

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 25 FEBRUARY 2005**

**04/1215/FL: PROPOSED DEMOLITION AND RECONSTRUCTION OF  
BRIDGE STRUCTURES, CONSTRUCTION OF NEW ACCESS FROM A70  
ROAD TO PROPOSED NEW COAL LOADING FACILITY AND  
CONSTRUCTION OF NEW FARM ACCESS CROSSING TO PROPOSED  
RAILWAY AT FORE ROGERTON FARM, ON FORMER AUCHINLECK TO  
CRONBERRY RAILWAY LINE**

**APPLICATION BY SCOTTISH COAL COMPANY LIMITED**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 Full planning permission is now being sought for the demolition of the Cronberry Viaduct and the reconstruction of a new rail overbridge, the demolition and reconstruction of the overbridge at Coal Road in Auchinleck, and the formation of a new underpass access to serve Fore Rogerton Farm.

1.2 The planning application also provides details of the installation of a conveyor system to carry coals won from the existing Gasswater OCCS to the new rail terminus and coal loading facility. The proposed conveyor system will traverse the A70 Road via a new underpass. Details of layout of the proposed rail loading facility have been provided as part of this application. In order to facilitate access, it is proposed to construct a new staggered junction adjacent to the Gasswater OCCS entrance and a new access road to serve the terminus and coal loading facility.

1.3 The coal loading facility will consist of an enclosed loading pad, a rail weighbridge, associated settlement lagoons and a radial stockpile boom at the end of the conveyor system. The conveyor itself will be a low level covered structure to ensure minimal adverse impacts arising from noise and dust. The coal loading facility will also be screened from the adjacent A70 road by means of appropriately designed soil mounds which will be landscaped for visual screening purposes.

#### **2. RECOMMENDATION**

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

### **3. SUMMARY OF ANALYSIS**

3.1 As is indicated in Section 5 of the report, the application is considered to be 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 of the report, there are material considerations relevant to this application. However, these material considerations are also generally supportive of the proposed development.

3.2 The proposed development seeks to secure the demolition and reconstruction of two over bridge structures on the route of the proposed Auchinleck to Cronberry rail line that has the benefit of a full planning consent. The proposed development also provides for a new underpass on the A70 to allow coals won from the now operational Powharnal OCCS to be taken directly from the coal preparation area by conveyor to the new rail loading facility. The proposal also promotes the construction of a new staggered junction on the A70 to allow safe access to the proposed railhead.

3.3 The proposal will result in the demolition of the Cronberry Viaduct which, while not a listed structure, is of some architectural merit. However its current condition would render it uneconomical to repair and its demolition and the reconstruction of a new over bridge is acceptable in terms of the environmental benefit to be gained by the dispatch of coals by rail rather than by road.

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards in terms of the principle of the development, the application will require to be referred to the Development Services Committee because it would represent a significant departure from the development plan.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

**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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**APPLICATION BY SCOTTISH COAL COMPANY LIMITED**

**Report by Head of Planning, Development and Building Standards**

### **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 due to the nature and scale of the proposed development, which is of area significance and in accordance with the Development Plan.

### **2. APPLICATION DETAILS**

2.1 **Site Description:** The application site is generally linear in nature and relates to the route of the former Auchinleck to Cronberry mineral rail line with its point of origin at the junction of the former rail line with the main Glasgow - Dumfries rail line just east of the Rail Bridge on Main Street, Auchinleck and its terminus located at a point north-west of the site access road to the Gasswater Opencast Coal Site, near Cronberry. This represents approximately 9 kilometres of former mineral railway line.

2.2 The route generally travels eastwards, along the cutting which lies approximately 35 metres south of the Back Rogerton housing estate in Auchinleck and under the rail bridge on Coal Road, continuing for some 5 kilometres passing through the Lugar Lochs to a point approximately 100 metres south of Cronberry village. The route then travels in a generally north-eastern direction for a distance of some 4 kilometres and running parallel to the A70 Cumnock - Muirkirk road, to a point which lies some 300 metres north-west of the site access to the Gasswater/Powharnal Opencast Coal Site.

2.3 The site extends to approximately 4 hectares and comprises two distinct areas of land, one being the solum of the former mineral rail line, and the other being an area of land located at the terminus of the 9 kilometre route. Apart from the part of the route which lies south of the Back Rogerton

housing estate (approximately 1 kilometre in length) the site lies in open countryside at an elevation of between 150 metres to 200 metres Above Ordnance Datum. The land rises generally in an easterly direction, with agricultural land quality declining from west to east. In the past, deep mine and opencast coal extraction, in addition to quarrying, has taken place along the application site. The history of mineral working in the locality is based on the former ironworks at Lugar and Muirkirk and has left a legacy of small spoil heaps, old disused railways and tramways formerly linking the now derelict mines and quarries to the ironworks.

2.4 The railway track bed is of derelict appearance although in parts it has been naturalised into the surrounding landscape. The parts of the disused track lying in proximity to the Back Rogerton housing estate and public roads have been susceptible to fly-tipping and are unsightly in appearance. The cutting to the south of Back Rogerton presents as being overgrown due to its unused state.

2.5 The application site passes through one Listed Wildlife Site, the Lugar Loch Wetlands (WT8) which is a largely undisturbed lowland site of artificial origins of botanical and ornithological interest. In addition, the site lies in proximity to, but does not encroach within, the North Lowther and Muirkirk Uplands potential Special Protection Area (pSPA), this area extending in excess of 27,000 hectares both on the northern and southern sides of the A70 road. Scottish Natural Heritage has sought formal designation of this area by the Scottish Executive, under the EC Directive on the Conservation of Wild Birds. This designation confers internationally recognised status on this upland site.

2.6 Full planning permission, for the reconstruction of the former mineral railway consisting of the relaying of a single track railway line with associated passing loops and cripple sidings at locations to be agreed, was granted on 28 February 2002 under application 99/0759/FL.

2.7 **Proposed Development:** Full planning permission is now being sought for the demolition of the Cronberry Viaduct and the reconstruction of a new rail overbridge, the demolition and reconstruction of the overbridge at Coal Road in Auchinleck, and the formation of a new underpass access to serve Fore Rogerton Farm.

2.8 The planning application also provides details of the installation of a conveyor system to carry coals won from the existing Gasswater OCCS to the new rail terminus and coal loading facility. The proposed conveyor system will traverse the A70 Road via a new underpass. Details of layout of the proposed rail loading facility have been provided as part of this application. In order to facilitate access, it is proposed to construct a new staggered junction adjacent to the Gasswater OCCS entrance and a new access road to serve the terminus and coal loading facility.

2.9 The coal loading facility will consist of an enclosed loading pad, a rail weighbridge, associated settlement lagoons and a radial stockpile boom at

the end of the conveyor system. The conveyor itself will be a low level covered structure to ensure minimal adverse impacts arising from noise and dust. The coal loading facility will also be screened from the adjacent A70 road by means of appropriately designed soil mounds which will be landscaped for visual screening purposes.

### **3. CONSULTATIONS AND ISSUED RAISED**

3.1 Transco has indicated that the proposed development may affect plant and that measures to protect or divert this plant may be necessary at the cost of the developer. Transco indicates that it is likely that a site visit will be necessary prior to the commencement of any works.

***The applicant is aware of the potential need to protect or divert statutory undertakers' apparatus and has been advised of the comments of Transco.***

3.2 East Ayrshire Council's Environmental Health Division has no objections in principle to the proposed development but states:

(i) Any waste arising from the works should be disposed of to the satisfaction of the Waste Management Authority, and otherwise than by burning.

(ii) Noisy work on the site should be restricted to 8 am to 6 pm Monday to Friday, 8 am to 1 pm on a Saturday and no noisy work on a Sunday.

(iii) Noise from the works during construction should be at a level as will not cause annoyance or be otherwise detrimental to the amenity of the area..

***Conditions can be attached to any grant of consent to meet the requirements of the Environmental Health Division.***

3.3 Scottish Power has no adverse comments to make on the proposed development but has indicated the location of its apparatus in the vicinity of the application site.

***The applicant is aware of the potential need to protect or divert statutory undertakers' apparatus and has been advised of the comments of Scottish Power.***

3.4 Scottish Water has no comments to make on the application.

***Noted.***

3.5 Auchinleck Community Council has no objections to the proposed development.

***Noted.***

3.6 Network Rail has no objection in principle to the proposed development subject to the applicant entering into negotiations with Network Rail regarding a 'connection agreement'.

***Noted.***

3.7 The Scottish Environment Protection Agency has no objections in principle to the reconstruction of the railway line provided that all necessary steps are taken to minimise pollution. In this respect, the applicant should ensure that the guidelines to prevent pollution given in SEPA's Pollution Prevention Guideline publications PPG's 1, 4, 5 and 6 are adhered to.

***The applicant has been advised of the comments of SEPA and has been provided with copies of the relevant publications.***

SEPA further indicates that the use of wheel washes, vehicle cleaning, concrete tanker wash down areas must be operated in a manner that ensures there is no risk of environmental pollution e.g. closed cycle arrangement for wheel wash. Should a mobile concrete batching plant be used on the site, it will require to be licensed appropriately and all necessary steps taken to prevent pollution of watercourses from polluted run-off.

***The applicant has been advised of the comments of SEPA.***

All waste materials generated by the development that require to be removed such as construction and demolition wastes, and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management licence or is registered with SEPA as exempt from licensing.

3.8 East Ayrshire Council's Roads and Transportation Division has stated that the applicant should submit details of the proposed new culvert underpass on the A70 road as this will require consent from the Roads and Transportation Division. Details of the new parapets for the U730 Glenshamrock Bridge, as discussed at previous meetings, should also be provided. The plans should also be amended to show the clearance above the C22 Coal Road and other amendments to meet the Roads and Transportation Division requirements. The following conditions will apply should consent be granted:

- (i) Visibility sightline splay areas of 9.0 metres by 215 metres will require to be formed and maintained at the access onto the A70, with no obstruction greater in height than 1 metre being allowed within these areas.
- (ii) Access to the site must be taken via a standard major commercial access crossing to East Ayrshire Roads standards.
- (iii) Any roadside ditch must be piped and protected beneath the proposed access.
- (iv) No surface water must be allowed to discharge onto the public road.

- (v) Any gates must be set back a minimum distance of 6 metres from the edge of the public road and will require to open inwards away from the public road.
- (vi) Access to and egress from the site will require to be taken in forward gear.
- (vii) The private access will require to be paved for a minimum distance of 10 metres from the edge of the public road carriageway to avoid overcarry of loose material onto the public road.
- (viii) Each structure will require Approval in Principle from East Ayrshire Council and design and check certificates appropriate to the structure category, prior to construction.
- (ix) Structures carrying public roads will be removed or infilled on cessation of operations using the railway. The road will then be re-instated to the satisfaction of East Ayrshire Council Roads and Transportation Division.

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

#### **4. REPRESENTATIONS:**

- 4.1** There are no representations.

#### **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 (1999), the Adopted East Ayrshire Opencast Coal Subject Plan (2003) and the Adopted East Ayrshire Local Plan (2003).

##### Ayrshire Joint Structure Plan

5.2 Under policy ADS8(B), the three Ayrshire Councils shall implement a balanced and integrated transport strategy which seeks to give priority to transport proposals which encourage economic development.

***It is considered that the proposals relating to this application are in accordance with Policy ADS8(B) as they are designed to increase the efficiency of the new coal loading facility.***

##### East Ayrshire Opencast Coal Subject Plan

5.3 The relevant policy document is the East Ayrshire Opencast Coal Subject Plan and the application site is affected by Policy MIN18.

**Policy MIN18 indicates that the Council will strongly encourage opencast coal operators to utilise existing rail facilities for the transportation of coal which is not specifically destined for local domestic Ayrshire markets. In addition, Policy MIN18 states that the provision of new railheads in connection with the development of new opencast sites will also be fully encouraged by the Council. It is therefore considered that the establishment of a railhead at Gasswater, which would service existing and approved opencast sites in the Muirkirk area, would be consistent with the provisions of the finalised East Ayrshire Opencast Coal Subject Plan.**

#### East Ayrshire Local Plan

5.4 Under Policy T1 the Council will seek to achieve improvements to the local road infrastructure.

***The proposals will accord with the provisions of this policy.***

5.5 Under Policy T8, provision of new railheads in connection with new minerals developments which generate significant amounts of goods traffic will be particularly encouraged.

***As the proposals relate to infrastructure which forms part of the proposed Powharnal OCCS rail link, it is considered that, in principle, they are fully in accordance with Policy T 8.***

5.6 Under Policy IND1 the development of strategic and business sites, as defined in the Local Plan, will be restricted to the key access points on the public and private transport network within the Kilmarnock and Cumnock/Auchinleck areas in accordance with the Business and Industry Development Strategy.

***It is considered that the proposed new access from the A70 road to proposed new coal loading facility opposite the Gasswater/Powharnal access road would be fully in accordance with Policy IND 1.***

5.7 Under Policy RES1 the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps.

***The site of part of the proposed regrading of the northern slopes of the railway embankment at overbridge No 1 is adjacent to proposed housing site 200H. However, this site is in the ownership of the applicant.***

5.8 Under Policy TLR7 the Council will seek to develop a definitive strategic and local footpath and cycle ways network.

***A claimed public right of way runs adjacent to the embankment at overbridge No 1 along its southern side. As the proposal involves regrading of the embankment and associated works it will be necessary for the applicant to ensure that measures are taken to safeguard the availability of the right of way for use by the public while the works are being undertaken and permanently thereafter.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, National Planning Policy Guidelines and relevant planning history.

### Consultation Responses

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

### National Planning Policy Guidelines

6.3 National Planning Policy Guideline 17 relates to Transport and Planning and is relevant to the proposed development.

***Paragraph 37 of NPPG17 indicates that the strategic importance to the economy of freight access to industry and commerce should be recognised and appropriate arrangements made. Planning Authorities should encourage the carriage of freight by rail rather than by road wherever it can provide a feasible alternative for all or part of the journey. The proposed development at Gasswater would be consistent with NPPG17 objectives.***

6.4 National Planning Policy Guideline 16 relates to Opencast Coal and Related Minerals and is relevant to the proposed development.

***Paragraphs 48 and 49 indicate that the Government wishes to seek a better balance between lorry and rail transport with an increased tonnage of coal being moved by rail from as near as practicable to the extraction site. Accordingly, as part of the overall assessment of opencast development, proposals which provide for rail transport should be more favourably considered than those wholly dependent on road transport. The proposed development of a railhead facility would result in coals destined for railheads at Killoch and Knockshinnoch Disposal Points being taken to the proposed railhead facility at Gasswater. This would in turn lead to shorter road journeys and a significant reduction in the number of lorries passing through local communities in***

***Lugar, Cumnock, New Cumnock and Ochiltree. It is therefore considered that the proposed development is consistent with the provisions of NPPG 16.***

### Planning History

6.5 Full planning permission, for the reconstruction of the former mineral railway consisting of the relaying of a single track railway line with associated passing loops and cripple sidings at locations to be agreed, was granted on 28 February 2002 under application 99/0759/FL.

## **7. LEGAL AND FINANCIAL 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 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 generally supportive of the proposed development.

8.2 The proposed development seeks to secure the demolition and reconstruction of two over bridge structures on the route of the proposed Auchinleck to Cronberry rail line that has the benefit of a full planning consent. The proposed development also provides for a new underpass on the A70 to allow coals won from the now operational Powharnal OCCS to be taken directly from the coal preparation area by conveyor to the new rail loading facility. The proposal also promotes the construction of a new staggered junction on the A70 to allow safe access to the proposed railhead.

8.3 The proposal will result in the demolition of the Cronberry Viaduct which, while not a listed structure, is of some architectural merit. However its current condition would render it uneconomical to repair and its demolition and the reconstruction of a new over bridge is acceptable in terms of the environmental benefit to be gained by the dispatch of coals by rail rather than by road.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions 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, Development and Building Standards in terms of the principle of the development, the application will require to be referred to the Development Services Committee because it would represent a significant departure from the development plan.

Alan Neish  
Head of Planning, Development and Building Standards

13 February 2005  
HM/HM/SMB  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Local Plan 2003.
5. Adopted East Ayrshire Opencast Subject Plan 2003.
6. Approved Ayrshire Joint Structure Plan 1999.
7. NPPG16: Opencast Coal and Related Minerals.
8. NPPG 17: Transport and Planning.
9. Planning Application 99/0759/FL.

Any person wishing to inspect the background papers listed above should contact Mr H Melvin on 01563 555481.

**Implementation Officer: Dave Morris**

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Location	Former Railway Line Auchinleck-Cronberry
Nature of Proposal:	Proposed demolition and reconstruction of bridge structures, construction of new access from A70 road to proposed new coal loading facility and construction of new farm access crossing to proposed railway at Fore Rogerton farm
Name and Address of Applicant:	The Scottish Coal Company Limited Castlebridge Business Park Gartlove ALLOA
Name and Address of Agent	N/A

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DPO's Ref: [HUGHMELVIN]  
PPO's Ref; [ ]

The above **FULL** application should be granted subject to the following conditions.

- (1) Prior to the commencement of development, the applicant shall submit to, and have approved by the Planning Authority, in consultation with the Roads Authority, details of the proposed underpass for the conveyor system on the A70 public road. The details shall include information regarding the proposed restoration / future maintenance of the underpass following cessation of operations at the railhead loading facility.

REASON – In the interests of public road safety.

- (2) Prior to the commencement of development, the applicant shall submit to, and have approved by the Planning Authority, in consultation with the Roads Authority, details of the new parapets to be erected on the U730 Glenshamrock Bridge.

REASON – In the interests of public road safety.

- (3) The proposed new staggered junction on the A70 road shall be designed to the Design Manual for Roads and Bridges, the details of which shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority.

REASON – In the interests of public road safety.

- (4) The proposed new staggered junction and railhead access road shall be constructed prior to the commencement of operation of the proposed rail loading facility.

REASON – In the interests of public road safety.

- (5) The site access road shall be constructed to the standards required in the Guidelines for Development Roads 1996, for industrial use. The proposed access road shall be bituminously surfaced from the proposed staggered junction to the proposed rail terminal.

REASON – In the interests of public safety and to prevent the overcarry of loose material onto the A70 public road.

- (6) Visibility sightline splay areas of 9 metres by 215 metres shall be formed and maintained at the access onto the A70 road, with no obstruction greater than 1 metre in height within these areas.

REASON – In the interests of public safety.

- (7) Access to the site shall be taken via a standard major commercial access crossing to East Ayrshire Roads standards.

REASON – In the interests of public safety.

- (8) Any roadside ditch shall be piped beneath the proposed access and no surface water shall be allowed to discharge onto the public road.

REASON – In the interests of public safety.

- (9) Any access gates shall be set back a minimum distance of 6 metres from the edge of the public road and will require to open inwards away from the public road.

REASON – In the interests of public safety.

- (10) Access and egress from the site shall require to be taken in forward gear.

REASON – In the interests of public safety.

- (11) Prior to any excavation works taking place on site, statutory undertaker's apparatus shall be protected and diverted, as required, to the satisfaction of the respective statutory undertakers and at the expense of the developer.

REASON – In the interests of public safety.

- (12) Prior to any works commencing on site, the applicant shall submit to and have approved by the Planning Authority details of the proposed fencing to be erected along the route of the reinstated rail line.

REASON – In the interests of public safety.

- (13) Prior to any works being undertaken to the Cronberry (Bellow) Viaduct and the Coal Road Bridge, the applicant shall undertake a photographic survey of their current state. Thereafter the applicant shall undertake the deposition of the photographic survey, with explanatory commentary, in the National Monuments Record of Scotland, the West of Scotland Sites and Monuments Record and with the Planning Authority.

REASON – In the interests of recording these structures prior to demolition.

- (14) All waste materials generated by the development that require to be removed such as construction and demolition wastes, and surplus excavated material, must be removed from the site by licensed waste carriers. Waste must be removed to a site that has either an appropriate waste management license or is registered with SEPA as exempt from licensing.

REASON – To prevent pollution and in the interests of public safety.

- (15) Other than with the prior agreement of the Planning Authority, in the vicinity of residential properties, construction work on the site shall be restricted to between 0800 to 1800 hours Monday to Friday, between 0800 and 1300 hours on Saturdays and no noisy work on a Sunday. Noise from the works during construction should be at a level as will not cause annoyance or be otherwise detrimental to the amenity of the area.

REASON – In the interests of residential amenity.

- (16) Prior to the commencement of development on site, the applicant shall submit details to and have received approval from the Planning Authority in respect of the proposed covered conveyor including colour finish of the structure.

REASON – In the interests of visual amenity.

- (17) The applicant shall undertake appropriate measures to safeguard the availability of the potential right of way adjacent to the Coal Road bridge for use by the public while construction works are being undertaken and permanently thereafter.

REASON – To safeguard a claimed right of way.

- (18) The proposed development hereby approved shall otherwise be undertaken in accordance with planning consent 99/0759/FL dated 28 February 2002 except in compliance with the conditions attached to this consent.

REASON – To ensure that the development is implemented in accordance with existing consents relating to the construction and operation of the proposed rail line and coal loading facility.

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