

**South Lanarkshire Minerals Local Development Plan Examination
Report to South Lanarkshire Council – 18 January 2012
Recommendations by issue number**

ISSUE	RECOMMENDATION
1. General Comments	1. Paragraph 1.3 should be modified by the deletion of the phrase “with the specific exception of minerals development” from the first sentence of the second bullet point.
2. Chapter 1 – Introduction	<p>1. Figure 1.1 should be modified by the addition of the following to the list of relevant legislation: Wildlife & Countryside Act 1981 (as amended) Nature Conservation (Scotland) Act 2004 Conservation (Natural Habitats, &c.) Regulations 1994 (the Habitats Regulations).</p> <p>2. Paragraph 1.9 should be modified in similar terms to the following: <i>South Lanarkshire Local Landscape Character Appraisal</i> The South Lanarkshire Landscape Character Assessment (LCA) updates the 1999 Glasgow and Clyde Valley Regional LCA and provides greater detail on the local landscape character. This was used to inform the preparation of the document entitled “Validating Local Landscape Designations”.</p> <p>3. Paragraph 1.17 should be modified in similar terms to the following: <i>Habitats Regulations Appraisal 2010</i> A report has been prepared which presents the findings of the Habitats Regulations Appraisal (HRA) screening exercise, undertaken in compliance with the Conservation (Natural Habitats, &c.) Regulations 1994 (the Habitats Regulations) for the proposed plan. The HRA screening concludes that there are no likely significant effects from the proposed plan on Natura sites in the area.</p> <p>4. Paragraph 1.27 should be modified by the addition of text in similar terms to the following: In addition, the Scottish Government's Draft Electricity Generation Policy Statement published in 2010 (Draft Electricity Generation Policy Statement 2010: Scotland - A Low Carbon Economy November 2010) makes clear the continuing need for thermal generation plant in order to provide continued and secure electricity generation for many years to come. Tables in the statement show how coal fired generation will continue to form an important part of Scotland's generation mix.</p>

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<p>3. Policy MIN 1 – Spatial Framework</p>	<p>1. Policy MIN 1 should be modified in similar terms to the following:</p> <p>Spatial Framework</p> <p>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 minerals development, the council will balance the economic benefit from the minerals 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.</p> <p>2. Paragraph 2.1 should be modified in similar terms to the following:</p> <p>The spatial framework for the minerals local development plan is contained within Policy MIN 1 which sets out the council's strategy for future minerals development. The whole of South Lanarkshire is considered to be an “area of search” (see also paragraph 2.3 below), but minerals are only able to be worked where they are found, and the deposits and operational sites map shows where these are located based on the most current information. These are the areas where new minerals development is most likely to take place, but it is emphasised that there may be additional deposits elsewhere that are unknown at this time.</p> <p>In addition, all minerals development must be environmentally acceptable, and must therefore also accord with the provisions of Policy MIN 2 “protecting the environment”. This is likely to result in no minerals development occurring within the highest category of environmental protection (Category 1) and limited minerals development occurring within the other categories defined under Policy MIN 2 (categories 2 and 3 and additional specific categories referred to within the text of Policy MIN 2) notwithstanding that they are within the area of search which is the whole of South Lanarkshire. Policy MIN 2, table 3.1 and the environmental constraints map set out the relevant categories of environmental protection to</p>
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which Policy MIN 2 applies. Any proposals for mineral extraction outwith the remit of Policy MIN 2 will still have to take account of the remaining policies contained within the plan.

This strategy will ensure that:

- Development will be directed to the most appropriate locations making it clear to communities and to the industry where future development might arise.
- The potential effects of minerals operations on communities can be considered and areas excluded from development.
- Sensitive environmental assets and landscapes can be identified and protected from development.
- Implications for transportation can be assessed and appropriate improvements considered.

3. Paragraph 2.3 should be modified (possibly into 2 paragraphs) in similar terms to the following:

Scottish Planning Policy states: "an adequate and steady supply of minerals is essential to support sustainable economic growth" (paragraph 225). In addition "search areas, or where appropriate specific sites, should be identified and safeguarded in development plans and the criteria to be satisfied by development proposals set out" (paragraph 226). Furthermore, Scottish Planning Policy states: "planning authorities should ensure a land bank of permitted reserves for construction aggregates of a minimum 10 years extraction is available at all times in all market areas" (paragraph 227).

In response to this, South Lanarkshire Council seeks through Policy MIN 1 to ensure that a supply of minerals continues to be available to serve local, national and international markets and so contribute to delivering sustainable economic development. In this context, the council will take into account the need to maintain a land bank at all times within South Lanarkshire equivalent to at least 10 years extraction, based upon the most up to date information available. At the same time, this objective has to be balanced against consideration of environmental issues and the potential effect of mineral extraction on communities.

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	<p>4. The last 2 sentences of paragraph 1.29 of the introduction should be modified in similar terms to the following:</p> <p>However, within this area of search there are areas which are either unsuitable for minerals development, or suitable for only limited minerals development, because of their environmental sensitivity.</p>
<p>4. Policy MIN 2 – Environmental Protection Hierarchy (General Comments)</p>	<p>My recommendations relating to all of the above matters are included under Issue 5.</p>
<p>5. Policy MIN 2 – Environmental Protection Hierarchy (Specific Issues)</p>	<p><u>Note:</u> these recommendations follow from my conclusions relating to Issue 4 and Issue 5.</p> <p>1. Policy MIN 2 should be modified in similar terms to the following:</p> <p>Environmental Protection Hierarchy</p> <p><i>Category 1, 2 and 3 Sites</i></p> <p>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.</p> <p>Development which will adversely affect Category 2 and 3 sites following the implementation of any mitigation measures sites will only be permitted if:</p> <p>(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 site.</p> <p>The distinction to be drawn between Category 2 and 3 sites is that for Category 2 sites the appropriate markets 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</p>

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Category 3 sites will be evaluated as “significant adverse impact”.

Protected Species

Development which will significantly adversely affect internationally and nationally protected species following the implementation of any mitigation measures will not be permitted.

Flood Risk Areas

Development proposed within areas of risk greater than a 1:200 year flood event shall be the subject of a flood risk assessment, and any such development where the flood risk cannot be appropriately managed to prevent a significant increase in the risk of flooding on the site (where such is determined to be an adverse risk) or elsewhere will not be permitted. However, opportunities to increase the capacity of a flood plain through mineral extraction and subsequent restoration will be encouraged where any flood risk during the course of operations can be satisfactorily managed as stated above.

Settlements

Development will only be permitted where there are no significant adverse effects on the settlements shown on the environmental constraints map, following the implementation of any mitigation measures. The test will be the application of Policy MIN 7 to all development proposals which may adversely affect these settlements and the communities contained therein. There will normally be a buffer zone around settlements within which there will be no extraction of minerals, but the extent of this will depend upon the circumstances of the case.

Other Policies

All development will have regard to the relevant policies and guidance contained elsewhere in this local plan, and in the South Lanarkshire Local Plan, on the protection of the natural and built environment including settlements and the communities contained therein.

Note: the council is of course free to present the policy as it considers appropriate, and the separation of the policy into the headings shown in italics is therefore at the council’s discretion.

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2. Table 3.1 should be modified by deleting “Buffer of World Heritage Site” from Category 2 and adding to Category 1 “World Heritage Site and its Buffer”. Ancient Woodland should be deleted from Category 3 and inserted within Category 2. Conservation areas should be deleted from Category 2 and inserted within Category 3. Settlements and their buffers and 1:200 year Flood Plains should be deleted from Category 2.

3. The environmental constraints map and the deposits and operational sites map should be modified by the deletion of the settlement buffers. The settlement boundaries should be retained. The 200 year fluvial flooding event boundaries should be retained on the environmental constraints map, but a note should be added in similar terms to the following: “this data was correct when the map was prepared but is subject to change. The up to date SEPA flood maps should be consulted when any minerals development is proposed”. In addition a note should be added to the environmental constraints map in similar terms to the following: “Archaeological remains, local nature conservation sites, tree preservation orders and wildlife corridors are not shown on this map. However, this information can be obtained upon request from the council”.

4. The supporting text should be modified in similar terms to that stated in paragraphs 5 to 15 below.

Category 1 Sites

5. The last sentence of paragraph 3.5 should be modified:

Development which will adversely affect the integrity of these sites will not be permitted. In applying this test, the council will exercise a presumption that development within or adjacent to such sites will have an adverse effect unless it is demonstrated through an environmental report or otherwise through the development management process that there will be no adverse effect.

6. A sentence should also be added to paragraph 3.5:
For the avoidance of doubt, the first paragraph of Policy MIN 2 will also apply to any

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minerals development which will adversely affect the integrity of any internationally protected site which is outwith the council's administrative area.

7. An additional paragraph should be added after paragraph 3.6:

The setting of the world heritage site also requires protection, and so any development which adversely affects the setting of the world heritage site will not be permitted. This is a matter that will be assessed in the circumstances of the case. To be consistent with the South Lanarkshire Local Plan, the setting is referred to as a buffer within table 3.1, but for the avoidance of doubt the meaning of "buffer" in this case is equivalent to "setting".

Category 2 Sites

8. Paragraph 3.7 should be modified:

Category 2 sites are all considered to be environmental resources of national importance. There are a substantial number of sites and buildings in South Lanarkshire which are in this category, and they are shown on the environmental constraints map. These sites and buildings have the potential to be particularly sensitive to development. A rigorous assessment is therefore required to manage minerals development proposals on or adjacent to these sites, following which any development that is considered to have an adverse impact on these sites after the implementation of any mitigation measures will only be permitted if there is an over-riding need for the minerals to serve markets of national importance. The onus is on the prospective developer to demonstrate that the markets are of national importance; and that serving these markets in the circumstances clearly outweighs the adverse impact. In addition, the adverse impact must be capable of being mitigated to an acceptable degree in the circumstances of the case, and/or the development may be permitted if it results in a net environmental improvement to the resource affected. The net improvement may be informed by any adverse effects being outweighed by positive ones. Again, the onus is on the prospective developer to demonstrate how this would be achieved.

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	<p>9. Paragraphs 3.8 and 3.10 should be deleted.</p> <p>Category 3 Sites</p> <p>10. Paragraph 3.12 should be modified:</p> <p>Category 3 sites are considered to be environmental resources of local importance, and whilst they are not as important as those resources within Category 2, they are nevertheless sensitive to development and significant impacts thereon require careful consideration. The same process requires to be undertaken as in the case of nationally important resources (paragraph 3.7) but in this case the markets need only be of regional or local importance (although of course markets of national importance would also satisfy the requirement) and any adverse impact need only be “significant adverse impact”.</p> <p>11. Paragraph 3.14 should be deleted after the first sentence.</p> <p>Protected Species</p> <p>12. Paragraph 3.15 should be modified:</p> <p>A number of animal and plant species found in South Lanarkshire are protected by legislation such as The Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992 (as amended). In addition the Habitats Regulations 1994 (as amended) provide protection for species including otters, bats and great crested newts as European protected species. The council will give full consideration to the impact of minerals development proposals on all internationally and nationally protected species and proposals which will have significant adverse effects following the implementation of any mitigation measures will not be permitted. This includes any indirect effects from outwith the minerals extraction site, for example transport to and from the site. The council will not normally grant planning permission where there is a significant adverse impact on European protected species unless it is demonstrated that the tests set out in Regulation 44 of the 1994 Habitats Regulations are likely to be satisfied.</p>
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	<p>Flood Risk</p> <p>13. New paragraph after that for protected species:</p> <p>The functional flood plain contains high quality sand and gravel deposits which are in demand by the construction industry. The capacity of the flood plain during a flood event could be diminished as a result of mineral extraction, resulting in flooding downstream. However, there may also be instances where extraction might be beneficial in alleviating flood risk by creating additional flood storage, and this is recognised in Policy MIN 2. This may be acceptable as long as any flooding on the site is managed during the period of the mineral extraction to ensure the health and safety of the workforce and others. In any event, all proposed minerals development within areas of risk greater than a 1:200 year flood event requires a flood risk assessment, and any such development where the flood risk cannot be appropriately managed to prevent a significant increase in the risk of flooding on the site (where such is determined to be an adverse risk) or elsewhere will not be permitted. Areas of flood risk are shown on the environmental constraints map, but these are indicative, and because they may be out of date when the minerals development is proposed, and also because of the small scale of the map, it is necessary as a matter of course to consult the latest available SEPA flood maps before the submission of a planning application.</p> <p>Settlements</p> <p>14. New paragraph after that for flood risk:</p> <p>Settlements and their surrounding environment require protection from the adverse effects of minerals development. Settlements are shown on the environmental constraints map, and there will normally be a buffer around settlements within which minerals development will not be permitted. However, some ancillary developments may be acceptable and indeed beneficial within this buffer such as tree planting, visual screening mounds, noise attenuation buffers or reclamation of derelict or despoiled land. The extent of buffers will be dependent upon the circumstances of the case. For example, surface coal extraction areas will not normally be acceptable within 500 metres of settlement boundaries (paragraph 244 of the</p>
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	<p>Scottish Planning Policy). A similar distance may be required for quarry blasting operations. Otherwise, a buffer of considerably less distance may be acceptable, but this will always be dependent upon the circumstances of the case, and the actual environmental effects resulting from extraction. Ancillary development such as that referred to above may reduce the distance required. The key element of the policy is that development will only be permitted where significant adverse effects on the settlements shown on the environmental constraints map are avoided. The test will be the application of Policy MIN 7 to all minerals development proposals which may adversely affect settlements and the communities contained therein, and this will in practice determine the extent of the buffer that is considered appropriate.</p> <p>General provisions</p> <p>15. New final paragraph:</p> <p>Planning applications for minerals development proposals likely to have an adverse effect on any of the environmental resources listed in table 3.1, or otherwise referred to above, shall be accompanied by measures to mitigate this adverse impact and shall fully consider opportunities to improve the environmental resources affected. These may be included within an environmental report where this is required. All minerals development will also be assessed where appropriate against the remaining policies of this local development plan and the policies of the South Lanarkshire Local Plan, and the policies in the latter which are relevant to the categories of development listed in table 3.1 are cross referenced in the table. It should also be noted that Policy ENV 12 of the South Lanarkshire Local Plan applies to minerals development in flood risk areas. For the avoidance of doubt, minerals development for the purpose of Policy MIN 2 includes both development on new sites and extensions to existing sites, where planning permission is required.</p>
<p>6. Policy MIN 3 – Cumulative Impacts</p>	<p>1. Policy MIN 3 should be modified in similar terms to the following:</p> <p>Cumulative Impact In assessing all mineral proposals, the council will consider the cumulative impact that</p>

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	<p>concentration of development may have on communities, natural or built heritage designations, sensitive landscapes, the existing road network, and other resources referred to in Policy MIN 2. Applications for new minerals development which will result in an unacceptable cumulative impact on these resources taking into account current or approved minerals development and landfill development will be resisted. Particular regard will be given to the cumulative impact of minerals development within Special Landscape Areas.</p> <p>2. Paragraph 3.16 should be modified in similar terms to the following:</p> <p>Paragraph 222 of the Scottish Planning Policy relates primarily to landfill sites, but states that the policy on cumulative impact also applies to mineral extraction sites and opencast coal sites. The Scottish Planning Policy seeks to ensure that there is no disproportionate burden of negative environmental impacts on nearby settlements or other sensitive receptors such as the landscape. This is particularly important if there are already two or more operational or consented sites that could raise similar impacts within 5 kilometres of a nearby settlement. South Lanarkshire includes large accessible rural areas, interspersed with many settlements, which provide opportunities for mineral extraction because of their geographical location, geology and topography. In order to prevent an unacceptable concentration of development in a particular area and to minimise the potential impact on community and environmental interests, any proposals for mineral extraction will have to take into account cumulative effects with current or approved minerals development and landfill development. This process may include developments and resources outwith the council's administrative area.</p>
7. Policy MIN 4 – Restoration	<p>1. Policy MIN 4 should be modified in similar terms to the following:</p> <p>Restoration</p> <p>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</p>

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	<p>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.</p> <p>2. Paragraph 3.19 should modified in similar terms to the following:</p> <p>To ensure that restoration and aftercare proposals are carried out, the council will normally require developers to provide a financial guarantee bond or make other financial provision, of a sum to be agreed with the council, to cover any failure to implement restoration proposals in accordance with the conditions imposed on the grant of planning permission. The only exception to this requirement will be where the council considers that the restoration proposals have such limited financial requirements as to make such a financial provision unnecessary. The financial guarantee bond or other financial provision will be made before permission is granted. With regard to the type of financial provision, the council will require a financial guarantee bond unless, in the context of paragraph 235 of the Scottish Planning Policy, the operator can satisfactorily demonstrate that another arrangement, such as an industry guarantee scheme, will be sufficient to ensure the implementation of the restoration proposals, including the necessary financing, phasing and aftercare of the site.</p>
<p>8. Policy MIN 5 – Water Environment</p>	<p>1. Paragraph 3.20 should be modified in similar terms to the following:</p> <p>The water environment is made up of groundwater, surface water and watercourses. It also includes the catchments of watercourses and wetland networks. Minerals development should not have a significant adverse impact on any part of the water environment. SEPA is the regulatory authority responsible for ensuring that water quantity and quality is protected and maintained.</p>
<p>9. Policy MIN 6 – Peat</p>	<p>1. Policy MIN 6 should be modified in similar terms to the following:</p> <p>Peat</p> <p>Proposals for the extraction of peat will only be permitted where:</p> <ul style="list-style-type: none"> • they do not conflict with any other policies in this plan and the *SLLP; • the peat land is already degraded or significantly damaged by human activity; and

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	<ul style="list-style-type: none"> • the conservation value is low and restoration is not possible. <p>(* South Lanarkshire Local Plan)</p> <p>For ancillary extraction of peat associated with other minerals 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.</p> <p>2. Paragraph 3.24 should be modified in similar terms to the following:</p> <p>In many cases peat overlies other mineral resources and therefore requires removal to allow that mineral to be reached. The peat often becomes another part of the 'overburden' that requires to be stored on site. The extraction and storage of peat destroys its integrity and the carbon stored in the peat is released. In addition its biodiversity and water storage functions are damaged. Furthermore, when the top layer of peat is removed it is almost impossible to maintain a living and functioning layer and keep the underlying layers wet so that they retain their structure and so reduce the potential for carbon loss. Land management practices related to the extraction and storage of peat as a result of mineral activities should aim to protect and enhance peat organic carbon. In this context, all proposals for the extraction and storage of peat should be accompanied by details showing how the handling, storage and restoration of the peat will reflect current best practice and how potential degradation will be minimised and active peat formation promoted. Opportunities should also be taken to create habitats of nature conservation interest irrespective of this requirement where appropriate, and to the extent that this is separate from the conservation of peat.</p>
<p>10. Policy MIN 7 – Controlling Impacts from Extraction Sites</p>	<p>1. Paragraph 4.4 should be modified in similar terms to the following:</p> <p>Any applications for minerals development will include monitoring and mitigation measures necessary to address community and environmental issues that might arise, both on and off-site, particularly where local amenity and wildlife would be affected. Where an</p>

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	<p>environmental report has been provided, the monitoring and mitigation measures should reflect the conclusions contained therein.</p>
<p>11. Policy MIN 8 – Community Benefit</p>	<p>1. Policy MIN 8 should be modified in similar terms to the following:</p> <p>Community Benefit</p> <p>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.</p> <p>2. Paragraph 4.5 should be modified in similar terms to the following (possibly splitting into 2 paragraphs as shown):</p> <p>Notwithstanding the importance of mineral extraction to the South Lanarkshire and wider economy, this process generally involves surface mineral extraction which may have a significant impact on the environment in which it is located. Other policies of this local development plan address the direct impact of such development, to the extent that the visual and other adverse impacts of minerals development are avoided or minimised, and Policy MIN 2 (environmental protection), Policy MIN 4 (restoration) and Policy MIN 7 (controlling the impacts on communities) are significant in this context. However, even with appropriate mitigation, there will normally be some residual visual, transport or other impact on local communities, because of the nature of the development involved. Paragraph 234 of the Scottish Planning Policy states that, to offset impact on local communities, benefits in the form of new community facilities or community trust funds may be proposed by the developer or suggested by the planning authority. The purpose of Policy MIN 8 is to encourage mineral developers to contribute to such funds for the reasons set out above.</p> <p>However, paragraph 234 of the Scottish Planning Policy also states that such benefits should only be treated as a material consideration if they meet the tests set out in Circular</p>

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	<p>1/2010 (planning agreements), and that attempts to secure unreasonable provision not directly related to the proposed development or securing general benefits for the wider community should not be taken into account in decision making on planning applications. In this context, the council recognises that these funds are to provide wider benefits to communities, must be managed outwith the development management process, and must be completely separate from the direct management of minerals extraction through the policies referred to in the preceding paragraph. In addition, apart from for practical reasons where such already exists, agreements under section 75 of the 1997 planning act are not the most appropriate mechanism for providing contributions for community benefit and therefore Policy MIN 13 does not apply to contributions made under Policy MIN 8.</p> <p>3. Paragraph 4.6 should be modified in similar terms to the following:</p> <p>Nevertheless, a key aspect of the community benefit issue is the mechanism through which financial contributions are collected and distributed. This is currently directed through the South Lanarkshire Rural Communities Trust (SLRCT) for coal extractions while contributions related to aggregates workings are directed through the council's Quarry Fund, although this has limited contributions to date. Since the inception of the SLRCT in 1997 its scope and role has evolved in particular with arrangements put in place to pass the management of the Coalburn Leisure Centre to South Lanarkshire Leisure Trust. During the same period the scope and range of grant funding for local groups from other sources such as wind farm development has increased. In turn, this has involved South Lanarkshire Council's Regeneration Services in managing grant funding as well as providing advice to local groups in identifying and applying for grant funding. Within this context the council has established the Renewable Energy Fund (REF) which provides a mechanism to collect and distribute funds associated with wind farm development. The REF has proved to be an efficient and effective mechanism to collect and distribute financial contributions. All of these represent feasible options for the collection and distribution of funds, and the council will develop a more detailed approach to using these mechanisms in consultation with the relevant parties, during the period of the local development plan.</p> <p>4. Paragraphs 4.7 and 4.8 should be deleted.</p>
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<p>12. Policy MIN 9 – Bing Reclamation</p>	<p>1. The first paragraph of Policy MIN 9 should be modified in similar terms to the following (with the remainder of the policy being retained as existing):</p> <p>Bing Reclamation</p> <p>Proposals for the reworking of old colliery spoil tips for coal or secondary materials will only be permitted where they are environmentally acceptable or seek to remediate mining legacy risks in accordance with other policies in this plan and the South Lanarkshire Local Plan.</p> <p>2. Paragraph 5.2 of the supporting text should be modified in similar terms to the following:</p> <p>The minerals plan aims to address these issues whilst respecting any wildlife or habitats which may have become a feature of the bing. In addition, it is recognised that there may be valid reasons for reworking old colliery spoil tips in order to remediate mining legacy risks. However, such must be evaluated and balanced against the requirements of Policy MIN 2. Any such development which is not consistent with the provisions of Policy MIN 2 would require to be justified on health and safety grounds sufficient to override the provisions of that policy. Otherwise all the requirements of the other policies in this plan and the South Lanarkshire Local Plan would require to be met.</p>
<p>13. Policy MIN 10 – Aggregate Recycling</p>	<p>No change should be made to the proposed Minerals Local Development Plan.</p>
<p>14. Policy MIN 11 – Supporting Information</p>	<p>1. Policy MIN 11 should be modified in similar terms to the following:</p> <p>Supporting Information</p> <p>Minerals applications submitted to the council must be accompanied by sufficient information and supporting documents to enable the application to be assessed and determined. This information should include, for example, statement of intent, method of working, measures to protect local amenity, landscape and visual impact assessment, details of restoration and aftercare and any ecological surveys necessary.</p> <p>In addition the applicant(s) must include details about any plans for future extensions, or</p>

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	<p>subsequent phases of development, that are not included within the current proposals and that may result in a cumulative impact, including likely timescales.</p> <p>2. Paragraph 6.1 should be modified by adding “and visual amenity” after “landscape” within the fifth line of the paragraph.</p>
<p>15. Policy MIN 12 – Transport</p>	<p>1. Policy MIN 12 should be modified in similar terms to the following:</p> <p>Transport</p> <p>The council will require an assessment of potential traffic and transportation impact of any new proposal to accompany the application for planning permission. Such an assessment will need to take account of any cumulative impact arising from the proposed development when related to other minerals or landfill developments. Proposals will not be supported by the council if they are considered to create a significant adverse traffic and transportation impact, either alone or in conjunction with other minerals or landfill developments.</p> <p>The council will seek contributions towards the maintenance of public roads from operators of mineral developments which are likely to create extraordinary wear and tear to the local road network. In addition, and where appropriate, the council will seek agreement with the operator to establish, control and maintain an agreed haul route.</p> <p>2. Paragraph 6.2 should be modified in similar terms to the following:</p> <p>When considering proposals for mineral development an assessment of the local transport network is essential. Where appropriate, applicants must submit a Transport Assessment in support of their planning application. This should take account of any cumulative impact arising from the proposed development when related to other minerals or landfill development (existing or committed). Where possible, options for rail transportation should be considered. Where this is not possible, the transport assessment should include a proposed haulage route to the nearest major road shown on the environmental constraints map sufficient to accommodate the level of heavy goods vehicle traffic proposed, taking account of the suitability of the road network and also avoiding where possible areas of high</p>

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	<p>conservation value, accident risk routes and air quality management areas. Where this can be covered by a suspensive planning condition or simple agreement between the operator and the planning authority, then this may be sufficient, but where necessary, the council will seek to enter into an agreement under section 75 of the 1997 Planning (Scotland) Act, as amended, or other legal agreement, to establish, control and maintain an agreed haul route.</p> <p>3. Paragraph 6.3 should be modified in similar terms to the following:</p> <p>The use of the public road network by significant numbers of heavy goods vehicles and their interaction with other road users can lead to a variety of issues such as spillage, noise, dust and damage to the carriageway. The council will expect the mineral operators to operate a drivers' code of conduct to mitigate many of these issues. The council will also, where appropriate, seek contributions towards the maintenance of public roads, from operators of minerals developments, where the traffic directly related to such development is likely to create extraordinary wear and tear to the local road network. The council will seek these contributions through agreements with the operator, which may be agreements for the recovery of costs under section 96 of the Roads (Scotland) Act 1984, or where appropriate, agreements under section 75 of the 1997 Planning (Scotland) Act, as amended.</p>
16. Policy MIN 13 – Legal Agreements	<p>1. Policy MIN 13 should be modified in similar terms to the following:</p> <p>Legal Agreements</p> <p>The council will require, where necessary, an applicant to enter into a legal agreement to control aspects of the development which cannot be satisfactorily controlled through planning conditions and/or a financial guarantee bond or other financial provision under Policy MIN 4. Costs associated with the preparation of the legal agreements shall be borne by the applicant.</p> <p>2. Paragraph 6.4 should be modified in similar terms to the following:</p> <p>In certain instances it may not be possible for the potential adverse environmental impacts of mineral extraction to be sufficiently mitigated by means of planning conditions and/or a</p>

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	<p>financial guarantee bond or other financial provision under Policy MIN 4. In exceptional circumstances, it may be more appropriate to enter into a planning agreement under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, or a legal agreement under other legislation to provide the necessary mitigation. Such agreements will however be used as a means of last resort, generally in instances where the operator does not have full control over the necessary mitigation, for example in relation to required off-site works or the routing of minerals traffic along public roads. In addition, any planning agreement will need to satisfy the terms of Policy STRAT 10 of the South Lanarkshire Local Plan, and meet the tests set out in Circular 1/2010.</p>
<p>17. Policy MIN 14 – Protection of Resources</p>	<p>1. Policy MIN 14 should be modified in similar terms to the following:</p> <p>Protection of resources</p> <p>The council will only be minded to grant planning permission for development which would result in the sterilisation of reserves of known mineral deposits where:</p> <ul style="list-style-type: none"> (a) there is an over-riding need for the development to be undertaken; and (b) there would be no significant adverse effect on local communities or the environment in the context of the policies of the South Lanarkshire Local Plan. <p>In assessing whether or not there is an over riding need for the development the economic viability of extracting the minerals will be taken into account. In addition, where the above criteria are satisfied, and unless extracting the minerals is shown not to be economically viable, it will be necessary to consider the prior extraction of the minerals before development takes place. Without prior extraction, development will only be permitted where it is demonstrated that the prior extraction of the minerals is not feasible.</p> <p>2. An additional paragraph should be added after paragraph 6.5 in similar terms to the following:</p> <p>In assessing whether or not there is an over riding need for the development the economic viability of extracting the minerals will be taken into account. Where the mineral deposits are</p>

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	<p>shown not to be economic to extract or to be of minimal value this may be sufficient to show that the need for the development is over riding in the context of Policy MIN 14. If the minerals are economically viable, it will also be necessary to consider the feasibility of extracting the minerals prior to development taking place, and development will only be allowed without prior extraction if such is shown not to be feasible. Where any proposed development is within the areas of mineral deposits shown on the deposits and operational sites map, the developer will be advised and requested to provide the appropriate evidence to show that the tests within Policy MIN 14 are met. In providing this evidence, it will be necessary to engage with the minerals industry in order to assess the economic viability of the minerals, and if they are economically viable, the feasibility of extraction prior to development taking place.</p>
<p>18. Policy MIN 15 – Site Monitoring and Enforcement</p>	<p>1. Policy MIN 15 should be modified in similar terms to the following:</p> <p>Site monitoring and enforcement</p> <p>The council will monitor mineral developments to ensure they are carried out in accordance with planning legislation, approved plans, conditions and, where appropriate, legal agreements. Priority will be given to the monitoring of development proposals most likely to have an impact on local communities or the environment.</p> <p>In this context, the council will expect operators, where appropriate, to enter into good neighbour agreements and hold Community Liaison Committees.</p> <p>2. The last 2 sentences of paragraph 6.6 should be deleted.</p>
<p>19. Proposals Maps</p>	<p>1. The penultimate sentence of paragraph 1.15 of the introduction should be modified in similar terms to the following:</p> <p>The proposals map comprises 2 maps entitled “environmental constraints map” and “deposits and operational sites map”, and these illustrate the plan’s policies spatially, indicating the location of known mineral resources and the areas of protection.</p> <p>2. The following should be shown on the environmental constraints and deposits and</p>

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	<p>operational sites maps:</p> <p>The railway level crossing within South Lanarkshire (by an appropriate symbol);</p> <p>The Chatelherault Designed Landscape (only on the environmental constraints map);</p> <p>The B7078 as a “major B road” or similar term.</p>
20. James Hamilton	No change should be made to the proposed Minerals Local Development Plan.