

Cunninghame House,
Irvine.

25 February 2016

Planning Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 2 MARCH 2016** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Minutes (Page 2)

The accuracy of the Minutes of meeting of the Committee held on 20 January 2016 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Kilbirnie and Beith

Submit report on the following applications:

3.1 15/00749/PP and 15/00750/PP: Swinlees Quarry, Dalry (Page 9)

1. Variation of Condition No. 2 of Planning Permission (ref. 05/00290/PP) to extend the period of operations for a further 10 years until 31 March 2026 and Variation of Conditions 1,3, 6, 12, 13, 15, 19 & 20; and
2. Variation of Condition No. 1 of Planning Permission (ref.N/10/00841/PP) to extend the period for asphalt operations for a further 10 years until 31 March 2026 (copy enclosed).

3.2 15/00573/DCMS: Trearne Quarry, Gateside (Page 23)

Periodic review of mining site (copy enclosed).

4. Planning Application (Ref: 14/00337/PPM) - Proposed continuation of recycling and in-filling works, including creation of landscape feature, signage and retrospective workshop, portacabins and siting of associated machinery at Site to the north, east and west of Irvine Car Spares, Shewalton Road, Riverside Business Park, Irvine (Page 43)

Submit report by the Executive Director (Economy and Communities) seeking approval to amend the previous decision of the Planning Committee to grant conditional planning permission, subject to the completion of a Minute of Agreement to (i) secure road improvements along Shewalton Road from the junction with Ayr Road to the site and (ii) secure a restoration bond for both the eastern and western areas of the site (copy enclosed).

5. Clydeplan - Proposed Strategic Development Plan (Page 63)

Submit report from the Chief Executive on the Council's formal comments on the proposed Clydeplan (copy enclosed).

6. Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee

Sederunt: Matthew Brown (Chair)
John Ferguson (Vice-Chair)
Robert Barr
John Bell
John Bruce
Ian Clarkson
Joe Cullinane
Ronnie McNicol
Tom Marshall
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
20 January 2016

Irvine, 20 January 2016 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Bruce, Ian Clarkson, Joe Cullinane, Ronnie McNicol and Robert Steel.

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); and A. Craig, Team Manager (Litigation) and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Robert Barr, John Bell, John Ferguson and Tom Marshall.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Councillors Code of Conduct.

2. Minutes

The accuracy of the Minutes of meeting of the Committee held on 2 December 2015 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 15/00639/PPM: Harbour Industrial Estate, Montgomerie Street, Ardrossan

Cunninghame Housing Association have applied for planning permission for the erection of a residential development comprising of 70 units, associated parking and landscaping at Harbour Industrial Estate, Montgomerie Street, Ardrossan.

The Committee agreed to grant the application, subject to the following conditions:-

1. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details and samples of the proposed external finishes of the dwellinghouses, brick boundaries and the proposed surface treatment of roads and other areas of hardstanding within the site. Thereafter any such details, which may be agreed, shall be implemented in full prior to the occupation of the last property and thereafter maintained all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That unless otherwise agreed in writing all boundary treatments shall be implemented in full and in accordance with approved drawings, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. Prior to the commencement of development a noise impact assessment must be undertaken in accordance with BS:4142:2014. The noise impact assessment should measure existing noise levels from any activities within the adjacent transport business and outline potential remediation to ensure that the rated noise level, as defined in BS:4142:2014, from any activities within the adjacent transport business does not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property. Any recommendations outlined within the assessment should be implemented prior to occupation of the development and be maintained in perpetuity.
4. That unless otherwise agreed in writing the proposed drainage layout shall be implemented in full and in accordance with approved drawing J3120-SK041, all to the satisfaction of North Ayrshire Council as Planning Authority.
5. All recommendations contained within the report titled Report on Supplementary Site Investigation at Montgomerie Street, Ardrossan for Cunninghame Housing Association by Scott Bennett Associates (Group 2) Ltd Project ID: J3120.19 and dated September 2015 shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
6. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority. On completion of the proposed works written verification, detailing what was done by way of any remediation shall be submitted. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority.

7. That prior to the completion of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of the proposed pedestrian links and future links to phases 5a, 5b, & 5c of the wider North Shore PPP Area. The details shall include plans and sections as well as temporary site security for those links leading out of the north-west boundary. Thereafter any such details, which may be agreed, shall be implemented in full prior to the occupation of the first property and thereafter maintained all to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt in the event of phases 5a, 5b, & 5c of the wider North Shore PPP Area being implemented any temporary site security shall be removed and all links maintained in perpetuity.
8. That all planting, seeding or turfing indicated in the plan (ref. C1542.001), hereby approved, shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
9. That all internal junction radii shall be designed to accommodate general service vehicles including vehicle tracking, to the satisfaction of North Ayrshire Council as planning authority.

4. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: land at former Johnston Castings site, Drakemyre, Dalry

Submitted report by the Executive Director (Economy & Communities) seeking approval to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abatement of the adverse impact on the local area.

The site is a former industrial site which has been vacant for over 5 years. The Council has received several complaints regarding the site and an inspection of the land on the 10 September 2015, revealed that refuse had been dumped on site and that there had been an accumulation of litter. The gate at the north-west corner of the site was not secure and appears to have allowed vehicles to access the site and dump refuse. The owner of the land, Auchans Ltd, was requested in writing to clear the site and confirm their intentions for the site. Following further correspondence the owner stated that they would clear and secure the site by the middle of December 2015. An inspection of the property on the 6 January 2016 revealed that the land had not been cleared.

The Committee agreed to approve the serving of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact of the land on the local area.

The meeting ended at 2.15 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3.1

Planning Committee

2 March 2016

Planning Area

Garnock Valley

Reference

15/00749/PP and 15/00750/PP

Application

5th January 2016

Registered

Decision Due

5th March 2016

Ward

Kilbirnie and Beith

Recommendation**Grant with Conditions contained in
Appendix 1 and Appendix 1A**

Location

Swinlees Quarry, Dalry, Ayrshire KA24 5JZ

Applicant

Breedon Aggregates Scotland Ltd

Proposal

1. Variation of Condition No. 2 of Planning Permission (ref. 05/00290/PP) to extend the period of operations for a further 10 years until 31 March 2026 and Variation of Conditions 1,3, 6, 12, 13, 15, 19 & 20; and

2. Variation of Condition No. 1 of Planning Permission (ref.N/10/00841/PP) to extend the period for asphalt operations for a further 10 years until 31 March 2026.

1. Description

This report relates to two applications for planning permission to amend conditions attached to existing planning consents at Swinlees Quarry, Dalry. The quarry is currently not in use due to economic circumstances. These applications seek to safeguard the use of the quarry for the next ten years.

The first application (ref: 15/00749/PP) relates to a planning permission (ref: 05/00290/PP) dated 27th October 2006, which permitted the extension of the quarry area for mineral extraction. This application seeks to vary Conditions 1, 2, 3, 6, 12, 13, 15, 19 & 20. The effect of altering these conditions would be to extend the life-span of the quarry until 2026, to allow operational information to be submitted prior to the re-commencement of works on site and to ensure that works for screening and restoring the site would occur regardless of whether or not operations recommence.

The second application (ref 15/00750/PP) relates to the planning permission (ref: 06/01029/PP) dated 19th December 2007, which permitted the installation of an asphalt mixing plant, which allowed the use of the plant until 2010. This application was varied by permission (ref: 10/00841/PP) dated 8th March 2011, which allowed the use to continue until 2016. This application seeks to vary Condition 1 to allow the use to continue until 2026. Condition 3, 4, 5 & 6 of the original permission would also be reinstated, to bring this permission in line with the permission for the quarry use.

The amended and/or reinstated conditions have been agreed by the applicant following negotiation and review with Planning Officers.

In terms of the adopted North Ayrshire Local Development Plan (LDP), the application site is located within the countryside. Policy ENV10 relates to proposals for mineral extraction. Policy ENV1 relates to (non-residential) development in the countryside. All proposals require to be considered in terms of the General Policy.

2. Consultations and Representations

The application relating to the quarry use was advertised in the local press. No representations have been received. As the first application sought amendments to conditions, imposed following consultation with SEPA and Environmental Health, those parties were reconsulted in respect of that application. No objections were received.

3. Analysis

Application (ref: 15/00749/PP)

Swinlees Quarry has permission to operate as a quarry and therefore, the provisions of Policy ENV10 are only relevant insofar as they relate to the proposed conditions. The relevant criteria are (b), (c) and (d). Criterion (b) states that proposals should be in accordance with landscape and nature conservation policies within the LDP. Criterion (c) states that there should be no unacceptable impacts on the amenity of nearby dwellings or communities or on groundwater, watercourses and water supplies. Criterion (d) states that there should be restoration and aftercare plans which shall identify a positive end use and which include progressive restoration over the life of the operation. The relevant parts of the General Policy are (b) Amenity and (c) Landscape Character. Criterion (b) Amenity states that development should avoid significant impact on biodiversity and upon natural heritage resources and should have regard to their potential to contribute to national and local green network objectives. Regard should also be given to the impact on amenity of noise, vibration and dust emissions. Criterion (c) Landscape Character states that development should seek to protect the landscape character from insensitive development.

Condition 1 would introduce a requirement that the hedgerows along the northern and eastern site boundaries, including the addition of Scots Pine trees, be restored and the planting of Scots pine trees in the area immediacy east of the asphalt plant take place within the next planting season following the grant of any permission (potentially October 2016 - March 2017). This condition would ensure that screening of the site, which is visible primarily from the east, would be undertaken whether or not the use re-commenced in the short term. It is considered that this proposed condition is in accordance with criterion (d) of ENV10 and criterion (c) of the General Policy.

Condition 2 would permit the continued use of the quarry until 31st March 2026 and require it to be restored in accordance with a submitted restoration scheme. If the quarry operations were to re-commence the operator would be entitled to submit an updated restoration scheme for approval prior to works recommencing. The condition would set an end date for the quarry operations and ensure that a restoration scheme was to be implemented. It is considered that this condition. It is considered that this proposed condition is in accordance with criteria (b) and (d) of ENV10 and criterion (c) of the General Policy.

Condition 3 would require the operator to submit a plan showing the proposed programming of works, including equipment and stockpile positions, to the Council for approval, prior to the re-commencement of operations. It is considered that such information is not required unless recommencement of operations is proposed and is in accordance with criterion (c) of ENV10 and criteria (b) and (c) of the General Policy.

Condition 6 would require the operator to submit details of measures taken to minimise the emission of dust from the site to the Council for approval, prior to recommencement of operations. It is considered that such information is not required unless recommencement of operations is proposed and is in accordance with criterion (c) of ENV10 and criterion (b) of the General Policy.

Condition 12 would require the operator to submit a management plan for pollution prevention and environmental management, in accordance with SEPA guidelines, to the Council for approval, prior to recommencement of works on site. It is considered that such information is not required unless recommencement of operations is proposed and is in accordance with criteria (b) and (c) of ENV10 and criterion (b) of the General Policy.

Condition 13 would require the operator to submit details of measures to minimise the effects of blasting on ground water, protection of Swinlees Burn from dewatering and monitoring of the effect of works on ground water to the Council for approval, prior to the recommencement of operations. It is considered that such information is not required unless recommencement of operations is proposed and is in accordance with criteria (b) and (c) of ENV10 and criterion (b) and (c) of the General Policy.

Condition 15 would require the operator to submit details of the site liaison committee, to the Council for approval, prior to the re-commencement of operations. It is considered that such information is not required unless recommencement of operations is proposed and is in accordance with criterion (c) of ENV10 and criteria (b) of the General Policy.

Condition 19 would require the progressive landscaping and screening works to be carried out in accordance with the submitted restoration scheme. If the quarry operations were to recommence the operator would be entitled to submit an updated restoration scheme for approval prior to works re-commencing. However, should works not recommence this condition would ensure the site is progressively restored in accordance with criterion (d) of ENV10 and criterion (c) of the General Policy.

Condition 20 would require any works carried out in connection with Condition 19 to be replaced should they die, or be seriously diseased or damaged, within 5 years of the completion of the planting works. This is essentially a re-iteration of Condition 20 of the previous permission except re-worded to reflect the changes to Condition 19.

There are no changes proposed to Conditions 4, 5, 7, 8, 9 10, 11, 14, 16, 17 & 18. These conditions are considered to remain relevant and necessary and in accordance with the relevant parts of ENV10 and the General Policy.

Application (ref 15/00750/PP)

Permission was granted for an asphalt mixing plant in 2007 and the life span of the plant was extended in 2011. The relevant policy of the LDP is ENV1 and in particular criterion (a) which states that the development is necessary non-residential development associated with an established rural business and is of scale proportionate to the operational need. The relevant parts of the General Policy are (b) Amenity and (c) Landscape Character. Criterion (b) Amenity states that development should have regard to the potential to contribute to national and local green network objectives. Regard should also be given to the impact on amenity of noise, vibration and dust emissions. Criterion (c) Landscape Character states that development should seek to protect the landscape character from insensitive development. As an existing use, the policies are only considered to be relevant insofar as they relate to the proposed conditions.

Condition 1 would require the asphalt works to cease and the land to be restored at or before 31st March 2026, which would set an end date for the works and synchronise the asphalt works with the operation of the quarry. **Condition 2** would be unchanged and restricts the hours in which the asphalt works can operate. **Conditions 3, 4, 5, & 6** would be reinstated, with minor amendments in line with Scottish Government advice, to the permission, and would require; noise levels not to exceed 55dB; bunding around the plant to prevent liquid contamination spreading; provision of wheel washing facilities to ensure no deleterious material was deposited on the road; and that any significant contamination identified is reported to Environmental Health and a suitable investigation strategy agreed. These conditions represent best practice and are considered necessary and relevant and would align the asphalt permission with the quarry permission. The proposed conditions are considered to ensure the suitability of a necessary non-residential development associated with an established rural business (the quarry) and to help safeguard amenity and landscape character. The conditions are in accordance with criterion (a) of ENV1 and criteria (b) and (c) of the General Policy.

4. Full Recommendation

See Appendix 1 for 15/00749/PP and Appendix 1A for 15/00750/PP

A handwritten signature in black ink, appearing to read 'Karen Yeomans', written in a cursive style.

KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
3 February 2016

For further information please contact Iain Davies, Planning Officer , on 01294
324320

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00749/PP

Grant subject to the following conditions:-

1. That the restoration of hedgerows along the northern and eastern site boundaries, including the addition of Scots Pine trees and the plating of Scots Pine trees in the area immediately east of the asphalt plant, as outlined in 'Swinlees Quarry Aftercare Strategy,' prepared by Stephenson Halliday, dated October 2015, will take place in the first full planting season following grant of this permission.
2. The development hereby permitted shall be discontinued and the land restored, as outlined in 'Swinlees Quarry Aftercare Strategy,' prepared by Stephenson Halliday, dated October 2015, at or before 31st March 2026 unless, prior to the recommencement of the operations at the site, full details of restoration and after-use of the site, including programming, are submitted for the written approval of North Ayrshire Council, as Planning Authority. Thereafter any such details, which may be approved, shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority and the development discontinued and the land restored in accordance with the approved details at or before 31st March 2026.
3. The prior to the recommencement of operations at the site a plan showing the proposed programming of work, including the position of equipment and stockpiles as progresses, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter any such details, which may be approved, shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority.
4. That the use hereby permitted shall operate only between the hours of 0700 hours and 1900 hours Monday-Friday, 0700 and 1300 hours Saturday and shall not operate on Sundays or public holidays unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation. There shall be no movement of vehicles into or out of the site outwith the permitted hours. Essential maintenance works may be carried on outwith these times provided they do not result in noise intrusion at any noise sensitive properties.
5. That noise levels generated by the quarry operations and other noise on site measured 3.5metres in front of the most exposed façade of any noise sensitive property shall not exceed 55dB LAeq (1 hour), to the satisfaction of North Ayrshire Council as Planning Authority.
6. That prior to the recommencement of operations at the site details of measures to be taken to minimise the emission of dust from the site shall be agreed in writing with North Ayrshire Council as Planning Authority and implemented thereafter throughout the working life of the quarry.
7. That adequate wheel washing facilities shall be provided, and open vehicles carrying materials shall be sheeted before leaving the site, to ensure that vehicles leaving the site shall not deposit deleterious materials on public roads.
8. That each blast shall be designed, and the maximum instantaneous charge controlled, so that the air pressure is minimised and the peak particle velocity of the ground vibration shall be less than 8.5mm per second for at least 90% of the proposed blasts. No blast shall give rise to a vibration that has a peak particle velocity in excess of 12.7mm per

second.

9. That compliance with the standards in Condition 8 shall be determined by calculation in advance of any proposed blast or by objective monitoring of each blast within any vibration sensitive premises. Blast vibration calculations and monitoring data shall be made available to Environmental Health. No blasting shall take place outwith the period 1000 hours to 1600 hours Monday to Friday. Where practicable each blast shall be scheduled to take place at the same time of day.

10. That there shall be no more than three blasting operations each week and no more than one blasting operation in any day.

11. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on site, all to the satisfaction of North Ayrshire Council as Planning Authority.

12. That prior to the recommencement of operations at the site the operator shall submit for the written approval North Ayrshire Council, as Planning Authority, a management plan/method statement for pollution prevention and environmental management of the site in accordance with SEPA's Pollution Prevention Guidelines. Thereafter any such details, which may be approved, shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority.

13. That prior to the recommencement of operations at the site the operator shall submit for the written approval of North Ayrshire Council as Planning Authority details of measures to minimise the effects of blasting on groundwater, to protect Swinlees Burn from dewatering as the quarry extends towards it, and to monitor, report and carry out remediation works in relation to the effects of operations, including blasting, on groundwater. Thereafter any such details, which may be approved, shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority.

14. That the proposed settlement lagoons shall be lined, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to their formation.

15. That prior to the recommencement of operations at the site details of the composition and terms of constitution of a site liaison committee involving local land and property owners shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. Thereafter any such details, which may be approved, shall be implemented and maintained throughout the life of the quarry, to the satisfaction of North Ayrshire Council as Planning Authority.

16. That no works relating to the stripping of overburden from the proposed extension area shall take place between April and June inclusive in any year.

17. That the translocation of the waxcap fungi within the overall site shall be carried out following the advice of Scottish Natural Heritage, to the satisfaction of North Ayrshire Council as Planning Authority.

18. That no development shall take place within the approved extension area until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the

applicant, agreed by the West of Scotland Archaeology Service and approved by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority in agreement with the West of Scotland Archaeology Service.

19. That the progressive landscaping and screening of the site shall be carried out in accordance with 'Swinlees Quarry Aftercare Strategy,' prepared by Stephenson Halliday, dated October 2015 unless, prior to the recommencement of the operations at the site, full details of progressive landscaping and screening of the site are submitted for the written approval of North Ayrshire Council, as Planning Authority. Thereafter any such details, which may be approved, shall be implemented on site to the satisfaction of North Ayrshire Council as Planning Authority.

20. That all planting, seeding or turfing comprised in the details of landscaping approved in accordance with Condition 19 shall be carried out in accordance with the submitted scheme. Any trees which, within a period of five years from the completion of the planting works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless North Ayrshire Council, as Planning Authority gives written consent to any variation.

The reason(s) for the above condition(s) are:-

1. To provide screening of the site in the interest of local amenity.
2. In recognition of the projected lifespan of the quarry and to ensure proper restoration of the site.
3. To ensure machinery and stockpiles are sited so as to minimise their visual impact on local amenity.
4. To protect occupants of nearby housing and the wider area from noise/disturbance at night, Saturday afternoons, Sundays and public holidays.
5. To protect occupants of nearby housing and the wider area from excessive noise disturbance during the daytime.
6. To ensure that dust from the operations is managed to ensure it does not cause harm to local amenity.
7. To prevent the deposit of deleterious material onto the public road in the interest of roads safety.
8. To protect the occupants of nearby residential properties from undue disturbance from blasting.
9. To ensure blasting is carried out in an appropriate manner and to prevent disturbance from blasting outwith daytime hours.
10. To limit blasting so as to ensure no cumulative disturbance.
11. To ensure unsuspected contamination is recorded, investigated and appropriate remedial action is taken in the interest of the local environment and to meet the requirements of Environmental Health.

12. To ensure appropriate measures for pollution prevention and environmental management are implemented during the working of the quarry and to meet the requirements of the Scottish Environmental Protection Agency.
13. To ensure appropriate measures to minimise the effect of operations on watercourses are implemented during the working of the quarry and to meet the requirements of the Scottish Environmental Protection Agency.
14. To ensure the contents of the settlement lagoons do not seep into the ground around the lagoons and to meet the requirements of the Scottish Environmental Protection Agency.
15. To ensure appropriate channels of communication between the operator and local property owners to facilitate the addressing of any concerns raised by property owners.
16. To ensure works are carried out with the main bird breeding season and to meet the requirements of Scottish Natural Heritage.
17. To ensure the proper translocation of waxcap fungi and to meet the requirements of Scottish Natural Heritage.
18. In recognition of the potential archaeological interest of the site and to meet the requirements of the West of Scotland Archaeology Service.
19. To ensure progressive restoration of the site in the interest of local amenity.
20. To secure proper completion of the restoration and aftercare in the interest of local amenity.

Reason(s) for approval:

1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

APPENDIX 1A

RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00750/PP

Grant subject to the following conditions:-

1. That the development hereby permitted shall be discontinued and the land restored in accordance with the approved details at or before 31st March 2026 all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That the use hereby permitted shall operate only between the hours of 0700 hours and 1900 hours Monday-Friday, 0700 hours and 1300 hours Saturday and shall not operate on Sundays or public holidays, other than on 4 specified dates of no more than one week duration in any calendar year, unless the prior written approval of North Ayrshire Council, as Planning Authority, is obtained for any variation. There shall be no movement of vehicles into or out of the site outwith the permitted hours.

Notification of the 4 specified dates shall be given in writing to the Planning Authority at least 14 days in advance and shall be accompanied by an operational statement which will explain the operation of the plan such that it will minimise impacts on sensitive properties, both in relation to the operation of the plant and traffic related to it. Between 1900 hours and 0700 hours the following day, on the 4 specified dates, any operational and/or vehicle movement noise on-site (including the access road) shall not exceed 42dB LAeq(1 hour) when measured under free field conditions at any noise sensitive premises, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

Essential maintenance works may be carried on outwith these times provided they do not result in noise intrusion at any noise sensitive premises.

3. That noise levels generated by the quarry operations and other noise on site measured 3.5metres in front of the most exposed façade of any noise sensitive property shall not exceed 55dB LAeq (1 hour), to the satisfaction of North Ayrshire Council, as Planning Authority.
4. That the area around the mobile plant, and bitumen tanks in particular, shall be bunded to prevent liquid contamination spreading to the satisfaction of North Ayrshire Council, as Planning Authority.
5. That adequate wheel washing facilities shall be provided, and open vehicles carrying materials shall be sheeted before leaving the site, to ensure that vehicles leaving the site shall not deposit deleterious material on public roads. Any material deposited on the road by vehicles exiting the site shall be removed and the road cleaned to the satisfaction of North Ayrshire Council, as Planning Authority.
6. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.

The reason(s) for the above condition(s) are:-

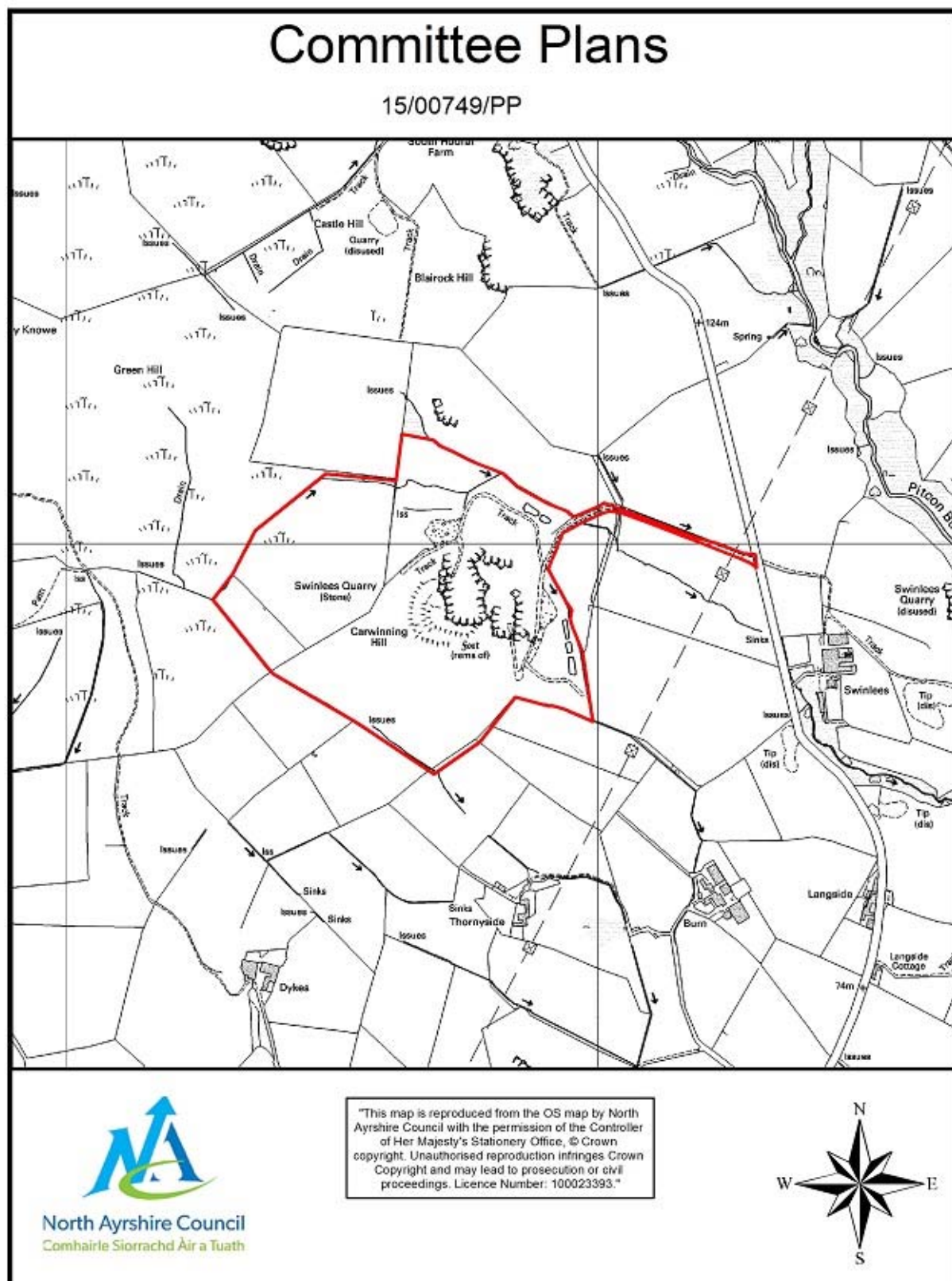
1. In recognition of the lifespan of the associated quarry and to ensure proper

restoration of the site.

2. To protect occupants of nearby housing and the wider area from noise/disturbance at night, Saturday afternoons, Sundays and public holidays.
3. To protect occupants of nearby housing and the wider area from excessive noise disturbance during the daytime.
4. To protect nearby land and watercourses from contamination from the operation of the plant.
5. To prevent the deposit of deleterious material onto the public road in the interest of roads safety.
6. To ensure unsuspected contamination is recorded, investigated and appropriate remedial action is taken in the interest of the local environment and to meet the requirements of Environmental Health.

Reason(s) for approval:

1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.



NORTH AYRSHIRE COUNCIL

Agenda Item 3.2

Planning Committee

Planning Area

**2 March 2016
Garnock Valley**

Reference

15/00573/DCMS

Application

15th October 2015

Registered

Decision Due

N/A

Ward

Kilbirnie and Beith

Recommendation	Grant with Conditions contained in Appendix 1
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Location	Trearne Quarry, Gateside KA15 1HQ
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Applicant	William Tracey Limited
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Proposal	Periodic review of mining site
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1. Description

This proposal seeks to update the planning conditions for the quarry operations at the above site in accordance with the periodic Review of Old Mineral Permissions (ROMP) procedure. The present conditions are over 49 years old, and relate to planning permission granted in 1967 (ref: C/3958) for limestone quarry. The proposed conditions were prepared, on the applicant's behalf, by a firm of consultants, who specialise in planning for minerals.

The application was submitted in October 2015, following contact by Planning Officers as required by the ROMP procedure. The application initially presented 27 conditions. Clarification and further information was sought by Officers, who then reviewed the conditions and undertook minor modifications. The edited version of the conditions was issued to the applicant for consideration, and the applicant has agreed to the changes.

It is now considered that the resulting 28 conditions represent an improvement, in accordance with current best practice (ref. PAN 50 and Circular 34/1996) to the 1967 permission. The main effect of the proposed conditions, in comparison to those imposed in 1967, is to introduce a duration for extraction workings at the site, update restoration plans, introduce permitted hours of operation and appropriate noise/vibration and dust control conditions and water course/ecology protection conditions. Conditions safeguarding the geological interest of the site would also be introduced. The proposed conditions are contained within Appendix 1.

Trearne Quarry is situated in a rural location, around 1.6km east of Beith. Access to the site is from the link road between the B777 (Beith to Lugton) and the A736. The site is bounded mainly by agricultural land with Gateside approx. 450m to the north-west. Other residential properties and farms are located within 250m of the site including properties at Hessilhead Cottages located opposite the main entrance to the site. The site is designated as a Site of Special Scientific Interest (SSSI) due to the geological interest of rock formed during the lower carboniferous period.

The recent excavation, with areas for stockpiling, has primarily taken place at the western end of the site with the eastern end comprising un-restored previous excavations. An application to review the 1967 planning permission conditions was originally made in 1998 (ref: 98/00235/DCMS). However, this application was not determined, and eventually withdrawn, following the submission of an application to use the quarry as a waste disposal facility (ref: 02/00710/PP). The Planning Committee agreed to grant permission for waste disposal use in May 2004, subject to the conclusion of a Section 75 agreement. This agreement has not been made and the permission has not yet been granted. This permission could be granted should the Section 75 agreement be made.

In terms of the adopted North Ayrshire Local Development Plan (LDP), the application site is located within the countryside. Policy ENV 10 relates to proposals for mineral extraction. Policy ENV9 relates to nature conservation, including SSSIs. All proposals require to be considered in terms of the General Policy. However, the use for mineral extraction is permitted and the policies are relevant only to the proposed review of the associated conditions. Scottish Government advice should also be taken into account.

2. Consultations and Representations

An advertisement was published in a local newspaper on 21st October 2015. 18 objections and representations have been received. The applicant was asked to give a response. The representations and the applicant's response, where appropriate, are summarised as follows;

1. Given the range and variety of documents, the proposals are unclear. The Planning system should insist on all applications be written so ordinary member of public can easily understand. Majority of self-imposed conditions are a list of what the applicant needs to comply with anyway. Enthusiastic about the general plan to restore the site, although concerned about the lack of detail.

Response: The application has been submitted in accordance with the relevant statutory provisions and government guidance. The applicant is required to submit the schedule of proposed conditions. Officers are available, if required, to provide clarification of the proposals.

2. Concerns about traffic travelling through Gateside. The traffic assessment is based on figures from 2002 – since that time HGV traffic has greatly increased. Figures given in tables are incorrect and no longer valid. An up-to-date traffic assessment should be carried out. How many vehicle movements would there be in connection with the quarrying and infill operations?

Response: The applicant acknowledged that the traffic assessment figures are from 2002 and were prepared in connection with the application for waste disposal (ref:02/00710/PP). It is a reasonable assumption that traffic counts undertaken now would show an increase in recorded traffic numbers. The tables were included to allow a comparison to be made between the approved waste disposal facility predicted traffic (on average 100 movements per day) and the predicted traffic for the final restoration, an estimated 12 movements per day. Both of those figures exclude quarry traffic.

The quarry use of the site is established and there is no control over the number of vehicular movements connected with the quarry use. The information provided by the applicant is held to be adequate and there is no dispute that a current traffic assessment would show an increase in traffic from 2002. Strategic Planning & Infrastructure (Roads) offered no objections in terms of vehicular movements.

3. There would be noise issues arising from operations. Concerns regarding pumps or other machinery running all night disturbing sleep. It is not considered that enough information about noise and vibration has been provided. Also concerns regarding dust and information should be provided on the impact of blasting on Balgray Bonded Warehouses and the Ministry of Defence Munition Depot. Object on the grounds of working on Saturdays.

Response: The applicant has stated that all activities which would generate environmental concerns would be carried out within agreed hours of operation and new conditions pertaining to environmental concerns have been submitted. The impact of blasting has been assessed on the basis of the closest properties and as such it is not considered necessary to consider the above properties.

Environmental Health offered no objections (see below). Conditions controlling hours, noise, vibration and dust do not exist on the current 1967 permission but would be introduced under this review. Annexe A of the Scottish Government's Planning Advice Note 50: Controlling the Environmental Effects of Surface Mineral Workings (PAN50), states that the working week should generally be regarded as Monday to Friday and Saturday mornings. The proposed hours of operation have regard to this advice and the consultation response of Environmental Health.

4. Concern as to what constitute 'soil forming materials.' Do these materials produce odour and do they include human waste and/or chemical waste? Do such materials require consultation with SEPA and what monitoring of such operations would take place?

Response: The applicant has stated that soil forming materials can be broadly described as materials which can be used to form a sustainable soil profiles, where no suitable soils currently exist. In order to form soil to provide for the proposed restoration, the material has to comprise mineral and organic content. Any materials brought onto site would be by agreement with SEPA and a Waste Management License. Organic material has potential to produce odour. However, there are a number of mitigation measures that can be adopted to bring potential odour to an acceptable level. The applicant has a policy of not accepting potentially odorous materials unless they can be utilised immediately and weather conditions are suitable. Daily inspections would be carried out on weather conditions and any potentially odorous materials would be transported to site in sealed units.

The purpose of an application under the ROMP procedure is to establish if the planning conditions for restoration are adequate. The proposed restoration conditions are considered to represent an improvement to the 1967 conditions. The management and suitability of the materials used would be a matter for the applicant and SEPA. SEPA offered no objection (see below).

5. Concern that this is an application for a landfill use. would the restoration process mean the applicant would not have to apply for a Waste Exemption License? would the 2002 application be withdrawn/has this permission expired? Can the applicant re-apply for permission as a waste disposal facility? What level would the quarry be filled to?

Response: It is the applicant's intention to withdraw the 2002 application for waste disposal, which has been approved subject to a S.75 Legal Agreement, following completion of the ROMP procedure. An application to SEPA would be made for a Waste Management License.

The status of the 2002 application is not directly relevant. However, it should be noted that the applicant could enter into the proposed S.75 Agreement, and permission would be granted for the waste disposal use. The applicant has stated that the quarry restoration would be to a height of 1.5m. There would be a 10m stand off from water features within the site and areas of palaeontological interest would be left exposed.

6. What mitigation measures would the operator put in place to ensure soil forming process would not compromise hydrology of the site and surrounding watercourses? Has water pollution been adequately examined. Water pollution would result in problems for neighbouring farm stock. Specific strategies have not been outlined.

Response: SEPA is the regulatory body on such matters. A condition of the ROMP would require a water management plan, in accordance with SEPA requirements, to be submitted to the Council prior to the commencement of restoration operations.

7. The remaining material in the quarry is of sub-standard quality and is of use for tarmac road repair and not agriculture. Why would the quarrying be only carried out for 7 years and how has the reserve figure been arrived at? It is not clear what the projected lifespan of the quarry would be and would restoration take 9 years or 24 months? When must quarrying begin?

Response: The applicant has stated that it is only Dockra Limestone which has and would be quarried at Trearne. There is no reason to suspect the remaining reserve would not meet the specification for agricultural lime. The existing Dockra Limestone within the existing boundary would be exhausted and there is no proposal to extend the area. A tonnage of 210,000t would be recovered at an annual production of 30-50,000 tonnes per annum, which gives a lifespan of 7 years.

The quality of the limestone is not relevant to the ROMP application. The site has permission for limestone extraction and under the 1967 permission. Restoration would be progressive and a condition would give 2 years for completion of the restoration following cessation of the quarrying, should no quarrying take place for 18 months.

8. No clear strategy for protection of wildlife. Is there scope to leave the open body of water as an additional habitat with the restored site? Would wish to see strategies to mitigate risk of vermin and not enough details about status of SSSI.

Response: The applicant has stated that the ecology has been fully assessed prior to this application in consultation with Scottish Natural Heritage. A Protected Species Survey did not reveal an extensive variety of wildlife but it is expected the site restoration proposal would provide better and alternative habitats over time and as consequence the nature conservation value of the site would increase. The restoration proposal for this site is for an amenity after use that includes open grassland, water bodies, public access, informal recreation, broadleaf block tree planting and nature conservation. The manufactured soil would improve organic and essential plant nutrient levels, as well as structure and water holding capacity of the soils, necessary to provide a good seed bed and tree growing opportunity.

The applicant has carried out and submitted a Protected Species Survey and a Habitat and National Classification Survey (NVC) with the application. The proposals in respect of nature conservation are assessed below. SNH offered no objection (see below).

9. The proposal is considered to be contrary to Policy ENV10 as there is no need for the lime and would have an adverse impact on nearby communities.

Response: A full assessment of the proposal against Policy ENV10, within the provisions of the ROMP procedures, has been undertaken (see below).

10. It is not considered that the proposals are beneficial for the community. Public consultation with the local community should be carried out. A condition should be added to the proposed schedule of conditions which requires the community to be consulted and involved in the restoration process.

Response: The applicant considers the restoration proposals would be of benefit to the local community. The site would be available for walking and potentially horse riding once the works are complete. The applicant understands the local wildlife rescue centre releases wildlife into the site. The applicant has planned the restoration with the geological interest of the site in mind. The site would remain open to university students studying geology/palaeontology. Once the restoration is complete the applicant considers the unique interest of the site would make the area a local attraction.

There is no requirement for an applicant submitting a ROMP application to carry out prior consultation with a local community. However, the Council requested the applicant to provide a response to many of the comments raised in the consultation process for this application and would recommend continued engagement with the local community. The restoration plans for the site are assessed below.

Following the receipt of the applicant's response, 3 further comments have been received. These comments, whilst welcoming some of the information, reiterate concern regarding odour, the nature of the soil forming materials and lack of community engagement.

Consultations

Strategic Planning & Infrastructure (Roads) - No objection to the application. The access should be hard surfaced from the public road for approximately 20m and edge strengthening, kerbing and adjustment of radii of the carriageway to be carried out for 75m either side of entrance.

Response: Noted. The ROMP procedures are a mechanism for reviewing the restoration of existing quarry sites. Should the Planning Authority attempt to impose operational conditions, without the agreement of the applicant, the applicant would be liable for compensation. The proposed works whilst desirable are not essential to the safe operation of the site, which has been in existence since 1967.

Environmental Health - No objections subject to conditions relating to noise levels, blasting and dust management.

Response: Having regard to the advice in PAN50, it is considered necessary to impose such conditions and, following negotiation, the applicant has agreed to these conditions.

Scottish Natural Heritage (SNH) - No objection. Satisfied with the level of survey and proposed restoration. Pleased that the geological features, the reason the site was designated a SSSI, would be safeguarded for educational value and add that the site is of equal scientific importance. Satisfied with the surveys carried out in respect of protected species, the level of survey detail and suggested mitigation. Pre-construction checks for protected species are recommended to be carried out within 3 weeks prior to the start of works.

Response: Noted. The operator of the site would have to ensure all works were in accordance with the legislation relating to protected species and they are aware of the need to consult with SNH.

Scottish Environmental Protection Agency (SEPA) - No objections. The applicant provided further information regarding the initial concerns regarding water management. The applicant should continue to liaise with SEPA regarding the strategy for site restoration, primarily to ensure they are appropriately licensed/authorised.

Response: Noted. A condition has been attached to the proposal which would require the submission of a water management plan, as agreed with SEPA, to the Council, prior to commencement of the restoration works.

3. Analysis

As noted above, the application requires to be considered in terms of the relevant provisions of the adopted Local Development Plan, in particular Policies ENV 10, ENV 9 and the General Policy. Consideration of the application requires to take into account Scottish Government advice on ROMP, in particular Circular 34/1996 and Planning Advice Note 50: Controlling the Environmental Effects of Surface Mineral Workings ("PAN 50").

Trearne Quarry is an operational site and, therefore, the provisions of Policy ENV 10 are only relevant insofar as they relate to the proposed conditions. The relevant criteria are (b), (c) and (d). Criterion (b) states that proposals should be in accordance with nature conservation policies within the LDP. Criterion (c) states that there should be no unacceptable impacts on the amenity of nearby dwellings or communities or on groundwater, watercourses and water supplies. Criterion (d) states that there should be restoration and aftercare plans which shall identify a positive end use and which include progressive restoration over the life of the operation.

The relevant part of Policy ENV 9, which links to criterion (b) of ENV 10, is criterion 2 for National Designations, which states that proposals for development which would affect national designations such as SSSIs shall not accord with the LDP unless the objectives of designation and the overall integrity of the area would not be compromised. The relevant parts of the General Policy are (b) Amenity, (c) Landscape Character and (d) Access. Criterion (b) Amenity states that development should avoid significant impact on biodiversity and upon natural heritage resources and should have regard to their potential to contribute to national and local green network objectives. Regard should also be given to the impact on amenity of noise, vibration and dust emissions. Criterion (c) Landscape Character states that development should seek to protect the landscape character from insensitive development. Criterion (d) Access states that development should have regard to the Council's guidelines.

Proposed Conditions 1 and 2 would define the limit of permitted operations on the site and limit the period of operations. Quarrying would be permitted for another 7 years from the date of any decision and the restoration of the site would require to be completed within 2 years of the completion of the quarrying, which would give a total lifespan for operations on the site of 9 years. The 1967 permission does not contain a condition in relation to the duration for working the site. The 7 year (2023) time span reflects the applicant's estimation of the reserve of limestone and the proposed working schedule. The imposition of these conditions is considered an improvement on the 1967 permission by adding clarity to the expected lifespan of operations.

Proposed Conditions 3-6 (Restoration) would introduce a requirement for progressive restoration to be undertaken in accordance with the submitted plans and report, require a detailed aftercare plan to be submitted for approval of the Council, set the timescales for the restoration to be undertaken and require restoration to be completed in accordance with the other conditions should the quarry operations cease for a period of 18 months.

The restoration would comprise the importation of materials to the site which would be mixed to form a soil growing medium in consultation with SEPA. The restoration would create a sub-soil zone approx. 1m thick with a topsoil approx. 0.5m thick. The restoration would produce soil capable of supporting woodland after use. The woodland would be achieved through encouragement of natural colonisation and sensitive landscape planting. The soil-forming areas would be setback 10m from water courses and areas of geological interest would remain exposed. Access tracks would be retained and extended to create access throughout the site. The site, when restoration is completed, would encompass a nature conservation area with access for the public to areas of geological interest.

The current 1967 planning permission makes no requirement as to progressive restoration of the site. As such restoration has not been carried out to date. That permission also requires restoration to comprise of the spreading of an approx. 30cm deep layer of topsoil along the quarry floor creating a smooth, level surface for the purposes of cultivation. However, no date was set for this works to be carried out and as quarrying has not ceased, no restoration has taken place. In areas where there has been no recent quarrying activity and where soil remains from early excavations, uneven mounds have been left which have self-seeded.

It is considered that the proposed restoration conditions represent an improvement on the conditions imposed currently. There would be a comprehensive restoration plan for the whole site for the first time which would safeguard the SSSI and ensure public access for informal recreation. It is acknowledged that there are local concerns regarding the nature of the materials that could be used to create the soil. The importation of materials would be controlled by SEPA as the regulating authority of such operations. The general principle of the proposed restoration plan is acceptable and as such Conditions 3-6 are held to be in accordance with criteria (b) and (d) of Policy ENV 10, part 2 of ENV 9 and criteria (c) of the General Policy.

Proposed Condition 7 sets limits on the hours of operation for the quarrying and restoration. The hours would be limited to 07.00 to 19.00 Monday to Friday for quarry operation and processing, 07.00 to 19.00 Monday to Friday and 07.00 to 12.00 Saturday for plant maintenance, 07.00 to 19.00 Monday to Friday and 07.00 to 14.00 Saturday for site restoration and road haulage. The current 1967 permission does not limit the hours of operation and the quarry at present could operate without time restrictions. The hours have been negotiated with the applicant having consideration to the current lack of control, PAN50 guidance and representations from Environmental Health. No operations can be carried out on Sundays and the potentially noisier operations (quarrying and plant maintenance) must either not take place on Saturdays or cease by 12.00. Other operations can take place until 14.00 which has been agreed with the applicant following an initial request to work until 16.00. It is considered that Condition 7 is in accordance with criterion (c) of ENV 10 and criterion (b) of the General Policy.

Proposed Conditions 8-10 relate to noise. Noise limits would be introduced which currently do not exist. During operational hours noise must not exceed 50dB(A)LAeq when measured at the noise sensitive premises in the vicinity of the site. During the soil stripping operations required for quarrying, the noise limit must not exceed 70dB(A)LAeq. However, such activity is only permitted in a maximum of 8 weeks per year for which the agreement of the Council must be given. Vehicles, plant and machinery would be fitted with silencers and used in accordance with manufacturer's instruction. Environmental Health has offered no objections to Conditions 8-10 subject to minor amendments which have been agreed. There is currently no noise level set for operations at the site and these conditions are again considered to be an improvement on the 1967 permission. Given the above, it is considered that proposed Conditions 8-10 accord with criterion (c) of ENV10 and criterion (b) of the General Policy and Scottish Government guidance.

Proposed Conditions 11-13 relate to dust management. These conditions would require the operator to take remedial steps, as set out in a submitted method statement, to overcome any dust nuisances which arise. The conditions also require the cessation of any activities causing dust nuisances, which can not be mitigated, unless and until weather/conditions allow recommencement and the maintenance of water bowsers and sufficient water on the site to suppress dust and spray roads within the site. Again, there are currently no planning conditions requiring dust management for the site. Environmental Health has offered no objections to Conditions 11-13 subject to minor amendments which have been agreed. Given the above, it is considered that proposed Conditions 11-13 accord with criterion (c) of ENV10 and criterion (b) of the General Policy and Scottish Government guidance.

Proposed Conditions 14-15 relate to blasting at the site. Condition 14 would restrict blasting to between 10.00 and 12.00 Monday to Friday. Condition 15 would restrict the level of ground vibration caused by any blasting. Again, there are currently no planning conditions restricting blasting at the site. Currently blasting could take place at any time and cause any amount of vibration without constituting a breach of planning control. Environmental Health has offered no objections to Conditions 14-15 subject to minor amendments which have been agreed. Given the above, it is considered that proposed Conditions 14-15 accord with criterion (c) of ENV10 and criterion (b) of the General Policy and Scottish Government guidance.

Proposed Conditions 16-17 relate to vehicles accessing the public highway from the site. Condition 16 would require all vehicles to be sheeted before accessing the public highway. Condition 17 would make the operator responsible for the removal of mud or other deleterious materials deposited on the public highway as a result of the operations. These conditions would seek to ensure no danger was caused to other road users by vehicles accessing the public highway from the site. These conditions are essentially a re-iteration of a condition attached to the 1967 planning permission. It is considered that these proposed conditions are in accordance with criterion (c) of ENV10 and criterion (d) of the General Policy.

Proposed Condition 18 requires all suitable soil or soil making materials to be recovered during the stripping or excavation operations and stored for use in restoration. The current 1967 permission has a condition which required all overburden to be retained on site. It is apparent that not all previous excavations have retained this material as required. However, this proposed condition is in line with the condition attached to the existing permission and would minimise the requirement for importation of materials for restoration. It is considered that this condition is in accordance with criterion (d) of ENV 10 and criterion (c) of the General Policy.

Proposed Conditions 19-21 relate to the management of the soil which is deposited as part of the restoration. Any depositing of the soil should be carried out when it is suitably dry so that it is not damaged by machinery passing over it, all soil should be seeded with grass seed mixture in the first available growing season and that all movement of plant and machinery would be carried out in a manner so as to avoid crossing the restored land. These conditions are proposed to minimise/avoid damage to the restored area and ensure that any adverse impact by way of visual appearance is mitigated as soon as possible. It is considered that these conditions are required to ensure operations do not damage the overall benefit gained from restoration and as such they are held to be in accordance with criterion (d) of ENV 10 and criterion (c) of the General Policy.

Proposed Conditions 22-28 relate to ecology and water courses. Restoration would be restricted so that no soils would be deposited within 10m of the existing quarry faces or water courses and no materials should be deposited in such a way that they may fall or be carried into any watercourses. Surveys for barn owls would be required within the bird breeding season (April to October) where any works advanced to within 50m of a known nesting site and surveys for any other nesting birds would be required between April and July. Works would be suspended in this time period within 50m of any identified nest. Surveys for bats would be carried out between June and August when works advance to within 30m of any identified tree and works cease within 30m, or 100m for noise sensitive works, where any roost is identified. A Water Management Plan, as agreed with SEPA, must be submitted to the Council prior to the commencement of restoration works.

The current 1967 permission has a condition requiring adequate drainage to ensure no pollution of any water course. Otherwise it is silent on matters of ecology or water courses. It is considered that these proposed conditions represent an improvement on the current permission. Measures for the identification and protection of protected species are introduced. Prevention of water course pollution is made more specific with details of water management to be agreed with SEPA and submitted to the Council. The quarry faces would be left exposed, in the interest of the SSSI. It is considered these proposed conditions are held to be in accordance with criteria (b), (c) and (d) of the ENV 10, part 2 of ENV 9 and criterion (b) of the General Policy.

In these circumstances, it is recommended that the ROMP be approved subject to conditions in Appendix 1.

4. Full Recommendation

See Appendix 1



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
1 February 2016

For further information please contact Iain Davies , on 01294 324320

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00573/DCMS

Grant subject to the following conditions:-

1. That only the continuation of quarrying and the importation of soil forming materials to create a soils growing medium for the purposes of site restoration shall be permitted by this planning approval, all in accordance with the planning application support statement.
2. That all quarrying operations at the site shall be discontinued within 7 years from the date of planning permission and the entire site shall be restored within a further 2 years in accordance with the approved restoration scheme (as required by condition 3 below) to the satisfaction of the Council, as Planning Authority.
3. That progressive restoration shall be undertaken across the site in accordance with the details contained within Section 1.11 of the Support Statement and Drawing OG104/ROMP/PA/F10 - The Conceptual Amenity Site Restoration Plan (Nature Conservation Area) to the satisfaction of the Council, as Planning Authority.
4. That a detailed aftercare plan for the entire site shall be submitted within 3 months from the date of planning permission for the written approval of the Council as Planning Authority. The aftercare scheme shall specify the works to be carried out as defined in Planning Advice Note 64 - Reclamation of Surface Mineral Workings.
5. All restoration and aftercare works shall be taken in accordance with the details and timescales stipulated within the approved restoration and aftercare plan and planning conditions 3 and 4 of this permission to the satisfaction of the Council, as Planning Authority.
6. In the event of quarrying operations on site ceasing for a period of 18 months, the Council as Planning Authority, shall deem site operations to have ceased permanently, and the area so occupied shall be progressively restored in accordance with Conditions 2, 3 and 4, or in accordance with such other restoration plan subsequently approved in writing by the Council as Planning Authority.
7. With the exception of water management, the site shall not operate outwith the hours stated below without the prior written approval of the Council, as Planning Authority.
Quarry Protection and Processing
07.00hrs to 19.00hrs (Monday to Friday)
Plant Maintenance
07.00hrs to 19.00hrs (Monday to Friday)
07.00hrs to 12.00hrs (Saturday)
Site Restoration
07.00hrs to 19.00hrs (Monday to Friday)
07.00hrs to 14.00hrs (Saturday)
Road Haulage
07.00hrs to 19.00hrs (Monday to Friday)
07.00hrs to 14.00hrs (Saturday)
8. That with respect to the control of noise resulting from the operations the site operator shall comply with the following;
During the hours of operation (07.00hrs to 19.00hrs Monday to Friday (inclusive) and 07.00hrs to 14.00hrs on Saturdays) the nominal noise limit from site operations including the manufacture and spreading of soils, at all assessed noise sensitive premises in the vicinity

of the site, shall not exceed 50dB(A)LAeq, over any hour period.

9. Notwithstanding the terms of condition of above, that during soils stripping operations the normal daytime noise limit during the hours of operation shall be no more than 70dBLAeq over any one hour period for a maximum of 8 weeks per year or for such time period to be agreed in writing with the Council as Planning Authority.

10. That effective silencers shall be fitted to and used and maintained in accordance with manufacturer's instructions on all vehicles, plant and machinery operating on site. Save for the purposes of maintenance, no machinery shall be operated with covers open or removed, all to the satisfaction of the Council as Planning Authority.

11. In the event of dust nuisances being created by operations on site, the operator(s) shall take all responsible remedial measures to minimise the transmission of dust as stated in Section 5.0 of the planning application, to the satisfaction of the Council, as Planning Authority.

12. If the prevention of dust nuisance by these means is not possible then the activities which are, in the opinion of the Council as Planning Authority, creating the nuisance shall temporarily cease until such times as weather/conditions allow.

13. That the site operator shall ensure that sufficient water is maintained on site, at all times to address the requirements of dust suppression. Water bowsers will be maintained on site and used to spray roads within the site.

14. That no blasting shall take place on site outwith the hours of 10.00hrs to 12.00hrs, Monday to Friday, unless otherwise agreed in writing with the Council as Planning Authority.

15. That levels of ground vibration, as a result of blasting operation shall not exceed peak particle velocity of 6mms-1 for 95% of blasts, with no individual blast exceeding a peak particle velocity of 12mms-1 when measured at any vibration sensitive property in the vicinity of the site.

16. That all laden vehicles entering or departing the site shall be sheeted before accessing from/to the public highway.

17. The site operator shall at all times be responsible for the removal of mud or other deleterious materials deposited on the public highway as a result of these operations.

18. That all suitable soils, peat and soil making materials shall be recovered where practicable during the stripping or excavation operations and separately stored on site for use during restoration.

19. That topsoil and subsoil either recovered and/or manufactured on site shall be replaced when it is suitably dry or friable condition in that it is not damaged by machinery passing over it except, with the prior written approval of the Council as Planning Authority.

20. All soils material deposited on site shall be seeded with a suitable low maintenance grass seed mixture in the first available growing season.

21. That the movement of plant, vehicles and machinery on the site shall be carried out in such a manner so as to avoid, so far as possible, the crossing of restored land.

22. The deposition of manufactured soils shall be restricted to 10 metres from existing quarry faces to leave exposed rock strata containing palaeontology as stated in section 11.0

of the planning application, to maintain continued access for educational purposes.

23. That no materials shall be worked or deposited in such a way that they may fall or be carried into any watercourses.

24. That the deposition of manufactured soils shall be restricted to 10 metres from any water channel. That only soil materials recovered on site or soils that may be imported to the site shall be placed within this zone.

25. That prior to quarrying operations and ground preparation works advancing to within 50 metres of any known barn owl nest site during the enhanced statutory bird breeding protection period between April and October a pre-start check must be carried out for this species by a suitably qualified person in accordance with the recommendation made in the Protected Species Survey accompanying the planning application.

26. That prior to any ground preparation works being carried out during April - July a walkover check shall be carried out for evidence of breeding birds or dependent young and works suspended during this period as appropriate within a distance of 50 metres from the nest location.

27. That prior to future quarrying operations advancing to within 30 metres of any trees (T5-T17) identified in the Protected Species Survey, section 7.0 of the planning application, two dusk and one pre-dawn bat roost survey must be completed between June and August to determine the presence of any bat roost. In the event that a roost was found then any works within 30 metres and any works with a significant vibration or noise impact within 100 metres may require licencing following consultation with the SNH Species Licensing Team

28. Prior to any restoration works commencing on site a Water Management Plan, as agreed with SEPA, shall be submitted to the Council, as Planning Authority.

The reason(s) for the above condition(s) are:-

1. To define the limit of permitted works
2. In recognition of the projected lifespan of the quarry and to ensure proper restoration of the site.
3. To ensure progressive restoration of the site in the interest of local amenity.
4. To ensure an appropriate aftercare plan for maintenance of the restored site in the interest of local amenity.
5. To define the period in which restoration works must be completed in the interest of local amenity.
6. To ensure the site is properly restored in the event of quarry works ceasing prior to the permitted 7 years.
7. To protect occupants of nearby properties and the wider area from noise/disturbance at night, Saturday afternoons and Sundays.
8. To protect occupants of nearby properties and the wider area from excessive noise disturbance during the daytime.
9. In recognition of the potential noise from soil stripping operations and to limit the

occurrence of such works.

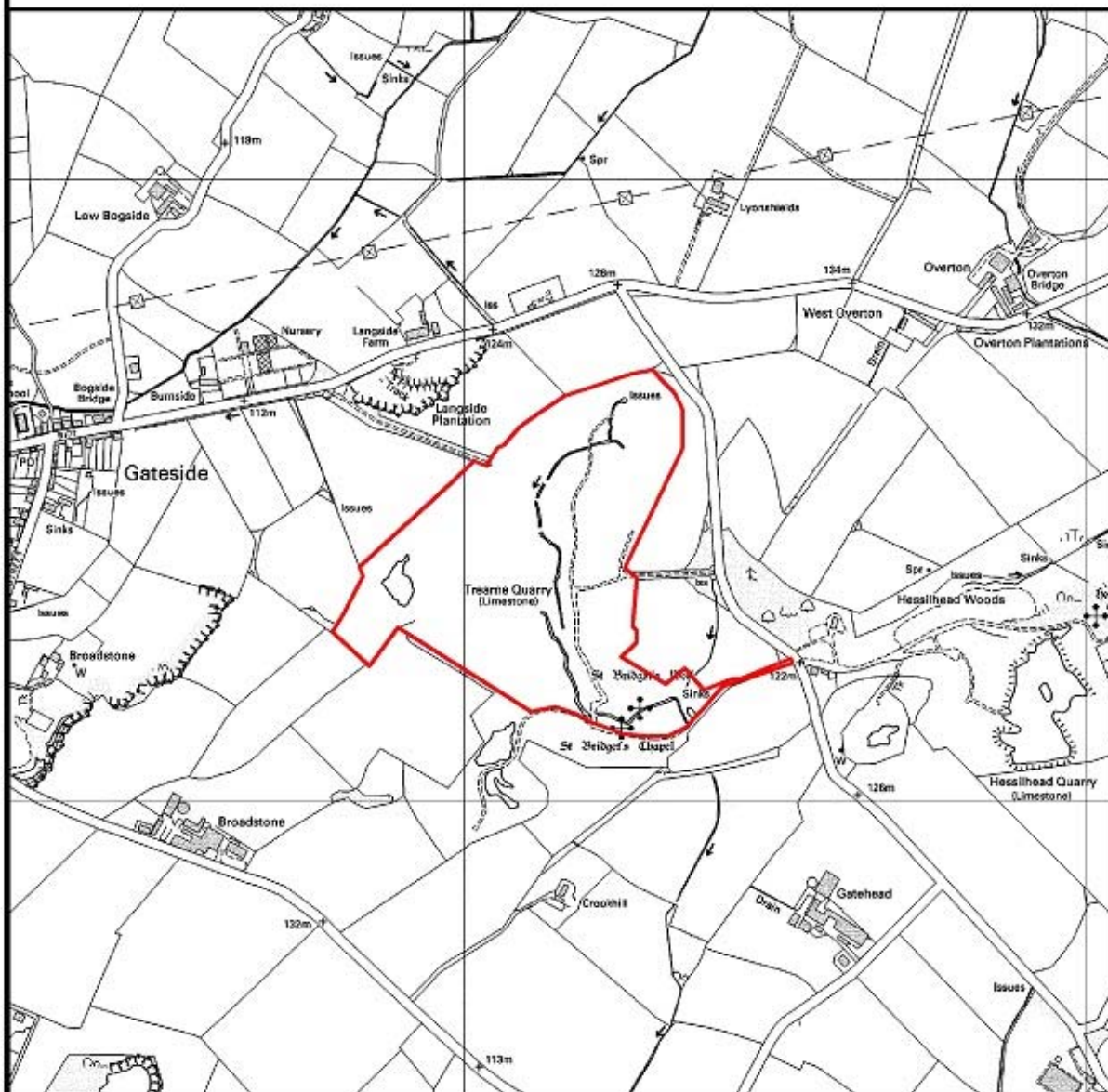
10. To protect occupants of nearby properties and the wider area from excessive noise disturbance from vehicles, plant and machinery.
11. To protect local amenity from disturbance by dust nuisance.
12. To protect local amenity from disturbance by dust nuisance.
13. To protect local amenity from disturbance by dust nuisance.
14. To ensure blasting is carried out in an appropriate manner and to prevent disturbance from blasting outwith the restricted hours.
15. To protect occupants of nearby properties and the wider area from excessive vibration disturbance from blasting.
16. To prevent the deposit of deleterious material onto the public road in the interest of roads safety.
17. To prevent the deposit of deleterious material onto the public road in the interest of roads safety.
18. To retain viable restoration materials from the quarry operations and limit the requirement for further material to be brought to site.
19. To minimise damage to the restored areas in the interest of local amenity.
20. To mitigate the visual impact of restored land by ensuring grass seeding occurs at the first available growing season.
21. To minimise damage to the restored areas in the interest of local amenity.
22. To protect the special educational resource of the exposed rock strata and in recognition of the site as a SSSI.
23. To protect watercourses from blockage and/or pollution as a result of operations.
24. To protect watercourses from blockage and/or pollution as a result of operations.
25. To monitor and prevent disturbance to protected bird species, in the interest of nature conservation.
26. To monitor and prevent disturbance to nesting and/or dependent young birds, in the interest of nature conservation.
27. To monitor and prevent disturbance to bat species, in the interest of nature conservation.
28. To ensure adequate steps for the management of water are taken in accordance with the requirements of SEPA.

Reason(s) for approval:

1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

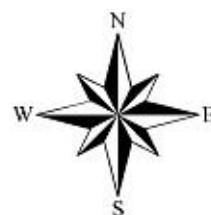
Committee Plans

15/00573/DCMS



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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NORTH AYRSHIRE COUNCIL

Agenda Item 4

2 March 2016

Planning Committee

Title: **Planning Application (Ref: 14/00337/PPM) - Proposed continuation of recycling and in-filling works, including creation of landscape feature, signage and retrospective workshop, portacabins and siting of associated machinery at Site to the north, east and west of Irvine Car Spares, Shewalton Road, Riverside Business Park, Irvine**

Purpose: To amend the previous decision of the Planning Committee to grant conditional planning permission, subject to the completion of a Minute of Agreement to (i) secure road improvements along Shewalton Road from the junction with Ayr Road to the site and (ii) secure a restoration bond for both the eastern and western areas of the site.

Recommendation: Amend the terms of Condition 4 of Planning Application (Ref: 14/00337/PPM).

1. Executive Summary

On 22 October 2014, the Planning Committee was minded to grant conditional planning permission for the continuation of recycling, in-filling works, including the creation of a landscape feature, signage, retrospective workshop, portacabins and siting of associated machinery at the WH Malcolms Ltd. site, Shewalton Road, Irvine (Ref: 14/00337/PPM (See attached Appendix). The Planning Committee agreed to grant planning permission subject to (a) the completion of a Minute of Agreement to (i) secure road improvements along Shewalton Road from the junction with Ayr Road to the site and (ii) secure a restoration bond for both the eastern and western areas of the site and (b) the conditions included within Appendix 1 of the Report.

2. Background

It is now advised that the Council's Roads Services will undertake road improvement works along Shewalton Road in 2106, which would include both reconstruction and new drainage works. Planning Officers have progressed the Minute of Agreement between the Council and the applicant in respect of the road improvements, within which the applicants would contribute to the works, which would improve both the sight lines and road width at Shewalton Road.

Condition 4 of the previous approval (Ref: 14/00337/PPM) stated "That within one month of the date of the consent, the applicant shall submit for the consideration and approval in writing by North Ayrshire Council as Planning Authority, a schedule of works/timescales for the widening of sections of Shewalton Road to 6m and introduce a one way section along a section of narrow road. For the avoidance of doubt, the areas to be widened and for one way operation are indicated on drawings 13001-SK-03 and 13001-SK-04 contained within Appendix C of the Transport Assessment within the Environmental Statement submitted with the application. Thereafter the works as may be agreed shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority."

3. Proposals

The terms of Condition 4 predate the above noted road improvement works, the details of which are currently being finalised between the Council and the applicants. In these circumstances it is considered that the proposed widening and one way section, as detailed in Condition 4, are no longer required.

Therefore it is proposed that Condition 4 be amended to "That within one month of the date of this consent, the applicant shall submit for the consideration and approval in writing by North Ayrshire Council as Planning Authority, a schedule of works/timescales for road improvement works along Shewalton Road. Thereafter, the works as may be agreed shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority." The applicant supports the proposed amendment.

The requirement for a Minute of Agreement for the upgrades and restoration bond would still remain as previously agreed. Therefore it is recommended that the Committee agrees to grant subject to (a) the completion of a Minute of Agreement to (i) secure road improvements along Shewalton Road from the junction with Ayr Road to the site and (ii) secure a restoration bond for both the eastern and western areas of the site and (b) the conditions contained in Appendix 1.

4. Implications

Financial:	Budgetary provision has been made by Roads Services for the Council's contribution to the road improvements.
Human Resources:	N/A
Legal:	No material change to the required involvement of Legal Services in the preparation of the Legal Agreement.
Equality:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	N/A
Community Benefits:	N/A

5. Consultation

Legal Services and Roads Services offer no objection to proposed amendment.



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Mrs F Knighton, Planning Officer on 01294 324313

Background Papers

1

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00337/PPM

Agree to grant subject to (a) the the completion of a Minute of Agreement to (i) secure road improvements along Shewalton Road from the junction with Ayr Road to the site entrance (ii) secure a restoration bond for the Eastern and Western area of the site and (b) to the following conditions:-

1. The recommendations within the Environmental Assessment, submitted with the application, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted and approved in writing by North Ayrshire Council as Planning Authority, demonstrating the implementation of these undertakings and/or programming of these recommendations.
2. That within two months from the date of this consent a schedule of works for the restoration and landscape feature within the Eastern Area of the site shall be submitted for the approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, the schedule of works shall include timescales for the restoration and a future maintenance programme.
3. That within one month from the date of this consent, full details of the existing external lighting within the site shall be submitted for consideration and approval in writing by North Ayrshire Council as Planning Authority. For the avoidance of doubt, this shall include the lighting type and position within the site.
4. That within one month of the date of this consent, the applicant shall submit for the consideration and approval in writing by North Ayrshire Council as Planning Authority, a schedule of works/timescales for road improvement works along Shewalton Road. Thereafter, the works as may be agreed shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
5. That within six months of the site becoming redundant or the cessation of the operation, the equipment and associated structures shall be removed and the site reinstated to the satisfaction of North Ayrshire Council as Planning Authority, in accordance with the terms of a restoration scheme as may be approved by North Ayrshire Council as Planning Authority.

The reason(s) for the above condition(s) are:-

1. In the interest of the amenity of the area.
2. In the interest of the amenity of the area.
3. In the interest of the amenity of the area.
4. To meet the requirements of North Ayrshire Council as Roads Authority.
5. In the interest of the amenity of the area.

Reason(s) for approval:

1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

Appendix 2

Committee Date

22/10/2014

Report Approved

By Department

NORTH AYRSHIRE COUNCIL

Agenda Item 4.1

Planning Committee

22 October 2014

Planning Area

Irvine/Kilwinning

Reference

14/00337/PPM

Application

21st August 2014

Registered

Decision Due

21st November 2014

Ward

Irvine West

Recommendation	Agree to grant subject to (a) the completion of a Minute of Agreement to (i) secure road improvements along Shewalton Road from the junction with Ayr Road to the site and (ii) secure a restoration bond for both the eastern and western areas of the site and (b) the conditions contained in Appendix 1.
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Location	Site to the north, east and west of Irvine Car Spares Shewalton Road Riverside Business Park IRVINE
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Applicant	W H Malcolm Limited 865 Sive Street GLASGOW G14 0BX
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Proposal	Proposed continuation of recycling and in-filing works including creation of landscape feature,
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signage and retrospective workshop, portacabins
and siting of associated machinery.

1. Description

This application seeks retrospective planning permission for recycling and in-filling works, siting of workshop portacabins and associated machinery at Shewalton Road, Riverside Business Park, Irvine. The applicants currently operate a recycling facility at the site whereby construction/demolition waste has been imported and processed to produce recycled aggregate and similar materials with the residual materials suitable for restoration purposes. The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 classes the proposal as a major development as it relates to a waste management facility where the capacity of the facility exceeds 25,000 tonnes per annum. The site imports, processes and recycles up to 500,000 tonnes per annum.

The site infrastructure comprises of a 13.6m x 18.3m workshop with small associated portacabins and stores. There are also wheel washing facilities and a weighbridge. There is a large plant processor at the southern end of the site and at various locations, stockpiles of washed and pre-wash materials. The smallest stockpile is the residual waste. Operational hours are stipulated at Mon-Fri 0700-2000hrs, Saturday 0700-1700Hrs and Sunday 0800-1600Hrs. Sunday operational hours would be restricted to maintenance works only. It is proposed to restore the eastern area of the site by forming a landform feature which would also include signage with i3 branding, full details of the signage have not yet been provided.

The application site has an area of approximately 13.8 hectares, divided by the A78, splitting it into 2 sections, the larger part of which is 9.6 Ha and is located on the western side of the A78. The eastern side is 4.2 Ha. The site is accessed from Shewalton Road which then joins the A737 (Ayr Road). Shewalton Road serves a number of individual houses established industrial uses and the Council's landfill site. The site is bounded to the north and west by a wildlife nature reserve and to the south by Shewalton Road beyond which is the Council's landfill facility, and to the east by the Oldhall West Industrial Estate.

The site is located within an industrial area as identified in the Local Development Plan (LDP) and requires to be assessed against Policy IND12 (QUASI-Industrial uses in yards) part of the northern area of the site is also located within the countryside as identified in the LDP Policy ENV1 (new development in the countryside excluding housing is also applicable). Policies PI7 (Waste management) and the General Policy are also relevant to the consideration of the application. The following supporting information forms part of the submission.

Pre-application Consultation (PAC) Report

A PAC Report is required by the Development Management Regulations for all major planning application.

Environmental Statement (ES)

The Environmental Statement examines in detail the likely main environmental impacts of the development and amenities proposed to mitigate, reduce or prevent any significant adverse effects. The Environmental Statement identifies the following key issues:

Transport Assessment concludes that the site will continue to import and export material at the same rate as in recent years and it is anticipated that traffic flows of the site will continue at broadly similar levels to what is currently experienced. The swept path analysis of the A737/Shewalton Road junction indicates that vehicles may need to use the north bound lane of the A737 when turning left from Shewalton Road, as has been the case for a number of years. Improvements to this junction were considered, but observation indicates that the current operation represents the best scenario in terms of traffic delay. This consideration is confirmed by accident records which indicate that there has not been any accidents at the junction in the last 5 year period during which time the applicant has been operating from the site.

Ecological Assessment concludes that the site has been occupied by the W H Malcolm facility for a number of years therefore it is considered unlikely that any minimal changes to the site will impact on the habitats and wildlife already occupying the site and local nature reserve.

Noise Assessment concludes that a visual survey of the development site and surrounding area has been made and existing noise levels measured at 4 representative locations around the workings. Measurements were made in terms of LAeq, LA90 and LAm_{ax}, thus enabling the existing noise claim to be characterised. With the exercise of reasonable engineering control over general operations, future working at the Shewalton recycling facility including the construction of the land feature should be carried out within the noise criteria detailed in PAN 50 annex a and BS5228-1.

Dust Assessment concludes that whilst there may be a small decrease in local air quality due to the continued working at the site, it is likely to be of short duration and should at no time result in air quality criteria levels being exceeded. There should be no increase risk to health and with the implementation of dust control measures detailed within this report (ES), the environmental dust emission from the development should be kept to a minimum and accordingly no dust nuisance should arise. Providing the control measures recommended in ES are undertaken there should be no adverse effect on the surrounding properties. The likelihood of short term dust occurring is very low.

Water Environment Assessment concludes that the effects of the proposed continuation of the recycling facility and restoration project on the site hydrology and hydrogeology are not significant under the terms of the Environmental Impact Assessment (Scotland) Regulations.

Landscape and Visual Impact Assessment finds that there are no significant adverse or beneficial visual impacts on built receptors or no

significant visual impacts on outdoor receptors.

The report (ES) concludes that with the appropriate mitigation measures adopted, the effects can conform and comply with the necessary standards as detailed in Policy guidance and planning policy. Contained within the supporting statement has been a review of the development proposal in the context of the relevant development plan policy framework. This review has concluded that the development proposal is in accordance with the development plan and it is a considered view that there are, at this present time, no material considerations which would suggest that a determination should not accord with the development plan.

Planning Permission (Ref. 01/94/0695) was granted in November 1995 for the continuation of sand and gravel extraction and the infilling of workings, landscaping and restoration to form a nature trail, and outline planning permission for industrial use on 2 areas of the overall site. No application for approval of reserved matters was received. Permission (Ref. 06/00247/PP) was refused in February 2007 for the erection of 2 no. industrial buildings, one to accommodate a motor transfer workshop and the other to accommodate an existing waste recycling facility and associated works. An appeal against this decision was allowed in August 2008. The S75 agreement was completed and registered 13 July 2008 and the appeal decision issued 07 August 2008 subject to conditions. This consent has not been implemented.

2. Consultations and Representations

Neighbour notification was undertaken on 31st July 2014 and the application was advertised in the local press. The application was also advertised under the Town and Country Planning (Environmental Impact Assessment) Scotland Regulations 2011 under Regulation 17 on 15th August. Six objections were also received and the points raised can be summarised as follows:

1. The applicants obtained planning permission in 2008 and were required to undertake junction improvements at Ayr Road, this has never been carried out. There are high levels of traffic and this has increased making Shewalton Road and Ayr Road dangerous.

Response - The appeal was lodged against the refusal of planning permission (Ref. 06/00247/PP) – Appeal Ref: - P/PPA/310/171 for the erection of 2 industrial buildings and associated works. The permission required junction improvements. The permission has not been implemented therefore these works are not required to be undertaken.

2. There is disturbance to the surrounding area by vehicles breaking on approach to the junction at Ayr Road/Shewalton Road and accelerating from the junction which causes very high noise levels. The volume of traffic has increased considerably especially at certain times of the day. The vibration from these vehicles causes houses to shake. The road is

also extremely dirty. The details of the application are vague as to whether the information is current or based on what the facts were when the original application was made i.e. has there been a creation of new jobs.

Response - There is no control on the vehicles using a public road, and the applicants advise that there has been no increase in the number of vehicles accessing the applicants' site. The information provided in the application is up to date. Strategic Planning and Infrastructure (Roads) offer no objections on these points, however it is recognised that improvements can be made to Shewalton Road. The applicants and the Council are currently liaising to ensure that road improvements are achieved. The applicants are also willing to enter into a Minute of Agreement with the Council on this matter.

3. There is no mention of connection to the public water supply for employees.

Response - The supporting statement submitted with the application also states that the existing site welfare facilities are currently fed by a mains water supply. The wheel wash facilities and wash plant are supplied by an existing Water Abstraction Licence which draws water from the River Irvine located to the north of the site. This supply can also be topped up as required by mains water. Water drawn from the River Irvine is fed to the wash plant retaining tank, the tank supplies water to the wash plant and also to the wheel wash facilities. A system of ditches is then utilised to collect both surface and used water and feed this through the SUDS system.

4. There are very bright spotlights on in the evening which is not necessary when the site is closed. This could have an effect on the adjacent nature reserve.

Response: It is considered appropriate that full details of the lighting system are submitted for consideration and approval.

5. The existing location is one which does not lend itself to the continued use, as the locality is one of mixed light, heavy engineering and manufacturing use and the potentially noxious nature particularly of putrescible waste would have a hugely damming effect on surrounding businesses. There are surrounding businesses which wish to expand and generate further employment opportunities but the toxic condition created by the applicant's operations added to the dangerous access prevent this becoming a reality. There is a risk of contamination from the proposed use which would involve SEPA having to take action in that regard. The additional usage is also grossly understated and that the additional heavy plant used on the road will be such as to cause a measurable damage to the already seriously dilapidated surface of the road.

Response - The recycling facility does not include putrescible waste. SEPA

has offered no objections, and advised that the site has a waste management licence which the applicants are currently operating under its terms.

Consultations

SEPA - No objections. The site is currently licensed under Waste Management Licensing (Scotland) Regulations 2011 and SEPA are satisfied that the proposal does not significantly change those activities currently authorised. The access roads should be upgraded to avoid air pollution.

Response - Noted. The access road into the site itself has been upgraded and hard surfaced.

Strategic Planning & Infrastructure (Roads) - No objections. There is no need for traffic signals at the junction of Ayr Road/Shewalton Road and the proposals would not significantly increase the present traffic flows associated with the development. The applicants are one of many users of Shewalton Road and have hard surfaced their entrance and provided a wheel wash facility to reduce debris on the public road. In order to facilitate the continuation of the site, the applicants are in discussion with the Council to ensure that Shewalton Road is of a suitable standard to accommodate the current levels of vehicular movement. However in the meantime the applicant is required to widen sections of Shewalton Road to 6m and introduce a one way section along a short section of narrow road (the areas to be widened and for one way operation are indicated on drawings 13001-SK-03 appendix C and 13001-SK-04.

Response - Noted. Requirements for road widening and one way operation can be addressed with the imposition of an appropriate planning condition.

Historic Scotland - No objections from the content of the Environmental Statement. Historic Scotland considers that the proposal would not have a significant impact on any nationally important or cultural heritage features within Historic Scotland's statutory remit and do not object to the proposed development.

Response - Noted.

Environmental Health - The site is regulated by SEPA and operates under a Waste Management Licence. It is also noted that the site has been in operation since 1995 and Environmental Health interpretation of the predicted noise figures presented in the Noise Assessment suggest that when compared with BS4142, the proposal will likely result in complaints from nearby noise sensitive premises. However, it is also noted that the Noise Assessment does not make any attempt to measure the existing noise environment for current operations which would not be changed significantly by the proposal. Environmental Health has no records of any noise complaints in connection with the current operations of the site. SEPA as the main regulatory body for the site will be able to control noise for the site via

the terms of the Waste Management Licence.

Response - Noted. SEPA has been consulted as detailed above and offers no objections to the continued use of the site.

Transport Scotland - No objections. Transport Scotland are satisfied that from the information submitted in the ES the continued use of the facility would not have significant environmental impacts on the trunk road.

Response: - *Noted.*

Scottish Wildlife Trust - No response.

Irvine Community Council - No response.

Scottish Water - No response.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise. In this case, the adopted North Ayrshire Local Development Plan is the development plan.

The eastern area of the site and part of the northern edge of the western area is within the countryside as identified within the Local Development Plan whilst the western area is located within an area allocated for industrial purposes. Policies ENV1 and IND12 would be applicable.

Policy ENV1 seeks to encourage appropriate development in the countryside and also seeks to enhance the viability of rural industry and services while minimising environmental impact and the need for travel. Although part of the site is within the countryside, it has been utilised for sand and gravel extraction for a number of years (Ref: 01/94/0695) and subsequently as a recycling facility. It is also proposed to restore the eastern area of the site with a landscape feature and it is considered that this would greatly improve the visual appearance of this area and contribute to enhanced amenity. It is considered appropriate to attach a condition to ensure that full details/timescales for the proposed landscape feature are submitted for consideration and approval. An informative could also be attached to advise the applicants on the need for advertisement consent for any proposed signage.

With regard to Policy IND12, as indicated above the facility imports inert by-products of civil engineering projects such as excavated subsoil and soils which arise from demolition. The materials are subsequently recycled and where appropriate, suitable materials are utilised for site restoration. As the facility processes a commodity, it can be categorised as a Class 5 general industrial use and therefore accords with Policy IND12.

Policy PI7 states that development of waste management installations, including any activity ancillary to any industrial process, shall only accord with the LDP where:

- 1.(a) the proposal accords with the principles of the Zero Waste Plan (ZWP) and makes a positive contribution to the provision of a network of waste management installations;

Response: It is considered that the facility accords with the principles of the ZWP as it actively recycles waste from other processes and maximises its reuse.

- (b) the proposal meets an identified need and reflects the proximity principle;

Response: The facility has been in operation for a number of years thereby demonstrating a commercial need.

- (c) the location offers a good standard of accessibility;

Response: The site is accessed from Shewalton Road and as detailed above, the applicant and NAC are liaising to provide upgrades to Shewalton Road. This can be agreed by a Minute of Agreement between NAC and the applicants.

- (d) the proposal provides a sufficient landscape buffer and screening, where appropriate;

Response: There are existing tree belts to the north, east and west of the site which assist in alleviating the visual impact from the site. Although the site is relatively open in nature to the south, it is located adjacent to the NAC Landfill site and it is for these reasons, it is considered that a landscape buffer would not be required.

- (e) the proposal is located in close proximity to an existing waste management installation and/or within an industrial allocation unless it can be demonstrated that there is an overriding site specific locational need or benefit to locate elsewhere. Proposals must also be compatible with surrounding development and the underlying allocation where this is not industrial;

Response: A large part of the site is within an industrial area as identified within the LDP. It is also considered that the facility is compatible with neighbouring developments and the industrial allocation of the site.

- (f) the proposal demonstrates satisfactory mitigation measures for any unacceptable impacts arising from the development with respect to air emissions, noise, odour, dust, litter, vermin, insects, birds, visual impact, traffic, natural or built heritage, leachate, operational hours,

proximity to water sources or cumulative impacts.

Response: The ES submitted with the application identifies key impacts and mitigation measures.

2. Development involving the transfer, sorting, handling, processing, recycling or composting of waste shall only accord with the LDP where it accords with the general provisions at 1. (where applicable) and where the proposal seeks to minimise the residual waste material arising from the process.

Response: As detailed above, the proposal accords with the general provisions at 1. Residual waste would also be utilised to assist in the restoration of the site.

3. Development involving the recovery or disposal of waste shall only accord with the LDP where it accords with the general provisions at 1. (where applicable) and:
 - (a) the proposal will positively contribute to meeting waste management targets set by EU Directives and/or the Scottish Government;
 - (b) the proposal complies with any restrictions on the amount of waste treated by recovery and disposal as may be nationally prescribed; AND
 - (c) consultation with West of Scotland Archaeology Service has taken place where the proposal involves landfill or landraising;
 - (d) the potential for heat and/or electricity generation has been fully explored and provided where viable (including the potential for local or district heating schemes);
 - (e) the proposal includes, where appropriate, an agreed after care and restoration plan of at least five years duration,

Response: It is considered that the facility contributes towards waste management targets by recycling waste for re-use. Due to the type of material being recycled, there would be no potential for heat/electricity. As detailed above, a Minute of Agreement could also be set to ensure adequate restoration of the site in the event of the cessation of use.

The following criteria of the General Policy also required to be assessed: -

- (a) Siting, design and external appearance: - The operations and associated equipment are fully contained within the site and for the above reasons, it is not considered that the continued use would have a significant adverse impact on the character and appearance of the surrounding area.
- (b) Amenity: - It is considered appropriate to attach conditions to ensure that any mitigation measure identified in the ES are implemented in the interests of amenity.

- (c) Landscape character: - As indicated above, it is not considered that the continued use would have a significant adverse impact on the character and appearance of the surrounding area.
- (d) Access, road layout, parking provision: - Strategic Planning and Infrastructure (Roads) has offered no objections to the proposed development. As discussed above, the applicants are currently liaising with NAC with regards to road upgrades at Shewalton Road.
- (e) Water and Sewerage: - SEPA has no objections to the continued use of the site. The supporting statement submitted with the application also states that the existing site welfare facilities are currently fed by a mains water supply. The wheel wash facilities and wash plant are supplied by an existing Water Abstraction Licence which draws water from the River Irvine located to the north of the site. This supply can also be topped up as required by mains water. Water drawn from the River Irvine is fed to the wash plant retaining tank, the tank supplies water to the wash plant and also to the wheel wash facilities. A system of ditches is then utilised to collect both surface and used water and feed this through the SUDS system.

In view of the above, and with the imposition of the aforementioned conditions and with the requirement for a Minute of Agreement for Shewalton Road upgrades and a restoration bond, it is considered that the continued use of the facility would accord with the relevant provisions of the LDP. Planning permission should therefore be approved.

4. Full Recommendation

See Appendix 1

Remember recommendation



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
2 October 2014

For further information please contact Mrs Fiona Knighton, Planning Officer , on
01294 324313

RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00337/PPM

Agree to grant subject to (a) the the completion of a Minute of Agreement to (i)
secure road improvements along Shewalton Road from the junction with Ayr Road to

the site entrance (ii) secure a restoration bond for the Eastern and Western area of the site and (b) to the following conditions:-

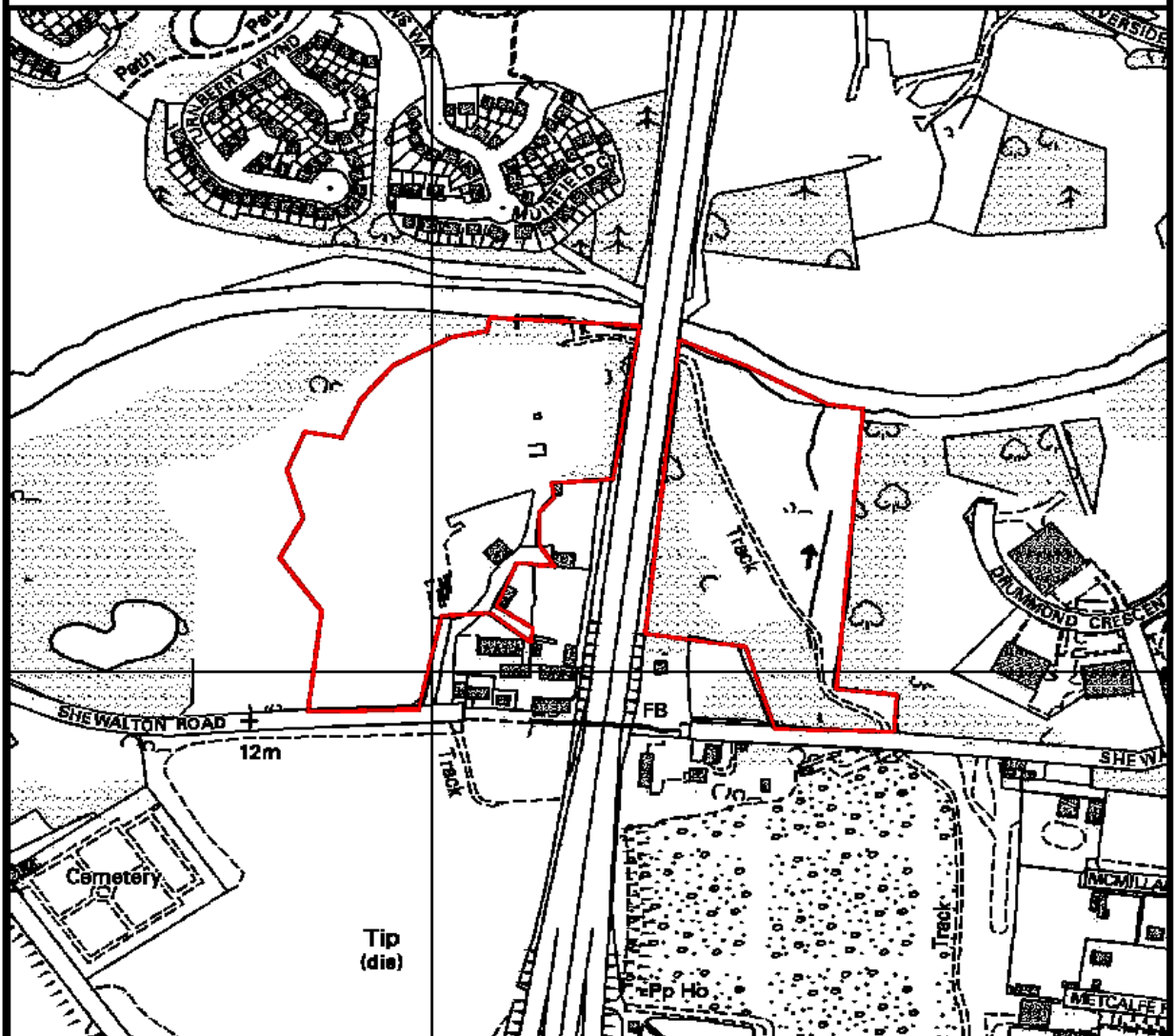
1. The recommendations within the Environmental Assessment, submitted with the application, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted and approved in writing by North Ayrshire Council as Planning Authority, demonstrating the implementation of these undertakings and/or programming of these recommendations.
2. That within two months from the date of this consent a schedule of works for the restoration and landscape feature within the Eastern Area of the site shall be submitted for the approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, the schedule of works shall include timescales for the restoration and a future maintenance programme.
3. That within one month from the date of this consent, full details of the existing external lighting within the site shall be submitted for consideration and approval in writing by North Ayrshire Council as Planning Authority. For the avoidance of doubt, this shall include the lighting type and position within the site.
4. That within one month of the date of this consent, the applicant shall submit for the consideration and approval in writing by North Ayrshire Council as Planning Authority, a schedule of works/timescales for the widening of sections of Shewalton Road to 6m and introduce a one way section along a section of narrow road. For the avoidance of doubt, the areas to be widened and for one way operation are indicated on drawings 13001-SK-03 and 13001-SK-04 contained within Appendix C of the Transport Assessment within the Environmental Statement submitted with the application. Thereafter the works as may be agreed shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
5. That within six months of the site becoming redundant or the cessation of the operation, the equipment and associated structures shall be removed and the site reinstated to the satisfaction of North Ayrshire Council as Planning Authority, in accordance with the terms of a restoration scheme as may be approved by North Ayrshire Council as Planning Authority.

The reason(s) for the above condition(s) are:-

1. In the interest of the amenity of the area.
2. In the interest of the amenity of the area.
3. In the interest of the amenity of the area.
4. To meet the requirements of North Ayrshire Council as Roads Authority.
5. In the interest of the amenity of the area.

Committee Plans

14/00337/PPM



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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NORTH AYRSHIRE COUNCIL

Agenda Item 5

2 March 2016

Planning Committee

Title:	Clydeplan - Proposed Strategic Development Plan
Purpose:	To respond to the consultation on the proposed Clydeplan.
Recommendation:	Agree to submit this report as the Council's formal comments on the proposed Clydeplan.

1. Executive Summary

- 1.1 The Clydeplan is the second Strategic Development Plan for the Glasgow and Clyde Valley Region (GCVR), covering the eight local authority areas of Glasgow, North and South Lanarkshire, East Renfrewshire and Renfrewshire, Inverclyde, East and West Dunbartonshire. A proposed version of the plan is currently undergoing public consultation, and sets a 20 year vision for the development of GCVR, dealing with region-wide issues such as the scale of housing and the transport connections needed to support future growth. Following approval by Scottish Ministers, the plan will be implemented at a local level by subsequent Local Development Plans for each of the eight local authorities.
- 1.2 This report gives an overview of the proposed Clydeplan, commenting on strategic planning matters of interest to both North Ayrshire and the GCVR.

2. Background

- 2.1 In March 2015, a Main Issues Report was published for consultation, outlining options for the Clydeplan to address the key strategic development challenges facing GCVR's future sustainable growth. Officers responded to the consultation, stressing the need for the Clydeplan to recognise that the A737(T) and A78(T) are key to the economic vitality of both North Ayrshire and the GCVR, providing access to markets and job opportunities. The Officers' response can be found at Appendix 1 to this report.

2.2 On 18 January 2015, the proposed Clydeplan was published for a six week consultation period, ending 29 February 2016. The main points of interest from the plan are:

- GCVR's total population is expected to grow by 3.4% (or 60,000) to 1,850,000 people between 2012-2029.
- The population continues to age, with 16% of GCVR's population being aged 65+ in 2012, increasing to 22% by 2029 (or 407,000 people), which raises implications for healthcare and social services delivery, and meeting future housing needs, across the GCVR.
- 19 Glasgow and Clyde Valley City Deal projects are recognised and supported by the Clydeplan, those of interest to North Ayrshire include the M77 East Renfrewshire corridor improvements, redevelopment of the former Inverkip Power Station, a dedicated cruiser terminal at Greenock Ocean Terminal, and expansion of the freight hub at Glasgow Airport.
- Continued identification of Glasgow Airport as an investment area for sectors, including life sciences, engineering, manufacturing, logistics, etc.
- Continued support for a High Speed Rail (HSR) terminus in central Glasgow.

2.3 Clydeplan is based on four planning outcomes from the Scottish Government's National Planning Framework 3, namely a Successful and Sustainable Place, a Low Carbon Place, a Natural, Resilient Place, and a Connected Place. These planning outcomes will inform key themes around which to develop a new Vision and Spatial Strategy for the North Ayrshire Local Development Plan (LDP) which is currently under review.

3. Proposals

3.1 While having ambitious commitments to make the GCVR a 'Connected Place', the proposed Clydeplan makes no direct reference to improving road connectivity between North Ayrshire and the GCVR even though both areas have an economic relationship in terms of access to jobs, education, markets, affordable homes and leisure. The Council has held a long desire to see improvements to A737(T) and A78(T), and these routes have potential to facilitate future business development and job creation by providing cross-boundary linkages to strategic business locations across North Ayrshire and within the GCVR.

3.2 It is, therefore, requested that the Clydeplan identifies the need for improved road connectivity between North Ayrshire and the GCVR, specifically to the A78(T) and the A737(T) Lochwinnoch-Kilbarchan corridor, which would support the Scottish Government's plans for the A737(T) in North Ayrshire, including the Dalry By-pass and realignments at the Den, Dalry and the Beith bypass.

- 3.3 Both North Ayrshire Council and the GVCr have ambitions to grow the population. The North Ayrshire LDP supports positive population growth by providing land to deliver some 7,500 new homes in sustainable locations. The Clydeplan also identifies an ambitious housing land requirement: 77,000 new private homes up to 2029. The implications of population growth on rail and connectivity between North Ayrshire and GVCr requires consideration by the Clydeplan.
- 3.4 East, South and North Ayrshire Councils have come together to develop a joint Ayrshire Growth Deal bid. The intention is that a successful bid will form the basis of a long-term economic and investment strategy that will transform both public and private sector efforts to regenerate Ayrshire over the next 15-20 years. Projects are being considered for the Deal, with potential to improve Ayrshire's connectivity with the GVCr. The potential cross-boundary implications will require discussion between the Ayrshire Councils and relevant Glasgow Conurbation authorities at a later date. In the meantime, it is requested that the Clydeplan makes positive reference to the Ayrshire Growth Deal as a further example of governments UK and Scottish policy of funding major infra-structure projects to support regional development and growth.
- 3.5 Other matters to raise include:
- Ayrshire adds to the critical economic mass of the Glasgow conurbation which should be recognised as such by the Clydeplan.
 - Glasgow & Clyde Valley Green Network and woodland planting should not be viewed in isolation, and instead should seek to integrate with the Central Scotland Green Network, including North Ayrshire, which continues to be recognised as a National Development within National Planning Framework 3 (NPF3).
 - Ayrshire plays a key role in external connectivity to economic markets for Scotland and the West of Scotland, which is recognised within NPF3 through the designation of Hunterston as a key port and Glasgow Prestwick Airport's identification as a National Development - Strategic Airport Enhancements. The Clydeplan should recognise the national gateway role of Hunterston and Glasgow Prestwick Airport to GVCr and Scotland.
 - Hunterston is key to West of Scotland's transition to a low carbon future, being an important landfall for strategic grid connections, including the ISLES Projects and the link from Carradale in Argyll, while at the same time recognised by NPF3, Scotland's National Marine Plan, the National Renewables Infrastructure Plan for integrated manufacturing, and servicing of wind turbines. It is, therefore, requested that the Clydeplan recognise also Hunterston's nationally significant status within NPF3 as an 'Energy Hub', which would support Government's expectations that development plans should promote a positive, planning approach to providing low carbon infrastructure across Scotland.

- 3.6 The Planning Committee is invited to approve this report as the Council's formal response to the consultation on the proposed Clydeplan.

4. Implications

Financial:	None.
Human Resources:	None.
Legal:	Glasgow and the Clyde Valley Strategic Development Plan Authority (GCVSDPA) is tasked with preparing Clydeplan. If a specific issue raised by this report is not resolved by GCVSDPA, it could be considered by Scottish Government appointed Reporters at examination. Reporters can make recommendations, directing binding changes to the Clydeplan following the examination if held.
Equality:	None.
Environmental & Sustainability:	None.
Key Priorities:	The report proposes comments on the proposed Clydeplan which would assist with Single Outcome Agreement 2013-17 priorities, specifically "connections to neighbouring areas, the West of Scotland, Scotland, the UK and internationally are improved".
Community Benefits:	None.

5. Consultation

- 5.1 There are no plans to consult on the contents of this report.



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference : AMc/JM

For further information please contact Andrew McNair, Planning Officer,
Strategic Planning & Infrastructure on 01294 324769.

Background Papers

Clydeplan - Proposed Strategic Development Plan

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26th March 2015**PUBLIC**

Stuart Tait
Manager
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Dear Stuart

CONSULTATION: CLYDEPLAN – MAIN ISSUES REPORT

Thank you for giving us the opportunity to participate in this consultation and to inform the future content of the Clydeplan at the main issues stage. The following is an officer response made on behalf of North Ayrshire Council.

We wish to respond to six of the consultation questions (Questions 2, 5, 13, 14, 15 and 16) insofar as they concern shared strategic planning matters of interest to both North Ayrshire and the Glasgow and Clyde Valley Region (GCVR).

Question 2 – Clydeplan Spatial Development Strategy

North Ayrshire has many shared functional linkages with the GCVR area, such as economic, transportation and environmental linkages, and we would wish for these linkages to be recognised in the Clydeplan. Our response to other questions indicates specific areas where we think these linkages can be articulated within the Clydeplan.

Question 5 – Visitor Economy

Tourism is important to the economy of the West of Scotland, generating around £350 million per year in Ayrshire alone. North Ayrshire has a well recognised golf, heritage, sailing and food and drink offer, complementing the GCVR's and the rest of Scotland's tourism and leisure strengths. Improved transport connectivity between North Ayrshire and the GCVR could help support the existing tourism offer and unlock further tourism and leisure based opportunities for the benefit of both areas. We therefore think Clydeplan should recognise the need to further enhance transport connectivity to improve visitor access and facilitate more tourism opportunities across the West of Scotland.

Indeed, such recognition would reflect Visit Scotland's 'Tourism Development Framework', linking with the transport/tourism actions for improving the customer journey around Scotland (pages 10-17).

Part of Clyde Muirshiel Regional Park lies within North Ayrshire's boundary. Given the Park's strategic importance in providing recreational access to the Glasgow conurbation, we would welcome the Park's recognition as a key cross-boundary visitor asset in the Clydeplan.

Question 13 – Supporting Positive Environmental Action

National Planning Framework 3 identifies the Central Scotland Green Network (CSGN) as a national development, which stretches from mainland Ayrshire in the west to Fife and East Lothian in the east. We feel that the Glasgow & Clyde Valley Green Network should not be viewed in isolation, and instead should have greater regard to the connections across the CSGN.

To advance the CSGN's priorities for long distance walking and cycling, we recommend that the Clydeplan identifies opportunities to enhance and integrate green network connectivity between North Ayrshire and the GCVR. A recent success story of joint cross boundary working is the Clyde Coastal Way link, which is being developed by North Ayrshire, Renfrewshire and Inverclyde Councils in partnership with local Rotary Clubs. We would welcome discussion on further potential opportunities to enhance green network connectivity.

Question 14, 15 and 16 – Supporting Sustainable Travel

Ayrshire provides external connectivity to economic markets for Scotland and the GCVR. Glasgow Prestwick Airport offers passengers, freight, logistics and aerospace opportunities of significance to the GCVR. The airport is bidding to become continental Europe's and the UK's first spaceport which could bring spin-off opportunities in manufacturing, employment and research and development across the West of Scotland and beyond. We would request recognition of GPA's strategic importance to the GCVR and an expression of bid backing to galvanise regional support for the spaceport.

We welcome recognition of the significant investment that has been made to improve rail linkages between North Ayrshire and Glasgow and of further rail enhancements across Central Scotland, particularly the Edinburgh/Glasgow Improvement Programme. We note that studies relating to High Speed Rail connectivity and Glasgow Airport Railway are being progressed by Transport Scotland. Consideration of these potential new rail links in the context of the Clydeplan should include consideration of rail links to North Ayrshire.

The trunk road network is key to the future economic vitality of both North Ayrshire and GCVR. North Ayrshire Council wishes to see improvements to the A78(T) coastal route from Ardrossan to Wemyss Bay, and the route is also considered to have potential to facilitate future industrial development along the Firth of Clyde by providing cross-boundary road linkages to strategic ports such as at Hunterston and Ardrossan.

While Transport Scotland has programmed A737(T) improvements in North Ayrshire, including the Dalry Bypass and realignment schemes at the Den and in Beith, safety and congestion concerns still remain in parts of the A737(T) corridor, including within Renfrewshire. We request that the GCVR offers support within the Clydeplan that strengthens the case and urgency for A78 and A737 improvements.

If wish to discuss any of the points in this letter further, please do not hesitate to contact me on 01294 324769.

Yours sincerely



Andrew McNair
Planning Officer