
NORTH AYRSHIRE COUNCIL

24 May 2023

Planning Committee

Locality	Garnock Valley
Reference	23/00190/PP
Application Registered	15th March 2023
Decision Due	15th May 2023
Ward	Garnock Valley

Recommendation	Approved subject to Conditions
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Location	Trearne Quarry Gateside Beith North Ayrshire KA15 1HQ
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Applicant	ASC Group F.A.O. Mr Laurie Clark
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Proposal	Amendment of condition 2 of planning permission 15/00573/DCMS for the continuation of quarrying and the importation of soil forming materials to create a soils growing medium for the purpose of site restoration
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1. Description

Trearne Quarry is located approximately 2km east of Beith and within 1km of Gateside. It contains reserves of limestone. Although quarrying at Trearne dates back to 1967, the current operating conditions, including a restoration scheme, were granted by the Council in March 2016 under certificate ref. 15/00573/DCMS.

This certificate was granted under the Review of Old Minerals Permissions (ROMP) process, which seeks to ensure that all working quarries are operated to modern environmental standards and to make adequate provision for restoration once mineral extraction is completed.

Condition 2 of certificate 15/00573/DCMS states:

That all quarrying operations at the site shall be discontinued within 7 years from the date of this decision 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.

Reason: In recognition of the projected lifespan of the quarry and to ensure proper restoration of the site.

Under the terms of condition 2, quarrying operations required to cease by 14th March 2023, with all outstanding restoration works completed by 14th March 2025. The application to extend the lifespan of the quarry was submitted prior to the expiry date of the 2016 permission.

The limestone reserves at Trearne have not been fully extracted during the period of the consent due to a variety of factors, including market conditions and the economic impacts of the Covid-19 pandemic. The applicant estimates that a further 3 years of reserves remain in the quarry (approx. 90,000 tonnes) on the basis that between 30,000 and 50,000 tonnes are extracted per annum.

The application therefore seeks permission to extend the timescale for quarrying operations by a further three years. Thereafter, a further two years is requested for restoration of the land.

Restoration of the site would involve the importation of soil forming materials to create a soil growing medium, which would then be planted with grass. The restoration scheme has already been approved (drawing ref. OG104/ROMP/PA/F/09) and implemented for the earlier phases of working at Trearne.

A supporting statement provided with the application indicates that "there will be no change to permitted depths or operation and no changes to mineral extraction and processing methods, despatch and sales, and hours of operations." The hours of operation are governed by the previous consent, and stipulate the following:

Quarry protection and processing: 07.00hrs - 19.00hrs (Monday to Friday only)
Plant maintenance: 07.00hrs - 19.00hrs (Monday to Friday) and 07.00hrs - 12.00hrs (Sat)
Site restoration: 07.00hrs - 19.00hrs (Monday to Friday) and 07.00hrs - 14.00hrs (Sat)
Road haulage: 07.00hrs - 19.00hrs (Monday to Friday) and 07.00hrs - 14.00hrs (Sat)

The permission granted in 2016 under ref. 15/00573/DCMS allows for the majority of the quarry floor to be infilled with manufactured soils and its seeding. Parts of the western face would be left bare for paleontological interest due to the SSSI designation, as past quarrying operations have exposed areas of geological value. An area to the south will become an extension to the pre-existing nature conservation area to the south of the permitted boundary. It is intended to facilitate public access once restoration is complete.

The quarry is accessed from an unclassified rural road which links the B777 to the east of Gateside to the A736. In terms of the adopted Local Development Plan (LDP), Trearne is located within the countryside where Strategic Policy 1 (The Countryside Objective) applies. Consideration of applications relating to mineral extraction is covered under Policy 33 - 'Responsible Extraction of Mineral Resources'. Strategic Policy 2 (Placemaking) also applies.

Relevant Development Plan Policies

SP1 - 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).

Strategic Policy 2 - Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places,

contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

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 application was subject to the statutory neighbour notification procedures, which included the publication of a notice in a local newspaper.

One representation was received, objecting to the application on the following grounds:

1. Is it not the law to be contacted and consulted currently under the Town and Planning Act?

Response: Neighbour notification was carried out in accordance with statutory procedures, and a notice was published in the Ardrossan & Saltcoats Herald on 22nd March 2023.

2. The reason that previous quarrier stopped blasting was it was causing building structure to crack and fail. I recall there was several at nearby village of Gateside.

Response: The applicant's agent has advised that "condition 15 of planning certificate N/15/00573/DCMS provides a vibration limit/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. This limit accords with most stringent proposed in Scottish Government Guidance contained in PAN 50 Annex D: "Controlling the Environmental Effects of Surface Mineral Workings: The Control of Blasting

at Surface Mineral Workings" and is put in place to prevent nuisance. There is no possibility of damage to property at these levels. There are no properties within 300m of the site and therefore good practice blasting techniques will ensure these limits continue to be met."

3. The area where the planned blasting is to happen has several European protected species in that area. There is a very rare orchid where blasting is set to happen.

Response: The applicant's agent has advised that "conditions 25, 26 and 27 of planning certificate 15/00573/DCMS require protected species checks. My client would be comfortable to incorporate an ecological clerk of works, habitat check and mitigation prior to further vegetation stripping by way of a condition." A pre-commencement condition could be attached to address this issue.

4. I would also make you aware that there is planned heavy haulage going through Gateside which I have sent a report to the ministry of transport regarding this matter.

Response: The applicant's agent has advised that "the proposal would result in 90,000 tonnes of rock being extracted over 3 years (30,000 tonnes per annum). This equates to less than 1 vehicle movement per hour (total in and out) on average assuming an average 20 tonne load is exported over permitted working hours (7am until 7pm Monday to Friday and 7am until 2pm Saturday). This level of vehicle movements should have little or no impact upon the road network." See also NAC Active Travel & Transport consultation response, below

5. The noise impact of a mobile crusher plant is from 108 to 122 dB, which will be heard miles away. As health and safety has come a long way from the previous quarrier, these mitigating factors should be evaluated.

Response: It is considered that the operating conditions for Trearne Quarry remain up to date, having been granted approval in 2016. The current application seeks to extend the working life of the quarry for a further 3 years, followed by a 2 year restoration programme. The applicant's agent has advised that "conditions 8 and 9 of planning certificate 15/00573/DCMS provide for noise limits of 50dB Leq 1hr for normal operations and 70dB Leq 1hr for temporary operations at the closest residential properties. These are appropriate good practice limits in accordance with Scottish Government Guidance contained in Planning Advice Note 50 "Controlling the environmental effects of surface mineral workings Annex A. The Control of Noise at Surface Mineral Workings". These limits will continue to be adhered to preventing impacts." As noted, the remaining operations at Trearne would be subject to the same environmental standards as the permission granted by the Council in 2016 under ref. 15/00573/DCMS. (See also Environmental Health consultation response and Analysis sections, below).

Consultations

NAC Active Travel & Transportation - no objections.

Response: Noted.

NAC Environmental Health - no objections subject to the previous conditions continuing to be implemented on matters such as dust control, noise and vibration.

Response: As noted above, the conditions of the ROMP certificate, 15/00573/DCMS, would continue to have effect in the proposed extension of time for quarrying and restoration operations.

Beith Community Council - no comments.

3. Analysis

Section 42 of the Town and Country Planning (Scotland) Act 1997 is a mechanism which allows for the submission of a planning application for the development of land without complying with condition(s) subject to which a previous permission (in this case a ROMP certificate) was granted. Section 42 of the Act stipulates that in this type of application the "planning authority shall consider only the question of the conditions subject to which permission should be granted."

Circular 4/1998 sets out the tests for planning conditions, as follows:

- Need for a Condition
- Relevance to Planning
- Relevance to the Development to be Permitted
- Ability to Enforce
- Precision
- Reasonableness

The determining issue in this case is whether the proposed modification to the condition attached to the previous grant of consent would accord with the relevant LDP policies. In terms of the adopted LDP, the Countryside Objective seeks to "encourage opportunities for our existing rural communities and businesses to grow" whilst protecting the countryside and promoting sustainable development. As Trearne Quarry has been established for over 50 years, there is no requirement to justify the principle of development in this case. The proposed 3 year extension of time for mineral extraction at Trearne, followed by 2 years of site restoration, would enable the remainder of the quarry to be worked in alignment with the ROMP consent granted by the Council in 2016. As such, the proposal would accord with the Countryside Objective.

Policy 33 'Responsible Extraction of Mineral Resources' supports the conventional extraction of sand, gravel, coal and peat, subject to meeting a range of criteria. Since the quarry already has a modern suite of planning conditions in terms of the established ROMP consent, it is considered that the requirements of Policy 33 are being met, and would continue to be met in terms of the proposed extension of time until May 2026. Restoration would commence afterwards, with the estimated date for completion being May 2028. In the event that restoration works were not completed by that time, the applicants would require to discuss a further extension of time for the Council's approval.

Strategic Policy 2 (Placemaking) aims to safeguard, and, where possible, enhance environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. As noted above, there is already a suite of modern planning conditions which provide the basis for the regulation of routine site operations in accordance with modern working practices as well as an approved site restoration plan.

Whilst the quarry operations would be extended by a further 3 years, the associated activities would be subject to the range of conditions already in place. In total, there are 28 conditions which cover all relevant planning and environmental matters in respect of quarry operations, restoration and aftercare at Trearne. It is therefore considered that the proposed additional 3 year working period would take place within the context of adequate environmental and amenity safeguards. The previously approved conditions provide the basis to ensure an appropriate balance is struck between the economic viability of the quarry and the protection of amenity in the rural area around Trearne. The proposal would accord with Strategic Policy 2 for the reasons above.

In applying the Circular 4/1998 tests for conditions to the proposal, it is considered that the proposed variation would meet all six tests. There are no other material considerations.

The application has also been assessed against the adopted National Planning Framework 4. It has been determined that the proposal to extend the lifespan of Trearne Quarry by a further three years does not raise any significant strategic planning issues which conflict with the foregoing assessment.

Accordingly, it is considered that planning permission could be granted for the application, which would extend the period of consent until 24th May 2026. As noted above, an additional condition in respect of the appointment of an ecological clerk of works, habitat check and mitigation has been offered by the applicants. For the avoidance of doubt, all other conditions attached to the ROMP consent would continue to apply.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That all quarrying operations at the site shall be discontinued within 3 years from the date of this decision and the entire site shall be restored within a further 2 years in accordance with the approved restoration scheme (as required under the periodic review of minerals consent 15/00573/DCMS) to the satisfaction of the Council, as Planning Authority. For the avoidance of doubt, all other conditions attached to consent ref. 15/00573/DCMS would continue to apply.

Reason

To define the scope of the consent and to ensure that the conditions attached to 15/00573/DCMS are complied with (other than condition 2).

Condition

2. That no further vegetation or soil stripping shall take place on the site until the developer has appointed an ecological clerk of works to undertake pre-commencement habitat surveys together with recommendations on any mitigation measures as may be necessary. A report of the survey and recommendations shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the implementation of the consent shall be undertaken in accordance with such details as may be approved.

Reason

To ensure that any habitats which may be present on the site are taken into consideration and appropriately addressed prior to the recommencement of quarry operations.

Yvonne Baulk
Head of Service

For further information please contact Mr A Hume, Senior Development Management Officer, on 01294 324318.

Appendix 1 – Location Plan

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