

Mr Mark Kelly
CEMEX UK Operations Limited
CEMEX House
Coldharbour Lane
Thorpe, EGHAM
Surrey
TW20 8TD

mark.kelly@cemex.com

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Dear Mr Kelly

NOTICE OF INTENTION

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. We refer to the planning application submitted by Cemex UK Operations Limited, for the above-mentioned development.
2. On 29 January 2014, Scottish Ministers issued a Direction, under Section 46 of the Town and Country Planning (Scotland) Act 1997, requiring the above application to be referred to them for determination. This was because of the proposed development's potential impact on the New Lanark World Heritage Site, which is internationally recognised for its outstanding universal value, and on the wider setting.
3. The application was considered at hearing sessions held between 19 and 21 August 2014 and conducted jointly by Mr Dan Jackman BA (Hons) MRTPI and Mr Alasdair Edwards MA (Hons) MRTPI, reporters appointed by Scottish Ministers for that purpose. A copy of Mr Jackman and Mr Edwards report to Scottish Ministers is enclosed for your information.

The Report

4. The full contextual background to the proposal is set out between pages 7 and 23 of the report.

5. 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.
6. Consultation responses and representations are summarised at pages 96-106.
7. 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.

Scottish Ministers' Decision

8. Scottish Ministers have carefully considered all the evidence presented at the hearing sessions and by written representations and considered the reporters' conclusions and recommendations.

9. Scottish Ministers accept the reporter's findings at paragraph 9.167 that the southern expansion would have no adverse impact on any identified designations or assets. They also agree that these aspects are consistent with the development plan. Turning to the western extension, Scottish Ministers note the reporters' assertion in paragraph 9.38 that even if there was to be an impact on the WHS'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. Scottish Ministers are, however, of the view that disturbance of at least 8 years before positive restoration in the western extension (largely within the World Heritage Site buffer zone) is unacceptable and is not outweighed by the need for a supply of minerals, which is only marginally short. On that basis, Scottish Ministers consider that development in that part of the scheme should not be approved.

10. For the reasons given above, Scottish Ministers hereby give notice that they are minded to grant permission only for the southern extension and to refuse the western extension works at Hyndford Quarry, Lanark, South Lanarkshire.

11. Having regard to the fact that Ministers are minded to grant consent for the southern extension only, they propose to refer this case back to DPEA so that the reporters can advise them on what conditions or legal agreements would be appropriate in respect of a permission granted on that basis. The reporters will seek parties' views on the drafting of appropriate conditions and legal agreements and will decide what further procedure is necessary to consider those issues. Thereafter they will submit a supplementary report to Ministers with recommendations on conditions and legal agreements.

12. A copy of this letter and the reporters' report has been sent to South Lanarkshire Council and parties who participated at the hearing. Other interested parties have received a letter advising that they can obtain a copy of this letter and report from DPEA's website or from this office.

Yours sincerely

L Murray

Planning Decisions