juxtaposition between New Lanark and surrounding landscape is identified in historic media and visitor accounts. This connection is stronger with the Falls of Clyde and gorge features but also, to a lesser extent, the surrounding historic estates which are, and were, visited.

9.34 The peacefulness of the surrounding woodland, and the movement, sound, and spray of the Falls of Clyde all contribute to the ambience and sense of place, and contrast with the buildings of New Lanark.

9.35 The setting of New Lanark, as set out above, does not follow the exact boundaries of the identified buffer zone. Therefore, we find this provides more reasoned justification to consider that the buffer zone and setting of New Lanark are not one in the same. There are coincidences of overlap but the two are distinct in their function.

9.36 As described above, there would only be limited inter-visibility between the World Heritage Site and the proposed western extension. Visitors in the past were drawn by the New Lanark mill complex and the natural beauty of the Falls of Clyde and gorge. There were also opportunities to visit the surrounding estates, including the Bonnington House and its parkland setting. Paintings and writings submitted by the working group are focused on New Lanark and the Falls of Clyde which are presented within their landscape setting. However, we consider (supported by the views of the applicant) that the area of land promoted for the western extension is only of limited value as part of the landscape setting to New Lanark. In addition, the Bonnington Estate has degraded over time and no longer retains the same draw as it once did with the house demolished, limited parkland trees remaining, and the land being used for grazing. In its past and present state the proposed western extension site itself provides no significant contribution to the setting of New Lanark World Heritage Site.

9.37 As presented in paragraph 9.26, conditions would control any operational noise. There would only be limited opportunity for mineral operations to harm the ambience or sense of place felt at New Lanark or along the Falls of Clyde.

9.38 In summary, we find that the proposed development would have only limited, and not significant, impact on views from New Lanark World Heritage Site. There would also be little impact on the Site's non-visual setting, ambience and sense of place. Even if there was to be an impact it would be for a temporary period (up to eight years) while operations were carried out within the western extension, during which progressive restoration would be undertaken. The impact on the setting would therefore become less intrusive to the point of being enhanced – a view shared by the council and the applicant. Further detail on the restoration and enhancement proposals are provided in paragraphs 9.147 to 9.150.

9.39 The Outstanding Universal Value of New Lanark World Heritage Site is particularly focused on the establishment of New Lanark and the ideology of Robert Owen. The wider landscape surrounding the village is a component of the Outstanding Universal Value as New Lanark was positioned to allow a juxtaposition and connection to its natural surroundings. However, the proposed western extension area contributes little, and nothing of significance, to the Outstanding Universal Value of New Lanark.

9.40 Anyone using a route leaving or approaching the World Heritage Site (for example along the Falls of Clyde or the Drove Road) may momentarily be affected by the proposed operations of the quarry but this would not prevent an understanding or appreciation of the

New Lanark World Heritage Site, its setting, or its Outstanding Universal Value. The Site would remain authentic.

9.41 In conclusion on this section, the proposed development would not adversely affect the conservation interest or integrity of New Lanark World Heritage Site or its setting. It would protect, conserve and ultimately enhance (through the restoration proposals with substantial tree planting and path provision) the Site and its setting. The restoration (see paragraphs 9.147 to 9.150) would respect the topographical and landscape setting. Development would not impact on key views or on areas of open space which have a positive contribution to the World Heritage Site or its setting. It would take full account of archaeology controlled by condition. The proposals would result in the permanent loss of up to three mature parkland trees but this would be substantially offset by the restoration. The Bonnington Estate boundary wall would be temporarily removed but not lost before being rebuilt (see paragraphs 9.122 to 9.124). There would be change but we consider that it would be appropriately managed change. Therefore, the proposal would comply with policies ENV 4, ENV 7 and ENV 22.

Policies ENV 4 and ENV 28 (Falls of Clyde Designed Landscape)

9.42 Gardens and Designed Landscapes are categorised as being of national importance by policy ENV 4. In such areas development is acceptable where the “*objectives of the designation and overall integrity of the area can be shown not to be compromised.*” Any significant adverse impacts must be clearly outweighed by social or economic benefits of national importance. The related policy ENV 28 (historic gardens and designed landscape) requires development to protect, preserve and enhance such places and not impact adversely upon their character, important views, or component features.

9.43 The working group suggest that the proposed western extension would harm the overall integrity of the Falls of Clyde Designed Landscape, its character, views and the site and setting of component features. In any case, all parties are agreed that the proposal would only serve a regional market and not be of national benefit. The council consider that the development would have a significant adverse impact on the designation, contrary to policy, but that this impact would be temporary and become neutral to beneficial with restoration. The applicant and Historic Scotland consider that the impact would not harm the overall integrity of the designation or significantly impact upon the character, views and component features of the area.

9.44 Designated in 2006, the Falls of Clyde Designed Landscape boundary includes a collection of estates (Braxfield, Castlebank Park, Corehouse and Bonnington) and New Lanark. 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 (see paragraph 4.76 for grid reference details). The applicant, the council and Historic Scotland agree that the impact on the Falls of Clyde Designed Landscape would be focused on the Bonnington Estate and not the entire designation. The working group do not share this view, instead commenting that as an assemblage an impact on one part of the designation would convey detriment to the overall designation.

9.45 The character of the Falls of Clyde Designed Landscape is primarily associated with the Falls of Clyde and its landscape setting, including the picturesque parkland estates and New Lanark which surround it. Views across the designation are available from the margins of the Clyde walkway, from the Old Drove Road and Lady Mary’s Walk, local

routes and from hillocks within the Bonnington Estate. From within the designation, views to the Falls of Clyde gorge feature (heavily planted) are prominent, as well as views to New Lanark, Lanark and Tinto. The component features of the Bonnington part of the designed landscape include:

- the Bonnington Estate picturesque landscape design including a serpentine walkway, a terrace walkway, a former servant's path, and parkland trees
- fluvio-glacial geomorphological features
- the Bonnington Estate boundary wall
- the former Bonnington House walled garden
- Robiesland bog and woodland
- Lady Mary's Walk / the Old Drove Road / and local pathways
- Bonnington View House (or Pavilion)
- properties (East Lodge, Robiesland, and Robiesland Cottage).

9.46 The proposed western extension would involve the extraction of mineral and permanent loss of part of a hillock known as Primrose Hill. It would also result in the loss of up to three mature parkland trees, and Robiesland bog and woodland. The landform would be permanently reduced in height and re-graded following extraction. The route of the former servant's path would be lost. The Bonnington Estate boundary wall would be removed and rebuilt following extraction at a different height above ordnance datum.

9.47 There would be significant visual impacts from viewpoints within the designed landscape from (and adjacent to) Lady Mary's Walk and from accessible hillocks described by the working group (paragraph 4.76). The working group also argue that there would be significant impacts on the setting of Bonnington View House (an A-listed building).

9.48 We consider that the environmental statement is correct in identifying a significant impact on the Bonnington Estate part of the Falls of Clyde Designed Landscape. However, the impact must be assessed in the context of the wider designed landscape designation and in relation to the proposed restoration.

9.49 The existing ridge of Primrose Hill would be retained and the restoration would create a re-graded slope and hill-top plantation following a parkland style and formed to resemble esker and kame characteristics. We are not aware that the fluvio-glacial geomorphology is unique to Scotland or even the locality. A condition will permit appropriate geological recording. In addition, as suggested by the applicant, the restoration and enhancement proposals would include information boards, which could include geological information. This mechanism would align with an objective of the management plan to enhance understanding of the area (see document D.6).

9.50 The loss of parkland trees and the Robiesland woodland would be offset substantially by structured planting, and the peat bog would be trans-located and re-established as part of the restoration.

9.51 The former servant's path to the former Bonnington Estate has been subsumed within the pasture grassland and is now very difficult to identify without local knowledge or mapping. New paths would be provided as part of the restoration.

9.52 The Bonnington Estate boundary wall would be temporarily taken down but would then be re-built along its original alignment retaining it as a boundary feature albeit at a lower level.

9.53 For the reasons outlined in the listed buildings section below, we also do not accept that there would be a significant impact on the setting of Bonnington View House.

9.54 The impacts from walkways, hillocks and the Old Drove Road would be for a temporary period (less than eight years) and minimised by the proposed screening and progressive restoration. Views from Peacock Hill to New Lanark, Lanark and Tinto would be to the north and south away from operational workings. The workings would be evident but, again, only for a temporary period.

9.55 There would be no impact on many of the remaining parkland features of the Bonnington Estate, including other mature parkland trees, the walled garden, the serpentine and terraced walkways, and remaining hillocks and fluvio-glacial geomorphological features.

9.56 Overall, the designation would be protected, preserved and enhanced as a result of development. The character of the Falls of Clyde, New Lanark and the surrounding estates would not be harmed. There would be temporary impacts on views within the Bonnington Estate and loss of some component features. The impact on the Bonnington Estate would be significant but restricted to a relatively small area in relation to the overall designation, and only for a limited period of time during extraction during which progressive restoration would be occurring, which would ultimately restore many estate features and enhance the area. We consider that the limited impact of the proposed development would not undermine the integrity of the designation. We conclude that the overall integrity of the Falls of Clyde Designed Landscape would not be compromised. Therefore, the proposal would comply with policies ENV 4 and ENV 28.

Policies ENV 4 and ENV 24 (Listed Buildings)

9.57 Within policy ENV 4 A-listed buildings are categorised as being of national importance, with B and C-listed buildings being of local/regional importance. Therefore, A-listed buildings should not be compromised unless there is shown to be social or economic benefits of national importance which outweigh any adverse impact. The integrity of B and C-listed buildings should not be significantly undermined. Related policy ENV 24 (listed buildings) requires development to preserve listed buildings, their settings, or any features of special architectural interest which they possess.

9.58 The environmental statement identifies six listed buildings within five kilometres of the application site: Bonnington View House (A-listed); Corehouse (A-listed); Bonnington Linn, Foot Bridge (B-listed); Harperfield House (B-listed); Harperfield House, stables (C-listed); and Corehouse, dovecot (C-listed). In addition, Historic Scotland noted that the Falls of Clyde Bonnington Power Station Weir and Bridge (A-listed), and Falls of Clyde Bonnington Station with Tank and Pipes (A-listed) should have been included.

9.59 The proposed development would not directly impact on any listed buildings. All parties agreed that there would also be no impact on the settings of Bonnington Linn, Foot Bridge; Harperfield House and stables; Corehouse, dovecot; the power station bridge, weir, tank and pipes. We concur with these conclusions.

9.60 The area of disagreement relates to the impact on the setting of Corehouse and Bonnington View House (or pavilion). The environmental statement and the council initially considered that there would be an adverse impact on the setting of Corehouse. However, the applicant reviewed this finding and considered that it was overstated. At the hearing the council agreed. Historic Scotland did not consider any impact to be sufficient to object. The working group thought there may be an impact if trees between Corehouse and the proposed western extension were felled. Having visited the area and considered the assessment we find that there would be no impact on the setting of Corehouse because of the distance between the two (around a kilometre), the orientation of the property, the unlikelihood of trees being felled in the temporary period during extraction works (up to eight years), and intervening landform, including the gorge feature, would all diminish any visual impact.

9.61 There is a more significant difference between the applicant, the council and Historic Scotland on the one hand and the working group on the other in relation to the impact on the setting of Bonnington View House. The difference between them arises from different approaches to defining the extent of the setting of the A-listed building.

9.62 The working group consider that the setting includes not only views to and from the building but its historical use and associations. The working group suggest that in the past visitors to the estate could take a circular walk taking in the former Bonnington House (now demolished), the serpentine walkway, the terraced walkway to the pavilion, the Falls of Clyde and the walled garden (along the curved walkway), and up a walkway carved into Peacock Hill (where there may have been a pagoda) to enjoy panoramic views across the estate and surroundings. The proposed western extension would be experienced along this route, particularly from the walled garden and Peacock Hill. Therefore, the group concludes that the proposal is contrary to policies ENV 4 and ENV 24.

9.63 The other parties consider that the setting is more limited in extent where it incorporates the view to the west to take full advantage of the Falls of Clyde. This was the primary function of the pavilion as a viewing platform to the Falls. The proposed western extension would have minor impact on this smaller setting. The proposed development is located in the opposite direction to the east. There are also trees to the east and the installed Bonnington hydroelectric power station tank and pipes are situated in close proximity dominating the immediate setting and approach to the pavilion.

9.64 Having assessed the setting of Bonnington View House on our site visit we prefer the approach of the council, the applicant and Historic Scotland. The working group approach, in our judgement, relies too much upon how the area was once appreciated and not how it is experienced and appreciated today. In addition, the circular walk and the link between each feature on this walk is now far less obvious than in the 18th and 19th centuries with the subsequent demolition of the estate house, deterioration of the walled garden, removal of plantation trees (providing the enclosure and direction along the walkway), and removal of any pagoda feature from Peacock Hill. Therefore, we agree with the others that the proposal complies with policies ENV 4 and ENV 24. The development would preserve listed buildings, their settings and any features of historic or architectural interest which they possess.

Policies ENV 4 and ENV 25 (Conservation Areas)

9.65 Conservation areas and their settings are identified as being of national importance in policy ENV 4. The related policy ENV 25 (conservation areas) requires proposals within a conservation area or which may affect its setting to preserve or enhance its character.

9.66 No development is proposed within the New Lanark and Falls of Clyde Conservation Area. Therefore, there would be no direct impact on the character or appearance of the conservation area.

9.67 The conservation area is characterised by its enclosed nature following the Falls of Clyde and the built form within New Lanark. However, there are some views out from the conservation area. There would be no visibility of the proposed southern extension but a view from the walled garden (south of Bonnington View House) to the proposed western extension would be possible. The impact from this viewpoint, and the use of historically inappropriate restoration, leads the working group to argue that the proposal would not preserve or enhance the setting of the conservation area. Other parties disagree as the viewpoint is of limited value to the conservation area, and that the restoration is acceptable.

9.68 There would be a temporary impact from this single viewpoint during extraction operations. This viewpoint is in close proximity to the curved walkway identified in paragraph 9.24 but is not positioned on a made up (or obvious) walking route. For the same reasons set out in paragraph 9.25 we consider that the proposed development would not have a significant impact on the setting of the conservation area. The restoration proposals have been carefully researched and the planting and pathways created would, in our opinion, enhance the setting of the conservation area. The character and appearance of the conservation area would be preserved and following restoration there would be an enhancement in the surrounding landscape to the benefit of views out from the conservation area. Therefore, we find that the proposal complies with policies ENV 4 and ENV 25.

Policies ENV 4 and ENV 23 (Scheduled Ancient Monuments)

9.69 Policy ENV 4 identifies scheduled ancient monuments and their settings as being of national importance. Policy ENV 23 (ancient monuments and archaeology) requires scheduled ancient monuments to be preserved in situ and within an appropriate setting. The policy only permits development which would harm the integrity or setting of monuments in exceptional circumstances.

9.70 The proposed development would not directly impact on any scheduled ancient monument. The environmental statement identifies indirect minor impacts on six scheduled ancient monuments: Hyndford House, Crannog; Corra Castle; Castledykes Roman Fort; Castledykes Roman camps; Blackhouse Burn; and Cleghorn.

9.71 Hyndford House, Crannog is located adjacent to the existing quarry within woodland. Corra Castle is surrounded by woodland with no visibility to the proposed extraction areas. The monuments at Castledykes, Blackhouse Burn and Cleghorn are located some five kilometres to the north and east of the application site where the distance and intervening foliage and landform would limit any visibility of operations. We therefore agree that there would be no harm to any scheduled ancient monuments and their settings. This is not

disputed by the parties. Therefore, we find the proposal compliant with policies ENV 4 and ENV 23.

Policies ENV 4 and ENV 29 (Special Landscape Areas)

9.72 Areas of great landscape value (now known as special landscape areas) are categorised as being of local/regional importance by policy ENV 4. The related policy ENV 29 (regional scenic areas and areas of great landscape value) only permits development which complies with policy STRAT 4 (accessible rural area) and can be accommodated without harming the overall quality of the designated landscape.

9.73 The environmental statement does not specifically assess the impact on special landscape areas (areas of great landscape value) but does assess the impact on landscape character types. Further assessment on the impact on special landscape areas was contained within the applicant's hearing statement and was discussed at the hearings. The council also provided a thorough response on this topic. Therefore, we consider we have sufficient material to enable us to reach conclusions on this matter.

9.74 As discussed in paragraph 9.139, the proposal would retain direct and indirect jobs and seek to enhance the environmental quality of the area through its restoration proposals. We consider that the proposal complies with policy STRAT 4.

9.75 The proposed development would be located within the Middle Clyde Valley Special Landscape Area. As described when assessing the impact on the Falls of Clyde Designed Landscape above, the development would permanently remove landform and landscape features including parkland trees. There would also be significant, but temporary, impacts on other landscape features including the Bonnington Estate boundary wall and views from walking routes and hillocks within the special landscape area. For similar reasons to those forwarded in terms of the impact on the Falls of Clyde Designed Landscape the working group consider that the proposals would not comply with policies ENV 4 and ENV 29. The applicant and the council disagree.

9.76 The Middle Clyde Valley Special Landscape Area is extensive, running from Lanark to Hamilton. For the reasons stated in paragraph 9.56, and when the impacts are considered in the context of the extensive area covered by the landscape designation, the impacts caused by the proposed development would not adversely affect the overall quality of the Middle Clyde Valley Special Landscape Area. The proposed restoration (and controls over its implementation) would ensure a sufficiently high quality landscape was provided following extraction. This would ensure that the character of the special landscape area designation was not eroded.

9.77 The proposed operations within the southern extension would be visible from the Upper Clyde Valley and Tinto Special Landscape Area along the A70 for a limited stretch from Hyndford Bridge to Sandilands. The views of the operations would be limited by the distance to the operations (over one kilometre away) and intervening topography. The overall quality of this special landscape area would not be harmed and there would only be a minor visual impact on its setting for a temporary period during extraction of the southern extension, following which the restoration would create a re-graded high quality landscape. This is not disputed by the parties. Therefore, we conclude that the proposal would comply with policies ENV 4 and ENV 29.

Policies ENV 4, ENV 21 and ENV 26 (Flora and Fauna)

9.78 According to policy ENV 4, European protected species are of international importance; sites of special scientific interest and national nature reserves are of national importance; and ancient woodland is of local/regional importance. Corresponding policies ENV 21 (European protected species) only permits developments that demonstrate no adverse impact on any protected species, and ENV 26 (sites of special scientific interest / national nature reserves) requires that the overall objectives and integrity of the designated area are not compromised, or where there would be compromise these are outweighed by social or economic benefits of national importance. There is no corresponding policy about ancient woodland.

9.79 The Woodland Trust Scotland considers that woodland has been sited at Robiesland woodland for several hundred years and that development would result in its loss (1.46 hectares). The body also notes the presence of two protected species within the woodland (bat and otter). Dust is also of concern where it may harm lichens found in nearby ancient woodland.

9.80 Following the arguments presented by the applicant and the council we consider that the woodland at Robiesland is not 'Ancient Woodland' – the historical records are clear that a woodland has not existed on this site since 1750. The loss of this woodland, and the three mature parkland trees described as part of the designed landscape, would be offset by the restoration proposals which include substantial replanting. A 200 metre buffer zone between the proposed development and the Ancient Woodland along the River Clyde has also been designed into the application. Any dust, which may affect lichens, would be suitably controlled by condition.

9.81 The Robiesland woodland is sub-optimal for bats but is part of a foraging route. In time (predicted at less than 10 years) the newly planted trees would provide enhanced foraging opportunities for bats. There would be no significant or lasting impact on any other species as a result of the proposed development. Indeed, it is noted that the existing quarry provides benefits for many species for foraging and nesting in its own right, particularly nesting areas for sand martins.

9.82 As noted by Scottish Natural Heritage, the Scottish Environment Protection Agency, and the council, there would be no harm to the Falls of Clyde Site of Special Scientific Interest or the Clyde Valley Woodlands National Nature Reserve as a result of the proposed development. There are risks in association with the translocation of the Robiesland bog but these are considered to be acceptable (see paragraph 9.109). Any hydrological impacts on these sites would be monitored and adequately controlled by condition. Therefore, we find that the proposal is compliant with local plan policies ENV 4, ENV 21 and ENV 26.

Other local plan policies

9.83 Although the working group raise concerns about impact on the terminus of the green network these were not shared by any other party. We consider that any impact on the green network would be restricted to a very limited area on the margins of the Clyde walkway and would only be experienced for a temporary period (up to eight years) with enhancement to the network following the restoration with substantial tree planting and additional paths. The proposal is therefore compliant with local plan policy STRAT 7

(strategic green network), and would be consistent with Strategic Development Plan Strategic Support Measure 8.

9.84 The proposals would retain direct and indirect employment for the duration of the quarrying operations. We address the impact of the proposed quarry on tourism below in paragraph 9.141. We are not persuaded that the survey material or the number of representations are a reliable basis for assessing the number of visitors to New Lanark or the Falls of Clyde in the event the western extension went ahead. Following our analysis of the impacts and the restoration and enhancement proposals we consider that, on balance, the impacts would not dissuade visitors unduly and that the continued operation of the quarry would be of economic benefit. For this reason the proposal complies with local plan policy CRE 2 (stimulating the rural economy).

9.85 There would be no 'wet working' and consequently no predicted flooding impacts. The Scottish Environment Protection Agency has no objection to the proposed development. Consequently, the proposal would comply with policy ENV 12 (flooding).

9.86 There was no dispute that conditions and careful management of the extraction operations would ensure no harmful impact from dust, vibration, air pollution and noise could be suitably controlled. Therefore, the development complies with the provisions of policy DM 1 (development management).

9.87 Subject to suitable conditions archaeology on the site could also be satisfactorily recorded in line with policy ENV 23.

South Lanarkshire Minerals Local Development Plan

Policy MIN 1 (Spatial Framework)

9.88 South Lanarkshire Minerals Local Development Plan policy MIN 1 (spatial framework) reflects Scottish Planning Policy by requiring a minerals land bank equivalent to "at least" a 10 year supply. The policy also requires the economic benefit from mineral development to be balanced against potential impacts on the environment and local communities.

9.89 There is no restriction on allowing further mineral consents where a 10 year land bank is achieved. When assessing whether a proposal complies with the development plan, the provision of a land bank would be a factor to be considered which could, on balance, be either favourable (where a less than 10 year land bank was available) or less favourable (where the 10 year land bank was achieved). A key feature of both this policy and Scottish Planning Policy is that a steady supply of minerals is integral to supporting the construction industry and in turn sustainable economic growth. The proposed development would serve the regional market which would in turn aid construction and growth.

9.90 We note that the recent Overburns appeal decision (document B.13) also considered carefully the supply of sand and gravel deposits in South Lanarkshire. The reporter in that case concluded that a 10 year land bank of 20 million tonnes would be possible should production levels and demand increase over the decade. However, the decision concluded that a more realistic land bank figure based on current and future production and demand was found to be closer to 17 million tonnes.

9.91 The council agrees that a land bank of 17 million tonnes (or 1.7 million tonnes per year) is needed, while the applicant considers the need could be greater. The applicant's analysis over the last eight years points to a need for 1.68 million tonnes per year but notes a forthcoming 10% rise in demand predicted by the industry. The working group consider that the figure should be closer to 1.13 million tonnes, or at best 1.45 million tonnes per year (as in 2002 when the economy was performing well), as operators are currently performing below capacity.

9.92 All parties agree that there are consented reserves of 18.75 million tonnes of minerals in South Lanarkshire. Of that, the working group suggest that 16.3 million tonnes is extractable while the council suggests 15.73 million tonnes is extractable over the 10 year period.

9.93 The council and the applicant point to a shortfall in available reserves near the end of the 10 year period. However, the applicant considers this shortfall could be greater if quarries at Wester Wood and Garvald were omitted as these are not predicted to contribute substantially to the land bank over the next 10 years (see paragraphs 2.25 and 2.26 above).

9.94 The working group also argue that the whole of South Lanarkshire is identified as an area of search for minerals and that there is sufficient mineral resource in less environmentally sensitive locations. Consequently, there is no need to extract from the proposed western extension area. Indeed, the southern extension alone could provide sufficient resource to meet any shortfall in the land bank. However, the council and the applicant highlight that Hyndford Quarry has been historically lacking in gravel and that the gravel content contained in the western extension is vital to enabling the production of downstream products to support the construction industry.

9.95 Having assessed the comprehensive series of operator surveys conducted by the council together with the findings of the Overburns decision we agree with the council that a realistic 10 year land bank figure is 17 million tonnes. The council has predicted a shortfall of 2.37 million tonnes near the end of the 10 year period. It is difficult to determine conclusively the future of Garvald and Wester Wood quarries, which the predicted shortfall includes as being productive within the 10 year land bank period. At best, these would start/increase production within the decade but there may be delay as highlighted by the applicant. Including these within the land bank would result in the shortfall identified above, but should they be delayed or fail to produce then it can be concluded that the shortfall would increase.

9.96 There are likely to be other available mineral resources in South Lanarkshire. However, we agree with the applicant that the time required to investigate, gain consent and begin development on these sites requires long lead-in times. Furthermore, minerals can only be developed where they are found and there are existing facilities at Hyndford Quarry which would mean that extending operations would be more effective and efficient in terms of utilising existing facilities and haulage routes.

9.97 The southern extension would contribute around 1.4 million tonnes of mineral but this alone would not be sufficient to meet the shortfall in the 10 year land bank. In addition, we agree with the council and the applicant that it is not simply the extraction of mineral but the composition of the extracted mineral that is important. The western extension would provide needed gravel resources to provide downstream products. These could be potentially sourced elsewhere, but as noted by the applicant at the hearings, the existing

Hyndford Quarry has the facilities to mix combined products and bringing in gravel from outside would add to 'mineral miles' and be potentially less sustainable.

9.98 For the reasons given throughout our conclusions we consider that the environmental impact would be acceptable, limited and temporary before restoration and enhancement. The proposed extensions would retain direct and indirect jobs, as well as providing the necessary construction material for growth.

9.99 There is an identified shortfall in the 10 year minerals land bank. The proposed development would contribute to addressing this shortfall consistent with South Lanarkshire Minerals Local Development Plan policy MIN 1, and consistent with Glasgow and the Clyde Valley Strategic Development Plan Strategic Support Measure 9.

Policy MIN 2 (Environmental Protection Hierarchy)

9.100 Policy MIN 2 is similar to local plan policy ENV 4 as it categorises environmental assets into international (category 1), national (category 2) and regional or local importance (category 3).

9.101 Following the arguments presented in paragraphs 9.13 and 9.14, the parties have also taken different interpretations to the application of policy MIN 2. The working group suggests that restoration is not a form of mitigation. The council suggests an interim conflict; and the applicant suggests that the impact would be acceptable but in any case mitigated by the restoration and enhancement proposals.

9.102 The policy states that "*development which will adversely affect the integrity of Category 1 sites following the implementation of any mitigation measures will not be permitted.*" This applies to the World Heritage Site and its setting. We consider that restoration and enhancement is a form of mitigation, as to mitigate is to reduce the impact of an action. We also consider that the word "*following*" is of crucial importance as it informs that the test should be applied after mitigation. The above approach is also applicable to category 2 and 3 sites (see paragraph 1.40 for a list) as the policy states that "*development which will adversely affect Category 2 and 3 sites following the implementation of any mitigation measures will only be permitted if...*".

9.103 If the mitigation proposed was insufficient to rectify an adverse impact on the World Heritage Site or its setting then it follows that permission should be refused unless material considerations indicate otherwise. Similarly, for category 2 and 3 sites if the mitigation was not sufficient then there would need to be an over-riding need at a national or regional/local level (but all parties are agreed that the proposal would serve a regional market); and a demonstration that the adverse impact can be mitigated to an acceptable degree; and/or a net improvement in the designation. Otherwise, permission should be refused unless material considerations indicate otherwise.

9.104 For the reasons stated in relation to the assessment of the proposed development against the policies of the South Lanarkshire Local Plan, we find that the proposal, subject to appropriate conditions and the restoration of the site, would not adversely affect any category 1 site (New Lanark World Heritage Site and its setting); category 2 sites (the Falls of Clyde Designed Landscape; A-listed buildings; scheduled ancient monuments; the Falls of Clyde Site of Special Scientific Interest; the Clyde Woodlands National Nature Reserve;

or ancient woodland); or category 3 sites (special landscape areas; category B and C-listed buildings; and the New Lanark and Falls of Clyde Conservation Area).

Other minerals plan policies

9.105 As an extension to an existing quarry with continuing restrictions on haulage there would be no harmful impact on the road network. Any wear and tear could be offset by reasonable contributions collected via a legal agreement. In addition, there are no other mineral proposals, or other developments, in the area which would combine to produce a negative impact on the local community. Therefore, the proposal satisfies minerals plan policy MIN 3 (cumulative impacts).

9.106 The working group argued at the hearings that insufficient information had been provide to support the restoration proposals. However, the council was satisfied with the level of detail provided at this stage and considered that it complied with Scottish Government planning advice. We agree that sufficient information has been provided to assess the restoration proposals at the application stage and future implementation and maintenance could be suitably controlled by condition and a planning obligation. The proposal satisfies minerals plan policy MIN 4 (restoration).

9.107 There would be no 'wet working' and consequently no predicted flooding impacts. The Scottish Environment Protection Agency has no objection to the proposed development. Consequently, the proposal would comply with policy MIN 5 (water environment).

9.108 The working group warns of the untested methodology involved in trans-locating peat from Robiesland bog. The Woodland Trust Scotland were also concerned about the loss of peat associated with the loss of Robiesland woodland. In addition, the Scottish Wildlife Trust objected on the basis that it considered the successful movement of peatland to be unlikely.

9.109 Following the evidence submitted by the applicant we agree that the woodland on the Robiesland bog has been harmful to the active peatland. The trees have dried out the peat and the production of sphagnum mosses. The proposed development would provide an opportunity to restore the peat and activate sphagnum moss growth. Concerns about the translocation are acknowledged as it is a relatively unknown process. However, the control of the translocation with an initial hydrological assessment and using specialist contractors, and the absence of any objection from Scottish Natural Heritage and the Scottish Environment Protection Agency, suggests that the process would be positive and have a good chance at restarting sphagnum moss growth. We therefore consider that any risks of failure are acceptable. Therefore, we find that the proposal satisfies policy MIN 6 (peat).

9.110 There was no dispute that conditions and careful management of the extraction operations would ensure no harmful impact from dust, vibration, air pollution and noise could be suitably controlled. Therefore, the proposal complies with policy MIN 7 (controlling impacts from extraction sites).

9.111 A voluntary contribution to the Aggregates Quarry Fund would be consistent with minerals plan policy MIN 8 (community benefit) but is not a factor in the determination of the acceptability of the proposed development.

Development Plan Conclusion

9.112 We are satisfied that the proposed development would not adversely harm the interest of any protected designations or assets, and that any impact would be temporary. The impact would be further diluted by working the western extension first and then moving progressively to the remainder of the quarry and the southern extension (as described in paragraph 1.12 and controlled by the conditions). Having considered the provisions of the development plan, we find the proposal overall consistent with it.

9.113 Having assessed the impacts of the proposed development against individual designations we agree with the working group that a holistic approach should also be taken by assessing the impact of development on the collection of designations as they combine and interact. In accumulating the impacts we find that they would be experienced from a limited range of receptors and restricted, in the most part, by landform, foliage and distance. There would be a temporary period of impact on some designations, or their settings, and from certain viewpoints. However, these together would not join to suggest a wholly unacceptable adverse impact contrary to the provisions of the development plan.

Other Material Considerations

Scottish Planning Policy

9.114 Scottish Planning Policy (document C.1) was approved in 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for the operation of the planning system and for the development and use of land.

9.115 The national policy introduces a presumption in favour of development that contributes to sustainable development, where the costs and benefits of a proposal should be evaluated over the longer term. Paragraph 29 of Scottish Planning Policy provides a list of principles to be followed when determining planning applications (paragraph 1.52 of this report gives the principles). It is noted in paragraph 33 of the document that if a development plan is more than five years old then this presumption in favour of sustainable development should be considered to be a significant material consideration. The South Lanarkshire Local Plan is now more than five years old. Consequently, the presumption carries significant weight in determining the outcome of the proposed development.

9.116 The working group consider that the proposed development is inconsistent with Scottish Planning Policy and is not a form of sustainable development as the proposal would harm natural and built heritage designations and the extraction process would remove important geomorphological features permanently and provide an unauthentic replacement through restoration. At the hearing, the working group also highlighted that non-designated assets of historic interest would be harmed by the proposal, as protected by paragraph 151 of Scottish Planning Policy.

9.117 The applicant and the council agree that the proposal would be acceptable in the longer term and would help with the central purpose of the Scottish Government to increase sustainable economic growth. And, in addition, that the proposal would meet many of the policy principles set out in paragraph 29. We consider that an appropriately designed mineral proposal with acceptable environmental impacts would be a form of development that contributes to sustainable development.

9.118 The applicant identifies that the proposal would not harm an understanding or appreciation of the Outstanding Universal Value of New Lanark World Heritage Site (as per paragraph 147); harm the Falls of Clyde Designed Landscape (paragraph 148); or the New Lanark and Falls of Clyde Conservation Area (paragraph 135). For the reasons given in our conclusions above we agree.

9.119 In addition, the applicant considers that in terms of the provisions of Scottish Planning Policy on responsible mineral extraction (paragraphs 234 to 248) the proposal would satisfy the requirement to provide an adequate and steady supply of minerals, minimise impacts, and secure suitable restoration. Again, we concur with this view.

9.120 Paragraph 151 of Scottish Planning Policy notes that non-designated historic assets are resources which, where significant, should be protected and preserved as far as possible, in situ wherever feasible.

9.121 There are two non-designated historic assets pertinent to the proposed development: the Bonnington Estate boundary wall; and Boathough.

9.122 The evidence submitted by parties demonstrates that the boundary wall has historical and social interest. However, it is not listed or scheduled. It is a component feature of the Falls of Clyde Designed Landscape and contributes to the landscape setting of the area. Its removal during the proposed operations would have a direct and significant impact on the wall. However, the wall would be rebuilt along its alignment as part of the restoration scheme. Therefore, the impact would be temporary (up to eight years) during extraction. The wall would be built at a lower level but it would retain its function as a boundary feature and its interest could still be understood and appreciated. The wall has been successfully repaired over time. We are confident that a skilled professional would be able to rebuild the wall to a satisfactory standard.

9.123 Sir William Lithgow objects to the proposed southern extension on the basis of the impact on the historic ancestral property at Boathough. The remains of the property at Boathough are not listed or scheduled. The interest of the remains relates to a previous owner (William Lithgow) and not to its architecture. Even so, the setting of the remains is closely related to the River Clyde to the east (viewed from the principal elevation) and not the landscape (and quarry) to the north. There would be no direct impact on the remains. The existing quarry consent comes within 230 metres of the remains and the proposed southern extension area would reduce this to 132 metres. However, this further encroachment would not fundamentally change the relationship of the quarry to the remains. The remains would be untouched and its interest retained. Following restoration the immediate surroundings affected would be reinstated with esker/kame features.

9.124 In terms of non-designated heritage assets, there would be a direct impact on Bonnington Estate boundary wall while it was removed. However, the wall would be rebuilt along its original alignment albeit at a lower level. The impact on the wall would be significant but would ultimately be neutral following restoration. There would be no direct impact on Boathough and its setting would not be harmed. Archaeological remains would be recorded as required by condition. The terms of Scottish Planning Policy would be met.

9.125 When evaluating the proposal against the policy principles in paragraph 29 of Scottish Planning Policy, we conclude that in the longer term the proposal would: provide

economic benefit; make efficient use of existing facilities; support the delivery of infrastructure; protect, enhance and promote access to cultural and natural heritage (following restoration); protect amenity; and consider the implications on water, air and soil resources. These aspects are consistent with the promotion of sustainable development, which we consider carries significant weight in favour of the proposed development in this case.

National Planning Framework 3

9.126 No party argued inconsistency with the National Planning Framework 3 (document C.2). The central purpose of the document is to increase sustainable economic growth, part of which is supplying minerals to support construction and energy sectors but also safeguarding assets for tourism and for future generations, including World Heritage Sites.

South Lanarkshire Local Development Plan

9.127 The content of the proposed local development plan was agreed by the planning authority and thereafter placed on public deposit during which representations were invited. Any unresolved representations were the subject of an examination; the findings and recommendations of which have been submitted to the council. The council has indicated that adoption of the plan is anticipated in March 2015. Therefore, the plan is at a late stage in its journey to adoption.

9.128 The working group argue that no weight should be given to policies disputed at the examination stage, particularly policy 15 (natural and built environment). We find, however, that at this stage in proceedings the proposed plan, together with the findings of the report of examination (which are largely binding on the planning authority), cannot be discounted and are material considerations when determining planning applications.

9.129 The working group also contend that the environmental impact of the proposal would mean that it would fail to comply with policy 1 (spatial strategy). In terms of dissuading visitors the working group consider that the proposal would have a negative economic impact and would therefore fail policy 11 (economic development and regeneration). It is also suggested that policy 15 cannot be used in its recommended form (following examination) as it would not provide sufficient protection to the Outstanding Universal Value of New Lanark World Heritage Site or the visual and functional attributes of its buffer zone.

9.130 The council find the proposal to comply with all relevant policies: policy 1 in that it promotes sustainable economic growth; policy 2 (climate change) in that it would use existing facilities and would be unlikely to harm the natural environment; policy 4 (development management and place making) in that it would protect amenity; policy 11 in that it would retain jobs and contribute required minerals; and policy 17 (water environment and flooding) as it would not be at risk of flooding or harm any water courses. We concur with this assessment.

9.131 The applicant considers the proposal compliant with the provisions of the proposed plan but the council finds a breach with policy 15 as there would be significant temporary impacts in the short-term.

9.132 Policy 15 follows the approach of local plan policy ENV 4 and minerals plan MIN 2 by requiring development to protect designations assigned different categories of importance

(see paragraph 1.48 of this report). New Lanark World Heritage Site, its setting, and its buffer zone are nominated in the policy as category 1 sites being of international importance. Scheduled monuments, gardens and designed landscapes, category A-listed buildings, National Nature Reserves, Sites of Special Scientific Interest, and ancient woodland are category 2 sites. Conservation areas, category B and C-listed buildings, long established woodlands and woodland of high conservation value, and peatlands are category 3 sites.

9.133 Although policy 15 follows the approach of policies ENV 4 and MIN 2 it requires a slightly different assessment of proposals. Policy 15 requires the council to protect important sites from adverse impacts arising from development. Development proposals should protect and preserve the Outstanding Universal Value of New Lanark World Heritage Site and proposals affecting the World Heritage Site and its setting are to be evaluated against criteria set out in supplementary guidance. It goes on to state that *“where possible, any development proposals which affect natural or heritage designations should include measures to enhance the conservation value of the site affected.”* The report of examination recommends an additional sentence: *“Development proposals within the buffer zone will be assessed for their potential impact on the site’s outstanding universal value”*. The report of examination also recommends that the annotation on the proposals map is altered for the identified area around the World Heritage Site from *“New Lanark World Heritage Site Setting”* to *“New Lanark World Heritage Site Buffer Zone.”*

9.134 We consider, together with the council, that the changes recommended in the report of examination add further weight to our conclusions that not all areas within the buffer zone (the proposed western extension included) are of equal importance or contribute significantly to the setting or understanding or appreciation of the Outstanding Universal Value of the World Heritage Site. The changes provide further clarification in terms of the role of the buffer zone in “flagging up” development which may affect the World Heritage Site.

9.135 Draft supplementary guidance on the ‘natural and historic environment’ (document B.17, dated June 2014) has been consulted on but is not, as yet, approved or part of the development plan. On that basis, it carries little weight as a material consideration at this stage. However, once approved it would form part of the statutory development plan. The guidance requires the character, integrity, authenticity and quality of New Lanark World Heritage Site and its setting to be protected, conserved and enhanced. Development proposals are to be assessed against criteria set out in ‘policy NEH1 New Lanark World Heritage Site’ which effectively copies the policy wording of local plan policy ENV 22.

9.136 Robiesland bog and woodland could be classified as established woodlands and woodland of high conservation value, and peatland. For the reasons provide in paragraphs 9.80 to 9.82, we conclude that the impact on these resources would be acceptable.

9.137 Following our assessment of the proposal against local plan and mineral plan policies above, we conclude that the proposal would protect category 1, 2 and 3 designated sites in compliance with the provisions of proposed policy 15 and associated draft supplementary guidance.

9.138 Should the proposed South Lanarkshire Local Development Plan be adopted in advance of a decision on this application, then we suggest that Ministers could conclude,

following our conclusions above, that the proposal would be compliant with the provisions of that plan.

Other matters

Economic

9.139 The proposed development would retain existing quarry jobs (21) and indirect jobs (60). It would contribute to an adequate and steady supply of minerals required for the construction industry promoting sustainable economic growth. The landscape enhancements would improve biodiversity and the parkland character of the area. New paths/connections would be provided as part of the restoration and enhancement of the area. It is also noted that the operator would continue to pay business rates, and contribute £10 million through the Annual Aggregates Levy.

9.140 The working group are correct that some of the landscape and biodiversity enhancement could be provided without the need for a minerals development, but we are not reassured that any alternative enhancement scheme has the blessing of the landowner (who we understand has an agreement with the applicant to comply with the restoration and enhancement plans and future maintenance).

9.141 The working group also suggest that the proposal would have a negative impact on visitors. This is based on a survey that they carried out (document H.5). We are unaware of how those answering the questions were informed of the details of the proposal or the restoration scheme. We are unaware of whether those involved were familiar with the site itself. We see no direct link between the number of people objecting to a planning application and future visitors to New Lanark or the Falls of Clyde. We are unaware of any adverse impact caused by the existing quarry operations on visitor numbers. However, based on our findings above we consider that the proposed mineral operations, due to their location and duration, would not have a significant or lasting impact on tourism or investment.

Amenity and site operations

9.142 In response to concerns raised by the working group, we consider that there are strict controls over mineral operators would ensure that all required health and safety requirements were adhered to. A condition of consent (see Appendix 1, condition 40) would also require the approval of a means of enclosure. These would provide reasonable control in response to local child safety concerns.

9.143 The existing quarry currently operates near to housing at Robiesland, Robiesland Cottage, and East Lodge without detriment to amenity. We consider that the noise impact analysis conducted by the applicant, the lack of blasting, the use of screening bunds during extraction, and strict controls over dust and emissions (by condition) would ensure that the amenity of those living nearby would be protected.

Strength of opposition

9.144 We recognise that there is a high number of people from a local, national and international locations who oppose the proposed development. This demonstrates the strong connection people feel towards New Lanark and the Falls of Clyde, and a strong

desire that development should not cause any adverse impacts. However, we have concluded that there would be no significant adverse impact on these assets, and any impact would be limited in area and in duration. We also note the eight submitted letters of support to the proposal.

The role of Historic Scotland and UNESCO

9.145 The working group have made a number of criticisms of Historic Scotland. There is obviously a difference in judgement as to the impacts of development. Historic Scotland is expected to provide pre-application advice. It is unrealistic to expect everyone to agree with the pre-application advice of government bodies. We do not consider that it is fair to say that Historic Scotland gave assurances that quarrying would be prevented in the buffer zone. It is more likely that Historic Scotland meant that policies were in place to prevent inappropriate minerals development. In any event, under the Scottish planning system, Historic Scotland cannot bind future decisions-makers because of a commitment in a nomination document. We would be surprised if international assessors, familiar with a variety of control regimes, took such comments as a binding assurance. We do not consider this matter to be relevant to the decision.

9.146 We are aware that the World Heritage Committee of UNESCO has expressed concern about this application and others potentially affecting New Lanark World Heritage Site. However, expressions of concern do not automatically mean that the site is placed on the 'in danger' list. UNESCO has various duties and obligations to make sure World Heritage Sites are properly managed. Ultimately, it is a matter for UNESCO to decide how best these are carried out but it should be assumed that UNESCO would act reasonably. Following our considered assessment in this report we see little practical benefit in carrying out a further Heritage Impact Assessment. We consider that there is sufficient information regarding the potential impacts of the proposal on the New Lanark World Heritage Site, and we are satisfied that the impacts would be acceptable.

The restoration proposals

9.147 The applicant has spent a period of years involving research and consultation to provide various versions of the restoration scheme for the application site. This has been in an iterative and involved process. We agree with the working group that the proposals would not be a full "restoration" as landform would be lost as a result of the extraction process, the land would be re-graded, and the Bonnington Estate boundary wall would be rebuilt at a lower level than at present.

9.148 We would not use the word 'pastiche' to describe the restoration scheme. We consider that it is a re-interpretation of the landscape using the historic parkland as a key reference. The new gradients would mimic esker and kame landscape characteristics; there would be substantial replanting; the provision of new and improved walking routes; and the provision of information boards. The restoration proposals provide an opportunity to improve the landscape and the visitor experience of the Bonnington Estate and wider landscape; as well as creating opportunities for wildlife and peatland restoration. We consider the concept of the restoration scheme to be acceptable. It can be further refined through the preparation of details to satisfy the planning conditions and can be applied in the long-term through the management plan required by the section 75 obligation.

9.149 The suite of recommended conditions (see Appendix 1) would control the phasing of the proposed development; provide a mechanism to approve the progressive restoration and enhancement proposals for each phase of the development; give a means of controlling the aftercare arrangements (including a long-term management plan); and provide financial guarantees to cover the site restoration and aftercare liabilities in the event that the operator is no longer able to fulfil this requirement. The conditions are suspensive meaning that the planning authority must approve details before works can begin on each phase of the proposed development. We consider these controls to be satisfactory.

9.150 The working group has suggested that the benefits arising from the restoration proposals could be achieved independently of the proposal for mineral extraction. An alternative enhancement scheme proposed by Save Our Landscapes was promoted at the hearing sessions by the working group. However, the funding commitment is uncertain and there is no information as to the position of the landowner. There is no guarantee that refusal of planning permission for the proposed development would result in the alternative scheme being implemented.

Conclusions on development plan and material considerations

9.151 In summary, we find that the proposed development complies with the provisions of the development plan. Considerations material to the proposed development are in favour of development, particularly with reference to the presumption in favour of sustainable development within Scottish Planning Policy which in this case carries significant weight as the local plan is more than five years old. There are no material considerations which would justify refusal. Consequently, we now turn to the conditions, legal agreements and obligations which may be required to control the development and potential impacts.

9.152 At the hearing session it was discussed whether it would be competent or appropriate for Ministers to approve planning permission for the southern extension only. This matter is addressed in paragraphs 9.164 to 9.170 below.

Legal agreement and planning obligations

9.153 It was agreed by all parties that a stopping up order under section 208 of the Town and Country Planning (Scotland) Act 1997 (as amended) would be necessary if planning permission were to be granted and the development were to proceed. This would relate to the Drove Road. The council would initiate the stopping up of the route under a separate statutory process once planning permission had been granted. The applicant accepted that this might result in a public inquiry. However, this is just for noting and no action is required by Scottish Ministers.

9.154 All parties agreed that it was necessary for a contribution to be made for wear and tear on the public road. The applicant and the council have discussed the matter and agree that a legal agreement following sections 95 and 96 of the Road (Scotland) Act 1984 would be appropriate. We concur that a contribution is necessary and that an agreement using the Roads (Scotland) Act 1984 would be satisfactory.

9.155 Parties agreed that there was a need to cease currently permitted operations to ensure that all operations are consolidated into one planning permission. The council consider that consolidation would provide clarity when discharging and monitoring conditions, and for enforcement purposes. We agree with the council and consider that this

obligation is required and would meet the tests of Scottish Government circular 3/2012 on 'planning obligations and good neighbour agreements' being necessary; serving a planning purpose; related to the development proposed; and being fair and reasonable.

9.156 There was discussion about the long-term management plan at a hearing session where the applicant suggested the use of a management plan with liaison to provide for the continued maintenance of the site. The applicant has mineral rights over the site but also has an agreement with the landowner to enter into any agreement/obligation to secure planning permission. The applicant suggested that the council would need to approve and manage the plan, as well as control liaison with other parties. The council wanted to ensure that there was a clear remit for the liaison group, and that as planning authority it retained control over its statutory functions. The working group were encouraged about a potential "partnership" suggesting that the New Lanark Trust and local community councils could be involved. The planning obligation would facilitate the maintenance of the site once mineral operations had ceased and would ensure the starting up of a liaison group. The parties agreed that the final details could be arranged if planning permission was granted.

9.157 Following the tests of circular 3/2012, we consider that the provision of a long-term management plan is necessary to ensure that the landowner and successors in title continue to maintain the site once development has ceased. An obligation would serve a planning purpose; be related to the development proposed; it would be fair to parties; and reasonable in all other aspects. However, we consider that further details are required to ensure less ambiguity in relation to the matters that the long-term management plan should comprise. Therefore, we consider that a section 75 planning obligation would be necessary to cover the following items:

- An undertaking to cease and not restart extant planning permission for mineral operations on the site (South Lanarkshire Council reference number CL/11/0285).
- An undertaking to provide a long-term management plan (as part of the aftercare of the site) once quarrying has ceased on the application site; and the setting up of a liaison group to help guide the future management of the site.

The long-term management plan is to be submitted to and approved by the council as planning authority as part of the aftercare scheme prior to the commencement of phase 1 as illustrated on drawing P2/184/5 – Proposed Block Phasing.

The long-term management plan is to include details of:

- (1) maintenance plans for the site once quarrying has ceased covering a reasonable period;
- (2) the parties responsible for implementing the maintenance plans;
- (3) members of a liaison group (which should include the council; the landowner; and the mineral operator; and may include the New Lanark Trust and local community councils);
- (4) the role and responsibilities of those on the liaison group;
- (5) dates when the liaison group will convene (for example, annually);
- (6) dates when the management plan will be reviewed (for example, annually).

9.158 In our view it is essential to the acceptability of the proposal that there is a long-term management plan in place and this must include the landowner. Otherwise, a future landowner could, for example, fell the tree planting after the operator had left the site. We see considerable merit in there being a liaison group but also agree with the council there must be a clear remit and focus for such a group. We are satisfied that these details can be agreed through the process of a planning obligation.

Conditions

9.159 There was general agreement over the scope and content of the council's suggested planning conditions. The working group argued that the Ecological Clerk of Works should also have responsibility for overseeing the restoration scheme and the replacement boundary wall. We disagree, responsibility for such a key aspect must remain with the council. We also doubt the practicality of recruiting someone with the skills and knowledge for both monitoring ecological habitats and landscape restoration, including an the 18th century stone wall.

9.160 We recognised that the council has considerable experience in monitoring minerals development. We understand that the suggested conditions are closely modelled on the conditions that apply to the existing consent. However, we are concerned by the frequent use of such phrases as "... *to the satisfaction of the Council as Planning Authority.*" Such a phrase lacks precision, could cause difficulties in enforcement and is advised against in Scottish Government circular 4/1998 on 'the use of conditions in planning permissions'. There were also a number of examples where particular operational actions are specified. These may seem sensible in the general case but might not be appropriate in all circumstances or if future best practice changes. Again, such an approach could cause difficulties if a condition needed to be enforced.

9.161 We discussed our concerns at the hearing. Neither the council nor the applicant considered that any changes were necessary.

9.162 It is clear that there is a close working relationship between CEMEX (the applicant) as the site operator and the council as mineral planning authority. We are unaware of any complaints or that formal enforcement action has been necessary. In our experience, most councils and operators would seek to sensibly resolve any problems and formal action would be a last resort.

9.163 Nonetheless, this may not always be the case. A condition is only robust and of use if ultimately it can be enforced. Therefore, whilst keeping the scope of all the suggested conditions we have edited them to remove any reference to "... *the satisfaction of the Council as Planning Authority.*" We have also required schemes to be submitted and approved for various matters rather than relying on specific operational actions. This has allowed some of the conditions to be consolidated. We consider that our recommended conditions comply with circular 4/1998 and are more likely to be able to be enforced if such action ever proved necessary.

Southern expansion only

9.164 Granting planning permission for the proposed southern extension part of the proposed development was discussed at the hearing sessions. The applicant considered that granting permission for the southern extension only would be preferable to refusing

planning permission for the whole scheme. It recognised that the conditions would have to be re-written but this would not be an impossible task. These would include the period when planning permission would lapse (suggested as 2030 not 2034); and matters involving the phasing of the development (including restoration, enhancement and aftercare issues); and removal of no longer required conditions (including those concerning the translocation of peatland, and works on the Bonnington Estate boundary wall).

9.165 The working group had no objection in principle to the proposed southern extension. They had reservations, however, as to whether such a step was legally competent.

9.166 The council had significant concerns about the legality and practicality of such an approach. A significantly different sets of conditions would need to be devised based on a new set of plans. There was concern also concern about the status of the environmental statement; any advertising/consultation on new plans; and whether it could be deemed to be the same application. It would be better to refuse the current proposal and a specifically designed scheme developed for the southern extension.

9.167 Referring to the provisions of the development plan, the southern extension would have no adverse impact on any identified designations or assets. There would also be no significantly adverse or lasting impact on the remains of the non-designated Boathaugh. The southern extension would also contribute to the shortfall in the 10 year mineral land bank and provide stimulation to the rural economy. These aspects are consistent with the development plan.

9.168 The southern extension would utilise the existing facilities at Hyndford Quarry and would provide 1.4 million tonnes of mineral but this would be insufficient to meet the 2.37 million tonne (and possibly greater) shortfall identified in paragraph 9.95. Minerals can only be extracted where found. Finding mineral sites, assessing their content, and gaining consent for extraction requires long lead-in times which may mean that the shortfall is not met for some time. Furthermore, as described in paragraphs 9.96 and 9.97, there could be negative quality, production and sustainability issues (mineral miles) should the southern extension go ahead without the western extension. It is also noted that quarrying operations would end 4 years earlier, and that some of the enhancements proposed within the western extension area (tree planting and paths) would not occur. We conclude that permitting the southern extension only would comply with the development plan. However, the strength of support from material considerations (including economic benefits, and its contribution to sustainable development) would be lessened.

9.169 We share the concerns of the council. Leaving aside the question of legality, which are matters that Ministers could seek expert advice on if needed, we agree that there are practical difficulties in devising a set of conditions for the southern extension only. Not only in controlling the southern extension but also in removing the proposed western extension from all the detailed plans submitted. There is significant scope for errors and unintended consequences that might only come to light in the longer term.

9.170 Should Ministers consider that the western extension is unacceptable but that the southern extension is acceptable we consider that it would be better for the current proposal to be refused. It would be open to the applicant to design and develop a separate application for the southern extension only which could be assessed in detail, including by the necessary technical and statutory consultees.

Overall conclusions

9.171 Following our findings we conclude that the proposed development would:

- contribute to an identified shortfall in the supply of minerals;
- preserve, protect and enhance the character, integrity and quality of the New Lanark World Heritage Site and its setting (and its Outstanding Universal Value);
- protect, preserve and enhance the Falls of Clyde Designed Landscape;
- 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 flora and fauna;
- stimulate the rural economy; and
- provide an acceptable restoration scheme.

9.172 Overall, we find that the proposed development complies with the provisions of the development plan. We do not consider that there are any material considerations that would justify the refusal of planning permission. We have considered all the material and arguments submitted to us (as outlined in the summaries of case) but find that none lead us to a different recommendation.

10. RECOMMENDATION

10.1 We recommend, based on the above conclusions, that Scottish Ministers:

1. Adopt the conclusions of the applicant's environmental statement (and our findings where these contradict), and accept that sufficient environmental information has been submitted to assess the impacts of development.

2. Grant planning permission for the application subject to:

(i) the 47 conditions recommended in Appendix 1;

(ii) a legal agreement for contributions to cover extraordinary wear and tear on the public road network and associated cycle lanes in terms of section 96 of the Roads (Scotland) Act 1984;

(iii) a planning obligation in terms of section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) covering:

(1) an undertaking to cease, and not restart, operations under planning permission CL/11/0285, following commencement of operations under this permission.

(2) An undertaking to provide a long-term management plan (as part of the aftercare of the site) once quarrying has ceased on the application site; and the setting up of a liaison group to help guide the future management of the site.

The long-term management plan is to be submitted to and approved by the council as planning authority as part of the aftercare scheme prior to the commencement of phase 1 as illustrated on drawing P2/184/5 – Proposed Block Phasing.

The long-term management plan is to include details of:

(1) maintenance plans for the site once quarrying has ceased covering a reasonable period;

(2) the parties responsible for implementing the maintenance plans;

(3) members of a liaison group (which should include the council; the landowner; and the mineral operator; and may include the New Lanark Trust and local community councils);

(4) the role and responsibilities of those on the liaison group;

(5) dates when the liaison group will convene (for example, annually);

(6) dates when the management plan will be reviewed (for example, annually).

This may require the issue of an intensions letter.

The applicant has also indicated a willingness to contribute to the Aggregates Quarry Fund. This is a voluntary matter to be arranged between South Lanarkshire Council and the applicant.

Dan Jackman & J Alasdair Edwards
Reporters

11. APPENDICES

APPENDIX 1: REPORTERS' RECOMMENDED CONDITIONS

1. That all extraction operations on the site shall be discontinued no later than 31st 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 3 & 4) by 31st October 2034.

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

2. Notwithstanding the terms of condition 1 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 areas so occupied shall be restored within a period of 24 months in accordance with the approved restoration plan or plans (as required by condition 3).

That, in the event of extraction operations on any phase of the site ceasing for a period of 12 months or more, the operator 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.

3. That no mineral extraction operation shall commence within either phases 1, 2A, 2B, or 3, as illustrated on drawing P2/1842/5 – 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 mineral extraction operations within that phase, has been submitted to and approved in writing by the Council as Planning Authority. The detailed restoration plan or plans shall be based on drawing P2/1842/13 – concept restoration and 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 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.

4. That no mineral extraction operations shall commence within each Phase of development 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, and are as follows:

- Phase 1 - Enhancement Zone A - (Drawing P2/1842/6A)
- Phase 2A - Enhancement Zone B - (Drawing P2/1842/7)
- Phase 2B - Enhancement Zone C - (Drawing P2/1842/8)
- Phase 3 - Enhancement Zone D - (Drawing P2/1842/9)

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.

5. That no mineral extraction operations shall commence within either Phases 1,2A, 2B or 3, as illustrated on drawing P2/1842/5 - Proposed Block Phasing, until a detailed aftercare scheme for that phase, and any other areas of the application site to be restored during mineral extraction operations 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.

6. Each individual phase of mineral extraction, as illustrated on drawing P2/1842/5 - Proposed Block Phasing, or such other phasing plan 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 3 and 4. Thereafter, the aftercare scheme submitted as a requirement of condition 5 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.

7. That the extraction operations shall proceed in a phased manner with phases 1, 2A, 2B and 3, as illustrated on drawing P2/1842/5 - Proposed Block Phasing, being worked progressively in that order.

Reason: To provide for progressive restoration.

8. 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 will be 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 48 below), the operator shall, within four months of the submission of the annual progress plan required through condition 48, 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 48, 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.

9. 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 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.

10. That no development commences 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 be implemented unless otherwise approved in writing by the Council as Planning Authority.

Reason: To minimise noise nuisance from the operation.

11. That no development shall commence until a detailed scheme setting out dust control and monitoring has been submitted 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.

12. 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.

13. That, in the event a written request is made by the Council, the operator shall submit details, within 21 days of the written request, setting out measures to minimise the deposit of mud and debris on the public road. Thereafter, those measures shall be implemented within agreed timescales, to the satisfaction of the Council.

Reason: To prevent mud and deleterious material being carried out onto the public road.

14. 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.

15. 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.

16. That all mineral dispatch vehicles shall only use the access onto the A73, 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.

17. That no development commences until a scheme setting out how the internal access roads will be surfaced and maintained and how debris will be prevented from being carried onto the public highway has been submitted 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.

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

18. 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.

19. 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.

20. Prior to the commencement of the development hereby approved, a sign shall be erected adjacent to the exit road from the quarry, warning motorists departing the quarry that they may encounter cyclists. The sign shall be consistent with Drawing P950 produced by the Department of Transport.

Reason: In the interests of road safety.

21. That 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), except with the prior written approval of the Council as Planning Authority.

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

22. That all suitable soils, peat and soil making 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.

23. 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.

24. That no development commences 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.

25. That no development commences 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.

26. All containers being used to store liquids 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.

27. 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.

28. 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.

29. That not more than 3 months prior to the commencement of development within each phase of development as detailed on drawing P2/1842/5 - Proposed Block Phasing, 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.
- Mitigation measures.
- Implementation programme.

The agreed scheme shall be implemented unless otherwise agreed in writing by the Council as planning authority.

Reason: In the interests of protected species.

30. 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.

31. That prior to the commencement of any soil stripping operations and/or mineral extraction operations within Phase 1, as illustrated on drawing P2/1842/5 - Proposed Block Phasing, a comprehensive method statement detailing how the peatland habitat will be moved and thereafter sustained in the receptor site shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with Scottish Natural Heritage & the Scottish Environment Protection Agency. The following information shall include:

- What habitat type is targeted for creation and justification for the choice of target habitat.
- How the vegetation and peat soils will be stripped and handled.
- How the material will be transported to the receptor site.
- How the hydrology of the wetland will be supported.
- How surface water will be managed.
- When the peatland habitat will be moved.
- The duration of works.

- How monitoring will be undertaken during the relocation process and thereafter the regeneration of the peatland.

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

Reason: To ensure best practice is used for the handling, storage and restoration of peat.

32. 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 & the Scottish Environment Protection Agency. The ECoW shall be appointed prior to commencement of development and until the completion of restoration works by the operator. The scope of work of the ECoW shall include:

- Monitoring impacts of operations and compliance with ecological best practice and mitigation works relevant to the development, as detailed within:
 - the Restoration and Enhancement Plan(s), required through Conditions 3 & 4,
 - the mitigation measures identified in Chapter 13 of the Environmental Statement (Volume 2 - November 2012);
 - the supplementary information, dated 7th May 2013, and;
 - the Species Protection and Habitat Management Plan.
- Advising on adequate protection of nature conservation interests and implementation of restoration on the site.
- Monitoring 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.

33. 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.

34. 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.

35. 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 P2/1842/5 - Proposed Block Phasing.

Reason: In the interests of archaeology.

36. That within 1 year of the commencement of extraction operations within Phase 2B, as illustrated on drawing P2/1842/5 - 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 35 above.

Reason: In the interests of archaeology.

37. That on the 31st March 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 dispatched within the preceding year.
- 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.

38. That, within three months of completion of restoration works on site, a final progress plan containing the information listed in Condition 37 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.

39. That, as soon as practicable following the completion of extraction operations within each phase as illustrated on drawing P2/1842/5 - Proposed Block Phasing, 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.

40. That no development commences 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.

41. That the operator shall at all times deal with the areas forming the subject of this consent in accordance with the provision of this application, planning statement Environmental Statement and plans submitted except as otherwise provided for by this consent, and shall omit no part of the operations provided for therein except with the prior consent of the Council as Planning Authority.

All mitigation measures contained within the Environmental Statement shall be implemented in full, to the satisfaction of the Council as Planning Authority.

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

42. That notwithstanding the terms of Class 55 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the further written consent of the Council as Planning Authority shall be required in respect of any additional buildings, plant or machinery required in connection with the approved operations within Phase 1, as illustrated on drawing P2/1842/5 - Proposed Block Phasing.

Reason: To ensure that the Planning Authority retains effective control of the development and to protect the amenity of the World Heritage Site buffer and designed landscape.

43. 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.

44. 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.
- (e) Details of the alternative access arrangements for the landowner(s) through Phase 1.

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

45. That prior to any works commencing on the Bonnington Estate boundary wall and associated access track (Identified as Sites 59 & 60 within Appendix 13 of the Environmental Statement, Volume 2 - November 2012), the wall shall be surveyed and the survey report and a method statement for the demolition, storage and reconstruction of the boundary wall shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the operator shall adhere to the method statement when demolishing, storing and reconstructing the boundary wall.

The boundary wall and access track shall be fully reconstructed within 2 years of completion of extraction operations within Phase 1, as illustrated on drawing P2/1842/5 - Proposed Block Phasing, all in accordance with the method statement.

Reason: To ensure the satisfactory restoration of the site and to reinstate the boundary wall.

46. 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.

47. 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 9(b), to the satisfaction of the Planning Authority.

Reason: In the interests of amenity.

APPENDIX 2: SOUTH LANARKSHIRE COUNCIL'S SUGGESTED CONDITIONS

1. That all extraction operations on the site shall be discontinued no later than 31st 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 3 & 4) by 31st October 2034 to the satisfaction of the Council as Planning Authority.

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

2. Notwithstanding the terms of condition 1 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 areas so occupied shall be restored within a period of 24 months in accordance with the approved restoration plan or plans (as required by condition 3) to the satisfaction of the Council as Planning Authority.

That, in the event of extraction operations on any phase of the site ceasing for a period of 12 months or more, the operator 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 to the satisfaction of the Council as Planning Authority.

Reason: To secure the satisfactory reinstatement of the site.

3. That no mineral extraction operation shall commence within either phases 1, 2A, 2B, or 3, as illustrated on drawing P2/1842/5 – 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 mineral extraction operations within that phase, has been submitted to and approved in writing by the Council as Planning Authority. The detailed restoration plan or plans shall be based on drawing P2/1842/13 – concept restoration and 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 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 and then to the satisfaction of 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.

4. That no mineral extraction operations shall commence within each Phase of development 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, 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), to the satisfaction of the Council as Planning Authority. 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, and are as follows:

- Phase 1 - Enhancement Zone A - (Drawing P2/1842/6A)
- Phase 2A - Enhancement Zone B - (Drawing P2/1842/7)
- Phase 2B - Enhancement Zone C - (Drawing P2/1842/8)
- Phase 3 - Enhancement Zone D - (Drawing P2/1842/9)

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.

5. That no mineral extraction operations shall commence within either Phases 1,2A, 2B or 3, as illustrated on drawing P2/1842/5 - Proposed Block Phasing, until a detailed aftercare scheme for that phase, and any other areas of the application site to be restored during mineral extraction operations 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.

6. Each individual phase of mineral extraction, as illustrated on drawing P2/1842/5 - Proposed Block Phasing, or such other phasing plan 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 3 and 4. Thereafter, the aftercare scheme submitted as a requirement of condition 5 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.

7. That the extraction operations shall proceed in a phased manner with phases 1, 2A, 2B and 3, as illustrated on drawing P2/1842/5 - Proposed Block Phasing, being worked progressively in that order. The operations shall be undertaken in such a manner as to ensure that the area disturbed by the workings at anyone time is kept to a minimum, to the satisfaction of the Council as Planning Authority.

Reason: To provide for progressive restoration.

8. 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 will be 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 48 below), the operator shall, within four months of the submission of the annual progress plan required through condition 48, 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 48, 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.

9. 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 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.

10. That with respect to the control of noise resulting from the operations at the site, the operator shall comply with the following (except as provided for in Condition 14 below):

During the hours of operation, controlled through Condition 9(b) the nominal noise limit from site operations at all noise sensitive premises in the vicinity of the site, shall not exceed 55 dB(A) LAeq, over any one hour period. As the site is to be operational only during daytime there shall be no audible noise from the site at noise sensitive properties outwith the operational hours specified in Condition 9(b).

Reason: In order to protect the amenity of the local area and nearby residents.

11. That no development shall commence until a detailed scheme of site noise monitoring and mitigation is submitted to and approved by the Council as Planning Authority and thereafter the site operator shall abide by the terms of the approved noise monitoring and mitigation scheme unless otherwise agreed in writing with the Council as Planning Authority.

This monitoring and mitigation scheme shall be in line with Chapter 12 of the Environmental Statement (Volume 2 - November 2012) and provide details of:

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

Reason: To minimise noise nuisance resulting from the operations and to enable the Council as Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.

12. That reversing alarms used on all plant and vehicles, including HGV's, shall be either non-audible, ambient related, low tone or broadband devices to the satisfaction of the Council as Planning Authority. The use of audible devices shall only be permitted where agreed in writing with the Council, and only where the device is designed to minimise disturbance at noise sensitive premises in the vicinity.

Reason: In the interests of protecting local amenity.

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

Reason: To minimise noise nuisance resulting from the operations.

14. For temporary operations such as soil stripping, replacement and bund formation, the nominal daytime noise limit from site operations, during the working week (as defined within condition 9(b)) shall be no more than 70dB LAeq over any one hour period for a

maximum of 8 weeks per year, or for such other time period to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the noise resulting from the operations.

15. That no development shall commence until a detailed scheme of dust monitoring and mitigation shall be submitted to and approved by the Council as Planning Authority and thereafter the site operator shall abide by the terms of the approved monitoring and mitigation scheme unless otherwise agreed in writing with the Council as Planning Authority.

The dust monitoring and mitigation scheme shall be in line with Chapter 11 of the Environmental Statement (Volume 2 - November 2012) and provide details of:

- A dust management plan;
- Mitigation measures;
- Location of monitoring points;
- Monitoring frequency;
- Details of equipment to be used and experience of monitoring staff;
- A programme of implementation;
- Frequency of reporting the results to the Council as Planning Authority;
- The process and steps to be taken in the event of a complaint regarding dust.

Reason: To minimise dust nuisance resulting from the operations and 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.

16. That the operator shall minimise dust emissions from the site by every practicable means, and shall at all times operate in full accordance with current best practice.

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

If the prevention of dust nuisance by these means is not possible, then the operations which are, in the opinion of the Council as Planning Authority, creating the dust nuisance shall cease temporarily until such times as the weather/ ground conditions allow.

Reason: In the interests of protecting local amenity.

17. That at all times during the operation water bowsers and sprayers, whether fixed or mobile, shall be available to minimise the emission of dust from the site. If the prevention of dust nuisance by these means is not possible, then the movement of soils, overburden, etc. shall cease temporarily until such times as the weather/ ground conditions allow.

Reason: To minimise the nuisance of dust.

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

Reason: To minimise the nuisance of dust.

19. 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.

20. That, in the event a written request is made by the Council, the operator shall submit details, within 21 days of the written request, setting out measures to minimise the deposit of mud and debris on the public road. Thereafter, those measures shall be implemented within agreed timescales, to the satisfaction of the Council.

Reason: To prevent mud and deleterious material being carried out onto the public road.

21. 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.

22. 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.

23. That all mineral dispatch vehicles shall only use the access onto the A73, 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

24. That the internal access roads associated with this development shall be maintained with an even surface, to the satisfaction of the Council as Planning Authority.

Reason: To minimise impact with local amenity.

25. That the section of the access road between the processing plant equipment and the A73 shall be maintained in such a condition as to prevent ruts, potholes and ponding of water and 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.

26. 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.

27. 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.

28. Prior to the commencement of the development hereby approved, a sign shall be erected adjacent to the exit road from the quarry, warning motorists departing the quarry that they may encounter cyclists. The sign shall be consistent with Drawing P950 produced by the Department of Transport.

Reason: In the interests of road safety.

29. That 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), except with the prior written approval of the Council as Planning Authority.

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

30. That all suitable soils, peat and soil making 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.

31. 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.

32. That the site shall be kept clear of weeds during extraction and restoration works to the satisfaction of the Council as Planning Authority.

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

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

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

34. That no materials shall be deposited in such a way that they may fall or be carried into any watercourse and the operator shall be responsible for the immediate treatment of any contamination of water which does arise as a result of any such occurrences.

Reason: To protect the quality of watercourses.

35. That all contaminated surface and ground water arising either directly or indirectly from the development hereby approved shall be treated to the satisfaction of the Council as Planning Authority, in consultation with SEPA, prior to discharge to any watercourse. No foul or contaminated surface water shall be discharged from the site into either the ground water or surface water drainage systems. The operator shall be responsible for the immediate treatment of any contamination of water which does arise as a result of any such occurrences.

Reason: To protect the quality of watercourses.

36. That provision shall be made at all times to ensure the site is adequately drained in accordance with the site drainage plan submitted in accordance with Condition 55 and that all reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not interrupted or rendered less efficient by the operations hereby approved.

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

37. All containers being used to store liquids 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.

38. 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.

39. 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.

40. That not more than 3 months prior to the commencement of development within each phase of development as detailed on drawing P2/1842/5 - Proposed Block Phasing,

prestart checks shall be carried out to the satisfaction of the Council as Planning Authority, in consultation with Scottish Natural Heritage. The pre-start checks will investigate the presence of the following species on site and within an appropriate buffer:

- Otters
- Bats
- Badgers
- amphibians and reptiles,
- birds, and
- invertebrates.

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

Reason: In the interests of protected species.

41. 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.

42. That prior to the commencement of any soil stripping operations and/or mineral extraction operations within Phase 1, as illustrated on drawing P2/1842/5 - Proposed Block Phasing, a comprehensive method statement detailing how the peatland habitat will be moved and thereafter sustained in the receptor site shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with SNH & SEPA. The following information shall include:

- What habitat type is targeted for creation and justification for the choice of target habitat.
- How the vegetation and peat soils will be stripped and handled.
- How the material will be transported to the receptor site.
- How the hydrology of the wetland will be supported.
- How surface water will be managed.
- When the peatland habitat will be moved.
- The duration of works.
- How monitoring will be undertaken during the relocation process and thereafter the regeneration of the peatland.

Reason: To ensure best practice is used for the handling, storage and restoration of peat.

43. 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 SNH & SEPA. The ECoW shall be appointed prior to commencement of development and until the completion of restoration works by the operator. The scope of work of the ECoW shall include:

- Monitoring impacts of operations and compliance with ecological best practice and mitigation works relevant to the development, as detailed within;
 - the Restoration and Enhancement Plan(s), required through Conditions 3 & 4,
 - the mitigation measures identified in Chapter 13 of the Environmental Statement (Volume 2 - November 2012);
 - the supplementary information, dated 7th May 2013, and;
 - the Species Protection and Habitat Management Plan.
- Advising on adequate protection of nature conservation interests and implementation of restoration on the site;
- Monitoring the impact of the development on protected species; and
- 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.

44. 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.

45. 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 to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In the interests of archaeology.

46. 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 P2/1842/5 - Proposed Block Phasing.

Reason: In the interests of archaeology.

47. That within 1 year of the commencement of extraction operations within Phase 2B, as illustrated on drawing P2/1842/5 - 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 46 above.

Reason: In the interests of archaeology.

48. That on the 31st March 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 dispatched within the preceding year;
- 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.

49. That, within three months of completion of restoration works on site, a final progress plan containing the information listed in Condition 48 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.

50. That, as soon as practicable following the completion of extraction operations within each phase as illustrated on drawing P2/1842/5 - Proposed Block Phasing, 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.

51. That, prior to the commencement of extraction operations, 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. Thereafter, the fencing shall be maintained in good condition until final restoration is completed.

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

52. That the operator shall at all times deal with the areas forming the subject of this consent in accordance with the provision of this application, planning statement Environmental Statement and plans submitted except as otherwise provided for by this consent, and shall omit no part of the operations provided for therein except with the prior consent of the Council as Planning Authority.

All mitigation measures contained within the Environmental Statement shall be implemented in full, to the satisfaction of the Council as Planning Authority.

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

53. That notwithstanding the terms of Class 55 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the further written consent of the Council as Planning Authority shall be required in respect of any additional buildings, plant or machinery required in connection with the approved operations within Phase 1, as illustrated on drawing P2/1842/5 - Proposed Block Phasing.

Reason: To ensure that the Planning Authority retains effective control of the development and to protect the amenity of the World Heritage Site buffer and designed landscape.

54. 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.

55. 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 to the full satisfaction of 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;
- (e) Details of the alternative access arrangements for the landowner(s) through Phase 1;
- (f) A drainage plan for the site.

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

56 That prior to any works commencing on the Bonnington Estate boundary wall and associated access track (Identified as Sites 59 & 60 within Appendix 13 of the Environmental Statement, Volume 2 - November 2012), the wall shall be surveyed and the survey report and a method statement for the demolition, storage and reconstruction of the boundary wall shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the operator shall adhere to the method statement when demolishing, storing and reconstructing the boundary wall.

The boundary wall and access track shall be fully reconstructed within 2 years of completion of extraction operations within Phase 1, as illustrated on drawing P2/1842/5 -

Proposed Block Phasing, all in accordance with the method statement and to the satisfaction of the Council as Planning Authority.

Reason: To ensure the satisfactory restoration of the site and to reinstate the boundary wall.

57. 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.

58. 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 9(b), to the satisfaction of the Planning Authority.

Reason: In the interests of amenity.

APPENDIX 3: DOCUMENT LIST

A APPLICATION PAPERS

- A.1 Consultation Leaflet
- A.2 Restoration Proposals (2010)
- A.3 Scoping Opinion, 22 July 2011
- A.4 Planning Application: Volume 1: Planning Application, Written Statement with Plans, November 2012
- A.5 Volume 2: Environmental Statement and Technical Appendices, November 2012
- A.6 Volume 3: Environmental Statement with Non-Technical Summary, November 2012
- A.7 Supplementary Information, 7 May 2013
- A.8 Application Plans:
 - a) P2/1842/1 – Location Plan
 - b) P2/1842/2 – Context Plan
 - c) P2/1842/3 – Current Situation (May 2012)
 - d) P2/1842/4 – Current Situation (May 2012) Illustrating Soil Storage Bunds
 - e) P2/1842/5A – Proposed Block Phasing
 - f) P2/1842/6A – Phase 1 Mineral Extraction and Enhancement
 - g) P2/1842/7 – Phase 2A Mineral Extraction and Enhancement
 - h) P2/1842/8 – Phase 2B Mineral Extraction and Enhancement
 - i) P2/1842/9 – Phase 3 Mineral Extraction and Enhancement
 - j) P2/1842/11 – Schematic Sections (1 of 2)
 - k) P2/1842/12 – Schematic Sections (2 of 2)
 - l) P2/1842/13 – Concept Restoration Plan
- A.9 Application Form
- A.10 Consultation Responses – Historic Scotland
 - a) 22 January 2013 (including annex)
 - b) 2 April 2013 (responds to ICOMOS-UK)
 - c) 13 August 2013
 - d) 26 November 2013
- A.11 Consultation Responses – Scottish Natural Heritage
 - a) 4 February 2013
 - b) 2 July 2013

- A.12 Consultation Responses – ICOMOS-UK
 - a) 18 January 2013
 - b) 3 July 2013
- A.13 Consultation Response – Garden History Society in Scotland
 - a) 23 January 2013
 - b) 2 July 2013
- A.14 Consultation Response – New Lanark Trust
 - a) 18 January 2013
- A.15 Consultation Responses – Scottish Wildlife Trust
 - a) 17 January 2013
 - b) 9 October 2013
- A.16 Consultation Response – New Lanark Community Council
 - a) 23 January 2013
- A.17 Consultation Response – Royal Burgh of Lanark Community Council
 - a) 15 January 2013
- A.18 Consultation Response - Woodland Trust
 - a) 25 January 2013
- A.19 Consultation Responses – West of Scotland Archaeology Service
 - a) 15 January 2013
 - b) 25 June 2013
- A.20 Consultation Response – Lanark Civic Trust
 - a) 18 January 2013
- A.21 Report to Planning Committee (Application Ref CL/12/0525), 17 December 2013
- A.22 Conditions spreadsheet
- A.23 Representations by Save Our Landscapes dated:
 - a) 18 January 2013
 - b) 3 July 2013

- c) 9 September 2013
- d) 9 September 2013
- e) 29 October 2013

B DEVELOPMENT PLAN

- B.1 Glasgow and the Clyde Valley Strategic Development Plan 2012
- B.2 South Lanarkshire Local Plan 2009 – Volume 1: Development Strategy & Associated Maps
- B.3 South Lanarkshire Local Plan 2009 – Volume 2: Development Policies, Guidance, Appendices & Associated Maps
- B.4 Reporter’s Examination Report on Proposed Minerals Local Development Plan, Lance R Gifford (2012)
- B.5 Adopted Minerals Local Development Plan 2012, including Environmental Constraints Map & Operational Sites Map
- B.6 Adopted Minerals Local Development Plan 2012 – Monitoring Statement 2013
- B.7 South Lanarkshire Proposed Local Development Plan (May 2013)
- B.8 South Lanarkshire Proposed Local Development Plan – Supplementary Guidance
 - (a) Development Management, Place Making and Design (May 2013)
 - (b) Draft Green Network and Green Spaces (May 2014)
- B.9 New Lanark & Falls of Clyde Conservation Area Character Appraisal
- B.10 Validating Local Landscape Designations (November 2010)
- B.11 South Lanarkshire Core Paths Plan (November 2012)
- B.12 Aggregate Quarries Fund – Information Leaflet
- B.13 Appeal Decision Notice Ref PPA-380-2021 Overburns Farm, Lamington, Biggar
- B.14 South Lanarkshire Council Minerals Supply and Demand Position Statement
- B.15 Planning policy spreadsheet
- B.16 Draft LDP Supplementary Guidance on Green Belt and Rural Area
- B.17 Draft LDP Supplementary Guidance on Natural and Historic Environment
- B.18 South Lanarkshire Council Minerals Supply and Demand Position Statement: August 2014 Update

C NATIONAL GUIDANCE AND LEGISLATION

- C.1 Scottish Planning Policy (SPP) (June 2014)
- C.2 Scotland's Third National Planning Framework (NPF3) (June 2014)
- C.3 Ancient Monuments and Archaeological Areas Act 1979
- C.4 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
- C.5 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011
- C.6 Circular 3/2011: The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011
- C.7 Circular 3/2009: Notification of Planning applications
- C.8 PAN 1/2013 Environmental Impact Assessment
- C.9 PAN 64 – Reclamation of Surface Mineral Workings
- C.10 PAN 50 (with appendices) – Controlling the Environmental Effect of Surface Mineral Workings
- C.11 PAN 60 – Planning for National Heritage
- C.12 PAN 65 – Planning and Open Space
- C.13 PAN 71 – Conservation Area Management
- C.14 PAN 2/2011 – Planning and Archaeology
- C.15 Joint Statement by Key Agencies on Pre-Application Engagement for National and Major Developments
- C.16 Scottish Historic Environment Policy (SHEP)
- C.17 Managing Change in the Historic Environment: Setting (Historic Scotland, October 2010)

D DOCUMENTS RE HERITAGE DESIGNATIONS

- D.1 *“Nomination of New Lanark for inclusion in the World Heritage List”* (Secretary of State for Scotland, December, 1986)

- D.2 “Nomination of New Lanark for inclusion in the World Heritage List” (Historic Scotland, 2000)
- D.3 Advisory Committee Report (ICOMOS, 2001)
- D.4 Adoption of retrospective Statements of Outstanding Universal Value. 37 COM, continued by World Heritage Committee in 2013
- D.5 “*New Lanark Nominated World Heritage Site Management Plan*” (November 2000; included in nomination dossier)
- D.6 “*New Lanark Management Plan 2013-18*” (Historic Scotland, 2013)
- D.7 “*New Lanark Management Plan 2013-18, Action Plan, Appendices*” (Historic Scotland 2013)
- D.8 “*New Lanark Trust 10 Year Vision and Strategy*” (New Lanark Trust, 2013)
- D.9 X’ian Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas (ICOMOS, 2005)
- D.10 “The Falls of Clyde” – entry in Historic Scotland’s Inventory of Gardens and Designed Landscapes (Historic Scotland, 2006)
- D.11 UN Convention concerning the Protection of the World Cultural and Natural Heritage adopted by the General Conference on 16 November 1972
- D.12 Historic Scotland Listing for Bonnington Pavilion (reference 13065)
- D.13 Inscription for the New Lanark World Heritage Site dated 16 December 2001

E MINISTERIAL CORRESPONDENCE

- E.1 Folder of Ministerial Correspondence

F CEMEX UK OPERATIONS LIMITED

- CEM.1 Aerial photograph of the quarry
- CEM.2 Director for the Built Environment’s Notified Planning Application: Assessment Report dated 23 April 2009 (Reference NA/FLK/026)
- CEM.3 Notification of Direction dated 28 May 2009 calling in application for proposed erection of a distillery, visitor centre, restaurant, six retail units, one bonded warehouse, gatehouse, SUDs pond and landscaping works on land to the west of Cadgers Brae, Falkirk (Reference NA/FLK/026)

- CEM.4 Reporter's Report and Recommendation dated 2 March 2010 on application on land to west of Cadgers Brae, Falkirk (Reference NA/FLK/026)
- CEM.5 Scottish Ministers' proposed decision dated 25 May 2010 on application on land to the west of Cadgers Brae, Falkirk (Reference NA/FLK/026)
- CEM.6 Appeal Decision dated 11 August 2010 on application on land to the west of Cadgers Brae, Falkirk (Reference NA/FLK/026)
- CEM.7 Extract World Heritage Committee 33rd Session Report (decision 33COM7A.26 to delete Dresden Elbe Valley from the World Heritage List)
- CEM.8 Extract World Heritage Committee 31st Session Report (decision 31COM7B.11 to delete Arabian Oryx Sanctuary (Oman) from the World Heritage List)
- CEM.9 Clydesdale District Council 1995, *The Landscape Setting of New Lanark*
- CEM.10 English Heritage, *The Setting of Heritage Assets* (June 2012)
- CEM.11 *Guidelines for Landscape and Visual Impact Assessment*, Landscape Institute and Institute of Environmental Management and Assessment
- (a) 2nd edition, 2002
(b) 3rd edition, 2013
- CEM.12 *Landscape Character Guidance for England and Scotland*, The Countryside Agency and Scottish Natural Heritage (2002)
- CEM.13 List of World Heritage Sites in Danger
- CEM.14 Historic Scotland Supplementary Planning Guidance on Frontiers of the Roman Empire (Antonine Wall) World Heritage Site
- CEM.15 New Lanark and Falls of Clyde Conservation Area Character Appraisal Consultation Draft
- CEM.16 Decisions adopted by the World Heritage Committee at its 37th session (WHC-13/37.COM/20)
- CEM.17 World Heritage Committee 38th session, 15-25 June 2014, Item 7B of the provisional agenda re State of conservation of World Heritage properties inscribed on the World Heritage List (WHC/14/38.COM/7B.Add)
- CEM.18 ICOMOS – Policy for the Implementation of the ICOMOS World Heritage mandate

- CEM.19 Report of the UNESCO-ICOMOS Reactive Monitoring Mission to the *Old and New Towns of Edinburgh* (United Kingdom) 12 to 15 November 2008 (33COM Item 7 of provisional agenda)
- CEM.20 Plans and Photographs referred to within the Landscape and Visual Impact Assessment
- CEM.21 (a) Extract World Heritage Papers No 25: *World Heritage and Buffer Zones*, International Expert Meeting (11 – 14 March 2008)
- (b) Decisions 32 COM 7.1 adopted at the 32nd Session of the World Heritage Committee (Quebec City, 2008) and Decision 35 COM 7.1 adopted at the 35th Session of the World Heritage Committee (Unesco, 2011)
- CEM.22 Historic Scotland letter dated 31 May 2012 responding to FOI Request
- CEM.23 Letter from New Lanark Conservation Trust dated 19 October 1998
- CEM.24 (a) ICOMOS comments on proposals for extension of Hyndford Quarry and for Pleasance Housing Scheme in the buffer zone, August 2013
- (b) Letter from UNESCO to DCMS dated 10 December 2013
- (c) Letter from UNESCO dated 5 February 2014
- CEM.25 Minute of Clydesdale District Council relating to the New Lanark Conservation Area
- CEM.26 New Lanark and Falls of Clyde Working Group position on planning policies, 9 June 2014
- CEM.27 Managing Change in the Historic Environment: Boundaries (Historic Scotland, October 2010)
- CEM.28 South Lanarkshire Proposed Local Development Plan - Policy 15 Schedule 4 Summary of Unresolved Issues
- CEM.29 CEMEX comments on South Lanarkshire Council's Minerals Supply and Demand Position Statement
- CEM.30 South Lanarkshire Landscape Character Assessment, Report by Ironside Farrar (November 2010)
- CEM.31 UNESCO World Heritage List: Dresden Elbe Valley (webpage)
- CEM.32 Extracts from Lanark Burgh Records (extracted 1893)
- CEM.33 March Dykes Act 1661 and Entail Act 1685
- CEM.34 Transcription of Minutes of Justices of the Peace (extracted 1931)

CEM.35 Errata: CEMEX Hearing Statement Section 4 Impacts on the Built and Natural Environment

G SOUTH LANARKSHIRE COUNCIL

G.1 Scottish Aggregates Survey 2005

G.2 SESPlan Minerals Technical Note 2011

G.3 *Patersons of Greenoakhill Limited v The Scottish Ministers [2014] CSIH 24*

H NEW LANARK AND FALLS OF CLYDE WORKING GROUP

H.1 Report. *Save Our Landscapes Report 2014*.

H.2 Leaflet. *"The Falls of Clyde: a hidden gem"* (Save Our Landscapes, 2012)

H.3 Report *"The Proposed Extension of Hyndford Quarry into the Buffer Zone of the New Lanark World Heritage Site and Falls of Clyde Designed Landscape, Lanark: Save Our Landscapes"* (Mark Stephens, October 2012)

H.4 Presentation to Duncanrig Rambling Club (East Kilbride). *"New Lanark's Landscape Setting: Threats and Opportunities."* (Mark Stephens, March 2013)

H.5 Report *"Public Opinion and the proposed Quarry in the New Lanark World Heritage Site Buffer Zone at the Falls of Clyde"*, (Mark Stephens, November 2013, Save Our Landscapes)

H.6 Leaflet. *"The Case for Rejecting Application for Extending Hyndford Quarry into the Buffer Zone of the New Lanark World Heritage Site"* (Save Our Landscapes, December 2013)

H.7 Transcript of part of Public Hearing preceding South Lanarkshire Council Planning Committee (17 December 2013)

H.8 Report *"The Threat to the New Lanark World Heritage Site: Evidence in Support of a Call-In"*, (Mark Stephens, December 2013, Save Our Landscapes)

H.9 Report. *"In the News"* (Save Our Landscapes, June 2014)

H.10 Letter from Willie Macleod (Chair, New Lanark Trust) to the Minister of Local Government and Planning in support of call-in, 8 January 2014)

H.11 Scottish Parliament Motion S4M-05651, New Lanark World Heritage Site, 18 February 2013 (Proposed by Joan McAlpine MSP)

H.12 [Not used]

- H.13 “Historic Tourism to New Lanark and Falls of Clyde 1795-1830. The evidence of contemporary visiting books and related sources”, Ian Donnachie, *Journal of Tourism and Cultural Change*, 2004
- H.14 Historic Scotland documentation relating to this case:
- 1) Precognition of Mark Watson
 - 2) Emails dated 10 and 12 May 2010 between Gavin Mennie and James Turner
 - 3) Letter dated 21 July 2010 from Historic Scotland to Gavin Mennie
 - 4) Note of Historic Scotland internal meeting dated 23 June 2011
 - 5) Email dated 6 July 2011 from Rosalind Campbell, Historic Scotland, to Gavin Mennie
 - 6) Letter dated 6 July 2011 from Rosalind Campbell to Donald Wilkins
 - 7) Historic Scotland internal emails dated 20 July - 2 August 2011
 - 8) Historic Scotland internal emails dated 12 and 15 August 2011
- H.15 “*The Falls of Clyde: Feasibility Study for Conservation Works*” (Peter McGowan Associates and John Renshaw Architects”, 2004)
- H.16 “*The Falls of Clyde Designed Landscapes Management Study*” (Peter McGowan Associates / Scottish Natural Heritage, 1997)
- H.17 “Rediscovering a Sense of Wonder: Geoheritage, Geotourism and Cultural Landscape Experience”, John E Gordon, *Geoheritage*, 4, pp. 65-77
- H.18 Email correspondence from Martin Twiss, SNH, to Graham U'ren, New Lanark Trust, dated 26 February 2013 re SNH views on planning application CL/12/0525
- H.19 “A Life in Pictures”, Edinburgh: Canongate, pp. 140-141
- H.20 Expert Statements re:
- 1) New Lanark World Heritage Site and Buffer Zone
 - 2) Falls of Clyde Designed Landscape
 - 3) Supply of Sand and Gravel
- H.21 Proposal of Application Notice for Prettsmill sand quarry

H.22 Location plan for proposed Prettsmill sand quarry

H.23 Pre-application consultation advertisement notice for proposed Prettsmill sand quarry

I HISTORIC SCOTLAND

I.1 State of Conservation Report by the State Party

I.2 Operational Guidelines for the Implementation of the World Heritage Convention (July 2013)

I.3 World Heritage in Scotland: Fact Sheet

I.4 New Lanark World Heritage Site: Fact Sheet

I.5 Maps showing various designations

APPENDIX 4: NOTE OF PRE-EXAMINATION MEETING

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

PLANNING APPLICATION: PROPOSED EXTENSION TO MINERAL EXTRACTION OPERATIONS AND ASSOCIATED RESTORATION WORKS AT HYNDFORD QUARRY, LANARK

DPEA reference: NOD-SLS-001

PROCEDURE NOTICE 1 - NOTE OF MATTERS AGREED AT OR ARISING FROM THE PRE-EXAMINATION MEETING HELD AT 10.00 AM, WEDNESDAY 8 MAY 2014 IN THE LANARK MEMORIAL HALL, LANARK

1. Introduction

Scottish Ministers have issued a direction under section 46(1) of the Act confirming that they will determine this application. The application has now been transferred to the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA) for examination. Mr Dan Jackman BA(Hons) MRTPI and Mr Alasdair Edwards MA(Hons) MRTPI, have been appointed as the reporters to consider the application and report their findings and recommendations to Scottish Ministers.

The pre-examination meeting related to discussing the procedural arrangements for the above application. This note and accompanying covering letter is a "procedure notice".

2. Those present

Representatives from the applicant (Cemex UK Operations Limited), South Lanarkshire Council, Historic Scotland, and a third party objector group (headed by Save Our Landscapes and consisting of: The Garden History Society in Scotland, ICOMOS-UK, Lanark and District Civic Trust, The New Lanark Trust, Royal Burgh of Lanark Community Council, and The Woodland Trust) attended the meeting.

3. Choice of procedure

The reporters had set out their preliminary view on procedures before the pre-examination meeting, suggesting hearing sessions on planning policy, impacts on the built and natural environment, and conditions; further written submissions on habitats and species; and site inspections.

The remaining issues will be dealt with on the basis of the material already submitted during the course of the planning application being processed. This merely means that the reporters have sufficient information on those topics, and not that the issue is necessarily less important than the others. In any case, all of the written material already lodged, including the letters of objection, will be taken into account in consideration of the proposal.

All the parties present at the meeting agreed to further written submissions on habitat and species impacts, and a hearing session on conditions/obligations to be imposed if planning permission was granted.

Save Our Landscapes requested inquiry sessions for impacts on the built and natural environment and planning policy matters. The council and Historic Scotland were content for these matters to be dealt with through hearing sessions. The applicant was neutral on the subject.

As confirmed in the Town and Country Planning (Appeals)(Scotland) Regulations 2013 the procedure for determination is a matter for the appointed persons to decide. On the basis of their previous experience and weighing the arguments for inquiry sessions the reporters decided that hearing sessions would be the most appropriate, efficient, and effective means of gaining the information they require to prepare their report to Scottish Ministers.

A list of procedures and those participating in each procedure is set out in **Annex 1**.

4. Written Submissions

Further written submissions allow an exchange of information on matters specified by the reporters. As agreed at the meeting, the reporters request a response from the Scottish Environment Protection Agency, Scottish Natural Heritage, Scottish Wildlife Trust and The Woodland Trust on whether they have any further comments to make in relation to the following matters or are content to rely on their representations to the planning authority:

- Impacts on The Clyde Valley Woodlands National Nature Reserve.
- Impacts on the Falls of Clyde Site of Special Scientific Interest.
- Relocation of area of peat.
- Loss of woodland in phase 1.
- Impacts on protected species.

Further written submissions, or confirmation that parties are content to rely on their previous submissions, should be provided by **6 June 2014**. Comments from the applicant and the council should be received within 2 weeks of the last submission (**20 June 2014** at the latest). The timetable set out in **Annex 2** provides the submission dates.

All written submissions should be copied to the DPEA office electronically and in hard copy (see contact details below), and copied to the identified parties (the applicant, the council, the Scottish Environment Protection Agency, Scottish Natural Heritage, the Scottish Wildlife Trust, and the Woodland Trust). **Annex 3** provides the contact details for each party.

5. Hearing Sessions

Hearing sessions are reporter-led following an agenda on specific matters. This approach is inquisitorial rather than adversarial and allows the reporters to direct questions and discuss matters to supplement their understanding of the specified matters. The sessions do not provide an opportunity for statements of case to be read-out, or for cross-examination. The hearing sessions will follow the 'Hearing Session Rules' set out in Schedule 1 of the Town and Country Planning (Appeals) (Scotland) Regulations 2013.

As detailed in section 3 above, three hearing sessions will be held. The reporters wish to discuss the following matters in each hearing session:

Hearing session 1: Planning Policy Matters

- Assessment of the proposal against development plan policies.

- Assessment of the proposal against Scottish Government policies and advice.
- Assessment of the proposal against South Lanarkshire guidance and advice.
- Assessment of the proposal against other published guidance and advice.
- Demand and supply of aggregate.

Hearing session 2: Impacts on the built and natural environment

- Landscape and visual impact (including from walking routes).
- Impact on New Lanark World Heritage Site.
- Impact on Historic Gardens and Designed Landscapes.
- Impact on Middle Clyde Valley Special Landscape Area.
- Impact on New Lanark Conservation Area.
- Impact on Bonnington View House.
- Removal and reinstatement of Bonnington Estate Wall.

Hearing session 3: Conditions and obligations

- Recommended planning conditions in the event Scottish Ministers grant planning permission.
- Appropriate planning obligations in the event Scottish Ministers grant planning permission.
- Imposition of a Stopping up Order under section 208 of the Act.

As agreed at the meeting, parties will provide outline hearing statements (or statements of case) and initial documents to allow all participants to understand their respective positions and reliant documentation. Full hearing statements and documents will then be produced before an agenda is issued by the reporters for each hearing session.

The agreed dates for the hearing sessions were **Tuesday 19 August 2014, Wednesday 20 August 2014, and Thursday 21 August 2014**. Outline hearing statements and documents should be submitted by **Monday 9 June 2014**. Full hearing statements and documents are to be submitted by **Monday 14 July 2014**. Hearing agendas will be circulated by **Monday 4 August 2014**.

All hearing submissions should be sent to the DPEA office electronically and in hard copy (see contact details below), and be copied to the main parties (the applicant, the council, SAVE, and Historic Scotland). The contact details of all parties involved is provided in **Annex 3**.

Each day the hearing session will sit from 10 am until around 4.30 to 5 pm, with a break for lunch of about an hour starting at a convenient time between 12.30 and 1 pm. Depending on the progress of the proceedings, the start time may be brought forward to 9.30 am.

6. Agreed Matters

Agreeing on matters allows the reporters to further understand and focus on areas of dispute between parties. Four topics were identified with potential for matters to be agreed on: core documents; relevant planning policy and guidance; demand and supply of aggregate assumptions; and conditions/heads of terms.

The applicant will produce a list of core documents for circulation, and will then compile a provisional list for submission to DPEA on **9 June 2014**.

The council will produce a list of relevant planning policies, guidance and advice with comments. This list will provide columns for other parties to populate with their own comments which could helpfully state “agreed” where there is no dispute.

The council will produce a list of conditions and heads of terms for consideration should Scottish Ministers wish to grant planning permission. This list should be circulated to the main parties again with columns for commentary.

Finally, the council will also produce a background document on demand and supply assumptions for aggregate for circulation. This document should include matters such as catchment (demand) and information on planning consents (supply).

The above will be considered “core documents” and should be produced by **9 June 2014**.

7. Site Inspections

The environmental statement provides viewpoints. The council also submitted at the meeting a list and plan illustrating further viewpoints it suggests should be visited. The reporters also directed that they wished to visit the working sand and gravel quarry and restored areas. It was agreed by all parties that site inspections should be carried out before the hearing sessions, and after if required.

In collaboration with the main parties, the applicant agreed to provide a provisional accompanied and unaccompanied itinerary for the site inspections. Inspections should take place week commencing **11 August 2014**. The provisional itinerary should be provided for the reporters’ consideration by **9 June 2014**.

If further site inspections are required arising from discussions at the hearings then these will be held in the week commencing **25 August 2014**.

The applicant should also ensure suitable transportation for parties – preferably a six seater land rover (or similar). The itinerary should also be mindful of providing for comfort breaks and a period for lunch.

8. Closing Submissions

It was agreed that closing submissions will be exchanged in writing after the end of proceedings. The objecting parties and Historic Scotland will lodge their closing submissions within one week of the end of the hearings. South Lanarkshire Council will lodge their closing submissions no later than 3 days after the objecting parties and Historic Scotland. Following which the applicant will then lodge its closing submission within 3 days.

The timetable set out in **Annex 2** provides the relevant dates for submissions.

9. Venues

The New Lanark Mill Hotel and the Lanark Memorial Hall were suggested suitable venues. It was noted that the DPEA also has a list of suitable venues. The reporters would ask the case officer to make the necessary arrangements.

10. Other Procedural Matters

Anyone wishing to contact DPEA about the case should contact Colin Bell. Telephone number: 01324 696 463. Email address: colin.bell@scotland.gsi.gov.uk. Postal address: 4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR.

Details of the case are available on the DPEA website: <http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=114959&T=11>.

A copy of this note has been circulated to all those who have expressed an interest in the case.

Dan Jackman *J Alasdair Edwards*
Reporters

16 May 2014

ANNEX 1: Further procedure and participants

Topic:	Procedure:	Participants:
Habitat and species impacts	Written submissions	(1) The applicant (2) South Lanarkshire Council (3) Scottish Natural Heritage (4) Scottish Environment Protection Agency (5) The Woodland Trust (6) The Scottish Wildlife Trust
Planning policy matters	Hearing session	(1) The applicant (2) South Lanarkshire Council (3) Historic Scotland (4) Save Our Landscapes
Impacts on the built and natural environment	Hearing session	(1) The applicant (2) South Lanarkshire Council (3) Historic Scotland
	Site inspections	(4) Save Our Landscapes
Conditions and obligations	Hearing session	(1) The applicant (2) South Lanarkshire Council (3) Historic Scotland (4) Save Our Landscapes

ANNEX 2: Key dates relating to the examination

Dates:	Procedure:
8 May 2014	Pre-examination meeting
16 May 2014	Procedure notice 1 and note of pre-examination meeting issued.
6 June 2014	Parties deadline to respond to further written submissions request (see section 4 above).
9 June 2014	Parties to submit outline hearing statements (statements of case) and initial documents for (1) relevant planning policy matters; (2) impacts on the natural and built environment; and (3) conditions. The applicant to submit provisional “core document” list. The council to submit agreed statements on: (1) planning policy, guidance and advice; (2) conditions and heads of agreement; and (3) aggregate assumptions.
	The applicant to produce provisional site inspection itinerary.
20 June 2014	Parties deadline to comment on further written submission material.
14 July 2014	Parties to submit full hearing statements and documents for (1) planning policy matters; (2) impacts on the natural and built environment; and (3) conditions.
4 August 2014	Reporters to send out agendas for hearing sessions.
w/c 11 August 2014	Site inspections.
19 August 2014	Hearing session on planning policy matters.
20 August 2014	Hearing session on impacts on the built and natural environment.
21 August 2014	Continuation of hearing session on impacts on the built and natural environment (if required). Hearing session on conditions.
w/c 25 August 2014	Site inspections (if required).
29 August 2014	Save Our Landscapes, Historic Scotland, and any other participating third party objector , deadline to produce written closing submissions.
3 September 2014	South Lanarkshire Council deadline to produce written closing submissions.
8 September 2014	Deadline for the applicant to produce written closing submissions.

ANNEX 3: Contact details

Written Submissions

<p><u>Cemex UK Operations Limited</u></p> <p>Jennifer Bell Paralegal Burness Paull LLP Union Plaza 1 Union Wynd Aberdeen AB10 1DQ</p> <p>Jennifer.Bell@burnesspaull.com</p>	<p><u>South Lanarkshire Council</u></p> <p>Monica Cannon Solicitor Litigation Team Administrative and Legal Services South Lanarkshire Council 13th Floor Council Offices Almada Street Hamilton ML3 0AA</p> <p>Monica.Cannon@southlanarkshire.gsx.gov.uk</p>
<p><u>Scottish Wildlife Trust</u></p> <p>Mr Steven Blow Reserve Manager – South of Scotland Scottish Wildlife Trust Falls of Clyde Visitor Centre The Dyeworks New Lanark ML11 9DB</p> <p>sblow@swt.org.uk</p>	<p><u>The Scottish Environment Protection Agency</u></p> <p>Mr Brian Fotheringham SEPA – East Kilbride Office 5 Redwood Crescent Peel Park East Kilbride G74 5PP</p> <p>Planning.ek@sepa.org.uk</p>
<p><u>The Woodland Trust</u></p> <p>Ms Katharine Rist Woodland Trust Kempton Way Grantham NG31 6LL</p> <p>katherinerist@woodlandtrust.org.uk</p>	<p><u>Scottish Natural Heritage</u></p> <p>Ms Lyndsey Kinnes Operations Manager, Lanarkshire Scottish Natural Heritage Cadzow Court 3 Wellhall Road Hamilton ML3 9BG</p> <p>Lyndsey.Kinnes@snh.gov.uk</p>

Hearing sessions

<p><u>Cemex UK Operations Limited</u></p> <p>Jennifer Bell Paralegal Burness Paull LLP Union Plaza 1 Union Wynd Aberdeen AB10 1DQ</p> <p>Jennifer.Bell@burnesspaull.com</p>	<p><u>South Lanarkshire Council</u></p> <p>Monica Cannon Solicitor Litigation Team Administrative and Legal Services South Lanarkshire Council 13th Floor Council Offices Almada Street Hamilton ML3 0AA</p> <p>Monica.Cannon@southlanarkshire.gsx.gov.uk</p>
<p><u>Save Our Landscapes</u></p> <p>John Campbell QC Advocates Library Parliament House Edinburgh EH1 1RF</p> <p>jcampbellqc@advocates.org.uk</p>	<p><u>Historic Scotland</u></p> <p>Lisa Dromgoole Associate Morton Fraser LLP Quartermile Two 2 Lister Square Edinburgh EH3 9GL</p> <p>lisa.dromgoole@morton-fraser.com</p>

APPENDIX 5: COPY OF PRO-FORMA OBJECTION LETTER

Head of Planning
South Lanarkshire Council
154 Montrose Crescent
Hamilton ML3 6LB

Dear x,

Proposed extension to Hyndford Quarry – CL/12/0525

I wish to object to the proposed extension of Hyndford Quarry into the Buffer Zone of the New Lanark World Heritage Site. I object for the following reasons:

1. The applicant proposes to extract 3.6 million tonnes of sand and gravel over a 6 year period from part of the Falls of Clyde Designed Landscape. The development would destroy the distinctive fluvio-glacial landscape whose contrast with the adjacent dramatic gorge formed the basis of the historic designed landscape, and is clearly visible from the footpath above Corra Linn. The Drove Road with its 300 year old “parliamentary wall” connects Lanark to former crossings on the Clyde and provides a clear and culturally recognised historic boundary. The “fine natural landform” (so described in an SNH report) is thus an essential part of the area’s character that led to its twin protective designations of Buffer Zone and Designed Landscape.
2. The Falls of Clyde are visited by some 70,000 people every year. Save Our Landscapes’ petition opposing the quarry extension has been signed by more than 6,800 visitors to the Falls. Most come from across Lanarkshire, demonstrating the area’s importance as a leisure and cultural resource for people served by the Planning Authority. It has also been signed by visitors from more than 40 countries – indicating its international reputation, which will be threatened should the quarry be approved.
3. The economic case for the quarry is weak. Council officers confirmed that there are adequate supplies under existing permissions (Hearing Statement 14.10.11). Cemex has almost 8 years’ supply under existing permissions alone. The quarry is likely to damage the reputation of both New Lanark and the Falls of Clyde, and so deter visitors – taking money out of the local and regional economy.
4. The applicant’s restoration proposals would do little to improve access within the Buffer Zone and Save Our Landscapes has demonstrated that the area could be enhanced and access improved using existing public funds, providing a sustainable source of economic prosperity.
5. The proposed development contradicts a series of local planning policies, including:

ENV28: the development would inevitably destroy the landscape form, on which the Designed Landscape was based. “Restoration” offered by the developer cannot

compensate for its loss as it will adversely impact on its character, and on important views to, from and within it. It will also destroy important component features including the parliamentary wall and a distinctive hillock, which would be cut in half. Although the developer says the wall would be replaced its topography would be altered and authenticity would be lost.

ENV7: the development is damaging to the character, integrity and quality of the New Lanark World Heritage Site and its setting. The Advisory Board (ICOMOS) praised New Lanark's "outstanding landscape setting" and Historic Scotland's nomination to UNESCO said this was "intimately bound up with the value of the site." UNESCO was assured by Historic Scotland that the area would be protected from quarrying.

ENV22: the development would adversely affect the historical and topographical character and landscape quality. It would also destroy an important boundary wall and several mature trees. The partially degraded nature of the landscape arises mostly from tree loss, which is reversible. The impact of quarrying is not.

MIN2: as a Category 1 area, it enjoys the highest level of protection in the Minerals Development Plan. Since the development would adversely affect the site's integrity extraction is contrary to it.

Local planning policies individually and cumulatively provide an overwhelming case for rejecting the proposed development. The Planning Authority should reject the proposal and save one of Scotland's iconic attractions – described by one visitor as a "hidden gem."