

WEST DUNBARTONSHIRE COUNCIL

Report by the Director of Development and Environmental Services

Planning Committee : 5 January 2005

Subject: Sheephill Quarry, Milton

1.0 Purpose:

- 1.1** To explain the context of an application for review of minerals permission (ROMP) and a planning application for an extension to the quarry at Sheephill Quarry, Milton. These applications are part of a package and it is considered prudent that they be determined concurrently.

2.0 Background:

- 2.1** The ROMP application has been with the Authority since March 1998. The main reason for delay has been over the submission of further supporting information from the applicant. The situation has been complicated by changes in legislation and in Scottish Executive guidance which has a bearing on determination of the application.
- 2.2** The 1949 consent for Sheephill Quarry shows a site boundary which basically adjoins residential properties at Milton Hill. As a part of the processing of the ROMP application, it has been recognised that quarrying to this western boundary would be unacceptable and, as a consequence, an application for an extension to the north of the quarry has been submitted on the basis that this area, if approved, will be "swapped" for the westward expansion of the quarry towards Milton Hill. This intimate relationship between the two proposals is a driver for the applications to be considered concurrently.
- 2.3** The intention in this report is to be as clear and concise as possible in informing Members of a complex set of circumstances. This report puts forward two options for action, with a recommendation. Thereafter, should that recommendation be accepted, Members require to give consideration to the ensuing reports on the ROMP application and the extension application.

3.0 Main Issues:

- 3.1** The ROMP application is not an application for planning permission which can be granted or refused. It is an application for review of the seven 1949 conditions, the aim of which is to consider and apply up-to-date planning conditions which recognise modern quarrying practice and environmental standards and require proper consideration of aftercare and reinstatement once quarrying is complete.
- 3.2** The applicant was required to submit, amongst other material, a set of proposed conditions which could be granted and/or replaced/amended by the Local Planning Authority.
- 3.3** As the application has progressed, so different requirements have been made under new regulations. An Environmental Statement was required and was submitted on 21 March 2003. Following consultation, Scottish Natural Heritage (SNH) indicated a need for further information to be submitted on the visual and landscape baseline information. The applicant has resisted submitting this information, arguing that it could not reasonably be required. The applicant has gone to the extent of claiming deemed consent for the submitted conditions. This assertion is not accepted because the applicant has not supplied all of the information requested by the Planning Authority.
- 3.4** In the circumstances two main options for action present themselves:
- (A) approve a new set of conditions (similar to those agreed for the adjacent Dumbuck Quarry) and approve the associated extension application after the lodging of an appropriate restoration bond and the signing of a Section 75 Agreement relinquishing rights to quarry westwards towards Milton Hill; or
 - (B) indicate to the applicant that the application will not be determined until the required information has been submitted and assessed and set a revised date by which this information must be submitted. There are new Regulations which give a Planning Authority the power to suspend the operation of a quarry but this application is being dealt with under the old legislation which does not contain such a power.
- 3.5** The main impediment to Option A is that the applicant has not submitted certain baseline information sought by Scottish Natural Heritage in relation to visual and landscape impact. However, SNH did not ask for such information in connection with Dumbuck Quarry and the environmental statement for that Quarry therefore did not include such information. Where information is sought in connection with such an application, it must be reasonable for the Planning Authority to request that information. It could be argued that, as the information was not requested in connection with the Dumbuck application, it would not be reasonable to request the information in connection with the Sheephill application.

- 3.6 The main concern over Option B is that without the sanction of suspending the operation of the quarry, if a date for submission of environmental information is not met it is likely that the applicant would continue to work the quarry under the existing, very limited planning conditions. This could even result in quarry workings in a westerly direction towards the housing at Milton Hill. There is no reason to believe that the applicant would meet any new deadline for submission given the applicant's stated position.
- 3.7 Taking all relevant matters into account, it is recommended that Members proceed with Option A and determine a new set of conditions for the quarry. If this is accepted, then the following reports on the ROMP and extension applications need to be considered in detail.

4.0 Recommendation:

- 4.1 Taking all relevant matters into account, it is recommended that Members proceed with Option A, namely to consider the following two reports on the ROMP application and the application for extension to the quarry.

Dan Henderson
Director of Development and Environmental Services
22 December 2004

Background Papers: Report to Regulatory Committee (Planning) meeting on 3 October 2001
Following two reports and their background papers

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