

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 14 MARCH 2003

**02/0889/FL: PROPOSED VARIATION OF CONDITION 2 OF PLANNING
CONSENT CD/91/27/Q TO PERMIT CONTINUED USE OF EXTENSION OF
EXISTING QUARRY**

**02/0890/FL: PROPOSED VARIATION OF CONDITION 2 OF PLANNING
CONSENT CD/91/28 TO PERMIT CONTINUED USE OF ACCESS ROAD
AND PLANT AREA**

TINCORNHILL QUARRY, SORN

APPLICATION BY BARR LIMITED

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Permission is firstly sought for a variation to Condition 2 of planning consent CD/91/27/Q, dated 19 August 1994, to extend the time limited period of eight years for a further three year period. Condition 2 of consent CD/91/27/Q states:

The development hereby permitted shall enure for the benefit of the applicant only, that it be commenced within 12 months of the date of the issued notice of decision and that the approved operations and restoration works shall be completed within 8 years of the commencement date of the operations or at such other time as may be agreed with the Planning Authority.

REASON: *In the interests of amenity and proper planning of the area.*

1.2 Secondly, permission is sought for a variation to Condition 2 of planning consent CD/91/28, dated 19 August 1994, to extend the time limited period of eight years for a further three year period. Condition 2 of consent CD/91/28 states:

The development hereby permitted shall enure for the benefit of the applicant only, that it be commenced within 12 months of the date of the issued notice of decision and that the approved operations and restoration works shall be completed within 8 years of the commencement date of the operations or at such other time as may be agreed with the Planning Authority.

REASON: *In the interests of amenity and proper planning of the area.*

1.3 As operations commenced in February 1995, the consented period is deemed to terminate on 31 January 2003. The applicant has indicated that the reserve of workable aggregate mineral within the consented area has not been exhausted during the eight years of operation and a significant reserve remains sufficient for a further 2 to 3 years working at current output levels. Consequently the applicant seeks to have both consents extended to expire on 31 January 2006. The quarry would otherwise be operated in accordance with the agreed method of working and restoration for the site.

1.4 The applicant states that Tincornhill is a very important and integral part of its operations in East Ayrshire and supplies all of the crushed rock aggregates used at its Killoch Depot to produce coated roadstones, asphalt, ready mix concrete and concrete products. These products are in turn supplied to construction and building projects throughout East Ayrshire and the surrounding area. In addition the quarry supplies unbound aggregate products such as sub-base to the general market place. Tincornhill is one of the two sources of mineral aggregates and the only source of crushed rock aggregates in East Ayrshire. Directly and indirectly, between 80 to 100 local jobs are secured by the output of Tincornhill Quarry.

1.5 The applicant has further indicated that, due to the importance of Tincornhill Quarry to its operations and of its value to the health of the local and wider economy, it intends to come forward in due course with an application to extend the area for mineral extraction at the quarry in order to secure its long term future. In this regard, the applicant is currently pursuing an Environmental Impact Assessment of that proposal.

2. RECOMMENDATION

2.1 It is recommended that the applications be approved subject to the conditions on the attached sheets and that the issue of the decision notices be withheld until the Solicitor to the Council has satisfactorily concluded an amendment to the existing agreement under Section 50 of the Town and Country Planning (Scotland) Act 1972 with the applicant, in respect of the matters described in Section 3.1 of this report.

3. CONCLUSIONS

3.1 As is indicated at Section 5 of the report there are no applicable policies in the Adopted Catrine and Sorn Local Plan and therefore greater weight should be attached to the material considerations.

3.2 As is indicated in Section 6 of the report there are no specific relevant policies in the EALP, although it is considered that an extension to the timescale

of the existing quarrying operations would be consistent with the provisions of Policy M2.

3.3 It is noted that no third party representations have been received with regard to the proposals and no significant issues have been raised through the consultation process.

3.4 Approval of an extension to the timescale of operations at Tincornhill will allow the remaining mineral reserve to be extracted and preserve the exiting levels of direct and indirect employment generated by the operations. The operations will still be undertaken in accordance with the conditions of planning consents CD/91/27/Q and CD/91/28 and the obligations contained within the existing Section 50 Agreement relating to the development.

CONTRARY DECISION NOTE

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

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AND PLANT AREA**

TINCORNHILL QUARRY, SORN

APPLICATION BY BARR LIMITED

Report by the Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to jointly present for determination full planning applications which are to be considered by the Local Planning Committee under the scheme of delegation because the applications represent continuation of a mineral working which is considered to be of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The application sites are located approximately one and a half miles north-east of the village of Sorn, which together comprise the existing operational aggregates quarry at Tincornhill. The application site for application 02/0889/FL relates to the quarry excavation site and extends to approximately 6.2 hectares. The application site for application 02/0890/FL relates to the quarry plant and storage area and includes the site access road. This part of the site extends to approximately 4.3 hectares. Access to the quarry is taken from the B743 Sorn to Muirkirk Road.

2.2 Planning permission for an extension to the existing quarry at Tincornhill was granted on 19 August 1994 and permitted the extraction of some 900,000 tonnes of aggregate minerals over a period of eight years from the date of commencement of operations. An associated application for the formation of a new access road and use of land for a plant storage area to serve the existing quarry was approved on the same date, also for a time limited period of eight years from the commencement of the approved operations.

2.3 **Proposed Development:** Permission is firstly sought for a variation to Condition 2 of planning consent CD/91/27/Q, dated 19 August 1994, to extend the time limited period of eight years for a further three year period. Condition 2 of consent CD/91/27/Q states:

The development hereby permitted shall enure for the benefit of the applicant only, that it be commenced within 12 months of the date of the issued notice of decision and that the approved operations and restoration works shall be completed within 8 years of the commencement date of the operations or at such other time as may be agreed with the Planning Authority.

REASON: In the interests of amenity and proper planning of the area.

2.4 Secondly, permission is sought for a variation to Condition 2 of planning consent CD/91/28, dated 19 August 1994, to extend the time limited period of eight years for a further three year period. Condition 2 of consent CD/91/28 states:

The development hereby permitted shall enure for the benefit of the applicant only, that it be commenced within 12 months of the date of the issued notice of decision and that the approved operations and restoration works shall be completed within 8 years of the commencement date of the operations or at such other time as may be agreed with the Planning Authority.

REASON: In the interests of amenity and proper planning of the area.

2.5 As operations commenced in February 1995, the consented period is deemed to terminate on 31 January 2003. The applicant has indicated that the reserve of workable aggregate mineral within the consented area has not been exhausted during the eight years of operation and a significant reserve remains sufficient for a further 2 to 3 years working at current output levels. Consequently the applicant seeks to have both consents extended to expire on 31 January 2006. The quarry would otherwise be operated in accordance with the agreed method of working and restoration for the site.

2.6 The applicant states that Tincornhill is a very important and integral part of its operations in East Ayrshire and supplies all of the crushed rock aggregates used at its Killoch Depot to produce coated roadstones, asphalt, ready mix concrete and concrete products. These products are in turn supplied to construction and building projects throughout East Ayrshire and the surrounding area. In addition the quarry supplies unbound aggregate products such as sub-base to the general market place. Tincornhill is one of the two sources of mineral aggregates and the only source of crushed rock aggregates in East Ayrshire. Directly and indirectly, between 80 to 100 local jobs are secured by the output of Tincornhill Quarry.

2.7 The applicant has further indicated that, due to the importance of Tincornhill Quarry to its operations and of its value to the health of the local and

wider economy, it intends to come forward in due course with an application to extend the area for mineral extraction at the quarry in order to secure its long term future. In this regard, the applicant is currently pursuing an Environmental Impact Assessment of that proposal.

3. CONSULTATIONS

3.1 East Ayrshire Roads and Transportation Division has no objections in principle but indicates that the traffic routes agreed within the previous consent require to be clarified. The haulage routes previously agreed were detailed in Condition 30 of consent CD/91/27/Q and in section 14 of the Section 50 Agreement relating to the quarry development. The Division states that the routes should be amended as follows for clarity:

Traffic Generated from Tincornhill

- (i) Eastwards along the B743 to the A70, Muirkirk and beyond;
- (ii) Eastwards along the B743 to the A70, then westwards towards Cumnock and Killoch Depot;
- (iii) Westwards along the B743 to Sorn, then south westwards via the B713, then southwards via the C65 to the B705 then southwards via the B705 to the B7083 at Auchinleck, northwards via the B7083 to the A76 Templeton Roundabout, then southwards via the A76 to the A70 at Dettingen Roundabout, then westwards via the A70 to Killoch Depot;
- (iv) Traffic heading to sites north of Catrine should travel westwards along the B743 to Sorn, then south westwards via the B713 to join the A76 at Catrine.

Traffic Generated from Killoch Depot

- (i) Eastwards via the A70 to Dettingen Roundabout, then northwards via the A76 to the B713 Catrine junction, then eastwards via the B713 to Sorn, then eastwards via the B743 to Tincornhill;
- (ii) Eastwards via the A70 towards Muirkirk, then westwards via the B743 to Tincornhill.

The Division states that the reason for this clarification is to avoid the two way flows of HGV's on the narrow C65 section of road and the consequent carriageway, edge and verge damage that has occurred in previous years. Repair work in excess of £50,000 has been carried out to this short section of minor rural road over the last 5 years. This sum, much in excess of what would be expected to be spent on such a road, is as a direct result of the relatively high volume of HGV traffic using the route. The bulk of this traffic is the applicant's vehicles running to and from the quarry. None of this damage to date has been re-charged to the applicant under Section 96 of the Roads (Scotland) Act 1984. In view of the increased life of the quarry and as a result of the current applications, the Roads Division would therefore require the applicant to

undertake patching repair work to the C65 carriageway as a result of this vehicle damage and to ensure the future integrity of the road.

The Division further notes that there was a requirement within the previous consent to avoid HGV's associated with the Tincornhill operations travelling through Sorn at specific times and it is suggested that this be extended to Catrine (Newton Street) to avoid passing the school at entrance / exit times.

The above requirements of the Roads and transportation Division can be secured through an amendment to the existing Section 50 Agreement (made under the Town and Country Planning (Scotland) Act 1972 (now Section 75 of the 1997 Act) for the Tincornhill site.

3.2 Sorn Community Council has not responded to the consultation letters at the time of writing this report.

Noted.

3.3 The Scottish Environment Protection Agency states that it has no objections to the development as the drainage arrangements for the site are to its satisfaction.

Noted.

3.4 East Ayrshire Economic Development Division states that as the proposal is only by way of an extension to the time restrictions on an existing consent, it would not seek to make any particular comments other than to welcome the continuation of employment opportunities.

Noted.

3.5 The Defence Estates (MOD) has no safeguarding objections to the proposal.

Noted.

3.6 East Ayrshire Environmental Health Division has no objection to the proposal.

Noted.

4. REPRESENTATIONS

4.1 None.

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) and the Adopted Catrine and Sorn Local Plan (1984). The adopted local plan was prepared within the context of the then emerging Strathclyde Structure Plan. However, there are no specific policies within the adopted local plan relative to the determination of this proposal to extend the life of these planning consents. Therefore greater weight should be attached to other material considerations.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications) 2002, (EALP), the consultation responses and relevant planning history of the site.

East Ayrshire Local Plan

6.2 The Adopted Local Plan covering the development site 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) 2002, (EALP) is a material consideration of the determination of development proposals. Again, however, there are no specific policies within the EALP directly relevant to the determination of these applications that seek to extend the time limited life of consents granted for the quarrying operations. Notwithstanding this, it should be noted that Policy M2 may be relevant in that it states:

The Council will work with the other Ayrshire Authorities to identify a 10 year land-bank for the supply of aggregate minerals. In the interim, the Council will limit any extension to the existing supply of aggregate minerals to:

- (i) development at existing workings; or*
- (ii) other appropriate locations within the Rural Diversification Area, but only where the minerals are required to meet special local need within that area.*

Paragraph 5.4 of the EALP states that hard rock aggregate production is centred on Tincornhill Quarry to the east of Sorn. Extension to this site may be considered appropriate if future demand cannot be met from existing workings. The quarrying operations at Tincornhill represent one of the two sources of mineral aggregates and the only source of crushed rock aggregates

in East Ayrshire. It is considered that the extension of the time limited consent for a further period of three years to allow the extraction of remaining reserves, for which consent to remove the resource has already been granted, would be consistent with the provisions of Policy M2(i). It would also allow consideration of the identification of the 10 year land-bank supply of aggregate minerals.

Consultation Responses

6.3 There are no consultation responses that would suggest refusal of the application would be appropriate.

Planning History

6.4 Planning permission for an extension to the existing quarry at Tincornhill was granted on 19 August 1994 and permitted the extraction of some 900,000 tonnes of aggregate minerals over a period of eight years from the date of commencement of operations (Ref. No. Cd/91/27/Q). An associated application for the formation of a new access road and use of land for a plant storage area to serve the existing quarry was approved on the same date, also for a time limited period of eight years from the commencement of the approved operations (Ref. No. CD/91/28).

The applicant seeks to extend the timescale for the extraction of remaining aggregate reserves within the extended quarry area, for which consent to remove these reserves has previously been granted.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications would arise from the requirement to amend the existing Section 50 Agreement for the site to meet the requirements of the Roads and Transportation Division as indicated in section 3.1 above.

8. CONCLUSIONS

8.1 As is indicated at Section 5 of the report there are no applicable policies in the Adopted Catrine and Sorn Local Plan and therefore greater weight should be attached to the material considerations.

8.2 As is indicated in Section 6 of the report there are no specific relevant policies in the EALP, although it is considered that an extension to the timescale of the existing quarrying operations would be consistent with the provisions of Policy M2.

8.3 It is noted that no third party representations have been received with regard to the proposals and no significant issues have been raised through the consultation process.

8.4 Approval of an extension to the timescale of operations at Tincornhill will allow the remaining mineral reserve to be extracted and preserve the exiting levels of direct and indirect employment generated by the operations. The operations will still be undertaken in accordance with the conditions of planning consents CD/91/27/Q and CD/91/28 and the obligations contained within the existing Section 50 Agreement relating to the development.

9. RECOMMENDATION

9.1 It is recommended that the applications be approved subject to the conditions on the attached sheets and that the issue of the decision notices be withheld until the Solicitor to the Council has satisfactorily concluded an amendment to the existing agreement under Section 50 of the Town and Country Planning (Scotland) Act 1972 with the applicant, in respect of the matters described in Section 3.1 of this report.

CONTRARY DECISION NOTE

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

Alan Neish
Head of Planning and Building Control
03 March 2003
HM/HM/SMB
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 with Modifications) 2002
5. Adopted Catrine and Sorn Local Plan 1983
6. Approved Ayrshire Joint Structure Plan 1999
7. Approved Strathclyde Structure Plan 1989
8. Previous planning applications Cd/91/27/Q and CD/91/28

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

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0889/FL

Location	Tincornhill Quarry, Sorn
Nature of Proposal:	Proposed variation of condition 2 of planning consent CD/91/27/Q to permit continued use of extension of existing quarry
Name and Address of Applicant:	Barr Limited Heathfield AYR KA8 9SL
Name and Address of Agent	N/A

DPO's Ref: []
PPO's Ref: [Hugh Melvin]

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

1. Condition 1 of Planning Consent CD/91/27/Q dated 19 August 1994 shall be amended to read as follows:

The development hereby permitted shall enure for the benefit of the applicant only, that it be commenced within 12 months of the date of the issued notice of decision and that the approved operations and restoration works shall be completed within 12 years of the commencement date of the operations or at such other time as may be formally agreed in writing with the Planning Authority.

REASON: To ensure that the operations, which are temporary in nature, are completed within an appropriate timescale.

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 02/0890/FL

Location	Tincornhill Quarry, Sorn
Nature of Proposal:	Proposed variation of condition 2 of planning consent CD/91/28 to permit continued use of access and plant area
Name and Address of Applicant:	Barr Limited Heathfield AYR KA8 9SL
Name and Address of Agent	N/A

DPO's Ref: []
PPO's Ref: [Hugh Melvin]

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

1. Condition 1 of Planning Consent CD/91/28 dated 19 August 1994 shall be amended to read as follows:

The development hereby permitted shall enure for the benefit of the applicant only, that it be commenced within 12 months of the date of the issued notice of decision and that the approved operations and restoration works shall be completed within 12 years of the commencement date of the operations or at such other time as may be formally agreed in writing with the Planning Authority.

REASON: To ensure that the operations, which are temporary in nature, are completed within an appropriate timescale.

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