

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 1 SEPTEMBER 2000

**99/0581/FL: PROPOSED FURTHER EXTRACTION OF MINERALS AND
AMENDMENT TO APPROVED RESTORATION PLAN AT LOUDOUNHILL
QUARRY BY TILCON NORTHERN LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application involves realignment of the extraction boundary along the line of the A71. It is intended to demolish the vacant property, strip off overburden and place this material onto a regraded area for restoration, if possible; if not it will be stored as a bund in accordance with the conditions of the previous consent (KL/E/FL/94/288A). The applicant then intends to realign the extraction boundary, (which currently runs to the north of the bungalow) up to 25m from the A71 boundary fence and thereafter progressively to restore the area to tie in with previous restoration carried out on site. All other aspects of the operation and restoration will remain unchanged.

The applicant has stated that it is likely that the realignment of the extraction boundary will yield approximately 220,000 tonnes of workable sand and gravel, which will add approx 4-5 months to the length of the Allantonplains operation. As the extraction within Allantonplains commenced later than was first anticipated, it is now likely that the operations (including the aforementioned amendment) will extend beyond the current end date of 9 May 2002 by approximately 12 months.

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 It is considered that the realignment of the extraction boundary accords with local plan policy with no objections being raised by any of the consultees. It is also considered that there would be no consequent, unacceptable visual impact.

**Alan Neish
Head of Planning and Building Control**

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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Report by Head of Planning and Building Control

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 relates to an extension to a current area of mineral extraction.

2. APPLICATION DETAILS

2.1 **Site Description:** The site is located approx 4km east of Darvel south east of Loudoun Hill. The proposed extension area comprises approx 0.86 acres and is sited to the immediate north of the A71. The land currently has a bungalow on site which was erected in approx 1993 when the old farmhouse at Allantonplains was declared unfit as a dwelling. The old farmhouse was demolished later as a condition of the planning consent in 1995 for the extraction of sand and gravel. The current bungalow has been occupied by an employee of Tilcon, however they are soon to vacate the property.

2.2 **Proposed Development:** The application involves realignment of the extraction boundary along the line of the A71. It is intended to demolish the vacant property, strip off overburden and place this material onto a regraded area for restoration, if possible; if not it will be stored as a bund in accordance with the conditions of the previous consent (KL/E/FL/94/288A). The applicant then intends to realign the extraction boundary, (which currently runs to the north of the bungalow) up to 25m from the A71 boundary fence and thereafter progressively to restore the area to tie in with previous restoration carried out on site. All other aspects of the operation and restoration will remain unchanged.

The applicant has stated that it is likely that the realignment of the extraction boundary will yield approximately 220,000 tonnes of workable sand and gravel, which will add approx 4-5 months to the length of the Allantonplains operation. As the extraction within Allantonplains commenced later than was first anticipated, it is now likely that the operations (including the aforementioned amendment) will extend beyond the current end date of 9 May 2002 by approximately 12 months.

3. CONSULTATIONS AND ISSUES RAISED

3.1 SEPA have no objection to this proposal in principle. If burn diversions are proposed the applicant must contact the Agency prior to work being carried out to ensure that their interests are fully protected.

Noted. A note can be attached to any grant of planning permission advising the applicant of the need to contact the Agency.

3.2 West of Scotland Archaeology Services have stated that the area of the current application appears to be wholly within the boundary previously granted consent and therefore previous agreements regarding the need for architectural work should still apply. It appears that the boundary of the current proposal lies largely within the peat covered area apart from its eastern end. It would therefore be appropriate to attach the same archaeological condition as was attached to the previous consent to any consent the Council may issue for the current proposal.

A condition relating to archaeological investigation on the site can be attached to any grant of planning permission.

3.3 The Roads and Transportation Division have no objections to the application subject to the method statement being included as a condition of the planning consent.

Noted. A condition relating to development proceeding in accordance with method statement can be attached to any grant of planning permission.

3.4 Darvel and District Community Council have not responded at the time of writing.

Noted.

3.5 The Economic Development Division have noted the importance of the view of Loudoun Hill from the A71 especially in terms of East Ayrshire's tourism strategy. There is concern that the views are not so degraded as to have a negative effect on visitors. High bunds are not necessarily the solution, since they would block the view of Loudoun Hill and therefore work against our own interest.

A condition can be attached to any grant of planning permission relating to submission of details of site restoration. This would ensure that the site is satisfactorily restored in order not to detract from the prominence of Loudoun Hill.

4. REPRESENTATIONS

4.1 None.

5. DEVELOPMENT PLAN STATUS

5.1 The area lies within the Leven/Allanton Area of Darvel, identified on the proposals map of the Kilmarnock and Loudoun Finalised District Plan as an area within which the extraction of sand and gravel will be favourably considered, subject to the criteria of Policy M5 being met. More importantly the area is also within an area identified for sand and gravel extraction in the Finalised East Ayrshire Local Plan and again, the proposal would be acceptable subject to compliance with the provisions of Policy M3 being met. Policy M3 lists a number of considerations, prominent amongst which are the possible need for an Environmental Assessment and the establishment of a restoration and aftercare bond. However, the Environmental (Scotland) Impact Assessment Regulation 1999 would not seek an Assessment for such a small extension and the much larger (70 acre) original site did not have a bond associated with it; the Committee at that time being persuaded that the applicants were a substantial company not likely to run into financial difficulties. Consequently there would be no objections in principle to the development when assessed against these two plans. The proposal would also be in line with the provisions of the Strathclyde Structure Plan and the Ayrshire Joint Structure Plan.

Noted. It is considered that the proposed development complies with Policy M3.

6. OTHER PLANNING CONSIDERATIONS

6.1 Planning History

Planning permission was granted on 9 May 1995 for the extraction of sand and gravel with an approved restoration scheme. A condition of this consent was to demolish the farm steading and buildings at Allantonplains Farm, which was duly carried out. However, the extraction area and restoration scheme showed the adjacent bungalow, which was erected in approx. 1993 when the old farmhouse at Allantonplains was declared unfit as a dwelling, remaining in place.

The bungalow was occupied by an employee of Tilcon for 3 years and was vacated in 1999.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSION

8.1 It is considered that the realignment of the extraction boundary accords with local plan policy with no objections being raised by any of the consultees. It is also considered that there would be no consequent unacceptable visual impact.

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 Building Control

17 August 2000 (AN/SA)
FV-DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Correspondence from/to the applicant.
5. Specialist advice/reports – Geo technical assessment
- Method Statement
6. Kilmarnock/Stewarton/Irvine Valley Local Plan/Finalised Kilmarnock
And Loudoun District Plan/East Ayrshire Council Local Plan (Finalised
Version)
7. Previous Planning Applications KL/E/FL/94/288A

Anyone wishing to inspect the above papers, please contact Yvonne Mitchell on 01563 576771.

l:/comrep/990581FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 99/0581/FL

Site of Proposal: Loudounhill Quarry
DARVEL

Natural of Proposal: Proposed Further Extraction of Minerals
And Amendment to Approved Restoration Plan

Name & Address of Applicant: Tilcon Northern Ltd
250 Alexandra Parade GLASGOW

Name & Address of Agent:

DPOs Reference:YM/SA

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

1. The proposed development shall be carried out in accordance with the application form and plan submitted on 12 August 1999, the geotechnical assessment received on 13 December 1999 and the method statement received by the Planning Authority on 17 August 2000.

REASON

To ensure that development is carried out in accordance with the approved details.

2. No development shall take place on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Regional Archaeologist and approved by the Planning Authority.

REASON

The "Leven" was the site of the Battle of Loudoun and the extraction of sand and gravel from this site may result in the discovery of archaeological/historic artefacts.

3. Permission is hereby granted for a limited period of three years from the date of this consent. All extraction workings shall cease, by the 9 May 2003 and

thereafter the site shall be restored in accordance with the requirements of Condition 4 by the 9 May 2004.

REASON

To enable the Planning Authority to review the situation in the light of the progress of extraction of sand and gravel from the site.

4. Details of a site restoration plan shall be submitted to for approval by the Planning Authority within 3 months of this consent, and shall thereafter be implemented as per condition 3 above.

REASON

To ensure that the site is satisfactorily restored providing an appropriately diverse habitat which does not detract from the prominence of Loudoun Hill.

5. Except with the prior written consent of the Planning Authority no operations authorised by this consent shall be carried out with the following hours:

- (a) 07.00 hours to 18.00 hours Monday to Friday
- (b) 07.00 hours to 13.00 hours on Saturday

REASON

To restrict the amount of traffic to and from the application site to reasonable hours, in the interest of the residential amenity of the nearby towns.

6. In the event of any adverse impact by this development on the water quality or quantity in the area, any works which might have brought about this impact shall cease until such times as the water source has been adequately safeguarded to the satisfaction of the Planning Authority.

REASON

To protect the existing water supply in the area.

7. No oil shall be stored within the application site; oil storage shall be confined to the bunded area within the existing quarry plant.

REASON

To protect the existing water supply in the area.

8. At no time shall any contaminated drainage arising from the quarrying area be discharged to watercourse without the prior provision of all necessary treatment facilities.

REASON

To protect the existing water supply in the area.

9. No buildings or plant or caravans shall be erected/placed on the site at any time, without the further express permission in writing of the Planning Authority.

REASON

To enable the Planning Authority to fully consider any proposals to erect/place buildings, plants or caravans on the application site.

10. Under no circumstances shall any processing of the extracted sand and gravel to be carried out at any time on the application site.

REASON

To protect the existing water supply in the areas.

11. Adequate measures shall be taken to the satisfaction of the Planning Authority to prevent any wind blown sand and gravel from the application site causing nuisance to surrounding areas and to prevent any vehicles entering the public highway from any land in the ownership of the applicant, with insecure loads of sand and gravel.

REASON

In the interest of public health.

Note: If there are any burn diversions as part of this application the applicant should contact SEPA prior to work being carried out.

TP24-Loudounhill

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA