

Planning Committee 25 February 2021

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

Present

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macaulay, Ellen McMaster, Ronnie McNicol and Donald Reid.

Also Present

Todd Ferguson

In Attendance

J. Miller, Chief Planning Officer, A. Hume, Senior Development Management Officer, I. Davies, Senior Development Management Officer, L. Dempster, Technician (Planning); A. Craig, Senior Manager (Legal Services); and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Planning Committee held on 27 January 2021 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Call In request: SSE Anaerobic Digestion Plan, Dalry

Submitted a report by the Chief Executive on a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers.

A request has been made by Councillors Ferguson, Gallagher and Glover that a Section 42 application to remove Condition 1 of planning permission 09/004444/PPM should be determined by the Planning Committee and not by an officer under the Council's Scheme of Delegation to Officers.

The stated reason for the call in request was detailed in the call in request dated 5 February 2021 and summarised as follows: -

- Increase in noise from both the HGVs and the machinery used to pump out contents;

- Increase in road traffic on a C Class road which is already very degraded;
- Light pollution due to an increase in operating hours during the hours of darkness; and
- Increase in noise levels from the machinery used and from workers at the facility.

Councillor Ferguson was in attendance and addressed the committee in support of the call in request.

Councillor Barr, seconded by Councillor McNicol, moved to call in the application and that it should be determined by the Planning Committee.

Councillor Reid, seconded by Councillor Foster, moved not to call in the application and that it should be determined by an officer under the Council's Scheme of Delegation to Officers.

On a division and a roll call vote, there voted for the amendment, Councillors Foster, McMaster and Reid (3) and for the motion, Councillors Barr, Billings, Clarkson, Larsen, Macauley, Marshall and McNicol (7), and the motion was declared carried.

Accordingly, the Committee agreed to call in the application to be determined by the Planning Committee.

4.1 21/00005/PP: Hunterston Construction Yard, Fairlie, Largs

Clydeport Operations Ltd has applied for planning permission for the variation of Condition 4 of Permission Reference N/17/01273/PP at Hunterston Construction Yard, Fairlie.

The Chief Planning Officer advised that further information was required to allow the Planning Committee to proceed with the determination of this application.

The Committee agreed to continue consideration of the planning application to its next meeting.

5.1 20/00710/PP: Sannox Sand Quarry, Sannox, Brodick, Isle Of Arran, KA27 8JD

Arran Aggregates Ltd has applied for planning permission for the continuation and extension of existing quarry for extraction of sand and gravel at Sannox Sand Quarry, Isle of Arran, KA27 8JD. One objection was received and summarised in the report.

Councillor Marshall, seconded by Councillor McNicol, moved to grant the application subject to conditions.

There being no amendment the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

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.
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.
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.
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.
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.
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.

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
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.
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.
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.
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.
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.

6 Consultation Paper: Guidance on the Promotion and Use of Mediation in the Scottish Planning System

Submitted report by the Executive Director (Place) on the draft guidance produced on the Promotion and Use of Mediation in the Scottish Planning System, with the response to the consultation set out at Appendix 1 to the report.

The Chief Planning Officer highlighted the use of mediation in Planning was to be promoted during the early stages of the planning process to help reduce conflict, improve community engagement and build public trust.

The Committee agreed to (a) note the detail of the proposed guidance relating to the use of mediation in the Scottish planning system; and (b) approve the submission of the response to the consultation set out in Appendix 1 to the report.

The meeting ended at 2.50 p.m.