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Our ref: NOD/SLS/001  
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Dear Mr Kelly

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
THE TOWN AND COUNTRY PLANNING (REFERENCE OF APPLICATIONS) (SOUTH  
LANARKSHIRE COUNCIL) (PROPOSED EXTENSION TO MINERAL EXTRACTION  
OPERATIONS AND ASSOCIATED RESTORATION AND ENHANCEMENT WORKS AT  
HYNDFORD QUARRY, LANARK) DIRECTION 2013**

1. This letter contains Scottish Ministers' decision on the above planning application.
2. On 29 January 2014, Scottish Ministers issued a Direction, under Section 46 of the Town and country Planning (Scotland) Act 1997, requiring South Lanarkshire Council to refer the application to them for determination. The Direction was given in view of the proposed development's potential impact on the New Lanark World Heritage Site (WHS), which is internationally recognised for its Outstanding Universal Value (OUV), and on the wider setting.
3. The application was considered by site inspections, written submissions, and hearing sessions and was conducted jointly by Mr Dan Jackman BA (Hons) MRTPI and Mr Alasdair Edwards MA (Hons) MRTPI, reporters appointed by Scottish Ministers for that purpose. They submitted a Report to Scottish Ministers on 20 February 2015 ("the Report"). A supplementary Report was submitted to Ministers on 16 November 2015 ("the Supplementary Report"). Copies of both the Report and the Supplementary Report are enclosed.

### **The Reporters' Reports**

#### The Report

4. In the Report, the full contextual background to the proposal is set out between pages 7 and 23. The case for Cemex UK Operations Limited is set out at pages 24-51, South Lanarkshire Council at pages 52-67, New Lanark and Falls of Clyde Working Group at pages 68-86, Historic Scotland at pages 87-93 and other main parties at pages 94-95. Consultation responses and representations are summarised at pages 96-106. The reporters' overall



conclusions are set out at pages 107 to 134 and their recommendation that planning permission should be granted, subject to conditions and specified planning obligations, can be found at pages 135 to 136.

### The Supplementary Report

5. Having carefully considered the evidence, on 26 June 2015, Scottish Ministers issued a Notice of Intention to grant planning permission for the southern extension only (enclosed). The application was referred back to Planning and Environmental Appeals Division (DPEA) in order that the reporters could advise Ministers on what conditions or legal agreements would be appropriate in respect of a permission granted on that basis. The reporters sought parties' views on the drafting of appropriate conditions and legal agreements and decided what further procedure was necessary to consider those issues. Thereafter, on 16 November 2015, DPEA submitted the Supplementary Report to Ministers with recommendations on conditions and legal agreements. Having fully considered the Supplementary Report, on 9 February 2016, Scottish Ministers gave notice that they were minded to grant planning permission for the southern extension works subject to the conditions and the conclusion of a planning obligation, as set out in Appendix 1 of the Supplementary Report.

### **Scottish Ministers' Decision**

6. In reaching the decision to grant planning permission for the southern extension only, Scottish Ministers have carefully considered all the evidence presented at the hearing sessions and by written representations and have considered the reporters' conclusions and recommendations in the Report and Supplementary Report and all material considerations.

### Southern Extension

7. Scottish Ministers have noted from paragraph 9.22 of the Report that the proposed southern extension is not located within the New Lanark World Heritage Site or its buffer zone; and, that the southern extension is not in contention. Scottish Ministers accept all of the reporters' findings in respect of the southern extension, including the conclusion drawn at paragraph 9.167, that the southern expansion would have no adverse impact on any identified designations or assets and would help to address the shortfall in the mineral land bank.

8. Scottish Ministers on 16 September 2016 received confirmation from Burness Paul LLP advising that the legal agreement in respect of the southern extension has now been recorded with the Registers of Scotland. Having taken full account of all the evidence before them and all material considerations, for the reasons given above, Scottish Ministers agree with the Report that planning permission for the southern extension should be granted subject to conditions.

### Western Extension

9. Scottish Ministers have noted from paragraph 9.21 of the Report that the proposed western extension of the scheme would largely be within the buffer zone of the New Lanark World Heritage Site. Scottish Ministers note from Paragraph 9.36 of the Report that this part of the scheme would bring development closer to the World Heritage Site than present. Ministers note the reporters' assertion in paragraph 9.38 of the Report that even if there was to be an impact on the World Heritage Site's setting that it would be for a temporary period

(up to eight years) while operations were carried out in the western extension, during which progressive restoration would be undertaken.

10. Scottish Ministers disagree with the reporters' conclusions at paragraph 9.41 that the proposed development would not adversely affect the conservation interest or integrity of New Lanark World Heritage Site or its setting. Scottish Ministers, consider that a period of up to 8 years of landscape disturbance (on some designations or their settings, and from certain viewpoints, paragraph 9.113 of the Report), before positive restoration in the western extension, is unacceptable, and is not outweighed by the need for a supply of minerals, which is only marginally short (near the end of the 10 year land bank period, paragraph 9.95 of the Report). In this regard, Scottish Ministers disagree with the Report and have decided that the proposed western extension should not be approved.

11. In arriving at the decision to refuse the western extension, Scottish Ministers have also placed emphasis on Paragraph 235 of Scottish Planning Policy, in particular the 'policy principles' in relation to the extraction of resources. Scottish Ministers have balanced the need to ensure an adequate and steady supply of workable resources alongside the need to minimise the impacts of extraction on local communities, the environment and built and natural heritage.

### Conclusion

12. For the reasons given above, Scottish Ministers hereby grant permission only for the southern extension to Hyndford Quarry, subject to the conditions set out in the Annex to this letter and refuse the western extension works. Scottish Ministers are satisfied with the executed planning obligation for the southern extension.

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

14. A copy of this letter has been sent to South Lanarkshire Council, Burness Paul, and to the main parties who participated in the determination process. Other interested parties have received a letter advising that a copy of this letter is available on DPEA's website or from this office.

Yours sincerely

**LYNDSEY MURRAY**

## ANNEX

### PROPOSED SOUTHERN EXTENSION TO HYNDFORD QUARRY, LANARK CONDITIONS OF PLANNING PERMISSION

#### Planning conditions

1. That notwithstanding the submitted plans there shall be no development or mineral extraction within the area identified as the New Lanark World Heritage Site Setting/Buffer Zone on plan number P2/1842/2 – May 2012.

*Reason: To protect the setting of New Lanark World Heritage Site and Falls of Clyde Designed Landscape*

2. That no development shall take place until plans have been submitted and approved in writing by the Planning Authority showing the extent of mineral extraction, landform level details and screening along the western boundary of phase 2A and the whole of phase 2B as shown on plan number P2/1842/5A – July 2013.

The approved plans shall be implemented unless otherwise agreed in writing by the Planning Authority.

*Reason: To protect the visual amenities of the area, which include the New Lanark World Heritage Site Setting/Buffer Zone, Falls of Clyde Designed Landscape, the existing footpath and boundary wall.*

3. That all extraction operations on the site shall be discontinued no later than 31 December 2030 and that the entire site shall be restored in accordance with the approved restoration and enhancement plan or plans (as required by conditions 6 and 7) by 31 October 2032.

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

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

*Reason: To provide for progressive restoration.*

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

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

*Reason: To secure the satisfactory reinstatement of the site.*

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

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

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

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

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

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

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

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

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

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

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

- i. be granted in favour of the Council as Planning Authority;
- ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- iii. be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the operator and the planning authority at the commencement of development;
- iv. either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by or on behalf of HM Government or, in the event that that index is no longer appropriate or applicable, such other comparable index as the Planning Authority, acting reasonably, decide between the said date and such relevant anniversary. The amount shall be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities;
- v. come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period.

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

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

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

extraction operations shall cease until the Council confirms, in writing, receipt of an acceptable guarantee.

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

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

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

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

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

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

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

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

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

*Reason: To minimise noise nuisance from the operation.*

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

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

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

*Reason: To minimise the nuisance from dust.*

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

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

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

*Reason: In the interests of road safety.*

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

*Reason: In the interests of road safety.*

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

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

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

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

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

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

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

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

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

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



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

*Reason: In the interests of road safety.*

23. That, unless otherwise agreed in writing with the Council as Planning Authority, top soil shall only be stripped, stockpiled and replaced when it is in a suitably dry and friable condition (suitably dry means that the top soil can be separated from the sub soil without difficulty so that it is not damaged by machinery passing over it).

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

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

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

25. That topsoil, sub soil, peat and soil making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during site restoration. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their formation. The sward shall be managed in accordance with the appropriate agricultural management techniques throughout the period of storage.

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

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

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

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

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

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

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

28. All containers being used to store liquids within the application site shall be labelled clearly to show their contents, and be located in a bund which shall be at least 110% of the

capacity of the largest container stored within it. Bunds shall conform to the following standards:

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

*Reason: To ensure the safekeeping of such liquids.*

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

*Reason: In the interests of the water environment.*

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

*Reason: In the interests of the water environment.*

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

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

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

*Reason: In the interests of protected species.*

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

*Reason: In the interests of breeding/nesting birds.*

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

- Monitoring impacts of operations and compliance with ecological best practice and the mitigation works or measures relevant to the development, as detailed within:
- the Restoration and Enhancement Plan(s), required through Conditions 6 and 7;
- the mitigation measures identified in Chapter 13 of the Environmental Statement (Volume 2 - November 2012) and those arising from the pre-start checks required under the terms of condition 31 above;
- the supplementary information, dated 7th May 2013, and;
- the Species Protection and Habitat Management Plan required under the terms of condition 34 below.
- 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.*

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

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

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

*Reason: In the interests of archaeology.*

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

*Reason: In the interests of archaeology.*

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

*Reason: In the interests of archaeology.*

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

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

*Reason: To enable the Council as Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.*

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

*Reason: To enable the Council as Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.*

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

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

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

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

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

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

43. Notwithstanding the details shown on the stamped approved plans, that before any work commences on the site (including enabling works), the following details shall be submitted to and approved in writing by the Council as Planning Authority, and such details as may be approved, shall be implemented unless otherwise agreed in writing by the Council as Planning Authority prior to the commencement of extraction works:

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

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

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

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

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

*Reason: In the interests of amenity*