

Planning Committee
2 March 2016

Irvine, 2 March 2016 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bell, Ian Clarkson, 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).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bruce, Joe Cullinane and Tom Marshall.

1. Chair's Remarks

The Chair, in terms of Standing Order 9.3, agreed to vary the order of business to take Agenda Item 3.1 (15/00749/PP and 15/00750/PP: Swinlees Quarry, Dalry) as the last item of business.

2. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr, as the Chair of the Liaison Committee, declared an interest in Agenda Item 3.1 (15/00749/PP and 15/00750/PP: Swinlees Quarry, Dalry) and left the meeting for that item.

3. Minutes

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

4. Kilbirnie and Beith

4.1 15/00573/DCMS: Trearne Quarry, Gateside

William Tracey Limited has applied for a periodic review of the mining site at Trearne Quarry, Gateside. 18 objections have been received, as detailed in the report.

The Senior Manager Planning advised of a permission granted in 2004 for a waste disposal facility (02/00710/PP), subject to a number of conditions, including the construction of a roundabout at the junction of the B777 and A737 roads and the conclusion of a Section 75 agreement. This agreement has not been made and the permission has not yet been granted. It is the applicant's intention to withdraw the 002/00710/PP application, following completion of the Review of Old Mineral Permissions (ROMP) procedure.

Discussion took place on the constitution of 'soil forming materials' and whether this could include human waste and also the level of monitoring undertaken by SEPA in respect of these materials. It was considered that if the application was granted that a condition which required details of the soil forming materials should be amended to exclude the use of human waste from any 'soil forming materials'.

The Committee agreed (a) to grant the application 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. For the avoidance of doubt, the soil forming materials shall not include human waste.
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 70dB(A)LAeq 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 bowsters 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.
- 5. 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**

Submitted report by the Executive Director (Economy and Communities) seeking approval to amend Condition No. 4 of the previous decision of the Planning Committee on 22 October 2014 which granted 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 at Shewalton Road, Irvine, subject to a number of conditions.

The Committee agreed to grant the application, 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 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.

6. Clydeplan - Proposed Strategic Development Plan

Submitted report from the Chief Executive on the Council's proposed response to the Clydeplan. Clydeplan is the Strategic Development Plan for the Glasgow and Clyde Valley Region (GCVR). It 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.

Appendix 1 to the report outlined the proposed response to the Clydeplan in respect of a number of the consultation question, including:- Clydeplan Spatial Development Strategy, visitor economy, supporting positive environmental action and supporting sustainable travel.

The Committee agreed to the submission of the response to Clydeplan.

Councillor Barr left the meeting of the next item of business, returning to hear the Committee's decision.

7. Kilbirnie and Beith

7.1 15/00749/PP and 15/00750/PP: Swinlees Quarry, Dalry

Breedon Aggregates Scotland Ltd have applied for (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 at Swinlees Quarry, Dalry. No objections or representations were received.

The Committee agreed to (a) grant application 15/00749/PP, 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.

and (b) application 15/00750/PP, 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 meeting ended at 2.30 p.m.