

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE – 01 DECEMBER 2000

**00/0573/FL: PROPOSED CONTOURING, SOILING AND LANDSCAPING
BY PLANTING EXISTING BING AND LAND AND IMPORTATION OF
SEWAGE SLUDGE FOR USE AS A GROWTH MEDIUM AT FORMER
WHITEHILL COLLIERY, BY SKARES, CUMNOCK**

APPLICATION BY PORTCULLIS DEVELOPMENTS LIMITED

EXECUTIVE SUMMARY

1. DEVELOPMENT DESCRIPTION

1.1 Full permission is sought for the contouring of the existing colliery bing and associated adjacent land, for the soiling and subsequent landscaping of the site to allow the planting of trees. As part of the soiling proposals, the applicant seeks permission for the importation of 40,000 tonnes of sewage sludge which is to mixed with spoil material from the re-contoured bing and thereafter spread on the new land profile as a growth medium to promote the growth of the trees to be planted on the site.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 In terms of the East Ayrshire Local Plan, Finalised Version, the proposed development is located in the rural protection area and is consistent with the policy provisions of the East Ayrshire Local Plan, Finalised Version (Policies ENV6 and ENV15(v)).

3.2 There are no consultee or other objections to the proposed development, subject to the incorporation of appropriate conditions regarding drainage and access arrangements for the site.

3.3 While the importation and use of sewage sludge as a growth medium may be considered contentious, the operation of the site and continued use of mitigation measures should significantly reduce odour nuisance associated with the development. The operations are relatively short term, and the overall environmental and landscape benefits which would result from the proposed development are significant.

3.4 The applicant has sought appropriate technical advice from The Scottish Agricultural College, Auchincruive and from East Ayrshire Woodland with respect to the rehabilitation of the site. The proposed afteruse of the site

for amenity woodlands, recreation and wildlife habitat enhancement is welcomed for this otherwise stark landscape of industrial dereliction.

Alan Neish
Head of Planning & 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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APPLICATION BY PORTCULLIS DEVELOPMENTS LIMITED

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 due to the nature and scale of the proposed development.

2. APPLICATION DETAILS

2.1 The site lies on the east side of the C97 Skares Station Road approximately two miles west of Cumnock and half a mile north of Skares village and comprises the site of the former Whitehill Colliery and associated spoil bing. The site is bounded to the north by the site of the former Skares Brickworks, to the west by woodland and the C97 road and to the south and east by agricultural land.

2.2 The application site extends to 7.3 hectares and presents as an area of significant industrial dereliction. Approximately one third of the proposed development site is occupied by the Whitehill Bing which is a significant detrimental feature on the existing environment, with poor naturalisation into the rural landscape. The former buildings associated with the Whitehill Colliery have long since been demolished but little site rehabilitation has been implemented and there is evidence of flooding problems around the former settlement lagoon areas associated with the mine.

2.3 The application site is to some extent screened by the existing woodland plantation along the western boundary of the site. However, this plantation has been severely affected by persistent flooding problems and lack of proper management with many of the trees within this area having died as a result. The effectiveness of this plantation to provide a visual screen to this industrial dereliction is progressively diminishing.

2.4 **Proposed Development:** Full permission is sought for the contouring of the existing colliery bing and associated adjacent land, for the soiling and subsequent landscaping of the site to allow the planting of trees. As part of

the soiling proposals, the applicant seeks permission for the importation of 40,000 tonnes of sewage sludge which is to be mixed with spoil material from the re-contoured bing and thereafter spread on the new land profile as a growth medium to promote the growth of the trees to be planted on the site.

2.5 The imported sewage sludge is imported into the site by lorry and deposited on the site of the former colliery buildings and is then layered with spoil material from the bing. This layered material is to be stored on site until the land engineering aspects of the site have been completed, after which it will be spread over the site to act as a substitute soil to promote the growth of trees. The applicant has sought technical advice from the Scottish Agricultural College, Auchincruive regarding the suitability of this growth medium and the amount required for the development proposals.

2.6 The sewage sludge is being sourced from a West of Scotland Water Authority site in Glasgow and HGV traffic movements per day associated with the importation is given at 20 Monday to Saturday (i.e. 10 loads) and 30 – 40 on a Sunday (i.e. 15-20 loads).

2.7 The applicant has submitted a rehabilitation and landscaping concept plan which seeks to promote wildlife habitat enhancement, improved public access with picnic and parking facilities and provision of footpaths through the proposed forestry site. Existing lagoon areas will be treated to provide wetland habitats. The operations are expected to be completed by the end of Autumn 2001. The application is partly retrospective as operations have already commenced on the site.

2.8 Access to the site will be taken from the former entrance and access road leading to the former colliery with HGV lorries proceeding to exit the site via the Skares Brickworks entrance. All lorries leaving the site are subjected to wheel washing prior to leaving the site.

2.9 An associated application (Ref.No.00/0116/FL) for the demolition of existing buildings, site remediation and landscaping, and importation of materials on the site of the former Skares Brickworks was granted under delegated powers on 12 June 2000. This development is also being undertaken by the present applicant and forms part of overall rehabilitation and redevelopment proposals for the combine Skares Brickworks/Whitehill Colliery site. Demolition of the existing brickworks buildings has already taken place. The existing site compound serving this part of the development site is being used in connection with the present proposals under consideration.

2.10 As part of the rehabilitation of the brickworks site, some 6,500 tonnes of sewage sludge was imported onto the site. A number of complaints were made to SEPA by local residents with regard to odour nuisance. As a result of this, the applicant was required to introduce measures to minimise odour nuisance, including the use of air borne de-odourisers. The applicant will continue to maintain such measures during the life of the proposed operations.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Cumnock Landward Community Council and British Telecom have not responded to the consultation letter.

Noted.

3.2 British Gas Transco, West of Scotland Water Authority, West of Scotland Archaeology Service and Scottish Power have no adverse comments to make on the proposed development.

Noted.

3.3 The Scottish Environment Protection Agency states that whilst it has no objections in principle to the proposed development, the following points are relevant:

- (i) If it is the intention of the applicant to utilise sewage sludge in this project, this should be stated in the application.

The applicant submitted a supporting statement along with the planning application forms indicating the use of up to 2000 loads of imported sewage sludge as a growth medium to promote the rehabilitation project. The application description was amended to include this aspect of the proposed development.

- (ii) The applicant will require to apply to SEPA for a waste management licence under the Environmental Protection Act 1990.

The applicant has been made aware of this requirement by SEPA.

- (iii) Any run off from the area concerned will require to be collected, contained and any particulate matter settled out prior to discharge to any water course.

A condition can be attached to any planning consent granted for the proposed development to meet the requirements of SEPA.

3.4 East Ayrshire Roads Division has no objections to the proposed development subject to conditions previously imposed under application 00/0116/FL for the Skares Brickworks site. As there are a reduced number of vehicle movements involved with this application compared to the previous proposal, the main concern would be the increased timescale over which the operation is proposed.

The applicant has indicated that all operations with regard to importation of sewage sludge and re-contouring of the site should be completed by April 2001 with soil spreading and planting being completed by the end of Autumn 2001.

The developer should be reminded that maintenance of the temporary signing will be required over the life of the site and that the Roads Authority will reserve the right to recover any extraordinary expenses incurred due to traffic using the C97 under Section 96 of the Roads (Scotland) Act 1984.

A condition can be attached to any consent granted for the proposed development to meet the temporary signing requirements of the Roads Division. A note can be attached with respect to the recovery of any extraordinary road maintenance costs attributable to the proposed development.

3.5 The Coal Authority has indicated that it would be prudent of the developer to seek appropriate technical advice before works are commenced on site given the mining history of the site.

The applicant has sought appropriate advice regarding the mineral stability of the site.

4. REPRESENTATIONS

4.1 One letter of representation was received objecting to the proposed development. This letter of objection was subsequently withdrawn.

5. DEVELOPMENT PLAN STATUS

5.1 The relevant policy document is the East Ayrshire Local Plan, Finalised Version. The application site lies within the Rural Diversification Area however there are no particular policy implications arising from the proposed development. It is considered that Policy ENV6 is relevant in this instance, which states:

The Council will actively encourage and support the improvement and enhancement of the natural and built environment in accordance with the Local Plan Environment Development Strategy.

It is considered that the proposed development complies fully with the terms of Policy ENV6 and the Local Plan Environment Development Strategy which seeks to improve and enhance those areas of land previously despoiled by past coal and other mineral extraction.

5.2 Policy ENV15(v) states that the Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire, particularly the Council will encourage individual landowners to increase the amount of amenity tree species on their land.

The proposed rehabilitation of the development site will result in improved management of existing woodland planting as well as the provision of significant new woodland areas. The proposals are therefore consistent with Policy ENV15(v).

6. OTHER PLANNING CONSIDERATIONS

6.1 None

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 In terms of the East Ayrshire Local Plan, Finalised Version, the proposed development is located in the rural protection area and is consistent with the policy provisions of the East Ayrshire Local Plan, Finalised Version (Policies ENV6 and ENV15(v)).

8.2 There are no consultee or other objections to the proposed development, subject to the incorporation of appropriate conditions regarding drainage and access arrangements for the site.

8.3 While the importation and use of sewage sludge as a growth medium may be considered contentious, the operation of the site and continued use of mitigation measures should significantly reduce odour nuisance associated with the development. The operations are relatively short term, and the overall environmental and landscape benefits which would result from the proposed development are significant.

8.4 The applicant has sought appropriate technical advice from The Scottish Agricultural College, Auchincruive and from East Ayrshire Woodland with respect to the rehabilitation of the site. The proposed afteruse of the site for amenity woodlands, recreation and wildlife habitat enhancement is welcomed for this otherwise stark landscape of industrial dereliction.

9. RECOMMENDATION

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

Alan Neish
Head of Planning and Building Control

22 November 2000
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. East Ayrshire Local Plan Finalised Version.
5. Application 00/0116/FL

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

Implementation Officer : Dave Morris

Location	Whitehill Colliery Bing, By Skares, Cumnock
Nature of Proposal:	Proposed contouring, soiling and landscaping by planting existing bing and land and importation of sewage sludge for use as a growth medium
Name and Address of Applicant:	Portcullis Developments Limited 1 Willock Street, Kilmarnock
Name and Address of Agent	

DPO's Ref: [HUGH MELVIN]
PPO's Ref; []

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

- (1) The operations hereby permitted shall be completed within 12 months of the date of this consent or at other such time as may be agreed in writing with the Planning Authority.

REASON – To ensure that the operations are implemented and completed within an appropriate timescale in the interests of amenity.

- (2) This permission relates to the rehabilitation of the Whitehill Colliery site and for the importation of a maximum of 40,000 tonnes of sewage sludge into the site for use as a growth medium only. Any excess sewage sludge not used as a growth medium shall be permanently removed from the site and disposed of to a licenced waste disposal facility to the satisfaction of the planning Authority.

REASON – To enable the Planning Authority to retain control over the development of the site in the interests of public safety.

- (3) No drainage connection shall be made to the C97 public road drainage system without the prior approval of the Roads Authority. No surface water shall be allowed to discharge from the development site on to the adjacent C97 road.

REASON - In the interest of public road safety.

- (4) Appropriate measures shall be taken to prevent mud, dirt, dust, slurry or stones being carried onto the highway and such steps shall include the provision and use of hardstanding areas and the provision of wheel wash facilities for the cleaning of all lorries, dump trucks, other heavy vehicles and plant leaving the site.

REASON : In the interest of road safety.

- (5) Prior to excavation works commencing on site statutory undertakers' 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 interest of public safety.

- (6) All fuel, oil or other chemical storage tanks on the site shall be sited on impervious bases and surrounded by tank bund walls. The bunded areas shall be capable of containing 110% of the

tank's volume and shall enclose all fill and draw pipes. If the storage tanks are to be sited at a single compound, the bund wall shall be capable of containing 110% of the volume of the largest storage tank. All fill and draw points shall be padlocked when not in use.

REASON : In the interest of public safety and to prevent any pollution of watercourses.

- (7) Any rubbish and scrap materials generated on the site shall, as far as is practicable, be kept in a screened position until disposed of in an approved manner to the satisfaction of the Planning Authority.

REASON : In the interest of visual amenity.

- (8) The applicant shall take all practical steps to minimise any odour nuisance arising from the importation, storage and subsequent spreading of sewage sludge within the site including the use of air borne de-odourisers to the satisfaction of the Planning Authority.

REASON – In the interests of amenity.

- (10) The applicant shall take all practical steps to prevent any contaminated drainage and run-off from the site roadways, interception ditches, sewage sludge storage areas and the working areas of the bing entering into nearby watercourses. Such run-off shall be collected, contained and any particulate matter settled out prior to discharge to any water course.

REASON : To prevent contamination of watercourses.

- (11) The applicant shall maintain the existing temporary warning signage on the C97 road during the operational life of the site.

REASON – In the interests of public road safety.

- (12) Within three months of the date of this approval, the applicant shall submit to and have approved by the Planning Authority, the final details of the restoration of the development site.

REASON – In the interests of amenity.

Notes to Applicant:

1. The applicant shall contact the Scottish Environment Protection Agency, 2 Alloway Place, Ayr in order to discuss the proposed drainage arrangements for the development site and to secure a Waste Management Licence in terms of the Environmental Protection Act 1990.
2. East Ayrshire Council as Roads Authority will reserve the right to recover any extraordinary expenses incurred due to traffic using the C97 under Section 96 of the Roads (Scotland) Act 1984.

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VIEWING PLEASE CONTACT (01563) 555320.**

AGENDA

