
NORTH AYRSHIRE COUNCIL

Planning Committee

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| Locality | Isle of Arran |
| Reference | 20/00710/PP |
| Application Registered | 20th August 2020 |
| Decision Due | 20th October 2020 |
| Ward | Ardrossan And Arran |

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| Recommendation | Approved subject to Conditions |
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| Location | Sannox Sand Quarry Sannox Brodick Isle Of Arran KA27 8JD |
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| Applicant | Arran Aggregates Ltd F.A.O Mr Iain Thomson |
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| Proposal | Continuation and extension of existing quarry for extraction of sand and gravel. |
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1. Description

The proposal is to both extend the area of an existing sand and gravel quarry at Sannox on the Isle of Arran and to continue quarrying operations on the resulting extended site when the existing planning permission last granted in April 2012 (10/00212/PP) expires on 15th February 2021. The application was made in advance of that expiry date. The expiry of the permission was extended until the end of September 2021 by the provisions of the Coronavirus (Scotland) Act 2020.

The quarry is located to the west of the A841. The site entrance gates, and manoeuvring areas are at the roadside with the quarry is largely screened from public view by the higher ground and scrub vegetation which surrounds it. The quarry site is approximately 250m to the north of the settlement of Sannox, on the north east coast of the Isle of Arran. It is adjoined on three sides by the Sannox Burn with Sannox Golf Course further to the north and north-west; a residential property (Sonaburn) adjoins at the north-east corner, and to the south are agricultural fields and a cricket field.

The application states that the northern part of the existing 2ha quarry site has now been re-instated since the last grant of planning permission and the remaining area is claimed to

be virtually exhausted. It is proposed to extend the site boundary westward to allow the continued extraction of sand and gravel from the site.

A supporting statement characterises the proposal as "a continuation of what is already there at the only suitable resource on the island" and as "handing back some of the existing re-instated quarry and extending the site to the west". The statement advises that the quarry operates on a very small scale and extraction only takes place to satisfy the needs of the island as demand dictates. Based on the last three years figures, it estimates that there is approximately 60 years of extraction left in the extended area which is subject of this application.

The development would comprise of an extension of the quarry area westward for 132m to give a new combined operational quarry area of 19,780m² (1.98ha). It is stated that operations at Sannox are simple and generally comprise only a loading shovel and a 360o excavator as and when required. Sand is removed from the face into stockpiles, which are then removed from site as required for sorting into sand and gravel at another site in the same ownership, Dereneach Quarry, some 14km away to the south west.

Sorting of the sand and gravel is not undertaken at the Sannox site, water is not produced or used on the site and there is no discharge into the adjacent watercourse. Stripped topsoil and any overburden would be stored in bunds within the boundary of the site for later use in the restoration phase.

The quarry would operate, as required, between 8am and 6pm Mon-Fri and 8am-12pm Saturdays and not at all on Sundays. The applicants advise that they operate this and two other quarries on the island and have three direct employees as well as 10 further ancillary workers through the parent company, John Thomson Construction Ltd.

The application was supported by: a Transport Statement; an Extractive Waste Management Plan; a Landscape Specification; a Restoration Schedule; and a Supporting Statement which included: an Ecology Statement, Noise and Air Quality Statement, Water Assessment; a Landscape and Visual Impact Statement; and assessment against National and Local Planning Policy.

The Statement concludes that continuation would avoid significant environmental impact from the import of sand and gravel from alternative sources on the mainland. It further notes that the existing operation already complies with the various conditions of the previous planning approval.

The whole site is within the North Arran National Scenic Area (NSA) and approximately 1km east of the North Arran Wild Land Area (WLA). At its closest point the extension would be 100m east of the Arran Moors Special Protection Area (SPA) which is classified for its breeding population of hen harriers.

The site is located within the countryside area, as identified within the adopted 2019 North Ayrshire Local Development Plan ("the LDP"). Strategic Policy 1 (the Countryside Objective); Policy 15 (Landscape and Seascape); and Policy 33 (Responsible Extraction of Mineral Resources) are relevant.

Planning permission (CH/83/28/Q/S) was granted for extraction of sand and gravel from the site in 1983 and renewed in 1993 (93/00024/PP). Permission (97/00653/PP) was granted

for continuation and extension of the quarry site in 1997. Permission to continue excavation was subsequently granted again in 2004 (04/00353/PP) and 2010 (10/00212/PP).

A financial restoration bond of £10,000 secured by a Section 75 Legal agreement is in place for the existing quarry operation. An independent assessment of the suitability of the existing bond for the restoration of the quarry site following the completion of the proposed development was instructed by Planning Services.

The proposal was screened for EIA in 2020 and a Screening Opinion adopted following a consultation period that a full Environmental Impact Assessment was not required.

Relevant Development Plan Policies

SP1 - The Countryside Objective **The Countryside Objective**

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes. We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our prime and locally important agricultural land from development except where proposals align with this spatial strategy. In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.

- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

Detailed Policy 15-Landscape & Seascape

Policy 15:

Landscape and Seascape

We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

a) National Scenic Areas

Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:

- i) the objectives of the designation and the overall integrity of the area will not be compromised; or
- ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

b) Special Landscape Areas

We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.

c) Wild Land

We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

d) Local Landscape Features

Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:

- i) patterns of woodlands, fields, hedgerows and trees;
- ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
- iii) settlement setting, including approaches to settlements;
- iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;
- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further

information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

Detailed Policy 33 - Extraction of Miner Policy 33:

Responsible Extraction of Mineral Resources

Proposals for the conventional extraction of mineral resources, including extraction of sand, gravel, coal and peat, will be supported provided that:

- i) a need can be demonstrated for the mineral which cannot be met from existing worked deposits or renewable, recycled or secondary sources; and
- ii) It has been demonstrated, for example through the submission of a waste management plan (as per the Management of Extractive Waste (Scotland) Regulations 2010), that any adverse impacts (including cumulatively) on local communities, individual houses, economic sectors, natural and historic environment (including recreational users) and sensitive receptors, can be satisfactorily mitigated, including by taking into account:
 - a. transportation/road traffic generation;
 - b. disturbance, disruption, blasting, vibration, pollution of land, air and water environment; and
- iii) there is a restoration and aftercare plan that includes for example, progressive restoration over the lifetime of the operation, remediation of dereliction, stabilisation actions, creation of natural habitat, new opportunities for recreational use, the long term monitoring of the water environment and an ongoing maintenance plan.

Development proposals for the exploration, appraisal and extraction of coal bed methane, underground coal gasification, shale gas, and other forms of hydrocarbons, which are extracted using unconventional means will not be supported. For new or extended proposals, a financial guarantee or bond may be required to ensure appropriate restoration, enhancement and aftercare following extraction of minerals. Development proposals for the extraction of peat will also be subject to the provisions of Policy 34: Protecting Peatland and Carbon Rich Soils.

2. Consultations and Representations

The statutory neighbour notification was carried out and the application was also advertised in the local press (Arran Banner). One representation was received, and the concerns are summarised as follows:

1. The Sannox Kist was discovered here over five years ago and further studies are needed to ensure other important materials are not lost.

Response: See below the response from the West of Scotland Archaeological Service.

2. This is an important site for a sand martin colony and conditions must be applied to ensure that this is not disturbed during nesting times.

Response: See below the response from NatureScot (formerly SNH).

West of Scotland Archaeological Service: The application site lies in a rich landscape of recorded archaeological sites of prehistoric and later periods, borne out by the erosion and subsequent excavation of a prehistoric cist ceremony and other burials from the quarry face in 2012. The large area of undisturbed ground that would be destroyed by this development stands a high probability of encountering significant finds which will likely be a continuation of the previous remains found. A planning condition should be applied requiring a programme of archaeological works to be submitted for the approval of the planning authority and WOSAS prior to commencement of any works.

Response: Noted. An appropriate condition could be applied.

SEPA: No objection. SEPA understands from the supporting information that there would be no surface water discharge from the quarry. A CARs licence would be required for any future trade effluent discharge but if the site is free draining this would not be required. There have been no pollution complaints or discharges noted to the burn under the operation of the existing planning consent. The operator should note that any future changes to the operation would require to comply with the Controlled Activities Regulations. There is no issue with the restoration proposals which would not involve the import of any new materials to the site. SEPA would view this as being a water compatible use which is unlikely to present a significant detrimental effect on flood plain storage.

Response: All noted. The applicant has been made aware of these comments.

NatureScot (SNH): No response received. SNH was consulted on the potential landscape and wildlife impacts of the proposal at the earlier EIA Screening stage and advised that: (i) based on the location of the proposal, it would be unlikely to significantly affect the Wild Land Area; (ii) based on the available information, the proposal would not significantly adversely affect the integrity of the Special Protection Area. This was informed by the considerations that hen harriers can be susceptible to disturbance at distances of between 500m and 750m during the breeding season but that, based on nesting site data, there have been no nesting attempts by hen harriers within this distance of the proposed site extension. Aerial imagery also suggested that there is no suitable nesting habitat within the vicinity and, given this, NatureScot did not require further ornithology survey work in respect of either the SPA or the Arran Moors Site of Special Scientific Interest. Conditions of the previous planning permission, which were suggested by NatureScot, already restrict work on the face of the quarry between the months of April to July inclusive to protect breeding sand martins and that material be stockpiled prior to this period to be worked on-site during these months so as not to affect the operation of the site. These conditions could again be applied to a renewal of permission.

Environmental Health: No objection subject to the existing conditions being continued or modified and applied to a new planning approval and the existing control and mitigation measures being continued. A letter has been sent to the applicant regarding these matters.

Response: Noted. Appropriate conditions would be applied to planning permission.

Arran Community Council: No objection in principle but asked that the existing planning conditions on the operation of the site continue to apply.

Response: Noted. As above, the existing conditions would be reviewed and re-applied as required.

NAC Active Travel and Transport: No objection

Scottish Water: No objection.

3. Analysis

Section 37 of the Town and Country Planning (Scotland) Act requires that applications for planning permission be determined with regard to the development plan and to any other material considerations.

The determining issue in this application is therefore whether the proposal accords with Strategic Policy 1: the Countryside Objective, Policy 15: Landscape and Seascape, and Policy 33: Responsible Extraction of Mineral Resources in the LDP and whether there are any other material considerations. An assessment against the relevant policies follows:

The proposal is to continue and expand the existing long-standing quarry operation and therefore accords with Strategic Policy 1: the Countryside Objective in terms of both criterion (a) which supports expansion of existing rural businesses and uses, and of criterion (c) which supports developments with a demonstrable, specific locational need. The applicants have operated the sand and gravel quarry for several decades and claim it is the only suitable location for this resource on the island. The proposed expansion would not result in the loss of any locally important agricultural land.

Policy 15: Landscape and Seascape states that development affecting the North Arran National Scenic Area shall only be supported where the objectives of the designation and the overall integrity of the area will not be compromised or any significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

As previously identified, the proposal is to continue and expand the existing longstanding quarrying operation and neither NatureScot nor SEPA have reported any significant issues with the operation of the previous consent. Neither body objected to the application or commented adversely on the likely effects on the water environment, the National Scenic Area, Special Protection Area or the Arran Moors Site of Special Scientific Interest (SSSI). Subject to the re-application of the conditions applicable to the previous permission, there would be no significant adverse effects on habitats or significant additional visual impact on the overall NSA or the qualities for which it was designated. The proposal therefore complies with Policy 15.

Policy 33: Responsible Extraction of Mineral Resources states that proposals for the conventional extraction of sand, gravel, coal or peat will be supported provided that: (a) a need can be demonstrated for the mineral which cannot be met from existing worked deposits or renewable, recycled or secondary sources; and (b) it has been demonstrated that any adverse impacts on local communities can be satisfactorily mitigated.

The proposal is the continuation of the existing sand and gravel working which would continue the supply of sand and gravel to the island's construction industry and thereby be of economic benefit to Arran. There are no identified significant adverse environmental impacts arising from the continued extraction and the submitted transportation, noise and restoration and aftercare provisions, could be monitored and controlled by planning conditions and would satisfactorily mitigate any impacts on the surrounding area. The proposals thereby accord with Policy 33.

Site Restoration

As noted above, future restoration of the site was subject to a Section 75 Agreement and reinstatement bond when planning permission was previously granted. The Section 75 Agreement and £10,000 reinstatement bond remain in place for the existing quarry area but the overall bond amount requires to be updated in order to reflect the timescale for which permission is now sought, and ensure the satisfactory restoration of the extended site as required. The applicants have indicated that they are willing to update the arrangements as required.

An independent assessment of the adequacy of the existing bond in respect of the overall proposals concluded that the bond amount lodged should be updated from £10,000 to £50,000 and that current industry practice is that this should also be secured by planning conditions allowing ongoing future monitoring of the adequacy of the amount lodged. These conclusions were passed to the applicants and have not been disputed.

In view of the foregoing, the proposal accords with the LDP and there are no other material planning considerations. It is therefore recommended that planning permission for continuation and extension of the quarrying operation be granted subject to conditions, as previously applied to the site.

New conditions should also be added requiring: (i) confirmation that the required additional restoration bond has been lodged prior to commencement of any works on the extension of the site area; and (ii) regular review of the adequacy of the agreed restoration bond.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That, prior to the commencement of any works on the western extension of the quarry area hereby approved: (i) the developer shall provide documentary evidence that a bond or financial provision for £50,000 or such other amount as may otherwise be agreed by the planning authority in writing, including appropriate inflationary provisions to cover all decommissioning and site restoration costs required on the completion of the quarrying operations, is in place. No works shall commence until written confirmation has been received that the proposed arrangements in relation to financial provision for restoration of the site are to the satisfaction of the planning authority;

(ii) that the developer shall thereafter ensure that the approved bond or other financial provision is maintained throughout the duration of the development hereby approved and provide confirmation on request from the planning authority, all to the satisfaction of North Ayrshire Council as planning authority; and

iii) that the terms of the bond or financial provisions specified in condition 1(i) hereof shall be reviewed periodically in intervals of not less than four years from the date of commencement of operations hereby approved and shall be reviewed at 4 yearly intervals thereafter. The Council, acting reasonably shall be entitled to seek an increase in the amount of financial provision made by the developer in the event that the audit referred to in Condition 2 hereof indicates that restoration of quarrying operations is likely to require funding in excess of that provided for in the bond or financial provision in place at the time of review.

Reason

To ensure that there are sufficient funds available throughout the life of the development to carry out the full restoration of the site in the interests of the proper planning of the area

Condition

2. That, from the commencement of the planning permission hereby approved, the operator shall submit to the planning authority by the end of each four year period, a statement and plans illustrating the extent of quarry working and projected quarrying operations during the next forthcoming four year period, to allow an audit of operations and progressive site restoration. This statement shall include an audit of compliance with the conditions of the planning permission hereby approved.

Reason

To maintain effective control over the development in the interests of the proper planning of the area.

Condition

3. That unless the planning Authority gives written consent to any variation, no permanent machinery shall be introduced to the site and all stockpiling of materials shall be confined to the areas indicated on the proposed site plan accompanying the Extractive Waste Management Plan dated April 2020, submitted in support of the application, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To maintain control of the development in the interest of amenity.

Condition

4. That the use hereby permitted shall operate only between the hours of 8.00am and 6.00pm Mondays to Fridays, 8.00am to 12 noon Saturdays and at no time on Sundays or public holidays.

Reason

In the interest of the amenity of the area.

Condition

5. That site noise levels when measured at least 3.5m in front of a façade facing the quarry of any dwellinghouse shall not exceed 55 dbLAeq (1 hour) during the working hours specified above, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To ensure that noise levels in the immediate vicinity of the quarry meet acceptable standards.

Condition

6. That any introduction of plant or working methods likely to increase the negative noise impact on nearby dwellinghouses, shall be agreed in writing with North Ayrshire Council as Planning Authority prior to being implemented.

Reason

To ensure that noise levels in the immediate vicinity of the quarry meet acceptable standards.

Condition

7. That within one month of the date of this permission, details of measures to be taken to minimise the emission of dust and wind-blown sand from the site including screening of equipment from wind and wetting of stock piles, shall be submitted for the written approval of North Ayrshire Council as Planning Authority and implemented thereafter throughout the working life of the quarry

Reason

In the interests of the amenity of the area

Condition

8. That no work on the face of the quarry shall take place between April and July inclusive to avoid the bird nesting season and stockpiling of material shall take place prior to this period so that the stockpiled material can be extracted during these months so as not to affect the operation of the site.

Reason

To avoid disturbance to breeding Sand Martins.

Condition

9. That no soil material shall be deposited either permanently or temporarily on any flood plain and no excavated areas shall be reinstated to a ground level above the pre excavation ground level which could affect the operation of a flood plain unless a flood risk assessment is submitted demonstrating that the operation will not increase flood risk to surrounding properties, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To meet the requirements of North Ayrshire Council Flooding Services.

Condition

10. That throughout the duration of the development hereby approved: (i) adequate wheel washing facilities shall be provided and wheel washing undertaken as necessary; and (ii) open vehicles carrying materials shall be sheeted before leaving the site, to ensure that

deleterious material is not deposited on public roads, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To avoid depositing material on public roads, in the interest of road safety.

Condition

11. That unless North Ayrshire Council as Planning Authority gives written consent to any variation, the number of wagon loads of sand extracted from the quarry shall not exceed 71 per annum as indicated in the Transport Statement submitted in support of the application.

Reason

To meet the requirements of North Ayrshire Council as Roads Authority.

Condition

12. That, prior to the commencement of any works on the western quarry extension hereby approved, the developer shall secure the implementation of a programme of archaeological works, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during any soil stripping. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the programme of works shall be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority, prior to the commencement. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason

In order to protect archaeological sensitivities in the area

Russell McCutcheon
Executive Director (Place)

For further information please contact Mr Neil McAteer Planning Officer on 01294 324316.

Appendix 1 – Location Plan

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