

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 05 AUGUST 2011

11/0429/PP: FORMATION OF A ROAD CROSSING ON U720 PUBLIC ROAD AND A PROPOSED CHANGE IN WORKING METHOD AT BRAEHEAD FARM SURFACE MINE BY NEW CUMNOCK

APPLICATION BY KIER CONSTRUCTION LTD

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=11/0429/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant wishes to create a crossing point on the unclassified U720 where plant and machinery will be able to cross the public highway to access the site workshop for maintenance. The crossing point will provide access between the Braehead Farm surface mine (operational area) and the workshop located at Greenburn. It will be constructed for the purposes of internal operational traffic only and will be predominately used by larger site vehicles which cannot use the existing underpass i.e. dump-trucks and primary-movers.

1.2 It is proposed that a concrete pad will be located across the U720 public carriageway which will afford protection of the road and be able to take the weight of the dump-trucks and primary-movers. It is anticipated that there will be an average of 10 movements across the road crossing per day, however this will be dependent on the maintenance schedule, and will comprise mainly of the dump-trucks. The primary-movers will only require minimal use of the crossing point i.e. during the initial move from Greenburn to the Braehead site or for annual maintenance.

1.3 The proposed road crossing will be controlled by four-way traffic lights, with primary and secondary signal heads with priority given to the existing road users on the U720. These will be operated by means of detectors located on top of the traffic lights to detect vehicles on the haul road. Vehicles on the haul road will be required to stop, obeying the traffic light signals, prior to crossing the public highway. Therefore the vehicles will be travelling at slow speeds when using the crossing. A tractor and brush (or similar) will be available in order to keep the crossing and adjacent lengths of public road free of mud and other debris as and when required. The use of the crossing point will be maintained throughout the life of the operations.

1.4 It is anticipated that construction of the road crossing would commence in September/October 2011 and would have no significant impact on the overall project timescales. The road crossing would need to be constructed in advance of the mining operations at Braehead Farm, which are due to commence in April 2012.

1.5 By using the existing workshop, instead of constructing a new workshop, environmental benefits will accrue from making use of the existing infrastructure and management plans, such as the oil storage areas and established environmental mitigation measures. It will also negate the requirement to construct a second workshop area which would have involved the disturbance of additional ground, including an area of deep peat.

1.6 The U720 public road at this location will be predominately used by those accessing the Kier workshop and the workshop located at House of Water i.e. those accessing the Dalgig Road. The crossing will be a temporary feature and will be in place during the operational lifetime of the surface mine. It is planned that the concrete pad and traffic lights will be removed following completion of the surface mine and the road will be reinstated.

1.7 As an amendment to a major planning application, the proposed development under consideration was the subject of formal pre-application consultation procedures (PAC). The PAC Report that accompanies the application under consideration details the consultation activity undertaken by the applicant which included consultation with New Cumnock Community Council and an open public exhibition which took place on 17 March 2011. There were no significant community concerns arising from this activity.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is considered to be generally in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. However, these material considerations are also supportive of the proposed development.

3.2 It is not anticipated that the proposed minor variation will have any significant additional adverse impacts as applied to the development as a whole. The continued use of the existing workshop is considered to have a positive benefit by minimising additional land disturbance, minimising the loss of peat land, making use of established infrastructure and the continuing use of established environmental control systems. The Roads and Transportation Service is also content with the proposed works being undertaken on the U720 subject to appropriate conditions.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, it would not require to be referred to the Full Council because it 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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SOUTHERN LOCAL PLANNING COMMITTEE: 05 AUGUST 2011

11/0429/PP: FORMATION OF A ROAD CROSSING ON U720 PUBLIC ROAD AND A PROPOSED CHANGE IN WORKING METHOD AT BRAEHEAD FARM SURFACE MINE BY NEW CUMNOCK

APPLICATION BY KIER CONSTRUCTION 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 a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation because it represents an alteration to a major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

2. APPLICATION DETAILS

2.1 **Site Description:** The development site is located approximately 3km west of New Cumnock, 5km south of Cumnock and 10km north-east of Dalmellington. The Braehead Farm application site extends to approximately 206.9 hectares (511.25 acres) with the actual extraction area being 85 hectares (210 acres), 57.4 hectares (141.8 acres) in Area B and 27.6 hectares (68.2 acres) in Area C.

2.2 **Introduction:** Kier Construction Ltd (Mining Division) trading as Kier Mining has been granted full planning permission (our reference 10/0491/FL) for a surface coal mine and associated works at Braehead Farm by New Cumnock. The main excavation area lies to the south of the existing Greenburn site, south of the River Nith. The U720 public road runs through the centre of the site orientated north to south.

2.3 The applicant proposes to change the working method of the scheme to allow the use of the existing workshop located at Greenburn rather than construct a new facility within the Braehead Farm site. In order to use the existing workshop, a crossing will be required over the U720 public road to access between the maintenance workshop and the working area of the surface mine. The underpass will continue to be used by site vehicles; however the larger plant such as the dump trucks will require to use the road crossing.

2.4 The proposed crossing location on the U720 was included in the original Greenburn planning application (reference 00/0793/FL) which was approved in August 2002. Subsequent to this, a planning application (reference 03/0746/FL) was submitted for the provision of an underpass for coal haulage between the excavation area and the coal processing area in order to minimise the inter-action between the operational site and public

traffic. The underpass was designed to accommodate the smaller coal haulage trucks and therefore is not suitable for larger plant and machinery.

2.5 The variation to the existing planning application seeks consent for a new vehicle crossing on the U720 and use of the existing workshop at Greenburn.

2.6 **Proposed Development:** The applicant wishes to create a crossing point on the unclassified U720 where plant and machinery will be able to cross the public highway to access the site workshop for maintenance. The crossing point will provide access between the Braehead Farm surface mine (operational area) and the workshop located at Greenburn. It will be constructed for the purposes of internal operational traffic only and will be predominately used by larger site vehicles which cannot use the existing underpass i.e. dump-trucks and primary-movers.

2.7 It is proposed that a concrete pad will be located across the U720 public carriageway which will afford protection of the road and be able to take the weight of the dump-trucks and primary-movers. It is anticipated that there will be an average of 10 movements across the road crossing per day, however this will be dependent on the maintenance schedule, and will comprise mainly of the dump-trucks. The primary-movers will only require minimal use of the crossing point i.e. during the initial move from Greenburn to the Braehead site or for annual maintenance.

2.8 The proposed road crossing will be controlled by four-way traffic lights, with primary and secondary signal heads with priority given to the existing road users on the U720. These will be operated by means of detectors located on top of the traffic lights to detect vehicles on the haul road. Vehicles on the haul road will be required to stop, obeying the traffic light signals, prior to crossing the public highway. Therefore the vehicles will be travelling at slow speeds when using the crossing. A tractor and brush (or similar) will be available in order to keep the crossing and adjacent lengths of public road free of mud and other debris as and when required. The use of the crossing point will be maintained throughout the life of the operations.

2.9 It is anticipated that construction of the road crossing would commence in September/October 2011 and would have no significant impact on the overall project timescales. The road crossing would need to be constructed in advance of the mining operations at Braehead Farm, which are due to commence in April 2012.

2.10 By using the existing workshop, instead of constructing a new workshop, environmental benefits will accrue from making use of the existing infrastructure and management plans, such as the oil storage areas and established environmental mitigation measures. It will also negate the requirement to construct a second workshop area which would have involved the disturbance of additional ground, including an area of deep peat.

2.11 The U720 public road at this location will be predominately used by those accessing the Kier workshop and the workshop located at House of Water i.e. those accessing the Dalgig Road. The crossing will be a temporary feature and will be in place during the operational lifetime of the surface mine.

It is planned that the concrete pad and traffic lights will be removed following completion of the surface mine and the road will be reinstated.

2.12 As an amendment to a major planning application, the proposed development under consideration was the subject of formal pre-application consultation procedures (PAC). The PAC Report that accompanies the application under consideration details the consultation activity undertaken by the applicant which included consultation with New Cumnock Community Council and an open public exhibition which took place on 17 March 2011. There were no significant community concerns arising from this activity.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Service indicates that it has no objections to the proposed development subject to the following conditions:

- The applicant is to be responsible for the erection, maintenance, and dismantling of the traffic signals. Details of the appointed sub-contractor to be forwarded to EAC Roads. The maintenance contract must include routine maintenance over and above requirements to respond to faults;
- The length of ramps from the existing carriageway to the concrete crossing points are to be agreed on site with EAC Roads Network Manager; and
- On conclusion of the requirement for the signals the applicant must remove all furniture and cables, above and below ground, associated with the application and reinstate the adjacent fencing and public verges. The concrete crossing points are to be bituminously surfaced to EAC Roads specification.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

3.2 New Cumnock Community Council has not responded to the consultation letter.

4. REPRESENTATIONS

4.1 None.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (2007), the Adopted East Ayrshire Local Plan (2010) and the East Ayrshire Opencast Coal Subject Plan (2003).

Ayrshire Joint Structure Plan

5.2 There are no policy changes with regard to opencast coal mining being promoted in the new joint structure plan 2007 and the current provisions of the 1999 approved structure plan remain relevant to this application. The Structure Plan includes a commentary and policies on minerals including coal and refers to the East Ayrshire Opencast Coal Subject Plan as providing detailed policies concerning coal extraction. There are no particular policies applicable to the application under consideration.

East Ayrshire Local Plan

5.3 The East Ayrshire Local Plan was adopted on 26 October 2010 and therefore represents the most up to date planning policy position in East Ayrshire. The Local Plan states at paragraph 4.18:-

'Opencast coal extraction is addressed separately in the Adopted East Ayrshire Opencast Coal Subject Plan and the local plan therefore deals specifically with all minerals other than coal'.

5.4 The Local Plan is therefore not generally considered part of the development plan for opencast coal development in East Ayrshire.

East Ayrshire Opencast Coal Subject Plan

5.5 The East Ayrshire Opencast Coal Subject Plan (EAOCSPP) provides detailed guidance relating to sustainable coal extraction throughout East Ayrshire. In relation to the proposed development, Policy 19 is of particular relevance which states:

'All haulage of extracted materials between the area of excavation and the point of dispatch from the opencast site should be via internal haul roads only. The Council will ensure that all site accesses onto the public road system are located so as to avoid any unnecessary transportation of extracted material through nearby communities, en-route to its market destinations.'

The proposed road crossing will facilitate the transfer of coal from the operational parts of the site to the existing dedicated rail dispatch facility at the Greenburn complex. Although this will involve traffic crossing a public road, the Roads & Transportation Service has confirmed that they have no objections to the proposal subject to conditions being imposed on any consent.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant to the determination of the application are the consultation responses and the relevant planning history of the site.

Consultation Responses

6.2 There are no other consultation responses that would indicate that the application should be refused.

Planning History

6.3 The construction and operation of a coal processing and rail loading facility at the former Afton Brickworks, with a rail-line running east to join the existing Knochshinnoch line was granted on 17 October 2001 under planning consent 99/0639/OL.

6.4 Planning permission for the extraction of 3.5 million tonnes of coal by opencast method from the Greenburn site was granted on 06 August 2002 under planning application 00/0793/FL.

6.5 Planning permission for the construction and operation of a new dedicated railhead and rail-link to serve the opencast site was granted on 10 May 2002 under planning application 02/0177/RM.

6.6 Planning permission for a variation of conditions 7 and 35 of consent 00/0793/FL to allow the formation of a vehicle underpass within the application site was approved on 10 October 2003 under planning consent 03/0746/FL.

6.7 Planning permission for a variation to condition 39 of consent 00/0793/FL to allow extended haulage hours between the excavation area and the coal processing area was approved on 25 June 2004 under planning consent 04/0263/FL.

6.8 Planning permission for an extension to the excavation area was approved on 08 October 2004 under planning consent 04/0717/FL.

6.9 Planning permission for an extension to excavation limits and a re-alignment of an unclassified road was approved on 13 April 2006 under planning consent 05/0452/FL.

6.10 A planning application for the recovery of minerals other than coal at the Greenburn site was approved on 13 April 2006 under planning consent 05/0583/FL.

6.11 The Development Services Committee on 12 December 2006 resolved to approve a planning application for an extension to the Greenburn site (Dalgig Extension) subject to a Section 75 Agreement which, to date, has not been formally concluded due to land ownership issues (Ref. No. 06/0538/FL).

6.12 Planning permission for an extension to the Greenburn site (North Extension) was approved on 29 February 2008 under planning consent 07/0211/FL.

6.13 Planning permission for an extension to the Greenburn site (North East Extension) was approved on 29 February 2008 under planning consent 07/0745/FL.

6.14 Planning permission for an extension to the Greenburn site (Dalgig Farm Extension – alternative scheme) was approved on 05 September 2008 under planning consent 07/0908/FL.

6.15 The Southern Local Planning Committee on 13 August 2010 resolved to approve a planning application for the recovery of coal with restoration to agriculture with nature conservation and improved public access (Greenburn South) subject to a Section 75 Agreement which, to date, has not been formally concluded due to land ownership issues (Ref. No. 09/0906/PP).

6.16 Planning permission for the recovery of coal with restoration to agriculture with nature conservation and improved public access (Braehead Farm) was approved on 22 February 2011 under planning consent 10/0491/PP.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report, the application is considered to be generally in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. However, these material considerations are also supportive of the proposed development.

8.2 It is not anticipated that the proposed minor variation will have any significant additional adverse impacts as applied to the development as a whole. The continued use of the existing workshop is considered to have a positive benefit by minimising additional land disturbance, minimising the loss of peat land, making use of established infrastructure and the continuing use of established environmental control systems. The Roads and Transportation Service is also content with the proposed works being undertaken on the U720 subject to appropriate conditions.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Economic Development

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development, it would not require to be referred to the Full Council because it would not represent a significant departure from the development plan.

CG/HM/CG
27 July 2011
FV/HM

LIST OF BACKGROUND PAPERS

1. Application Form, Plans and Supporting Statement
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Opencast Subject Plan (2003)
5. Approved Ayrshire Joint Structure Plan (2007)
6. Previous planning application 10/0491/FL.
7. PAC Report

Any person wishing to inspect the background papers listed above should contact Mr Colin Graham on 01563 576787.

Implementation Officer: Hugh Melvin

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Ref: 11/0429/PP

Location	Braehead Farm Surface Mine by New Cumnock
Nature of Proposal:	Formation of a Road Crossing on U720 Public Road and a Proposed Change in Working Method.
Name and Address of Applicant:	Kier Construction Limited Tempsford Hall Sandy, Beds. SG19 2BD
Name and Address of Agent	N/A

DPO's Ref: [Colin Graham]
(01563) 576787
PPO's Ref: [Hugh Melvin]

The above application for PLANNING PERMISSION should be granted subject to the following conditions:

1. The concrete crossing points shall be bituminously surfaced to the Council's Roads & Transportation Service's specification prior to the operation of the road crossing.

REASON: In the interests of road safety.

2. On conclusion of the requirement for the traffic signals, the applicant shall remove all signalling equipment, road furniture and cables (above and below ground) associated with this planning consent and reinstate the adjacent fencing and public verges to the satisfaction of the Council as Planning Authority in consultation with the Roads Authority.

REASON: In the interests of visual amenity.

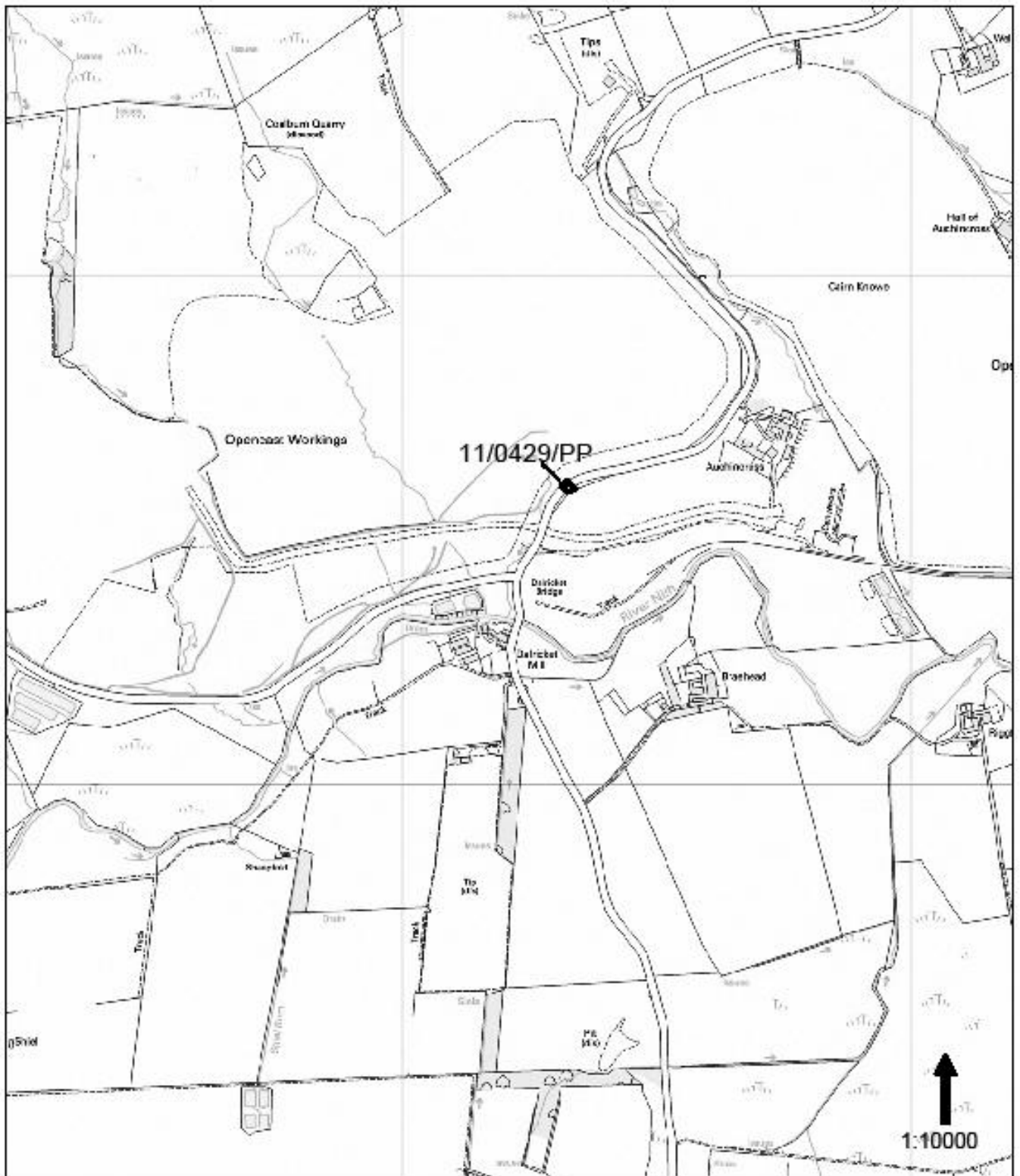
Notes to Applicant


1. The applicant will be responsible for the erection, maintenance and dismantling of the traffic signals.
2. The maintenance contract must include routine maintenance over and above requirements to respond to faults.

3. Details of the appointed sub-contractor must be provided to the Council's Roads & Transportation Service prior to formation of the road crossing.
4. The length of ramps from the existing carriageway to the concrete crossing points must be agreed on site with the Council's Roads Network Manager prior to formation of the road crossing.

REASON FOR THE DECISION

In respect of all relevant matters and material considerations to be taken into account in the determination of this application, the Council considers that the proposed development is generally consistent with policy and that there are no significant environmental or community concerns regarding the proposal. Furthermore, there are no material considerations in respect of this application that would suggest refusal of the application.



<p>Title/Location</p> <p>Braehead Farm</p> <p>New Cumnock, Cumnock</p> <p>Application No. 11/0429/PP</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services Planning & Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU Tel: (01563) 576790 Fax: (01563) 554592 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 05/08/11</p>
<p>Key</p> <p> Application Site</p>	

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