

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 7 FEBRUARY 2003

**02/0367/LB: PROPOSED COMPLETE DEMOLITION OF GREE VIADUCT,
BY DUNLOP FOR BRB (RESIDUARY) LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Listed Building Consent is sought for the demolition of that part of the Viaduct lying within East Ayrshire, due to the extent of its deterioration. Culverts will be installed to prevent debris from entering Lugton Water. The demolition will be carried out through a series of controlled explosions with charges being placed at the base of each pier resulting in the collapse of the structure. It is proposed that a temporary haul road across land at Gree Farm (within North Ayrshire) will be constructed to extract the rubble. A parallel Listed Building application for demolition of that part of the Viaduct within North Ayrshire has recently been approved by that authority and notified to Historic Scotland.

1.2 A feasibility study and Ecological Assessment accompanies the application which is summarised below:-

The study was undertaken by ARUP and Partners, the consultant engineers appointed by the applicants to progress the scheme. The report details the history and condition of the structure and the evidence of decay is highlighted in photographs which accompany the application. The report highlights the options available to the applicant which are as follows:-

Option 1 - Repair

The cost of repairing the Viaduct is approximately £1,200,000. This figure comprises £815,000 structural repair and £385,000 scaffolding. This does not include for the waterproofing system (£170,000), contingencies, agreements with neighbouring landowners or environmental/ecological issues. The estimated cost of repair option is not that of full renovation to enable the public to access the Viaduct.

Option 2 – Demolition

The approximate cost to demolish the Viaduct and for removal of the material to ground level is £165,000. This does not include for contingencies, agreements with neighbouring landowners and environmental/ecological issues. ARUP & Partners consider this to be low compared with a recent similar scheme which would suggest a more realistic all-inclusive price of £385,000.

1.3 The ecological assessment found no protected species on or in the vicinity of the Viaduct at the time of survey. The assessment suggests appropriate times of the year for the demolition to be carried out in order to minimise effects on wildlife.

1.4 In response to the Committees request at its meeting on 25 October 2002, the applicant has confirmed that they are prepared to contribute £50,000 towards the construction costs of a bridge over Lugton Water and transfer the land beneath the viaduct to the Council for the sum of £1. The details are outlined in Section 7 of this report.

2. RECOMMENDATION

2.1 It is recommended that this application for Listed Building consent be approved subject to the conditions listed on the attached sheet and that the decision notice be withheld until :

- (i) the application has been formally notified to and has been cleared by Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997; and**
- (ii) the Solicitor to the Council has satisfactorily concluded a formal agreement under section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of those matters described in paragraph 8.1 of this report.**

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the proposal is not in accordance with the development plan. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to this application.

3.2 The fabric of the listed building has severely deteriorated and the cost of repair is prohibitive. In addition, demolition of the Viaduct has, in the past, been approved by the predecessor planning authorities for both North and East Ayrshire and North Ayrshire has recently approved demolition of that part of the Viaduct within North Ayrshire. It is considered that these material considerations are of sufficient weight to merit approval of the application.

3.3 Should the Committee agree that the application be approved, the application will require to be notified to Historic Scotland.

CONTRARY DECISION NOTICE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as it would not be a significant breach of policy.

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.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 7 FEBRUARY 2003

02/0367/LB: PROPOSED COMPLETE DEMOLITION OF GREE VIADUCT,
BY DUNLOP FOR BRB (RESIDUARY) 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 a Listed Building Application which is to be considered by the Local Planning Committee under the scheme of delegation as it is for the complete demolition of a Listed Building and is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application relates to the Gree Viaduct, a concrete rendered, mass concrete/rubble/brickwork structure with 11 No. spans, which crosses the Lugton Water and its valley at a rural location approximately 2km to the south west of Lugton. The Lugton Water forms the boundary between East and North Ayrshire Council. The greater part of the Viaduct, 7 spans, lies within North Ayrshire.

2.2 **Proposed Development:** Listed Building Consent is sought for the demolition of that part of the Viaduct lying within East Ayrshire, due to the extent of its deterioration. Culverts will be installed to prevent debris from entering Lugton Water. The demolition will be carried out through a series of controlled explosions with charges being placed at the base of each pier resulting in the collapse of the structure. It is proposed that a temporary haul road across land at Gree Farm (within North Ayrshire) will be constructed to extract the rubble. A parallel Listed Building application for demolition of that part of the Viaduct within North Ayrshire has recently been approved by that authority and notified to Historic Scotland.

2.3 A feasibility study and Ecological Assessment accompanies the application which is summarised below:-

The study was undertaken by ARUP and Partners, the consultant engineers appointed by the applicants to progress the scheme. The report details the history and condition of the structure and the evidence of decay is highlighted in photographs which accompany the application. The report highlights the options available to the applicant which are as follows:-

Option 1 - Repair

The cost of repairing the Viaduct is approximately £1,200,000. This figure comprises £815,000 structural repair and £385,000 scaffolding. This does not include for the waterproofing system (£170,000), contingencies, agreements with neighbouring landowners or environmental/ecological issues. The estimated cost of repair option is not that of full renovation to enable the public to access the Viaduct.

Option 2 – Demolition

The approximate cost to demolish the Viaduct and for removal of the material to ground level is £165,000. This does not include for contingencies, agreements with neighbouring landowners and environmental/ecological issues. ARUP & Partners consider this to be low compared with a recent similar scheme which would suggest a more realistic all-inclusive price of £385,000.

2.4 The ecological assessment found no protected species on or in the vicinity of the Viaduct at the time of survey. The assessment suggests appropriate times of the year for the demolition to be carried out in order to minimise effects on wildlife.

2.5 In response to the Committees request at its meeting on 25 October 2002, the applicant has confirmed that they are prepared to contribute £50,000 towards the construction costs of a bridge over Lugton Water and transfer the land beneath the viaduct to the Council for the sum of £1. The details are outlined in Section 7 of this report.

3. CONSULTATION AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposals.

Noted.

3.2 The Coal Authority has no adverse comments on the proposals.

Noted.

3.3 Scottish Water has no objection to the proposals.

Noted.

3.4 The Scottish Civic Trust understands that the structure is suffering from carbonation and that due to the method of construction of the Viaduct the possibility of successful repair is not only questionable but potentially hazardous and has therefore not objected to the proposals.

Noted.

3.5 East Ayrshire Council's Access Officer has identified Gree Viaduct for future inclusion in the Core Path Network for the area as well as part of a strategic long distance route between Irvine and East Renfrewshire as part of a Pilot Study for implementing its Access Strategy. It is recommended that further investigation into the potential for developing a cycle route in partnership with East Renfrewshire Council, North Ayrshire Council, local land managers, local people and interested parties be carried out.

The Access Officer has spoken with colleagues in both North Ayrshire and East Renfrewshire Council and they are keen to investigate the project. East Ayrshire makes up the smallest section of the route. The entire East Ayrshire Section is likely to cost in the region of £400,000 (not including the part of the route over the Lugton Water). The applicant has offered to contribute a sum of £50,000 towards the cost of a replacement bridge (although this offer is time limited) and this would provide significant leverage to fund the rest of the route. The Access Officer estimates the cost of a replacement bridge at £74,000 and the timetable for completion of the project is November 2006 (See Appendix 1 of this report.)

Given the costings contained in the report submitted by the applicants, it is not considered practical to retain the Viaduct for this use. It is worth noting that the costs projection for Option 1, (repair), do not allow for the Viaduct to be opened up for pedestrian or cycle use; rather they are to render it safe. With regard to the applicant's offer of a financial contribution towards the cost of a replacement bridge, this can be secured through a Section 75 Agreement should listed building consent be granted.

3.6 Dunlop & Lugton Community Council while not objecting to the demolition of the Viaduct per se were under the impression that it was part of a proposed cycle route using the old railway line. If the bridge is demolished a new one would have to be erected over Lugton Water to allow the cycle route to be completed.

See response to Section 3.6 above.

3.7 Scottish Natural Heritage and Scottish Wildlife Trust have not replied to their consultations at the time of writing.

Noted.

3.8 Historic Scotland have strongly recommended that both North Ayrshire Council and East Ayrshire Council discuss the future of this Viaduct to assess whether they have the same ideas for its future.

Discussions have taken place with North Ayrshire Council. The Committee are advised that the demolition of the part of the viaduct located in North Ayrshire was approved by North Ayrshire Council on 18 November 2002. Historic Scotland have since cleared the issuing of the consent for the demolition.

Historic Scotland understands that there might be a desire to use the structure for a cycle path in the future. Although the Inspectorate understands that this is not the sort of end use that normally attracts funding on a scale of £1.2m it is a use which will ensure the Viaduct makes a valuable contribution to tourism and leisure in the long term future.

See response in Paragraph 3.6 above.

The Inspectorate recognises that permission has been granted in the recent past for demolition. However, the Inspectorate would suggest that both Councils should consider approaching a building preservation trust with a view to having a feasibility study compiled to assess whether the report submitted accurately justifies the demolition and whether a funding package can be put together to repair the structure for use by the cycle route.

Approval for demolition of the Viaduct has previously been granted by both the former Kilmarnock and Loudoun District Council and Cunninghame District Council and this is a significant material consideration. Since that time the structure has deteriorated further and the applicant has commented that the demolition option is even more compelling on safety and economic grounds. Significant costs even beyond those identified by the applicants would be incurred in repairing the structure to a standard sufficient to facilitate cycle access. This has been confirmed by the applicants. In that context it is not considered that the status of the structure merits the resources involved in its retention. Historic Scotland have since cleared the issuing of the consent for the demolition for the part of the viaduct located in North Ayrshire.

3.9 Scottish Environment Protection Agency have no objections in principle but would look for a suitably registered carrier to remove waste and request a full method statement for the protection of the Lugton Water.

Conditions and/or notes to this effect can be attached to any consent granted.

3.10 The Architectural Heritage Society of Scotland has objected to the application. It comments that the Viaduct strides like a Roman aquaduct across the Lugton Water. It has suggested that the Viaduct might form part of the National Cycle Network, that an alternative to demolition might be to carry the Third Party Insurance until the SDL Community Network and the National Cycle Network's plans are firmed up, then transferred to the Railway Heritage Trust (UK) Based.

See Para 3.5 and 3.6 above. It should also be noted that The Architectural Heritage Society did not object to the application that was previously approved.

3.11 The Ayr Railway Preservation Group has not responded at the time of writing this report.

Noted.

3.12 North Ayrshire Council approved the application for demolition of that part of the Viaduct within North Ayrshire at its Planning Sub-Committee on 28 October 2002. Historic Scotland have cleared the way for the consent to be issued.

Noted.

4. REPRESENTATIONS

4.1 Other than the objection from The Architectural Heritage Society for Scotland noted in Paragraph 3.10 above, no further representations have been received.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purpose of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted Stewarton Local Plan 1987.

Approved Ayrshire Joint Structure Plan

5.2 Policies E1, E5 and E19 of the Ayrshire Joint Structure Plan are applicable. Policy E1 is relevant as it deals with maintaining and enhancing distinctive local characteristics, while Policy E5(D) promotes a strategic network of walking and cycle routes. Policy E20 (A) seeks to protect listed buildings of architectural and historic interest.

The proposal is contrary to the above policies as it involves the demolition of a listed building. Also see response to Paragraph 3.6.

Adopted Stewarton Local Plan

5.3 The following policies of the Adopted Local Plan are applicable to this application:-

Policy 4.7.13

This policy presumes against the demolition of Listed Buildings especially where they contribute significantly to the local architectural character.

The proposal is contrary to the above policy as it involves the demolition of a listed building.

Policy 5.3.15 relates to Listed Wildlife Sites and their protection against development.

This policy is relevant as the application site falls within a Provisional Wildlife Site which is identified as being of importance with regard to the quality of the watercourse having botanical interest along its banks and with regard to uncommon breeding birds. Consequently, any demolition should be conditioned such that the removal of the structure occurs with minimum impact on the watercourse habitat.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications), consultation responses and the history of the site.

6.2 The Adopted Stewarton Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications), (EALP) should be considered a prime material consideration.

Finalised East Ayrshire Local Plan (with Modifications)

6.3 Policies ENV1, ENV2 & ENV3 are of relevance. Policy ENV1 seeks to protect, preserve and enhance all heritage resources including listed buildings; Policy ENV2 encourages the retention, restoration and re-use of Listed Buildings; and Policy ENV3 encourages the retention and preservation of industrial archaeological resources.

In view of the comments expressed by East Ayrshire Council's Access Officer, the condition of the Viaduct and the cost of retaining the Viaduct, it is considered that an exception to Policy should be made in this instance.

6.4 Policy ENV10(ii) relates to the protection of wildlife sites. Where development is approved for such sites, appropriate measures should be taken to conserve and manage, as far as possible, the sites biological or geological interest and to provide for replacement habitats or features where damage is unavoidable.

The Ecological Assessment has established that no protected species were found on or in the vicinity of the Viaduct at the time of the survey. It is considered that the proposed steps outlined in the Ecological Assessment will address the concerns of ENV10 (ii) and appropriate conditions in respect of the above can be attached to any grant of Listed Building consent.

6.5 Policy TLR7 seeks to improve access to the countryside and to develop a network of suitable routes.

In view of the comments expressed by East Ayrshire Council's Access Officer, the condition of the Viaduct and the cost of repairing it to a standard suitable for use by pedestrians/cyclists, it is not considered appropriate to retain the Viaduct for such use.

Planning History

6.6 Application KL/W/LB/95/079A for the proposed demolition of Gree Viaduct was approved by Kilmarnock and Loudoun District Council on 5 October 1995. A similar application was also approved by Cunninghame District Council for that part of the Viaduct in their area on 16 May 1995.

6.7 North Ayrshire Council have recently granted consent for the demolition of that part of the viaduct which lies within North Ayrshire.

Consultation Replies

6.7 The consultation replies have been carefully assessed but it is considered that none would indicate that the application should be refused.

7. FINANCIAL IMPLICATIONS

7.1 There are financial implications should the Council agree to approve the application subject to a Section 75 agreement as this includes the possibility of acquisition by the Council of the land beneath the Viaduct. Although the acquisition of the land is for the nominal sum of £1, the Council will be responsible for the future maintenance thereof. In addition, although the applicant is willing to contribute to the cost of a replacement bridge the balance thereof and all future maintenance will require to be paid for by the Council. Details of the terms of the proposed section 75 agreement are included in paragraph 8.1 of this report.

8. LEGAL IMPLICATIONS

8.1 It is considered that Listed Building Consent should be granted subject to the applicant entering into an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The legal agreement should contain the following:

1. For a period of 5 years from the demolition of the viaduct, the Council will have an option to purchase the area beneath the viaduct in the applicant's ownership for the nominal sum of £1. The Council may exercise this option if it promotes and obtains funding (including a contribution from the applicant see item 2 below) for a walk/cycle way project incorporating this land.
2. If the Council promotes the aforementioned walk/cycleway project within 5 years of the demolition of the viaduct, the applicant will contribute to the project £50,000 to be used as part of the project costs to build a replacement bridge over the

Lugton Water. This contribution will be paid to the Council upon written request from the Council.

9. CONCLUSIONS

9.1 As indicated in Section 5 of the report the proposal is not in accordance with the development plan. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. As indicated in Section 6 of the report there are material considerations relevant to this application.

9.2 The fabric of the listed building has severely deteriorated and the cost of repair is prohibitive. In addition, demolition of the Viaduct has, in the past, been approved by the predecessor planning authorities for both North and East Ayrshire and North Ayrshire has recently approved demolition of that part of the Viaduct within North Ayrshire. It is considered that these material considerations are of sufficient weight to merit approval of the application.

9.3 Should the Committee agree that the application be approved, the application will require to be notified to Historic Scotland.

10. RECOMMENDATION

10.1 It is recommended that this application for Listed Building consent be approved subject to the conditions listed on the attached sheet and that the decision notice be withheld until :

- (iii) the application has been formally notified to and has been cleared by Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1997; and**
- (iv) the Solicitor to the Council has satisfactorily concluded a formal agreement under section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of those matters described in paragraph 8.1 of this report.**

CONTRARY DECISION NOTICE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as it would not be a significant breach of policy.

Alan Neish
Head of Planning and Building Control

29 January 2003

SmcAMS

FV/DVM

List of Background Papers

1. Statutory Forms and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Previous Application: KL/W/LB/95/079A.
5. Deferred Report to Northern Area Local Planning Committee – 25 October 2002
6. Update Report to Northern Area Local Planning Committee – 20 December 2002
5. Approved Ayrshire Joint Structure Plan.
6. Adopted Stewarton Local Plan.
7. East Ayrshire Local Plan (Finalised Version with Modifications).

Anyone wishing to inspect the above papers should contact Stuart McAdam on (01563) 576757.

I:NALPC/020367LB

TP24

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0367/LB

Location:	Gree Viaduct DUNLOP
Nature of Proposal:	Proposed Complete Demolition of Gree Viaduct
Name & Address of Applicant:	Mr G Medd BRB (Residuary) Ltd Room C5 Hudson House Toft Green YORK YO1 6HP
Name & Address of Agent:	Ms Janine Bromby ARUP Admiral House 78 East Street LEEDS LS9 8EE

DPO's Ref: SMcA/MS/IMB

Subject to Notification to the Scottish Ministers

The above LISTED BUILDING application should be granted subject to the following conditions:

1. Notwithstanding the plans hereby approved, details of the proposed access route to and from the Viaduct for the removal of the rubble from the demolished Viaduct shall be submitted to and approved by the Planning Authority prior to commencement of works. These details shall be accompanied by a full method statement acceptable to the Scottish Environment Protection Agency, confirming by what means the applicant will ensure that there is no detrimental impact from the access route or demolition upon the Lugton Water and its immediate habitat.

REASON In the interest of road safety and to minimise adverse impact on the Provisional Wildlife Site.

2. The demolition of the Viaduct shall be carried out in the period from mid October to March the following year when there is least possibility of any bats being present.

REASON In order not to disturb or deter the roosting of bats, in the event of bats being present as bats are protected by the Wildlife and Countryside Act 1981.

3. Throughout the period of site working appropriate measures shall be taken to prevent debris (inert or chemical) entering the Lugton Water. Details of such measures shall be submitted to and approved by the Planning Authority prior to commencement of works.

REASON To prevent a detrimental effect on Lugton Water and to minimise adverse impact on the Provisional Wildlife Site.

4. Notwithstanding the plans hereby approved, details of restoration and aftercare of the site shall be submitted to and approved by the Planning Authority prior to commencement of development.

REASON To ensure appropriate restoration of the site.

Note to Applicant

1. Attention is drawn to Section 7(2)(b)(c) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Under the terms of this act, which are explained in paragraph 2.55 and 4.27 of the Historic Scotland memorandum of Guidance on Listed Buildings and Conservation Areas (1998) applicants receiving Listed Building consent must:

- a) notify RCAHMS of their intention to carry out the work, using form LBC.1.
- b) thereafter allow RCAHMS a period of up to three months to record the building during which time demolition may not be undertaken unless RCAHMS has indicated in writing that its record has been completed.

The address of the RCAHMS is John Sinclair House, 16 Bernard Terrace, EDINBURGH, EH8 9NX.

2. A copy of form LBC1 is attached for the applicants use.
3. Demolition materials should be transported by a registered waste carrier to a suitably licensed site for disposal.

**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.**