

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 10 OCTOBER 2003

**03/0746/FL: PROPOSED VARIATION TO CONDITIONS 7 AND 35 OF
CONSENT 00/0793/FL TO ALLOW FORMATION OF VEHICLE
UNDERPASS AND ANCILLARY DEVELOPMENT AT GREENBURN
OPENCAST COAL SITE, NEW CUMNOCK**

APPLICATION BY KIER MINING

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Permission is sought for a variation to Conditions 7 and 35 of the approved consent (Ref. No. 00/0793/FL) to allow for changes to the approved method of working for the Greenburn site.

Condition 7 states:

The proposed road crossing point on the U720 public road shall be strengthened prior to coaling commencing on site, with the details to be submitted to, and approved by the Roads Authority. A vehicle activated traffic control system with advance warning signs shall be provided to serve this crossing point.

REASON: In the interests of road safety.

Condition 35 states:

The operational conduct of the site shall be generally as indicated in the Project Description that forms part of the application.

REASON: To ensure that the development is undertaken in accordance with the details approved.

1.2 Under the original planning consent, it was anticipated that coals won from the Greenburn site would be hauled by truck from the excavation area on the western side of the U720 public road to the coal processing area located adjacent to the proposed railhead on the eastern side of this road. This necessitates coal haulage vehicles crossing the U720 road at a designated crossing point located approximately 200 metres north of Dalricket Bridge. The existing road requires to be strengthened to withstand the impact of coal haulage vehicles crossing over it. This was to be achieved by the construction of a re-inforced concrete slab. A wheel wash for the coal haulage vehicles would also require to be installed on the western side of the crossing point. The crossing point itself would also be controlled by automatic traffic signals.

1.3 In addition, the eastern side of the crossing would also provide an access point to the site for road going vehicles, requiring the construction of a junction bellmouth along with localised widening of the U720 road. Based on the anticipated output from the site, there would be between 12 and 14 road crossings per hour between 0800 and 1800 hours.

1.4 Under the present proposal, the applicant seeks permission for the construction of a vehicle underpass beneath the U720 road for the site vehicles as the applicant considers that this would provide a safer option for coal transportation whilst causing less disruption to both local road users and the coal haulage operations.

1.5 The proposed underpass is to be located approximately 30 metres to the north of the current location of the approved crossing point on the U720 road and would comprise twin tunnels, to allow site traffic flow in separated directions. The site haul roads leading to the underpass from each direction would generally follow the original internal haul routes but with minor locational amendments. The access from the eastern side of the crossing point would still be retained for road going vehicles and consequently the bellmouth and localised road widening works would still require to be implemented. However, the traffic control system, the road strengthening works and the proposed wheel wash would no longer be required.

1.6 To allow the proposed variations to the approved scheme Condition 7 requires to be deleted. This condition refers to the requirement for the strengthening of the U720 road and for the installation of a traffic light system at the crossing point, which would no longer be required if the underpass is constructed. Condition 35 requires the applicant to undertake the development of the Greenburn site in accordance with the approved method of operation as detailed within the original Project Description. This requires to be varied to allow for the revised proposal promoted within the current application.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is considered to be generally in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. However, these material considerations are also supportive of the proposed development.

3.2 The provision of the vehicle underpass on the U720 public road will avoid the need to provide a traffic light controlled crossing point on the public road, thereby removing the potential conflict of site traffic with general traffic on the public road and therefore improving on overall road safety.

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 will not require to be referred to the Development Services Committee because it would not be a significant departure from the development plan.

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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SOUTHERN LOCAL PLANNING COMMITTEE: 10 OCTOBER 2003

03/0746/FL: PROPOSED VARIATION TO CONDITIONS 7 AND 35 OF CONSENT 00/0793/FL TO ALLOW FORMATION OF VEHICLE UNDERPASS AND ANCILLARY DEVELOPMENT AT GREENBURN OPENCAST COAL SITE, NEW CUMNOCK

APPLICATION BY KIER MINING

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 represents a variation to the approved scheme of working for an existing opencast site which is in accordance with the Opencast Coal Subject Plan

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 5 kilometres west of New Cumnock and approximately 6 kilometres south of Cumnock and comprises the farmlands of Greenburn, Fardenreoch and Auchincross, together with an area of derelict land at the site of the former Coalburn Colliery, covering a total area of 226.5 hectares. The application site relates to the approved Greenburn Opencast Coal Site, works for which have recently commenced.

2.2 Planning permission for the extraction of 3.5 million tonnes of coal by opencast method from the application site was granted on 21 August 2002 under planning application 00/0793/FL. Full permission was also granted at that time for the construction and operation of a new dedicated railhead and rail link to serve the proposed opencast site. The Greenburn opencast site is to be worked over a total period of 10 years with a coaling period of 7 years. Average output from the site will be around 10,000 tonnes of coal per week.

2.3 **Proposed Development:** Permission is sought for a variation to Conditions 7 and 35 of the approved consent (Ref. No. 00/0793/FL) to allow for changes to the approved method of working for the Greenburn site.

Condition 7 states:

The proposed road crossing point on the U720 public road shall be strengthened prior to coaling commencing on site, with the details to be submitted to, and approved by the Roads Authority. A vehicle activated traffic

control system with advance warning signs shall be provided to serve this crossing point.

REASON: In the interests of road safety.

Condition 35 states:

The operational conduct of the site shall be generally as indicated in the Project Description that forms part of the application.

REASON: To ensure that the development is undertaken in accordance with the details approved.

2.4 Under the original planning consent, it was anticipated that coals won from the Greenburn site would be hauled by truck from the excavation area on the western side of the U720 public road to the coal processing area located adjacent to the proposed railhead on the eastern side of this road. This necessitates coal haulage vehicles crossing the U720 road at a designated crossing point located approximately 200 metres north of Dalricket Bridge. The existing road requires to be strengthened to withstand the impact of coal haulage vehicles crossing over it. This was to be achieved by the construction of a re-inforced concrete slab. A wheel wash for the coal haulage vehicles would also require to be installed on the western side of the crossing point. The crossing point itself would also be controlled by automatic traffic signals.

2.5 In addition, the eastern side of the crossing would also provide an access point to the site for road going vehicles, requiring the construction of a junction bellmouth along with localised widening of the U720 road. Based on the anticipated output from the site, there would be between 12 and 14 road crossings per hour between 0800 and 1800 hours.

2.6 Under the present proposal, the applicant seeks permission for the construction of a vehicle underpass beneath the U720 road for the site vehicles as the applicant considers that this would provide a safer option for coal transportation whilst causing less disruption to both local road users and the coal haulage operations.

2.7 The proposed underpass is to be located approximately 30 metres to the north of the current location of the approved crossing point on the U720 road and would comprise twin tunnels, to allow site traffic flow in separated directions. The site haul roads leading to the underpass from each direction would generally follow the original internal haul routes but with minor locational amendments. The access from the eastern side of the crossing point would still be retained for road going vehicles and consequently the bellmouth and localised road widening works would still require to be implemented. However, the traffic control system, the road strengthening works and the proposed wheel wash would no longer be required.

2.8 To allow the proposed variations to the approved scheme Condition 7 requires to be deleted. This condition refers to the requirement for the

strengthening of the U720 road and for the installation of a traffic light system at the crossing point, which would no longer be required if the underpass is constructed. Condition 35 requires the applicant to undertake the development of the Greenburn site in accordance with the approved method of operation as detailed within the original Project Description. This requires to be varied to allow for the revised proposal promoted within the current application.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division indicates that it has no objections to the proposed development subject to conditions. The applicant must submit an Approval in Principle and Design Check Certificate along with calculations for the structure to the Roads and Transportation Division and submit further details of the structure/drainage to the Council for approval. The applicant shall require to provide vehicle and pedestrian safety barriers for the culverts. The applicant shall require to maintain the culverts and the section of the public road over the culverts for a distance of 25 metres either side of the centre line of the twin culverts. The applicant will be required to remove the twin culverts and re-instate the public road on completion of coaling when no further access is required across the U720. The Division indicates its support for the proposal as it reduces the risk and delays to the public due to large coal laden vehicles crossing the U720 public road under traffic light control.

Conditions can be attached to any consent granted for the proposed development to meet the requirements of the Roads and Transportation Division.

3.2 The Coal Authority and Power Systems have no adverse comments to make on the proposed development.

Noted.

3.3 Scottish Water states that record drawings show that there is water apparatus located within the development site that may be affected by the proposal and that contact should be made with Developer Services to discuss what measures are to be taken to safeguard this apparatus.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with Scottish Water.

3.4 The Scottish Environment Protection Agency indicates that the formation of the underpass and ancillary development will not affect its interests.

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 Adopted Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Opencast Coal Subject Plan (2003).

East Ayrshire Opencast Coal Subject Plan

5.2 The proposal would fall to be considered principally against the relevant mineral policies relating to opencast development as follows:

(i) Policy MIN19: All haulage of extracted materials between the area of excavation and the point of dispatch from the opencast coal site should be via internal haul roads only. The Council will ensure that all site accesses onto the public road system are located so as to avoid any unnecessary transportation of extracted material through nearby communities, en-route to its market destinations.

The proposal under consideration for the provision of a vehicle underpass will ensure that the transportation of coal extracted from the excavation site to the rail dispatch point will be wholly by internal haul routes. The provision of the vehicle underpass will avoid the need for a traffic light controlled crossing point on the U720 public road that will result in improved road safety. It is considered that the proposed development is consistent with Policy MIN19. The proposal has also received the support of the Roads and Transportation Division.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the consultation responses and relevant planning history.

Consultation Responses

6.2 There are no consultation responses that would indicate that the application should be refused.

Planning History

6.3 Planning permission for the extraction of 3.5 million tonnes of coal by opencast method from the application site was granted on 21 August 2002 under planning application 00/0793/FL. Full permission was also granted at that time for the construction and operation of a new dedicated railhead and rail link to serve the proposed opencast site.

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 As is indicated in Section 5 of the report, the application is considered to be generally in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. However, these material considerations are also supportive of the proposed development.

8.2 The provision of the vehicle underpass on the U720 public road will avoid the need to provide a traffic light controlled crossing point on the public road, thereby removing the potential conflict of site traffic with general traffic on the public road and therefore improving on overall road safety.

9. RECOMMENDATION

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

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 will not require to be referred to the Development Services Committee because it would not be a significant departure from the development plan.

Alan Neish
Head of Planning and Building Control.

30 September 2003
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Opencast Subject Plan (2003)
5. Approved Ayrshire Joint Structure Plan (1999)
6. Previous application 00/0793/FL

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

Implementation Officer: Dave Morris

Location	Greenburn OCCS, New Cumnock
Nature of Proposal:	Proposed variation of Conditions 7 and 35 of consent 00/0793/FL to allow formation of vehicle underpass and ancillary development
Name and Address of Applicant:	Kier Mining Tempsford Hall SANDY Beds. SG19 2BD
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. Upon the provision of the vehicle underpass hereby approved, Condition 7 of planning consent 00/0793/FL dated 21 August 2002 shall be considered deleted from the consent.

REASON: To ensure that the terms of the original planning consent are consistent with the development hereby approved.

2. Condition 37 of planning consent 00/0793/FL dated 21 August 2002 shall be amended to read as follows:

'The operational conduct of the site shall be generally as indicated in the Project Description that forms part of the application as amended by the amended Method of Operation statement dated 15 August 2003.

REASON: To ensure that the development is undertaken in accordance with the details approved.'

REASON: To ensure that the terms of the original planning consent are consistent with the development hereby approved.

3. Prior to the construction of the proposed vehicle underpass, the applicant shall submit to, and have approved by, the Planning Authority in consultation with the Roads Authority, further details of the structure and proposed drainage. The details shall include an Approval in Principle and Design Check Certificate together with calculations for the structure, and the provision of vehicle and pedestrian safety barriers for the culverts.

REASON: In the interests of public safety.

4. The applicant shall maintain the culverts and the section of the public road over the culverts for a distance of 25 metres either side of the centre line of the twin culverts.

REASON: In the interests of public road safety.

5. On completion of the opencast coal operations at Greenburn, the applicant shall remove the twin culverts and re-instate the public road when no further access is required below the U720.

REASON: In the interests of public road safety.

NOTE TO APPLICANT

The applicant shall make early contact with Scottish Water regarding the protection or diversion of apparatus that may be located within the development site.

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