

EAST AYRSHIRE COUNCIL

SPECIAL NORTHERN LOCAL PLANNING COMMITTEE: 19 AUGUST 2010

**10/0463/PP: APPLICATION TO CONTINUE RESTORATION OPERATIONS
WITHOUT COMPLIANCE OF CONDITION 5 OF PLANNING CONSENT
07/0143/FL TO ALLOW TIME EXTENSION OF 5 YEARS TO COMPLETE
RESTORATION WORKS AT CRAIGNAUGHT QUARRY, DUNLOP**

BY TARMAC LTD

Click for application details:

<http://eplanning.east-ayrshire.gov.uk/online/centralDistribution.do?action=dispatch&caseType=Application&caseNo=10/0463/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal relates to condition 5 of planning consent 07/0143/FL which provided a temporary consent until 30 June 2010 to continue landfilling and restoration works at Craignaught with the proposed aftercare scheme commencing during February 2011. The applicant has advised that final site restoration levels have yet to be achieved to allow the aftercare scheme which was approved under a previous consent to commence and therefore wishes to extend the consent by 5 years to allow full site levels and restoration to be achieved.

1.2 The previous time extension justification centred on a tightening of waste management facilities which resulted in waste disposal operations at Craignaught ceasing. As a result, only inert aggregate material has been brought to the site since 2007 with 235,000 tonnes of material required at that time to achieve final restoration levels. The previous time frame was based on around 65,000 tonnes being delivered annually. Given the economic downturn in the UK, construction activity has significantly reduced with a knock on effect on the availability of aggregate material for infill. This shortfall is estimated to be around 132,000 tonnes as of June 2010. As the site currently imports around 45,000 tonnes of material a year from the applicant's own aggregate recycling facility, in approximately three years, at this rate, the final restoration levels will be achieved. The remaining two years would be used as a buffer period in the event of any further slowdown in tonnage reaching the site and also to allow for implementation of the final restoration scheme including planting.

1.3 The application has been the subject of statutory pre-application consultation (PAC) with the local community, relevant community councils and other interested bodies such as Scottish Natural Heritage. The PAC Report lodged with the planning application indicates that no issues were raised by those consulted regarding the current and proposed future operations at the site. The report further indicates that the community appeared happy with the restoration proposals. As a consequence of this, no consideration has been made to altering the original application proposals.

2. RECOMMENDATION

2.1 It is recommended that this application be approved subject to the conditions listed on the attached sheet.

3. CONCLUSIONS

3.1 The Town and Country Planning (Scotland) Act 1997 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. As indicated in Section 5 of the report there are no policies that specifically relate to this development. Given that there are no development plan policies that are of specific relevance to the application, then greater weight should be afforded to the material considerations relevant to the proposal.

3.2 As indicated in Section 6 there are material considerations relevant to this application. The planning history indicates that this site has been subject to applications to previously extend the time period for restoration works. The comments of the consultees indicate that the proposal is acceptable. The continuing works to achieve final restoration levels and eventual landscaping of the site will lead to a significant visual and environmental improvement that will be a positive impact for the surrounding area. On the basis that the time extension is required to achieve these improvements, it is considered that the proposal is acceptable.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application would not be required to be referred to the Council, as such a decision would not represent a significant departure from the Development Plan.

Alan Neish
Head of Planning and Economic Development

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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SPECIAL NORTHERN LOCAL PLANNING COMMITTEE: 19 AUGUST 2010

10/0463/PP: APPLICATION TO CONTINUE RESTORATION OPERATIONS WITHOUT COMPLIANCE OF CONDITION 5 OF PLANNING CONSENT 07/0143/FL TO ALLOW TIME EXTENSION OF 5 YEARS TO COMPLETE RESTORATION WORKS AT CRAIGNAUGHT QUARRY, DUNLOP

APPLICATION BY TARMAC LTD

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission, to be considered by the Special Northern Local Planning Committee under the current scheme of delegation as it is considered to be Major Development in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site relates to the existing Craignaught quarry comprising an area of 21.45 hectares located to the north east of Dunlop, situated on the western side of the C7 public road from Dunlop to Neilston. The site lies within the rural area and is surrounded by agricultural land.

2.2 **Proposed Development:** The proposal relates to condition 5 of planning consent 07/0143/FL which provided a temporary consent until 30 June 2010 to continue landfilling and restoration works at Craignaught with the proposed aftercare scheme commencing during February 2011. The applicant has advised that final site restoration levels have yet to be achieved to allow the aftercare scheme which was approved under a previous consent to commence and therefore wishes to extend the consent by 5 years to allow full site levels and restoration to be achieved.

2.3 The previous time extension justification centred on a tightening of waste management facilities which resulted in waste disposal operations at Craignaught ceasing. As a result, only inert aggregate material has been brought to the site since 2007 with 235,000 tonnes of material required at that time to achieve final restoration levels. The previous time frame was based on around 65,000 tonnes being delivered annually. Given the economic downturn in the UK, construction activity has significantly reduced with a knock on effect on the

availability of aggregate material for infill. This shortfall is estimated to be around 132,000 tonnes as of June 2010. As the site currently imports around 45,000 tonnes of material a year from the applicant's own aggregate recycling facility, in approximately three years, at this rate, the final restoration levels will be achieved. The remaining two years would be used as a buffer period in the event of any further slowdown in tonnage reaching the site and also to allow for implementation of the final restoration scheme including planting.

2.4 The application has been the subject of statutory pre-application consultation (PAC) with the local community, relevant community councils and other interested bodies such as Scottish Natural Heritage. The PAC Report lodged with the planning application indicates that no issues were raised by those consulted regarding the current and proposed future operations at the site. The report further indicates that the community appeared happy with the restoration proposals. As a consequence of this, no consideration has been made to altering the original application proposals.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Councils Roads and Transportation Service has no objections to the development.

3.2 Scottish Environment Protection Agency has no objections to the development provided that final levels and total tonnages are not being altered from those previously agreed.

None of the previously agreed details are to be altered as a result of this application, only the time period for completion of the restoration levels.

3.3 East Ayrshire Councils Outdoor Amenities Section has no objection to the proposed landscaping details.

3.4 The Scottish Environment Protection Agency has no objections to the development subject to standard comments and advice.

3.5 Scottish Natural Heritage has no objections to the development.

3.6 Stewarton and District Community Council, Dunlop Community Council and East Ayrshire Environmental Health Service have not responded at the time of writing this report.

4. REPRESENTATIONS

4.1 None.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (AJSP) and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan

5.2 There are no policies in the Ayrshire Joint Structure Plan that are specifically relevant to this application.

East Ayrshire Local Plan

5.3 There are no policies in the East Ayrshire Local Plan that are specifically relevant to this application.

Given that there are no development plan policies that are of specific relevance to the application, then greater weight should be afforded to the material considerations relevant to the proposal.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the Alteration to the East Ayrshire Local Plan, the consultation responses, the planning history and the impact upon the amenity of the area.

Alteration to the East Ayrshire Local Plan, Finalised Draft with Modifications

6.2 There are no policies specific to this development given that the time extension is to allow restoration and aftercare works to continue rather than for further mineral extraction.

Consultation Responses

6.3 The consultation responses do not raise any issues that would warrant refusal of this application.

Impact on Amenity

6.4 The development will generally offer a positive impact upon the amenity of the area. Whilst the time extension is unfortunate in that works have not already

been completed, it is considered that the time extension will allow all previously agreed infilling, site restoration levels and aftercare works to be completed. This will have a significant positive visual impact that will benefit the surrounding area and will also be of significant benefit to the environment.

Planning history

6.5 Planning application KL/W/FL/77/018D for the renewal of planning permission for the continuation of landfilling and restoration was approved with conditions until 8 July 2001.

6.6 Planning application 01/0493/FL for proposed continuation of landfill operations without compliance of condition 16 Of KL/W/77/018B was withdrawn on 26 March 2008.

6.7 Planning application 07/0143/FL for variation of conditions of permission KL/W/77/018D to facilitate restoration of former landfill site was approved with conditions on 17 March 2008.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications with regard to the determination of this application.

8. CONCLUSIONS

8.1 The Town and Country Planning (Scotland) Act 1997 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. As indicated in Section 5 of the report there are no policies that specifically relate to this development. Given that there are no development plan policies that are of specific relevance to the application, then greater weight should be afforded to the material considerations relevant to the proposal.

8.2 As indicated in Section 6 there are material considerations relevant to this application. The planning history indicates that this site has been subject to applications to previously extend the time period for restoration works. The comments of the consultees indicate that the proposal is acceptable. The continuing works to achieve final restoration levels and eventual landscaping of the site will lead to a significant visual and environmental improvement that will be a positive impact for the surrounding area. On the basis that the time extension is required to achieve these improvements, it is considered that the proposal is acceptable.

9. RECOMMENDATION

9.1 It is recommended that this application be approved subject to the conditions listed on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development then the application would not be required to be referred to the Council, as such a decision would not represent a significant departure from the Development Plan.

Alan Neish
Head of Planning and Economic Development

DW/HM/
10 August 2010
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Forms/Plans.
2. PAC Report
3. Statutory Letters/Certificates.
4. Consultations.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications).
8. Planning application KL/W/FL/77/018D.
9. Planning application 01/0493/FL.
10. Planning application 07/0143/FL.

Anyone wishing to inspect the above papers please contact David Wilson, Acting Senior Planning Officer, on 01563 576779.

Implementation Officer: Dave Morris

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0463/PP

Location	Craignaught Quarry, Dunlop, Kilmarnock East Ayrshire
Nature of Proposal:	Application to continue restoration operations without compliance of Condition 5 of current Planning Consent 07/0143/FL to allow time extension of 5 years to complete restoration works.
Name and Address of Applicant:	Tarmac Ltd Tarmac Ltd PO Box 8723 Bellshill ML4 3WF
Name and Address of Agent	Niall Blair PO Box 8723 Bellshill ML4 3WF

Officer's Ref: David Wilson
01563 576779

The above Planning Permission application should be approved subject to the following conditions:

1. Permission is hereby approved for a further temporary period of five years from the date of this consent. The aftercare scheme previously approved under planning consent 07/0143/FL shall commence thereafter and shall be retained and maintained in accordance with the previously approved details.

Reason: To ensure that effective control is retained over the restoration and that the approved aftercare scheme is in place.

2. The revised restoration layout details, including all planting, shall be implemented on site as approved as shown on approved drawing CE-CRG-0248-DW02 prior to the commencement of the aftercare scheme.

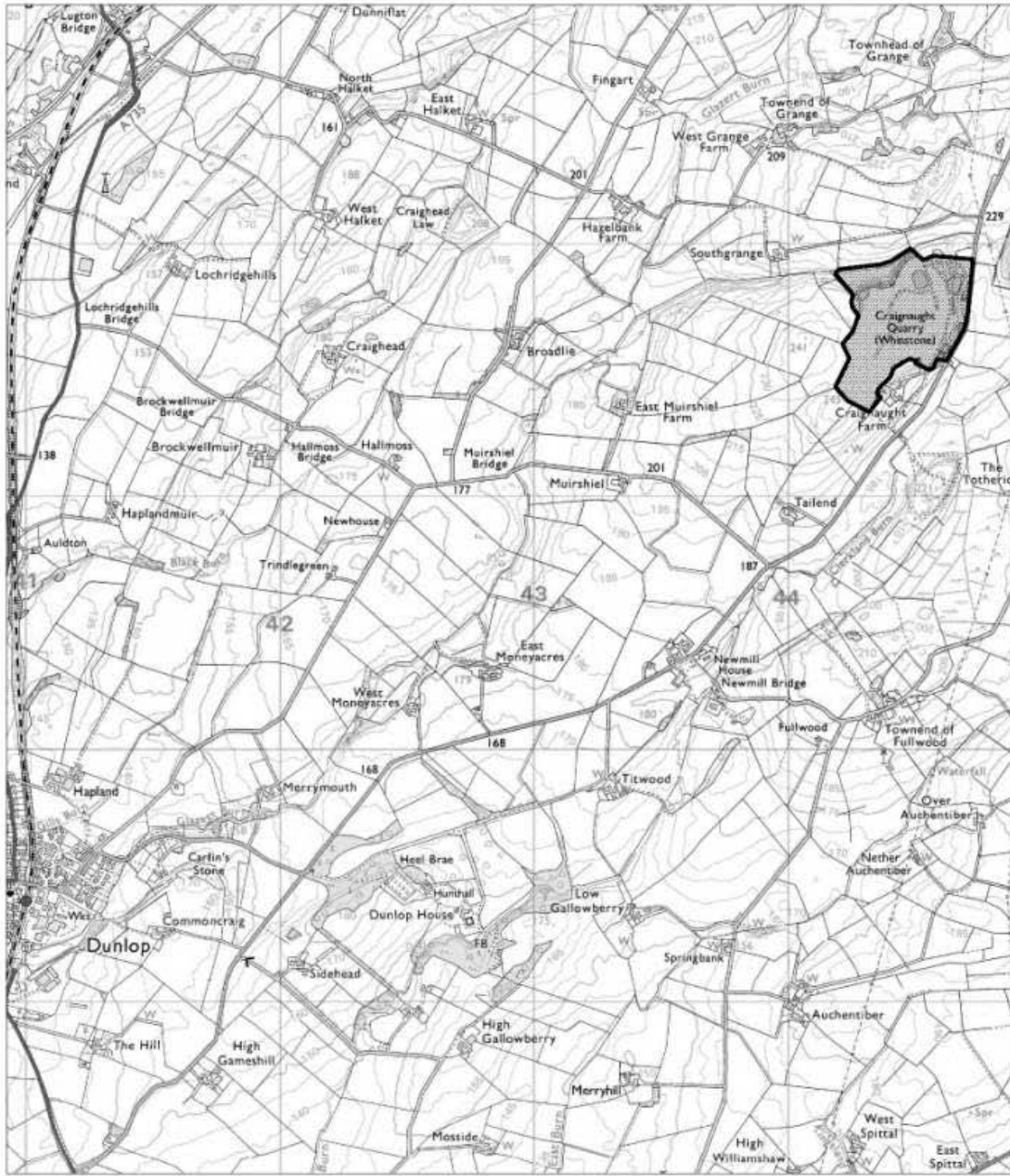
Reason: To ensure that effective control is retained over the restoration and that the restoration is completed prior to the aftercare scheme commencing.



3. The applicant shall, on an annual basis from the date of this consent, submit to the Planning Authority a site progress plan indicating the progress of infilling, including site levels and cross sections, and any restoration works that have taken place within the site.

Reason: To allow for monitoring of progress on site in the interests of site restoration and visual amenity.

Reason for the Decision

There are no relevant development plan policies in this instance and therefore the material considerations of this case suggest that the application should be approved as the continuing works to achieve final restoration levels and eventual landscaping of the application site will lead to a significant visual and environmental improvement that will achieve a positive impact for the surrounding area.



<p>Title/Location Craignaught Quarry Dunlop Application No. 10/0463/PP</p>	<p>East Ayrshire Council Department of Neighbourhood Services Planning & Economic Development Service 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 19/08/2010</p>
<p>Key</p> <p> Application Site</p>	<p style="text-align: right;"></p>

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