

Application No. C/98/00244/MIN
Date registered 24 February 1998
APPLICANT CAIRD ENVIRONMENTAL LIMITED, NORTH ROAD, ELLESMERE PORT, SOUTH WIRRAL, L65 1AE

Agent M. J. Carter Associates, Station House, Long Street, Atherstone, Warwickshire CV9 1BH
DEVELOPMENT INFILLING OF LAND
LOCATION HARTLOUPHILL LANDFILL SITE, OLD BIGGAR ROAD, WATTSTON

Ward No. 45
Grid Reference 276758 - 669883

File Reference C/PL/RGO2972608000/GB/KH

Site History Planning permission was granted to extend the existing Drumgray opencast and landfill site to the south into an area known as Hartloughill in 1988 following an appeal to the secretary of State for Scotland (Application M86348). A subsequent amendment to that permission was granted in 1993 (Application No. M93019).

Development Plan Policies GB1, WDR1, CU1/5 and LI1/1 of the adopted Monklands District Local Plan.

Contrary to Development Plan Yes

CONSULTATIONS

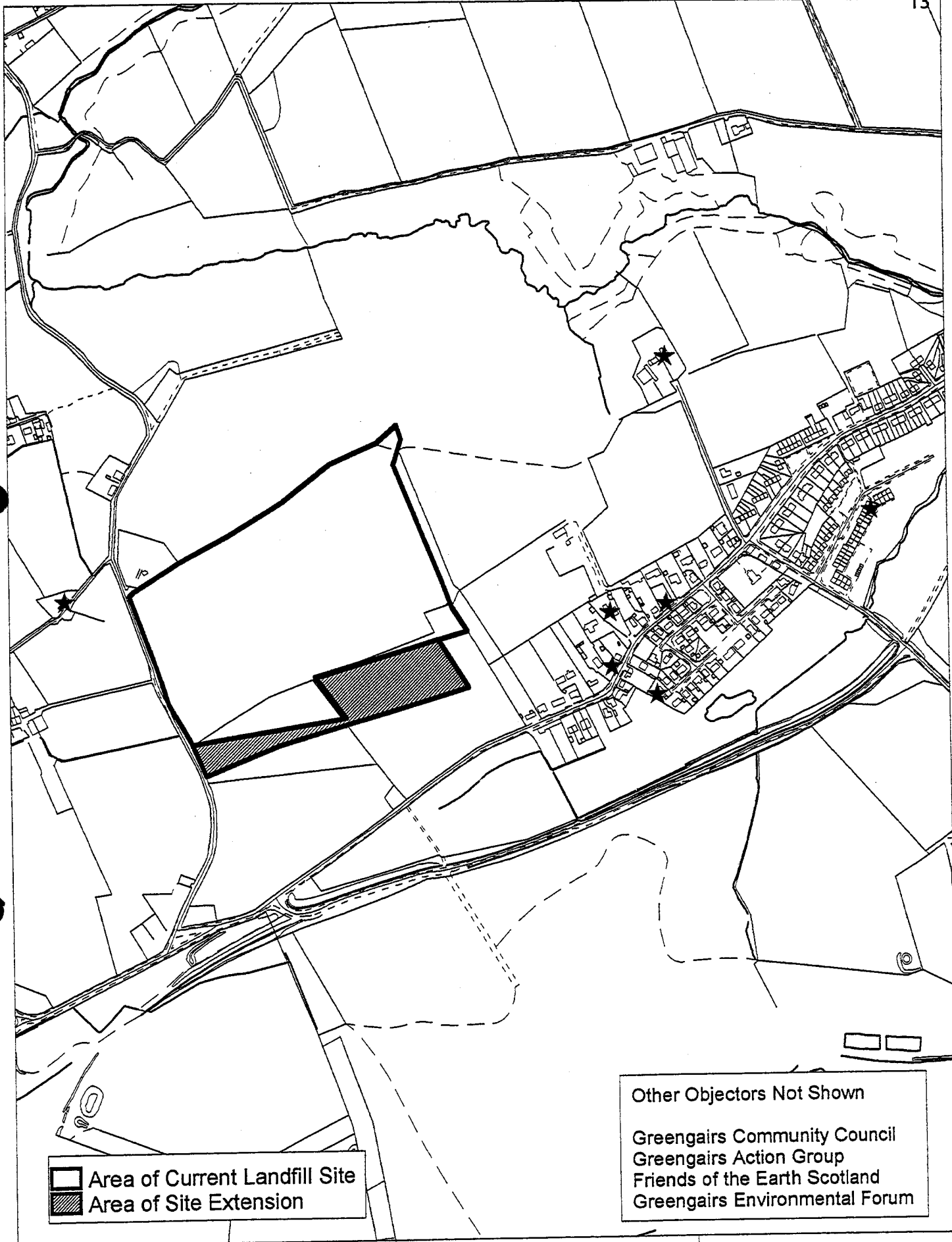
Objection -
No Objection West of Scotland Water Authority
Conditions Scottish Environment Protection Agency, Central Scotland Countryside Trust, The Coal Authority
No Reply Scottish Wildlife Trust,

REPRESENTATIONS

Neighbours Three
Newspaper Advertisement Nine

COMMENTS Caird Environmental have had an opencast and landfill operation in this area for a number of years. At Hartloughill the initial proposal was to excavate and sell fireclay, blaes and coal, to create a void for landfill. In recent years the market for fireclay and blaes has reduced and they have found themselves with an excess of material. In order to ensure that they have a suitable landfill void on the final part of the site, they are proposing to deposit this excess material on a field to the south of the existing site. The proposal under consideration is in an amended form and relates to a smaller area than first applied for.

Having taken into account the concerns of the neighbours, the Community Council and the other Environmental Groups who have commented on the proposal, and assessed the proposal against the terms of the Local Plan, I consider the current proposal to be acceptable. The site is currently covered by a Section 50 Agreement and a bond to cover the restoration of the site. These will have to be updated to a new bond and a Section 75 Agreement.





 Area of Current Landfill Site
 Area of Site Extension

Other Objectors Not Shown
 Greengairs Community Council
 Greengairs Action Group
 Friends of the Earth Scotland
 Greengairs Environmental Forum

Produced by
 Department of Planning and Environment
 Central Division
 Municipal Buildings
 Kildonan Street
 COATBRIDGE
 ML5 3LN
 Telephone: 01236 812222 Fax: 01236 431068
 OS Licence LA 09041L

Planning Application No. 98/00244/MIN
 Infilling of Land at Hartloup Hill Landfill Site,
 Old Biggar Road, Wattston.
 ★ Location of Objectors

N

 1:7500
 NORTH LANARKSHIRE COUNCIL
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RECOMMENDATION

Grant planning permission subject to the following conditions.

1. That the development hereby permitted shall be started within 2 years of the date of this permission.

Reason: To accord with the provisions of Town and Country Planning (Scotland) Act 1997.

2. That, except as otherwise provided for by this permission, the operators shall at all times deal with the areas forming the subject of this permission in accordance with the provisions of the submitted application and accompanying plans, and the revised scheme of mineral extraction and landfilling at Hartloughill, and that no part of the operations provided for therein shall be omitted without the prior written approval of the Planning Authority.

Reason: To enable the Planning Authority to retain effective control.

3. That, if by reason on any circumstances not foreseen by the applicants, it becomes necessary or expedient during the continuance of any operations hereby permitted to amend or abandon any of the provision thereof, the applicants or operators shall forthwith submit to the Planning Authority an amended application, plans and statement of intentions, but shall adhere to and comply with the permission hereby granted until such times as an amended application etc. has been approved by the said Authority.

4. That the infilling operations hereby approved shall be completed within one year of the date of issue of this permission. The existing mineral and landfilling operations and all subsequent restoration works at Hartloughill as extended by this planning permission, including the removal of any buildings and machinery on site, shall be completed by 15th April 2003 as required by planning permission M93019.

Reason: To ensure the development is completed within a satisfactory timescale.

5. That all works for the restoration of the part of the site to which this permission relates, and is hatched red on approved plan no. CA/HA/1-99/821revA dated January 1999, to final soil levels and landscaping shall be completed to the satisfaction of the Planning Authority within one year of the commencement of the development, the date of which shall be confirmed in writing to the Planning Authority within 3 days of the commencement of the development.

Reason: To ensure the reinstatement of the site is completed within a satisfactory timescale.

6. That the final restoration of the site to woodland shall be undertaken in accordance with the approved plan no.176.2 RevD dated January 1994 and shall be maintained and managed as part of the scheme approved under planning permission M93019.

Reason: To ensure that the restoration of the site is carried out and thereafter maintained satisfactorily in the interests of the visual amenity of the site and the surrounding rural area as whole.

7. That, notwithstanding the details submitted as part of this application, within two months of the date of this permission the applicant shall submit and obtain written approval of the Planning Authority for full details of the restoration of this part of the site to which this permission relates and the details shall include, but not limited to, the following:-

- a) a method of working outlining the phasing of soil stripping, infilling and restoration of the extended area
- b) a timetable/schedule of all works.
- c) details of reinstatement of any settlement ponds, drains and water courses disturbed by works on site, accompanied by appropriate plans.
- d) details of soil analysis, soil replacement, drainage, vegetation cover, hedging, shelterbelts and any other works.

Reason: To allow the Planning Authority to consider these aspects in detail and to ensure the restoration of the site is carried out in a satisfactory manner in the interests of the visual amenity of the site and the surrounding rural area as a whole.

8. That the works for the restoration and reinstatement of the part of the site to which the planning permission relates as outlined in condition no. 4 above shall be undertaken in strict accordance with the plans approved under the terms of condition 4 and shall include:-

- a) the replacement of all soil and soil forming materials in the correct order above the infill material with due regard to the grading of the surface and provision of natural drainage.
- b) the formation of surface levels over the whole site so that it blends satisfactorily with the surrounding landscape, drains naturally, and does not retain any pools of surface water, and also field drains shall be inserted if the natural drainage is ineffective.
- c) grading the boundaries of the site so that surface levels of the restored site satisfactorily merge with levels of the surrounding land, and
- d) leaving the whole site clean and tidy.

Reason: To allow the Planning Authority to consider these aspects in detail and to ensure the restoration of the site is carried out in a satisfactory manner in the interests of the visual amenity of the site and the surrounding rural area as a whole.

9. That notwithstanding the terms of condition no.1 above, before the commencement of the development hereby approved, details and plans shall be submitted to and approved by the Planning Authority of any soil storage mounds and any overburden storage areas other than those already approved.

Reason: To allow the Planning Authority to consider these aspects in detail.

10. That the overburden shall be levelled and graded in accordance with the approved restoration contours as shown on approved plan no. CA/HA/1-99/8211 so that the site to the south of the current opencast and landfill operations conforms with the contours of the surrounding land and shall have sufficient slope to be free from risk of ponding or erosion and that the overburden material shall be rooted and cross-rooted to a depth of 300mm with the boulders or other impediments exceeding 500mm in any one direction removed and buried within the current landfill void.

Reason: In the interests of sound soil management and to ensure that the restoration of the site is carried out in a satisfactory manner in the interests of the visual amenity of the site and the surrounding rural area as a whole.

11. That, where available, at least 600mm of subsoil shall be spread on top of the overburden material, that the subsoil shall be rooted and cross-rooted with a heavy-duty winged rooting machine, that any stones or boulders exceeding 200mm in any one direction, or other materials which would prevent or impede tree planting or land drainage operations or the use of machinery for subsoiling or mole ploughing, shall be removed before the topsoil is replaced and that the surface layer shall be left in a roughened state.

Reason: In the interests of sound soil management and to ensure that the restoration of the site is carried out in a satisfactory manner in the interests of the visual amenity of the site and the surrounding rural area as a whole.

12. That the topsoil shall be replaced to the original depth and configuration and shall be rooted and cross-rooted to its full depth with stones exceeding 100mm in any one direction being removed from the site or buried in the existing landfill void and that all operations following replacement of the topsoil shall be carried out by suitable agricultural or forestry machinery.

Reason: In the interests of sound soil management and to ensure that the restoration of the site is carried out in a satisfactory manner in the interests of the visual amenity of the site and the surrounding rural area as a whole.

13. That all operations to strip and replace topsoil and subsoil in accordance with conditions above shall be carried out when the ground conditions are dry, that earth moving machinery shall travel to and from the site extension area along clearly defined routes, that these routes shall be rooted before covering with the next layer of subsoil or topsoil and that when the vehicle is emptied after spreading subsoil or topsoil, the driver must immediately turn off onto the overburden material or subsoil areas respectively.

Reason: In the interests of sound soil management and to ensure that the restoration of the site is carried out in a satisfactory manner in the interests of the visual amenity of the site and the surrounding rural area as a whole.

14. That the applicant shall arrange for a chemical analysis of the topsoil and shall apply lime and fertiliser as recommended by the soil analysis and full details of which shall be submitted to the Planning Authority before seeding or planting takes place.

Reason: In the interests of sound soil management and to ensure that the restoration of the site is carried out in a satisfactory manner in the interests of the visual amenity of the site and the surrounding rural area as a whole.

15. That prior to seeding or planting taking place confirmation from a suitably qualified person shall be provided that the soil replacement has been undertaken satisfactorily and that the soils are in a suitable condition for the restoration proposed, to the satisfaction of the Planning Authority.

Reason: In the interests of sound soil management and to ensure that the restoration of the site is carried out in a satisfactory manner in the interests of the visual amenity of the site and the surrounding rural area as a whole.

16. That prior to the commencement of the development hereby approved, a survey shall be submitted to the satisfaction of the Planning Authority of the soil types and depths across the part of the site to which the permission relates. All soils and overburden material shall be retained within the site boundaries identified in the application and none shall be sold off or removed from the site and after the soil stripping and formation of, or addition to storage dumps, the quantities shall be measured and the volumes made known to the Planning Authority.

Reason: In the interests of sound soil management and to ensure that the restoration of the site is carried out in a satisfactory manner in the interests of the visual amenity of the site and the surrounding rural area as a whole.

17. i) That no operation shall be carried out until any available topsoil is fully stripped to the full available depth from the area hatched red on approved plan no. CA/HA/1-99/8214revA.
- ii) that work routines for stripping operations shall be designed to minimise vehicle traffic on unstripped land, and at all times the mechanical handling and compaction of the topsoil shall be minimised and also that no vehicle, other than those involved in stripping operations, shall be permitted on the unstripped land.
- iii) that following topsoil stripping operations, all subsoil shall be stripped as a separate operation from all areas of land where topsoil was stripped.
- iv) that the stripping of the soil shall only be carried out when the soils are dry, and
- v) that, prior to the commencement of works on the removal or handling of soil, the applicants shall give at least two working days notice to the local planning authority, who shall reserve the right to request suspension of operations during adverse conditions or impose such conditions as they see fit for the safekeeping of the subsoil and topsoil.

Reason: To ensure the restoration of the site is carried out in a satisfactory manner in the interests of the visual amenity of the site and the surrounding rural area as a whole.

18. That any bind-free soil forming material found during the course of proposed operations shall be recovered where practical and stored for use in the final restoration of the land and that this material shall be used to replace shortages of subsoil and topsoil or used to cap the overburden where there is inadequate subsoil or topsoil.

Reason: To ensure the restoration of the site is carried out in a satisfactory manner in the interests of the visual amenity of the site and the surrounding rural area as a whole.

19. That before the development hereby approved commences, stock proof fencing and warning signs shall be erected around the boundaries of the part of the site to which this permission relates and shall be maintained in a secure state to the satisfaction of the Planning Authority until the restoration of this land is completed.

Reason: In the interests of public safety.

20. That throughout the period of working, restoration, and aftercare, the applicants shall protect and maintain or divert any ditch, stream, watercourse or culvert passing through the site so as not to impair the flow nor render less effective drainage onto and from adjoining land.

Reason: In the interests of water management and to ensure adequate precautions are taken to prevent pollution of natural watercourses.

21. That the developers shall ensure that the best practical means shall be used at all times to prevent the spread of dust from the site and that these means shall include water spraying when necessary.

Reason: To minimise dust emissions from the site in the interest of the amenity of the surrounding area.

22. That a dust monitoring and sampling programme shall be carried out as part of the site operations, that the sampling shall take place at positions to be agreed with the Planning Authority, and that the results of all analyses shall be kept on site and made available, at all reasonable times, to the said Authority.

Reason: To enable the Planning Authority to retain effective control in the interests of the amenity of the surrounding area.

23. That any adverse increase in dust levels affecting land or residents in the vicinity of the site due to site operations shall cause the operation(s) responsible for the increase to be suspended until such times as agreed dust suppression measures have been implemented.

Reason: In the interest of the amenity of the surrounding area

24. That noise levels from the site shall not exceed at any noise sensitive building:

- a) 75dBA Leq (1 hour) between the hours of 0900 and 1700 on weekdays (Monday to Friday inclusive) and 0900 and 1300 on Saturdays, for the purpose of topsoil stripping, the creation and removal of noise baffle mounds and the infilling and restoration of the extended area of the site that forms part of this planning permission.
- b) 65dBA Leq (1 hour) between the hours of 0700 and 1900 on weekdays (Monday to Friday inclusive) and 0700 and 1300 on Saturdays for the excavation of subsoil at a depth of less than 8.0m from the surface.

That works specified shall not be undertaken outwith these hours to the satisfaction of the Planning Authority.

Reason: In the interest of the amenity of nearby residential properties.

25. That environmental noise monitoring equipment shall be provided for continuous site use and shall be situated in accordance with the requirements of the Planning Authority, and that a permanent record of all environmental noise monitoring shall be kept on the site and be available for inspection by the said Authority at all reasonable time.

Reason: To enable the Planning Authority to retain effective control in the interests of the amenity of nearby residential properties.

List of Background Papers

- Plans and application forms submitted on 21 December 1998
- Adopted Monklands District Local Plan 1991
- Consultation response from The Coal Authority dated 4 March 1998
- Consultation response from West of Scotland Water Authority dated 9 March 1998 and 4 March 1999
- Consultation response from Central Scotland Countryside Trust dated 10 March 1998 12 March 1999
- Consultation response from NLC Head of Protective Services dated 18 March 1998
- Consultation response from Scottish Environment Protection Agency dated 14 April 1998 25 March 1999
- Letter of objection from W. J. Walker, Drumgray Farm, Drumgray Lane, Wattston dated 18 March 1998
- Letter of objection from Greengairs Community Council dated 13 March 1998
- Letter of objection from Pauline Robertson, Monveda, Riggend, Airdrie dated 24 March 1998
- Letter of objection from Norman Robertson, Monveda, Riggend, Airdrie dated 26 March 1998
- Letter of objection from William H. Shanks, 115 Greengairs Road, Greengairs, Airdrie dated 24 March 1998
- Letter of objection from Greengairs Action Group dated 20 March 1998
- Letter of objection from Robert Shanks, 109 Greengairs Road, Greengairs dated 28 March 1998
- Letter of objection and petition from Greengairs Community Council dated 9 April 1998
- Letter of objection from Marilyn Gardner, 24 Meikle Crescent, Greengairs
- Letter to Councillor Cox dated 14 October 1998
- Letter to objectors dated 15 February 1999
- Letter to Councillor Cox dated 16 February 1999
- Letter of objection from Mr G. Johnstone 147(a) Greengairs Road, Wattston dated 22 March 1999
- Letter of objection from Mr Ian Lewis, Deputy Chairperson, Greengairs Environmental Forum, 32 Hillrigg, Greengairs
- Letter of objection from Friends of the Earth Scotland, 72 Newhaven Road, Edinburgh, EH6 5QG dated 16 March 1999
- Letter and plans submitted by applicant on 19 November 1997
- Copy letter from the applicant to Greengairs Community Council dated 16 December 1997
- Faxed letter from the applicant dated 12 January 1998
- Letter from applicant's agent dated 6 March 1998
- Faxed letter to the applicant's agent dated 7 May 1998
- Letter from applicant's agent dated 12 May 1998
- Letter from applicant's agent dated 19 May 1998
- Letter from applicant dated 18 June 1998 enclosing letter from applicant SEPA dated 18 June 1998
- Letter from applicants dated 16 July 1998 enclosing letter from SEPA to the applicant dated 15 April 1998
- Letter from applicant dated 27 July 1998
- Letter to applicant dated 26 August 1998
- Letter from applicant dated 1 September 1998
- Copy letter from applicant to Greengairs Environmental Forum dated 9 September 1998
- Faxed letter from applicant dated 18 February 1999
- Faxed letter from applicant dated 11 March 1999
- Letter from applicant dated 11 March 1999
- Letter from applicant dated 12 March 1999
- Letter from applicant dated 31 March 1999
- Letter from applicant dated 6 April 1999
- Letter from applicant dated 26 July 1999
- Letter from central Scotland Countryside Trust dated 16 August 1999

Any person wishing to inspect the above background papers should telephone Coatbridge 812374 and ask for Mr Graeme Brown.

APPLICATION NO. C/98/00244/MIN**REPORT****1. THE APPLICATION SITE**

- 1.1 The application site consists of the remaining part an existing and operational opencast/landfill site. The area that forms the application site has been operating since 1988 following an appeal to the Secretary of State for Scotland. It consists of an area of approximately 17.5 hectares where coal, fireclay and blaes are being extracted. The subsequent void is being filled with a mixture of domestic, industrial and inert wastes.
- 1.2 The site is located to the north west of Greengairs and Wattston and is bounded on the west side by Old Biggar Road which connects the B803 with the B8039 east of the hamlet of Riggend. On the north of the current application site are the former Drumgray and Riggend opencast sites. These sites run north to the Cameron Burn and operated on a similar basis in that coal and other materials were extracted and the subsequent void infilled. These sites are now restored with forest tree planting, undertaken and maintained by Central Scotland Countryside Trust.

2. THE APPLICATION

- 2.1 In the last two years the applicants have found that the market for the fireclay and blaes that exists in the site is no longer as buoyant as previously. This has meant that their ability to sell the material has been limited. There is, however, a market for the coal that is within the site and they wish to excavate one seam that currently exists at a depth of around 23 metres. The coal however is at a lower depth than the fire clay and blaes.
- 2.2 The applicants are required to excavate a substantial void to reach the seam of coal that they wish to work. Rather than backfill this void with the material that they have excavated, but cannot sell, they wish to fill the void with waste material. This will retain the economic viability of the site. This leaves a difficulty in where to store the material that has been excavated.
- 2.3 The current site boundary that was approved planning permission by the Secretary of State does not provide sufficient space to accommodate this material as stock piled overburden. The applicants have therefore proposed to extend the current site boundary to accommodate this overburden. However, rather than leave it on site until it can be sold on the open market they wish to blend the material with the contours of the existing landscape, dress it with top soil and leave it as part of an overall restored site once the waste infilling has been completed. The tree planting scheme for the existing site and the proposed extended area would be carried out by the Central Scotland Countryside Trust.
- 2.4 The area that has been chosen for the extension to the site is to the south of the existing Hartloup Hill site, bringing the boundary closer to Wattston. This is currently the only option available to the applicant, since the area to the north has been restored by the Central Scotland Countryside Trust and the area to the east is outwith their ownership. The applicant owns all the field between the existing site and the B803 which includes the application site.
- 2.5 The size of the extended area has been reduced during the course of the application. Initially it was proposed to extend the south by 170.0m on the west side and by 120.0m on the east side. The applicants have recently had an order for some of their overburden material and have reduced the extended area of the site. The proposal currently under consideration extends the site to the south by 60.0m on the west side whilst it remains the same, 120.0m, on the east side.

3. CONSULTATIONS

- 3.1 The only consultee to raise any objection to the scheme was the Scottish Environment Protection Agency. They were concerned with a number of points relating to the initial scheme, including surface water management, the layout of the internal road network. Since the scheme has been revised they have suggested a range of planning conditions to ensure the satisfactory operation of the site during the additional infilling works.

- 3.2 The Coal Authority have confirmed the existence of seams of coal beneath the application site area and suggest that the developer should undertake suitable investigation before doing any work on site.
- 3.3 Central Scotland Countryside Trust have offered comments based on the initial restoration proposals for the site and suggested that the planning conditions require to control the movement and depositing of soil to ensure that growing conditions for any planting are not compromised. They have also confirmed that they have a contract in place through a Woodland Grants Scheme for the restoration of the existing Hartloughill site and that this is to be extended to the area covered by the planning application.

4. REPRESENTATIONS

- 4.1 There have been three letters of objection from neighbouring land owners and residents.
- (I) Firstly, the owner of Drumgray Farm is concerned that the proposed extension will have an adverse visual impact on the surrounding area. He is also concerned about the performance of the operator at present.
- (ii) Two residents at the property known as Monveda have expressed concern about the smell from the existing landfill, mud on the road leading to and from the site, wind blown litter from the site and the untidy nature of the site at present, in particular the existing stockpiles of overburden material. They feel that to extend the site will only make these problems worse.
- 4.2 Seven other representations have been made to the application resulting from the publicity of the news paper advertisement.
- (I) The resident of 115 Greengairs Road is concerned that the proposals differ from the original consent and the adverse visual impact the resultant extension will have on the village taken in the context of the adjacent opencast and landfill sites that exist to the south of the village.
- (ii) The resident at 109 Greengairs Road points out that there are two landfill sites and one opencast site that surround Greengairs and Wattston on the south and west sides. He is concerned with the adverse impact these sites have on the area in terms of their visual appearance, noise and disturbance, heavy goods traffic and smell and air pollution associated with these developments. He also points out that the operators in all of these sites have at one time breached the terms of their planning permissions. He is also of the opinion that the applicant and operator of the application site do not have a good record in operating this site. He considers that to extend this site to the south can only add to the problems outlined above.
- (iii) The resident of 24 Meikle Crescent is concerned about the existing operations at the application site.
- (iv) The resident of 147(a) Greengairs Road has listed a number of problems in relation to the existing operations at the site and suggests that no change should be made to the site because of this.
- (v) This view is shared by the Greengairs Environmental Forum. In their letter they have stated that the operators at the application site have been in breach of the Waste Management Licence for the site and therefore planning permission for alterations should not be forthcoming.
- (vi) Friends of the Earth Scotland have also objected to the proposals on similar grounds, that this planning application should not be considered favourably until the operators have demonstrated they can comply with the terms of the Waste Management Licence issued by the Scottish Environment Protection Agency. They have also indicated that they consider the proposal will further despoil the amenity of the surrounding area, that the area will continue to suffer problems of dust, noise and odour at the landfill site and that the Council should consider the cumulative effect of this extension in terms of the existing landfill and opencast operations in this area. They have also incorrectly stated that the Central Scotland Countryside Trust will not be involved with the restoration of the site.

- (vii) The Greengairs Action Group outline the history of operations and suggest that the proposal put forward is as a result of the inadequate operations of the existing landfill site. They have also suggested that the information within the application is misleading and that neighbour notification has been carried out incorrectly.
- (viii) Finally, the Greengairs Community Council have submitted a series of objections supported by a petition of local residents. The concerns are that they cannot see any justification to extend the site other than to increase the landfill void. Given that there have been a number of problems regarding smell, noise, disturbance and general nuisance experienced by the residents of Greengairs and Wattston it is presumed that by extending the site these problems can only be exacerbated. They have also given a response to a number of specific points raised in the applicants submission. They have suggested that the proposal does not meet with National and Local planning guidance and that justification given by the applicant for the proposal does not give suitable reasons for the Council to support the application.

5. POLICY CONTEXT

- 5.1 The proposal is within the Countryside Around Towns area within the Monklands District Local Plan 1991 and is covered by policy GB2. The site is also identified as being within an area of High Quality Landscape under policy LI1/1 of the Local Plan.
- 5.2 The Local Plan also has specific policies relating to mineral developments. Policy WDR1 specifies an area where these developments are preferred. The current application site does not lie within this preferred area.
- 5.3 The site is also in an area where landfill gas should be monitored, policy CU1/3.

6. ASSESSMENT OF THE PROPOSAL

- 6.1 The main issue of this proposal is quite clearly whether or not it will have an adverse impact on the villages of Wattston and Greengairs.
- 6.2 In order to assess this impact I consider it is appropriate to examine the existing planning permission and operations at the site. This I believe will give a context by which the proposal to extend the site can be assessed.
- 6.3 The first point to make is that the permitted landfill void within the site will not increase. Planning permission was granted by the Secretary of State for Scotland in 1988 to extend an existing opencast and landfill operation at Drumgray/Riggend to the north of the application site. This permission gave the Hartloughill site a life of 23 years and consent to excavate the site to a depth of 35 metres to extract two seams of coal. The permission took account of the fact that the fireclay and blaes that existed in the seams above the coal would also be sold and the need for large overburden areas was not considered necessary. The resultant void would be filled with inert waste.
- 6.4 In 1993 the current applicants obtained planning permission from the former Monklands District Council to deposit putrescible waste (domestic and industrial waste) within the void. At this point it was still intended to excavate to a depth of 35 metres, but it was agreed that the lifespan of the site would be reduced to ten years from the date of the amendment. The life of the site therefore expires on 2 November 2003.
- 6.5 The applicants are currently operating to the terms of this consent.
- 6.6 The objectors have pointed out that there are a number of difficulties relating to the site and that it has not operated in accordance with the Waste Management Licence. It should be noted that the issuing, and therefore enforcing authority for this Licence is the Scottish Environment Protection Agency. The Council themselves have no power to intervene in matters relating to the Licence and can only enforce matters that are covered by the terms of the planning permission.

- 6.7 Under the current proposal the applicant has indicated that they will not now excavated the lower seam of coal that extends to a depth of 35 metres. Instead the upper seam at 23 metres will now form the lower level of the void space. The landfill capacity of the site is therefore now to be reduced. It would, however, be misleading to suggest that this would solely be as a result of the application under consideration. There are other operational problems which I understand the applicants would have difficulty in overcoming or would find prohibitively expensive to resolve if they were to excavate to a depth of 35.0m, such as surface water management and subsequent leachate. This is one of the reasons, however, that the area of the extension to the site has been reduced during the course of this application.
- 6.8 I do not consider it appropriate for the Council to withhold planning permission for this proposal based on any difficulties that have arisen as part of the existing operations on the site, in relation to the Waste Management Licence. The proposals put forward have to be assessed on their merits and the material considerations that relate to the proposal.
- 6.9 In terms of the Local Plan I acknowledge that the site is not within the preferred area for minerals operations. However, since the site already operates as both an opencast and a landfill site I do not consider this policy (WDR1) to be a determining factor in the application. The application, I believe, falls to be determined on the local issues and the impact the proposals will have on the surrounding area. In this case these will be; noise and disturbance associated with excavation works, dust, visual impact and the quality of the final restoration.
- 6.10 It inevitable that there will be a degree of increased noise at the site if the workings take place on the surface and closer to the nearby houses in Wattston. This will only be for a temporary period and will not be outwith approved working periods for the site. Furthermore, it is intended that the resultant ground level on the boundary of the extended area and the existing site will be higher than present. This will mean that a greater sound attenuation barrier will be built between the site and the village. It will also mean that the final phases of infill will be screened from the village and Greengairs Road to the south. Only the capping and dressing of the site will be above the ground level of the extended area. I therefore consider that, if operated under the terms of the permission, the noise disturbance to the nearby residents will be minimal in the first instance but would improve the situation in the longer term, and does not merit refusing planning permission.
- 6.11 The applicants have acknowledged that dust during operations can be a problem. They have suggested that since the prevailing wind is from the south west this will blow dust away from the villages of Wattston and Riggend. I do consider, however, that if permission is granted planning conditions covering the suppression of dust during operation will be necessary.
- 6.12 The field to the south of the existing site is currently owned by the applicant and is in non-productive agricultural use. When viewing the site from Greengairs Road to the south this land has a natural high point approximately half way between the road and the landfill operations. This ridge, however, is at the same level of the current capped and restored landfill cells 1 to 3 within the existing site. The proposal would be to fill the area in between with the overburden material and increase the height on the area by 9.5 metres in the middle. The profile of the final restored site would then give a constant 1 in 8 gradient on all sides. The intention is to form a more natural landform that gives a new high point in the surrounding area. This would then be planted as part of the restoration scheme. The first phase of this would be done following the completion of the works in the extended area and before the completion of the entire site.
- 6.13 The adverse impact on the surrounding area will I consider be minimal. The applicants are already operating within the final cells of the site working towards the upper seam of coal to be extracted. Access to the extended area will be taken through the existing site. It is not intended that any vehicles will require to use Old Biggar Road. It has been specified in the application that the period of working for the extended area will be one year, including restoration. The applicants have indicated during discussion that the envisage the movement of material to be completed in less that six months.

7. CONCLUSIONS

- 7.1 Having assessed the matter in relation to the policies of the Local plan and the representations made by local residents and the local and national environmental bodies, I do not consider this proposal will have an adverse impact on the residential amenity of the nearby properties and to the residents of Wattston as a whole. Since I consider this to be the main determining factor of this proposal I recommend that planning permission be granted for an extension to the site at Hartloughill for the permanent infilling with overburden material subject to a Section 75 Agreement, Restoration Bond and conditions.