

EAST AYRSHIRE COUNCIL

**SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE: 14 AUGUST
2003**

**02/0524/FL: PROPOSED FURTHER AMENDMENT TO CONDITION 3
OF 99/0581/FL – EXTEND TIME PERIOD OF CONSENT AND SITE
RESTORATION**

**AT LOUDOUNHILL QUARRY, DARVEL
BY TARMAC NORTHERN LTD**

**02/0525/FL: PROPOSED FURTHER AMENDMENT TO CONDITIONS 2 AND 3
OF KL/E/FL/94/288A – EXTEND TIME PERIOD OF CONSENT AND SITE
RESTORATION**

**AT LOUDOUNHILL QUARRY, DARVEL
BY TARMAC NORTHERN LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applications have been combined in one report as their joint purpose is to extend the extraction period of the existing workings to 01 November 2007 and the subsequent site restoration to 01 November 2008.

Specifically permission is sought by 02/0524/FL to amend Condition No. 3 of planning permission 99/0581/FL granted on 01 September 2000 so as to read:

Condition No. 3 – Permission is hereby granted for a limited period. All extraction workings shall cease by 01 November 2007 and thereafter the site shall be restored in accordance with the requirements of Condition No. 4 of planning permission 99/0581/FL by 01 November 2008.

This proposed amendment seeks to extend the extraction time period granted by 99/0581/FL from 09 May 2003 to 01 November 2007 and the restoration from 09 May 2004 to 01 November 2008. (A separate consent granted in February 2002 has already extended extraction workings until 01 November 2004 and restoration until 01 November 2005).

1.2 A further application (02/0525/FL) seeks permission to amend Conditions 2 and 3 of planning permission KL/E/FL/94/288A granted 09 May 1995, so as to read:

Condition 2 – Permission is hereby granted for a limited period. All extraction workings shall cease by 01 November 2007 and thereafter the site shall be restored in accordance with the requirements of Condition 3 by 01 November 2008.

Condition 3 – Notwithstanding the submitted plans the site restoration plans submitted are not hereby approved. Details of an alternative site restoration plan, including details of extracted peat areas, shall be submitted for approval by the Planning Authority within three months of the consent. This alternative restoration plan shall provide for a more diverse replacement habitat and for more continued visibility of Loudounhill from the A71, whilst providing for the screening of the ongoing extraction workings and those restored areas from which the sand and gravel have been extracted, prior to their final restoration by 01 November 2008. This alternative site restoration shall be approved within 6 months from the date of this consent.

This proposed amendment extends the extraction time period from 09 May 2002 to 01 November 2007 and the restoration from 09 May 2003 to 01 November 2008. (A separate consent granted in February 2002 has already extended extraction workings until 01 November 2004 and restoration until 01 November 2005).

1.3 The proposed applications are in an area that has been quarried for sand and gravel for many years. The further working of minerals from these areas can take advantage of the existing infrastructure, namely the processing plant, silt lagoons and site access to the A71. The granting of the extension of time identified in these applications will, therefore, ensure that economically viable minerals are not sterilised.

2. RECOMMENDATION

2.1 It is recommended that the applications be approved subject to the conditions on the attached sheets.

3. CONCLUSIONS

3.1 As indicated in Section 5 of this report, since the proposals are not contrary given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the applications should be approved unless material considerations indicate otherwise. In this instance the consultations are in support of the applications. It is considered that the objections received do not merit refusal of the applications on the basis that the applications relate only to the extension of time periods relevant to operations already consented. The

proposal has the benefit of avoiding sterilisation of an important resource which contributes to the required landbank for sand gravel and positive improvements have been made to the restoration proposal.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Building Control, the applications will not require to be referred to the Development Services Committee.

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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RESTORATION**

**AT LOUDOUNHILL QUARRY, DARVEL
BY TARMAC NORTHERN LTD**

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination two full planning applications which are to be considered by the Local Planning Committee under the scheme of delegation because they are subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application sites are located immediately north of the A71 at Loudounhill, east of Priestland. Application No. 02/0525/FL extends to 72.5 ha and covers The Leven and Allanton Plains. Application No. 02/0524/FL extending to 1.2 ha on a site east of Allanton Plains is surrounded by the much larger body of the quarry site on three sides and the A71 to the south.

2.2 **Proposed Development:** The applications have been combined in one report as their joint purpose is to extend the extraction period of the existing workings to 01 November 2007 and the subsequent site restoration to 01 November 2008.

Specifically permission is sought by 02/0524/FL to amend Condition No. 3 of planning permission 99/0581/FL granted on 01 September 2000 so as to read:

Condition No. 3 – Permission is hereby granted for a limited period. All extraction workings shall cease by 01 November 2007 and thereafter the

site shall be restored in accordance with the requirements of Condition No. 4 of planning permission 99/0581/FL by 01 November 2008.

This proposed amendment seeks to extend the extraction time period granted by 99/0581/FL from 09 May 2003 to 01 November 2007 and the restoration from 09 May 2004 to 01 November 2008. (A separate consent granted in February 2002 has already extended extraction workings until 01 November 2004 and restoration until 01 November 2005).

2.3 A further application (02/0525/FL) seeks permission to amend Conditions 2 and 3 of planning permission KL/E/FL/94/288A granted 09 May 1995, so as to read:

Condition 2 – Permission is hereby granted for a limited period. All extraction workings shall cease by 01 November 2007 and thereafter the site shall be restored in accordance with the requirements of Condition 3 by 01 November 2008.

Condition 3 – Notwithstanding the submitted plans the site restoration plans submitted are not hereby approved. Details of an alternative site restoration plan, including details of extracted peat areas, shall be submitted for approval by the Planning Authority within three months of the consent. This alternative restoration plan shall provide for a more diverse replacement habitat and for more continued visibility of Loudounhill from the A71, whilst providing for the screening of the ongoing extraction workings and those restored areas from which the sand and gravel have been extracted, prior to their final restoration by 01 November 2008. This alternative site restoration shall be approved within 6 months from the date of this consent.

This proposed amendment extends the extraction time period from 09 May 2002 to 01 November 2007 and the restoration from 09 May 2003 to 01 November 2008. (A separate consent granted in February 2002 has already extended extraction workings until 01 November 2004 and restoration until 01 November 2005).

2.4 The proposed applications are in an area that has been quarried for sand and gravel for many years. The further working of minerals from these areas can take advantage of the existing infrastructure, namely the processing plant, silt lagoons and site access to the A71. The granting of the extension of time identified in these applications will, therefore, ensure that economically viable minerals are not sterilised.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Roads and Transportation Division have no objection to these proposals.

Noted.

3.2 Scottish Water has no comments to make on these applications.

Noted.

3.3 West of Scotland Archaeology Service have stated that no known archaeological issue is raised by these applications.

Noted.

3.4 East Ayrshire Council Rangers Service has no objection to these applications.

Noted.

3.5 Scottish Environment Protection Agency has no objection in principle to the proposed time extensions as they are considered unlikely to compromise their interests provided the conditions set in previous planning consents are maintained.

Noted. All conditions relating to the previous consents are still applicable to these applications.

3.6 The Scottish Wildlife Trust has no objection to these applications.

Noted.

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

Noted.

4. REPRESENTATIONS

Ten letters of objection have been received in respect of each application.

4.1 The Company's track record on restoration is unsatisfactory. They have yet to restore the completed part of the workings in the required timetable and

the work to date does not reflect the original plan. There is insufficient material on site to restore the sites as per the original approved plan and further extraction will exacerbate the problem.

The applicant has recently submitted a revised restoration plan which has been approved by the Planning Authority. The applicant has acknowledged, through the submission of this revised plan, that some of the previous restoration work undertaken was not of a standard they wished to continue with, even though it was in accordance with the original approval. Consequently, the applicant now has an improved restoration plan and is currently implementing the details of this on site.

4.2 The actions of the Company amount to a “raping of our landscape” and should be stopped. This area is supposed to be the “Gateway to Ayrshire”.

Noted.

4.3 The applicant has not submitted a new plan for site restoration and it is clear that any such plan will be very different from the current approved plan.

A new plan for site restoration has recently been submitted to the Planning Authority. The details of this have been agreed, although clarification has been sought on future maintenance and aftercare.

4.4 The revised dates are based on extraction rates at peak capacity and do not reflect the impact of continuing market variations therefore the proposed completion date is likely to be further revised in the future.

The applicant has submitted these applications since it was found that there were more reserves on site than originally anticipated. Should the applicant require to further revise the date currently applied for in the future it will be necessary to submit further applications to the Council for determination.

4.5 Any further alterations to the topography of the area would be undesirable; the site historically featured a steep hill and large areas of marshy moorland.

Landscaping/restoration proposals have been agreed further to Conditions 2 and 3 of KL/E/FL/94/288A.

4.6 This area is the source of two relatively major river catchments; the River Irvine and the River Avon. Extraction in the area has lowered the water table.

The applications do not propose extraction of reserves outwith areas that are already agreed.

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 these applications the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003). The relevant policies within the AJSP are Policies ADS 1, 5, 7, E1, 6, 9, 13, 15, T8, G2 and 5. The main consideration relates to the impact of the proposed time extensions over a longer period than originally agreed.

It should be noted that the Division is unaware of any formal complaint regarding the operation of the site and this has to be weighed up against the need to provide a landbank of at least 10 years extraction at all times. The current provision clearly does not meet this and the existing operator is the main producer of sand and gravel within Ayrshire both in terms of quantity and quality of product.

5.2 Policy M4 in the EALP applies to applications to extend mineral working of an existing site and provides criteria to assess mineral applications.

This is a short continuation of an existing method of extraction and includes a revised restoration proposal and thus there will be negligible impact. In any case this has to be weighed up against the need to provide a landbank for this important resource. The proposal is therefore acceptable in the context of the Development Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of these applications are SSPI The Planning System; NPPG 4 Land for Mineral Working and PAN 50 controlling the Effects of Surface Mineral Workings, the consultations, representations and planning history.

Government Guidance

6.2 Whilst this proposal is in effect a short continuation of an existing operation (for 4 years) with an improved restoration plan; the proposal is in accordance with the above policy guidance as it:

- provides for use of an important resource therein avoiding sterilisation of the resource;

- contributes to the required 10 year supply of this resource;
- minimises impact by adhering to previously agreed working operations and extraction rates which have attracted no significant complaints.

Consultations

6.3 The consultation responses are all in support of the proposal.

Representations

6.4 The representations relate primarily to the past record of previous consents and their implementation. It is acknowledged that previous restoration undertaken on parts of Loudounhill have proven unsatisfactory although these were as per the approved plans. These current applications relate only to extension to time and representations based on past practices are not relevant to the determination of these applications.

Planning History

6.5 Sand and gravel extraction has taken place at Loudounhill since the 1940's. The first record of planning consent in the area was at Allantonplains under consent C5331/Q granted on 14 March 1969. Subsequently, a large number of historical consents apply to this site. Extraction currently occurs under planning consent KL/E/FL/94/288A and 99/0581/FL.

Planning consent was granted for the extraction of minerals on 09 May 1995 (KL/E/FL/94/288A). On 01 February 2002 permission was granted to amend the conditions relating to the period of consent and site restoration (01/0782/FL). Planning application 02/0525/FL seeks a further extension of that consent.

Planning consent was granted on 01 September 2000 to extract minerals and amend the approved restoration plan (99/0581/FL). On 01 February 2002 permission was granted to amend the condition relating to the time period of the consent and site restoration (01/0781/FL). Planning application 02/0524/FL seeks a further extension of that consent.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of these applications.

8. CONCLUSIONS

8.1 As indicated in Section 5 of this report, since the proposals are not contrary given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the applications should be approved unless material considerations indicate otherwise. In this instance the consultations are in support of the applications. It is considered that the objections received do not merit refusal of the applications on the basis that the applications relate only to the extension of time periods relevant to operations already consented. The proposal has the benefit of avoiding sterilisation of an important resource which contributes to the required landbank for sand gravel and positive improvements have been made to the restoration proposal.

9. RECOMMENDATION

9.1 It is recommended that the applications be approved subject to the conditions on the attached sheets.

CONTRARY DECISION NOTE

Should the Committee agree that the applications be refused contrary to the recommendation of the Head of Planning and Building Control, the applications will not require to be referred to the Development Services Committee.

Alan Neish
Head of Planning and Building Control

06 August 2003
(YN/MMM)

FV/AN

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Notice/Certificates.
3. Letters of Representation.
4. Adopted East Ayrshire Local Plan.
5. Approved Strathclyde Structure Plan.
6. Approved Ayrshire Joint Structure Plan.

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

Implementation Officer: Dave Morris

020524Fland020525FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0524/FL

Site of Proposal: Loudounhill Quarry
Strathaven Road
DARVEL

Nature of Proposal: Proposed Amendment to Condition No. 3 of
99/0581/FL – Extend Time Period of Consent
and Site Restoration

Name & Address of Applicant: Tarmac Northern Ltd
Technical Services Department
PO Box 8723
BELLSHILL ML4 3WF

Name & Address of Agent: Wardell Armstrong Laird Menzies
153 Constitution Street
EDINBURGH EH6 7AD

DPOs Reference: YN/MMM

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

1. Permission is hereby granted for a limited period. All extraction workings shall cease by 01 November 2007 and thereafter the site shall be restored in accordance with the requirements of Condition No. 4 of planning permission 99/0581/FL by 01 November 2008.

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.

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0525/FL

Site of Proposal: Loudounhill Quarry
Strathaven Road
DARVEL

Nature of Proposal: Proposed Amendment of Conditions Nos. 2
and 3 of KL/E/FL/94/288A – Extend Time
Period of Consent and Site Restoration

Name & Address of Applicant: Tarmac Northern Ltd
Technical Services Department
PO Box 8723
BELLSHILL ML4 3WF

Name & Address of Agent: Wardell Armstrong Laird Menzies
153 Constitution Street
EDINBURGH EH6 7AD

DPOs Reference: YN/MMM

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

1. Condition 2 of Planning Consent No. KL/E/FL/94/288A shall read:

Permission is hereby granted for a limited period. All extraction workings shall cease by 01 November 2007 and thereafter the site shall be restored in accordance with the requirements of Condition 3 by 01 November 2008.

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.

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THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON**

VIEWING PLEASE CONTACT (01563) 576790.