

Agenda



West Dunbartonshire Council

Date: Wednesday, 3 March 2021

Time: 14:00

Format: Video Conference

Contact: Email - committee.admin@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of **West Dunbartonshire Council** as detailed above.

The Convener has directed that the powers contained in Section 43 of the Local Government in Scotland Act 2003 will be used and Members will attend the meeting remotely.

The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:-

Provost William Hendrie
Bailie Denis Agnew
Councillor Jim Bollan
Councillor Jim Brown
Councillor Gail Casey
Councillor Karen Conaghan
Councillor Ian Dickson
Councillor Diane Docherty
Councillor Jim Finn
Councillor Daniel Lennie
Councillor Caroline McAllister

Councillor Douglas McAllister
Councillor David McBride
Councillor Jonathan McColl
Councillor Iain McLaren
Councillor Marie McNair
Councillor John Millar
Councillor John Mooney
Councillor Lawrence O'Neill
Councillor Sally Page
Councillor Martin Rooney
Councillor Brian Walker

Chief Executive
Chief Officers

Date of issue: 18 February 2021

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WEST DUNBARTONSHIRE COUNCIL

WEDNESDAY, 3 MARCH 2021

AGENDA

1 STATEMENT BY CHAIR

2 APOLOGIES

3 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

4 RECORDING OF VOTES

The Council is asked to agree that all votes taken during the meeting will be done by roll call vote to ensure an accurate record.

5 WP98/076: REVIEW OF MINERALS PERMISSION (ROMP) AND DC02/447: EXTENSION TO QUARRY, SHEEPHILL QUARRY, MILTON, DUMBARTON 5 - 90

Submit report by the Chief Officer – Regulatory and Regeneration on the above applications that require to be reconsidered by Council.

6 GENERAL SERVICES BUDGET (CAPITAL/REVENUE) UPDATE To Follow

Submit report by the Chief Officer – Resources on the above.

7 HOUSING REVENUE ACCOUNT (HRA) ESTIMATES AND RENT SETTING 2021/2022 91 - 111

Submit report by the Chief Officer – Housing & Employability seeking approval of the updated HRA capital programme; the HRA revenue budget for 2021/22 and agreement of the level of weekly rent increase for 2021/22.

8/

8 CAPITAL STRATEGY 2021/22 TO 2030/31 113 - 147

Submit report by the Chief Officer – Resources providing Members with the capital strategy for the period 2021/22 to 2030/31.

9 TREASURY MANAGEMENT STRATEGY 2021/22 To Follow

Submit report by the Chief Officer – Resources on the above.

10 NOTICE OF MOTION

Motion by Councillor Douglas McAllister – Old Kilpatrick Hills

This Council is concerned with the ongoing traffic congestion and associated parking issues created by the increase of people seeking access to the Old Kilpatrick Hills.

Council recognises that members of the public are choosing to access this area as a means of permitted daily exercise and social activity during these difficult times.

Council is not seeking to limit public access to our local hills and countryside but Council seeks to mitigate the effects of the increase in activity, not least the traffic and parking issues created as a result.

In particular, Council recognises and is concerned by the particular issues raised by residents of Old Kilpatrick and Hardgate who are greatly inconvenienced by this.

Council will consult with Police Scotland, Scottish Fire and Rescue and the Forestry Commission and thereafter prepare a report to come back to the next meeting of Council exploring all options open to each public body to tackle these issues, and in particular, the report should highlight where each organisation has responsibility and associated powers to take the necessary action to alleviate matters.

WEST DUNBARTONSHIRE COUNCIL**Report by the Chief Officer - Regulatory and Regeneration****Council: 3rd March 2021**

Subject: WP98/076: Review of Minerals Permission (ROMP) and DC02/447: Extension to Quarry, Sheephill Quarry, Milton, Dumbarton

1. Purpose

- 1.1** The Review of Minerals Permission application (ROMP) and the extension application were considered by the Special Planning Committee in January 2021. The Chief Executive has deemed that both applications require to be reconsidered by Council under the Council's Standing Orders.

2. Recommendations

- 2.1** That the Council indicate that it is minded to grant full planning permission for an extension to the existing operational extraction area of the quarry, and delegate authority to the Planning, Building Standards and Environmental Health Manager to issue the decision subject to the conditions set out in Section 9 in Appendix 1: Planning Committee Report dated 11th March 2020 with the additional wording added to condition 19 whereby the Planning Authority will determine whether a wheel and undercarriage cleaning facilities are required within the site and to the satisfactory conclusion of a legal agreement in terms of the restoration bond(DC02/447).
- 2.2** That the Council accept the agreed conditions set out in Section 9 in Appendix 1: Planning Committee report dated 11th March 2020 and authorise officers to issue the Review of Minerals Permission(WP98/076) with the additional wording added to condition 19 whereby the Planning Authority will determine whether a wheel and undercarriage cleaning facilities are required within the site.

3. Background

- 3.1** The circumstances of the application for a ROMP and the extension application were set out in the report to the March 2020 Planning Committee meeting (Appendix 1). At that meeting, the Committee agreed to continue the application for consideration at a future meeting so that members could be provided with additional information regarding the Review of Minerals application process and how it relates to the extension application, the Scheduled Monument process and the proposed hours of working.

- 3.2** The two applications are presented in a conjoined report, although there are two separate applications, they are interlinked. The intention behind the planning application for the new extraction area of the quarry was that the existing permission to quarry the land next to Milton Hill would be “swapped” for the new consent to develop the north west extension area. This would allow Condition 2 of the ROMP to be agreed by the applicant whereby no evacuation or quarrying operations can take place in the area adjacent to Milton Hill without the risk of the Council being liable for financial compensation.
- 3.3** A report was presented to November 2020 Planning Committee addressing the above matters (Appendix 2). At that meeting the Committee agreed to continue the applications to a future meeting of the Committee in order to allow a fresh hearing to take place. The Committee also requested that an officer from Historic Environment Scotland attend the Committee meeting to provide further details regarding the Sheephill Fort and the Scheduled Monument Process.
- 3.4** At a Special Planning Committee in January 2021 the report provided an update on the number of representations received, the issues raised and further clarification of the Review of Minerals Permission and the extension application process. The report is attached as Appendix 3. Two officers from Historic Environment Scotland attended the Committee and gave a short presentation and answered questions about the Scheduled Monument and the Scheduled Monument Consent process. A fresh hearing also took place whereby those who made representation and the applicant’s agent addressed the Committee. The Special Planning Committee agreed to refuse the full planning application for the extension area (DC02/447) because of the effect it would have on the amenity of the area and on the residents of nearby properties. The Committee accepted the agreed conditions of the ROMP(WP98/076) with the additional wording added to condition 19 whereby the Planning Authority will determine whether a wheel and undercarriage cleaning facilities are required within the site.
- 3.5** Following the consideration of both applications by the Planning Committee, under Standing Order 20(a)(iii) the Chief Executive, following legal and financial advice, has deemed that both the ROMP and extension application ought to be reconsidered by the Council as there is a risk of substantial economic loss to the Council arising from the decision of the Planning Committee.

4. Main Issues

- 4.1** Review of Minerals Permission (ROMP) and Extension Application
Appendix 1 contains the planning report presented to the March Planning Committee for the ROMP and extension planning application. It contains the development details, the background to the applications, consultations, representations, assessment against the Development Plan and material considerations as well as recommendations and proposed conditions. There is a long history to these applications and this has been fully detailed in this report. The Review of Minerals Permission (ROMP) is not a normal

application for planning permission as no planning permission is being sought. It is reviewing the 1949 permission for the quarry which has only 7 conditions. The ROMP is agreeing to a new set of conditions which meet modern standards and working practices. Presently the Quarry can work unrestricted and can operate 7 days a week, 24 hours a day. The agreed conditions would allow the quarry to operate under more restricted and modern conditions which take into account amenity, environmental and landscape matters.

The second application (DC02/447) is to extend the existing operational extraction area of the quarry. The extension would measure approximately 1.53ha at the north western boundary of which some 1.07ha relates to the proposed excavation area. This application is to allow for an area of land which would be 'swapped' with the western part of the existing quarry consent to the rear of the residential properties in Milton Hill. The extension area is considered to be acceptable in both policy and environmental grounds.

- 4.2** In the report to the November Planning Committee attached as Appendix 2 further details was provided of the ROMP process in Section 4 of the report. It advises that the ROMP conditions proposed by the applicant, the Council can either agree to approve these conditions or to agree to determine conditions that differ from those set before them. However if these conditions restrict working rights then the Planning Authority would require to provide a separate notice of determination. This should identify the working rights further restricted and state whether or not in their opinion the effect of that restriction would be such as to prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site; in either of those cases a liability to pay compensation will arise. The applicant would have a right of appeal to the Scottish Ministers against the planning authority's opinion. Scottish Government advice considers that conditions which would restrict working rights to the extent of unreasonable prejudice should not be imposed except in exceptional circumstances.
- 4.3** The applicant has provided the asset values for the overall site, the Scheduled Monument area, the Milton Hill area and the proposed extension area. This information demonstrates the loss in asset value in the event that working was restricted within the Milton Hill or Scheduled Monument areas. The asset values of Milton Hill and the proposed extension area are not significantly different and the proposal does represent a reasonable exchange for restricting operations at Milton Hill and allowing quarrying of the extension area.
- 4.4** The applicant has confirmed that they would accept ROMP Condition 2 which removes the Milton Hill area from excavation or quarrying operations. This has been agreed on the understanding that the Council was minded to grant the extension area as an alternative development area to Milton Hill. The applicant has advised that if the Council is minded to refuse the extension application they will no longer accept Condition 2 and that the development proposals will revert to those submitted with the ROMP application whereby

the area adjacent to Milton Hill can be quarried as per the 1949 permission or Condition 2 remains and the applicant seeks compensation for the asset loss of this part of the quarry site which would be around £2.245 million.

Extension Area

- 4.5** The proposed extension does not create any significant environmental or amenity impacts and the policy framework detailed in Appendix 1 report-Section 6 and 7 supports the continued working of minerals at Sheephill and the new extension area. When linked to the proposal to relinquish land at Miltonhill the extension proposal has significant benefits both in terms of a significant reduction in visual impact and a reduction in amenity impact. The proposed extension area comprises grassland which has no significant ecological importance. The Milton Hill area is largely woodland and it is a Local Nature Conservation Site and is covered by a Tree Preservation Order. The proposal to retain the Milton Hill area in preference to the extension area represents a clear benefit from an ecological viewpoint. Landscape and visual impact has been addressed in the Environmental Statement which accompanied the planning application for the extension. Visualisations were prepared showing the changes to the view across the quarry from Dumbuckhill, Milton Brae, Middleton and Erskine Golf Club, these locations being considered to be representative of views taking in both the quarry and the Kilpartick Hills. The visualisations clearly demonstrate that the proposed extension area would have a significantly lesser visual impact than the quarrying of the Milton Hill area. Apart from the residential properties on Milton Hill, the closest residential property to the proposed extension is Middleton, which is located some 560m to the north-west of the existing quarry and would be some 480m north-west of the closest point of the proposed extension. This is a significant stand-off distance and this will ensure that Middleton and other residential properties would not experience any significant amenity impacts. Condition 2 of the ROMP will secure significant improvements with respect to residential amenity for residents on Milton Hill in the short and long term.

The existing quarry has direct access onto the A82(T) and the proposed extension has no impact on the trunk and local road networks. The operation of the extension area would be covered by planning conditions which would address environmental issues as dust, noise, traffic, blasting, restoration which are similar conditions being proposed in the ROMP for the wider quarry. It is considered that the proposed extension has no significant negative impacts in planning terms.

Representations

- 4.6** A new hearing for the ROMP and extension applications is to take place at Council as per the Council's agreed hearing procedures whereby those who have made representation and the applicant and his agent will address Council. There now are eleven letters of representations including Bowling and Milton Community Council and Silverton and Overton Community Council. This includes two recent representations who object to the extension application only. There are a further four letters of support from residents of Milton Hill which support both the ROMP application and extension application

and welcome the removal of uncertainty over quarrying adjacent to Milton Hill. They also indicate that the supply of stone from Sheephill will reduce the Council's carbon footprint and could be used for projects such as the Exxon site and the new relief road.

The reasons for objection are summarised below and have been updated to include additional comments received since the March Planning Committee Report.

- The proposed operating hours are not in keeping with modern standards and are excessive and unnecessary. The operating hours presented to the Planning Committee in 2005 are reasonable;
- The proposed operating hours would result in the significant loss of amenity for local residents in the form of noise and light pollution early in the morning and late in the evening;
- The requirement for works to be carried out below ground level within certain periods is insufficiently clear in its intention;
- The proposed operating hours exceed those granted for the neighbouring Dumbuckhill Quarry;
- The applicant should ensure that the levels stipulated in the assessments are met and that regular checks are carried out;
- No noise survey was carried out at Middleton Farm, the property closest to the proposed quarry extension;
- The renewal and proposed extension would be contrary to local planning policies in particular GB1- Greenbelt, KH1- Kilpatrick Hills, MIN 1 – Mineral Extraction, CON3 –Core Path;
- The proposed extension is in the Greenbelt and would involve the removal of a large section of a hillside in a countryside location, causing irreversible environmental harm;
- There would be a major permanent and detrimental impact on the landscape and scenic skyline and it would restrict access to the Kilpatrick Hills;
- Part of the quarry site is a Site of Importance to Nature Conservation and is protected under the adopted Local Plan;
- The extension borders with a designated Core Path and it would be impossible to maintain safe public access to the path if consent is granted for the extension area;
- Blasting operations would require the path to be closed either intermittently or permanently;
- The extension application is unacceptable to residents of Milton Brae and it would have a severe negative impact on their amenity;
- Middleton Farm was not neighbour notified when the current planning application was submitted in 2002 nor residents of Treedom Cottage or Milton Brae and therefore they were denied the opportunity to object to the planning application prior to 2005 Planning Committee;
- The landscape information, national environmental standards and planning requirements in the Environmental Statement prepared in 2002 needs updated and does not reflect changes in the adjacent area;
- The arguments presented to justify the extension are meagre and contradictory such as providing employment, enhanced safety, benefits to the residents of Milton Hill;

- It is never been shown that the proposed extension area and Milton Hill are of equal value;
- There are practical challenges to excavating Milton Hill making it extremely doubtful whether the operator would ever be able to do so;
- The ROMP and extension application are legally distinct, with the latter being presented as a solution to the issue of excluding the Milton Hill area from future quarrying;
- The extension application must not be linked to the ROMP. The Scottish Government Chief Planner has clarified that separate decisions are required according to the relevant legislation;
- Any potential loss of amenity for the residents of Milton Hill can be effectively dealt with using the ROMP process;
- An application for significant changes to the area worked at Dumbuckhill Quarry was rejected by the Planning Committee and rejected by the Scottish Ministers;
- There should be no quarrying within the immediate proximity of the Sheephill Fort;
- The historic remains of the vitrified fort which is a Scheduled Ancient Monument should not be destroyed until a proper professional archaeological exploration and documentation is carried out.
- Work has commenced on the extension and there has been significant rock fall onto the path below.
- Water is coming from the extension and new access road to the quarry which has been channelled down the hillside potentially flooding the A82.
- There is another ancient structure below.

Responses to these issues are addressed in sections 6 and 7 of the March Committee report, section 4 of the November, January Planning Committee reports and section 4 of this report.

Scheduled Monument Consent

- 4.7** The planning permission granted in 1949 for Sheephill Quarry allows the full excavation of the whole site which includes the rock under the Sheephill Scheduled Monument. The vitrified fort of Sheephill was designated as a Scheduled Ancient Monument by the Secretary of State in 1970. Scheduled Ancient Monument Consent (now called Scheduled Monument Consent - SMC) was granted in 2002 by Historic Scotland subject to a condition that the archaeological excavation be carried out in strict accordance with a Written Scheme of Investigation and that the loss of the fort shall be mitigated by the excavation, recording and publishing of findings. Although the 2002 SMC has since lapsed, the principle of removing the fort has been established. A new application will required to be submitted and Historic Environment Scotland have indicated that it would not seem reasonable to recommend refusal of any subsequent application for SMC at this stage.
- 4.8** Officers from Historic Environment Scotland attended the Special Planning Committee and provided further details about the Scheduled Monument and the Scheduled Monument process. They indicated for a large and complex case such as this they would expect to have long pre application discussions

with the applicants and with their archaeological contractors before the submission of the SMC who would prepare detailed plans for the necessary archaeological work. The officers from Historic Environment Scotland indicated given the significance of the Scheduled Monument it would be referred onwards to the Scottish Ministers for review with the final decision being taken by the Scottish Ministers. Further details about the Sheephill fort and the Scheduled Monument process is provided in sections 7.20-7.21 of the March Report (Appendix 1) and sections 4.5 – 4.8 of the November Committee Report (Appendix 2).

5. People Implications

- 5.1** There are no personnel issues.

6. Financial and Procurement Implications

- 6.1** There are likely to be potentially serious financial consequences for the Council if conditions are determined that are different from those proposed such as different operating hours than those agreed or the conditions of the ROMP are not agreed with the applicant and the restriction would be such as to prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site. With regards to Milton Hill, the asset value of the rock lost if no quarrying takes place in this respective area would be around £2.245 million.

7. Risk Analysis

- 7.1** There is a strong risk of financial loss if the Council refuse the planning application for the North West extension area and agree the ROMP with Condition 2 whereby there is no excavation of rock or quarrying operations within the quarry area adjacent to Milton Hill. A separate notice of determination would require to be produced and it would state whether or not in our opinion in the effect of that restriction would be such as to prejudice adversely to an unreasonable degree the asset value of the site. The quarry operator would seek substantial compensation if Condition 2 of the ROMP remains without the north west extension area being approved to compensate for the loss of asset value. The quarry operator can appeal the notice of determination to the Scottish Ministers who would determine if compensation was payable. Any dispute about the amount of compensation would be referred to the Lands Tribunal for Scotland.

8. Equalities Impact Assessment (EIA)

- 8.1** There are no equalities issues identified.

9. Consultation

9.1 Neighbours and those with an interest in the applications have been consulted through the planning process. Hearings have been held at the March Planning Committee and January Special Planning Committee. A new hearing will be held at Council.

10. Strategic Assessment

10.1 The ROMP and extension application supports the strategic priorities of the Council.

Peter Hessett
Chief Officer – Regulatory and Regeneration
Date: 3rd March 2021

Person to Contact: Pamela Clifford, Planning, Building Standards and Environmental Health Manager
Email: Pamela.Clifford@west-dunbarton.gov.uk

Appendices: Appendix 1 – Planning Committee Report – 11th March 2020
Appendix 2 – Planning Committee Report – 11th November 2020
Appendix 3 – Planning Committee Report – 26th January 2021

Background Papers:

1. Application forms, plans and Environmental Statement;
2. Consultation Responses;
3. Letters of representation;
4. Glasgow & Clyde Valley Strategic Development Plan 2012;
5. Clydeplan
6. Scottish Planning Policy;
7. West Dunbartonshire Local Plan 2010;
8. West Dunbartonshire Council Proposed Plan 1 and 2
9. Planning Circular 34/1996;
10. Planning Advice Note 50 and Annexes;

Wards affected: Ward 3 (Dumbarton)

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead- Regulatory

Planning Committee: 11th March 2020

WP98/076: Review of Minerals Permission (ROMP)

DC02/447: Extension to Quarry, Sheephill Quarry, Milton, Dumbarton

1. REASON FOR REPORT

- 1.1 The Planning Committee in 2005 were minded to approve the planning application for the extension and agree the conditions for the Review of Minerals Permission (ROMP) subject to the signing of a Legal Agreement. The decisions on the respective applications for the ROMP and the planning permission for the extension area were not issued as the required Legal Agreement had not been signed due to difficulties on the part of the applicant in securing all of the necessary signatures. The applicant is now in a position to conclude the legal agreement and given the passage of time the applications require to be agreed by the Planning Committee.

2. RECOMMENDATION

- 2.1 That the Committee **accept the agreed conditions** set out in Section 9 and authorise officers to issue the Review of Minerals Permission(WP98/076)
- 2.2 That the Committee indicate that it is **Minded to Grant** full planning permission for an extension area, and delegate authority to the Planning, Building Standards and Environmental Health Manager to issue the decision subject to the conditions set out in Section 9 and to the satisfactory conclusion of a legal agreement in terms of the restoration bond(DC02/447).

3. DEVELOPMENT DETAILS

- 3.1 The quarry site is on the north side of the A82 between Milton and Bowling, and is accessed directly from the Dunglass roundabout. The approved area of the quarry extends to 32.5 hectares and was granted permission (on appeal) by the then Secretary of State on 3rd November 1949. It is located behind Sheep Hill and Auchentorlie Woods and is otherwise bounded mainly by field boundaries to the east and north, and by the residential properties of Miltonhill which abut the site to the west. The quarry produces crushed rock aggregate for an established client base from Argyll and Bute to North Lanarkshire and Ayrshire to Stirling /Falkirk. Outstanding reserves in the quarry were estimated at 22.3 million tonnes in January 2020. There is a processing plant situated within the excavation area for the crushing of rock. At present the quarry has 75 employees.
- 3.2 This conjoined report considers two applications - the Review of Minerals Permission (ROMP) and a planning application for an extension to the operational quarry. The Review of Minerals Permission (ROMP) is not a normal application for planning permission as no planning permission is

being sought. The main purpose is to allow quarries to work under modern conditions with a set of conditions to be agreed between the operator and the Planning Authority. Presently the Quarry can work unrestricted and can operate 7 days a week, 24 hours a day. The agreed conditions would allow the quarry to operate under more restricted and modern conditions which take into account amenity, environmental and landscape matters.

The second application (DC02/447) is to extend the existing operational extraction area of Sheephill Quarry. The extension would measure approximately 1.53ha at the north western boundary of which some 1.07ha relates to the proposed excavation area. This application is to allow for an area of land which would be 'swapped' with the western part of the existing quarry consent to the rear of the residential properties in Miltonhill. No work has commenced on the extension area.

Background

- 3.3** Planning permission for Sheephill Quarry was granted on appeal by the then Secretary of State for Scotland on 3 November 1949, subject to seven conditions which are contained in Appendix 1. That planning permission allows the quarry to operate until 2042. At the time of the permission the planning system was in its infancy, and the permission included far fewer conditions to safeguard environmental and amenity interests than would be normal today. In order to address the issue of old minerals consents such as Sheephill Quarry, the Environment (Scotland) Act 1995 required that all operating quarries be identified by Planning Authorities and that quarry operators apply for a review of their planning conditions known as a "Review of Minerals Permission" (ROMP).
- 3.4** A ROMP application is not an application for planning permission, and it does not seek permission for any new works beyond those which were authorised by the original permission. Rather, the purpose of the ROMP is to bring the planning conditions up to date, with the new conditions being agreed between the operator and the Planning Authority based on current best practice methods and environmental procedures. The ROMP application does not revisit the principle of whether the quarry should be allowed, as this has been established by the existing permission, and the new conditions should not affect the economic viability of the quarry. In the event of a Planning Authority imposing new conditions which did impact upon the viability of the quarry, the Council may be required to compensate the quarry operator accordingly.
- 3.5** In the case of Sheephill Quarry, the Council gave notice to the operator on 10 March 1997 that the quarry had been classified as an Active Phase 1 Site and that an application for a ROMP would therefore be required. This application was duly submitted on 26 April 1998, and following discussions the Council indicated on 15 December 1998 that an Environmental Impact Statement should be carried out. The Environmental Statement was not submitted until March 2003. The consideration of the ROMP application highlighted the fact that the original 1949 permission has a site boundary which immediately adjoins the Miltonhill residential area which was built in the 1960s. Under the terms of the 1949 permission, the quarry could continue to operate right up to the edge of Miltonhill, which would be likely to adversely impact upon the amenity of the neighbouring houses, and this relationship between an operational quarry and a residential development would not accord with current good practice.
- 3.6** Meanwhile, a separate application for planning permission to further extend the potential extraction area of Sheephill Quarry was submitted in 2002 (application

DC02/447). The proposed new extension would enlarge the quarry boundary by approximately 1.53ha on its north western boundary, but this area would include buffer zones and the actual excavation area would only be extended by 1.07ha. The intention behind the planning application for the new extension was that the existing permission to develop next to Miltonhill would be “swapped” for the new consent to develop the north western extension.

3.7 Both the ROMP and the planning application for the extension were presented to the January 2005 Planning Committee, and were continued until the February 2005 Committee to enable a site visit and hearing to take place. At that meeting a hearing took place and objectors and the agent for the applicant addressed the Committee. The report into the ROMP application was prepared for the January committee meeting and recommended a set of new conditions, but it is understood that these proposed conditions had not been agreed with the applicant. A meeting then took place between the applicant and officers prior to the February Planning Committee meeting, at which a number of amendments to the recommended conditions were discussed, but the report was not updated for the February committee meeting, and the discussion was reported to the Committee orally. A copy of the planning application reports are contained in Appendix 2. The Committee’s decision was as follows:

- *“That amended conditions similar to those outlined in the Director’s report, details of which are contained in the Appendix hereto, be imposed for the future quarry operations;*
- *That authority be delegated to the Director of Development and Environmental Services to finalise the conditions to the Review of Minerals Permission to the quarry extension; and*
- *That the planning consent would not be issued until the existing planning consent was revoked by either a Section 75 Agreement or a Section 65 Order and until a restoration bond was signed and delivered or otherwise provided for”.*

3.8 The decisions on the respective applications for the ROMP and the planning permission for the extension area were not issued as the required Legal Agreement had not been signed due to difficulties on the part of the applicant in securing all of the necessary signatures. Updates on the progress of the two applications were presented to the Planning Committee meetings in 2008, 2012 and 2013. It is only recently that the applicant’s agent has advised that all necessary signatures can be secured and the legal agreement can be signed so the restoration bond can be delivered. In October 2019, all neighbours within 20 metres of the quarry site, all previous objectors, and Community Councils were notified that the Council were now in a position to return the ROMP and the extension applications back to Committee. In the notification, the background to both applications was explained and a 21 day period was given to submit comments. The applications were also advertised in the local press.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service have no objection to the applications.
- 4.2** Transport Scotland have no objections and is satisfied that the development will not give rise to any significant environmental impacts associated with an increase in traffic on the trunk road.
- 4.3** West Dunbartonshire Council Environmental Health Service has no objections subject to conditions requiring noise levels to meet the terms of PAN 50.
- 4.4** SEPA are satisfied with the updated surface water management plan and have no objections to the applications.
- 4.5** Historic Environment Scotland have no comments on the conditions associated with the ROMP. The proposed extension area will have an impact on the setting of the scheduled ancient monument of Sheephill fort but do not object. The extension will read as part of the existing quarry and it does not raise issues of national significance.
- 4.6** Scottish Water and Scottish Natural Heritage have no comments to make on the proposal.
- 4.7** West of Scotland Archaeology Service have indicated that in terms of the ROMP application that any sites discovered during the soil stripping will be "excavated, analysed and published". In terms of the extension the necessary archaeological investigation should be secured by the attachment of a condition requiring the implementation of a programme of archaeological works.

5. REPRESENTATIONS

- 5.1** Eight letters of representations including Bowling and Milton Community Council and Silvertoun and Overtoun Community Council have been received. One letter of support has been received which supports the extension application.

The reasons for objection are summarised as follows:

- The proposed operating hours are not in keeping with modern standards and are excessive and unnecessary. The operating hours presented to the Planning Committee in 2005 are reasonable;
- The proposed operating hours would result in the significant loss of amenity for local residents in the form of noise and light pollution early in the morning and late in the evening;
- The requirement for works to be carried out below ground level within certain periods is insufficiently clear in its intention;
- The proposed operating hours exceed those granted for the neighbouring Dumbuckhill Quarry;
- The applicant should ensure that the levels stipulated in the assessments are met and that regular checks are carried out;
- No noise survey was carried out at Middleton Farm, the property closes to the proposed quarry extension;
- The renewal and proposed extension would be contrary to local planning policies;

- The proposed extension is in the Greenbelt and would involve the removal of a large section of a hillside in a countryside location;
- There would be a major permanent and detrimental impact on the landscape and scenic skyline and it would restrict access to the Kilpatrick Hill;
- Part of the quarry site is a Site of Importance to Nature Conservation and is protected under the adopted Local Plan;
- The extension borders with a designated Core Path and it would be impossible to maintain safe public access to the path if consent is granted;
- Blasting operations would require the path to be closed either intermittently or permanently;
- Middleton Farm was not neighbour notified when the current planning application was submitted in 2002 nor residents of Treedom Cottage or Milton Brae and therefore they were denied the opportunity to object to the planning application prior to 2005 Planning Committee;
- The landscape information, national environmental standards and planning requirements in the Environmental Statement prepared in 2002 needs updated and does not reflect changes in the adjacent area;
- The arguments presented to justify the extension are meagre and contradictory such as providing employment, enhanced safety, benefits to the residents of Milton Hill;
- It is never been shown that the proposed extension area and Milton Hill are of equal value;
- There are practical challenges to excavating Milton Hill making it extremely doubtful whether the operator would ever be able to do so;
- The ROMP and extension application are legally distinct, with the latter being presented as a solution to the issue of excluding the Miltonhill buffer area from future quarrying;
- An application for significant changes to the area worked at Dumbuckhill Quarry was rejected by the Planning Committee and rejected by the Scottish Ministers;
- There should be no quarrying within the immediate proximity of the Sheephill Fort;
- The historic remains of the vitrified fort which is a Scheduled Ancient Monument should not be destroyed until a proper professional archaeological exploration and documentation is carried out.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

- 6.1** Since the consideration of the ROMP and extension application in 2005 the former Glasgow & Clyde Valley Joint Structure Plan 2003 and Dumbarton District, District Wide Local Plan 1999 have both been replaced by Clydeplan 2017 and the West Dunbartonshire Local Plan 2010 respectively. The relevant policies of the new plans are however generally similar to those which were in force in 2005.

Clydeplan

- 6.2** Policy 15 states that an adequate and steady supply of minerals must be maintained with a land bank for construction aggregate equivalent to at least 10 years extraction being required and notes that there are sufficient hard rock operational reserves to meet demand in the city region. Policy 14 relates to development in the Greenbelt and states that the objectives in para 8.15 of Clydeplan should be met, of which ensuring that rural industries, such as mineral extraction in this case, is located in a sustainable location.

Adopted Local Plan 2010

- 6.3** Sheephill Quarry lies partly within the Green Belt and partly with Wider Countryside designations of the Local Plan; therefore policies GB 1 and WC 1 are applicable in this instance. Policy GB1 presumes against development in the Green Belt, subject to specified exceptions which include development which has a specific locational need for the site. Quarries are considered to have a specific locational need, because they obviously require to be located where there are workable mineral resources, and they cannot be located within built up areas. Policy GB 1 also states that any proposals must not have an adverse impact on the landscape character of the area. Policy WC 1 has similar criteria to Policy GB1 but relates to the wider countryside.
- 6.4** Policy DC8 (Minerals) presumes against new mineral working, extensions or renewal of operations that would adversely affect nature conservation sites, landscape conservation or built heritage and that conditions are imposed to secure the reinstatement of the land and that a bond is provided to ensure that reinstatement is satisfactorily completed. Policy E3A protects local nature conservation sites and Policy BE 5 relates to the protection of Scheduled Monuments. Policy GD 1 contains criteria which is applicable to the consideration of this application, namely residential amenity, traffic, and air quality.
- 6.5** Policy E1 relates to the biodiversity when considering the impacts of development. Policy E3A seeks to protect Local Nature Reserves from adverse impacts on their character and integrity. Sheephill Quarry is partially covered by a local nature conservation site and contains archaeological interests, and therefore the quarry as approved in 1949 is not consistent with these policies. However, the principle of the quarry is not under consideration in terms of the ROMP as it already has full planning permission. Any new conditions imposed to protect archaeological, landscape or nature conservation interests require to be agreed with the applicant. These matters are addressed in Section 7 below. A quarry already exists and the small extension can be accommodated within the terms of the adopted plans and the Planning Committee of 2005 were also minded to agree the ROMP and extension application.

Clydeplan and the Adopted Local Plan (2010) do not raise any issues which have not been previously assessed.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan 1 (LDP) Proposed Plan (2016)

- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglenan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.
- 7.2** Policy SD 4 supports the continuation of aggregates expansion at Sheephill Quarry and provides criteria which any expansion must accord with. The policy also requires proposals to be accompanied by acceptable and fundable restoration proposals. The criteria within the policy also covers some of the requirements of the policies identified below.

The consideration of policies DS1, DS2, GN 3, GN 4, GN5, BH 2, SD1, with regards to development in the greenbelt and wider countryside, local nature conservation sites, landscape, trees, schedule monuments and transport, are similar to that of the Adopted Plan.

Local Development Plan 2: Proposed Plan (2018)

- 7.3** On 19th September 2018 the Planning Committee approved Local Development Plan 2: Proposed Plan for consultation. It is therefore the Council's most up to date policy position and it is a material consideration in the assessment of planning applications.

- 7.4** The consideration of policies GB1, CP 1, ENV 1, ENV 2, ENV 4, BE 1, CON 1 with regards to development in the greenbelt and wider countryside, local nature conservation sites, landscape, trees, schedule monuments and transport, are similar to that of the Adopted Plan and Local Development Plan 1: Proposed Plan (2016). Policy ENV8 requires developments to address air quality, lighting and noise as part of the planning process.

Local Development Plan 2 continues to support the working of minerals at Sheephill Quarry. Policy MIN 1 is similar to Policy SD 4 of the Local Development Plan 1. Policy MIN 2 requires a financial guarantee to be provided to ensure that all restoration, aftercare and any other mitigation requirements are met in full.

- 7.5** Both Proposed Plans do not raise any further new issues which were not previously assessed and therefore the development complies with the Proposed Plans.

Scottish Planning Policy (SPP)

- 7.6** Since the ROMP was considered by the Planning Committee in 2005, the previous Scottish Planning Policies documents have been simplified and consolidated into a single SPP document. In terms of minerals, this advises that planning authorities should ensure that arrangements are in place to monitor the conditions attached to planning permissions, and that authorities are required to review conditions attached to mineral permissions every 15 years. This provides an ongoing means of ensuring that up to date operating and environmental standards are in place. The applications are therefore in accordance the requirements of SPP.

Circular 34/1996

- 7.7** This circular advises that the purpose of the ROMP is to ensure that mineral sites will be subject to appropriate conditions, having regard to the safe, efficient and economic operation of the site and the suitable and timely restoration of the site once it ceases to be worked. In determining new conditions, the planning authority should consider whether the resulting restriction on working rights would prejudice the asset value or economic viability of the site or operation to an unreasonable degree, having regard to the expected remaining life of the site. Conditions dealing with measures to prevent dust, mud and spillages on the public road will be appropriate to all sites. Working programmes should be produced for all sites to ensure that operations are designed in such a way as to protect areas of environmental and ecological importance and the amenity of nearby residential and other sensitive property. It is important that permissions should be subject to conditions governing working hours, but in determining what conditions are appropriate, the circular advises that it is not the hours of working themselves which cause disturbance but the environmental effects associated with the operation i.e. traffic, noise and dust. Applicants and planning authorities

should therefore have regard both to the illustrative guide to conditions on working hours contained in the annex to the circular, and to the circumstance of the particular case including current working hours of the site and of other mineral sites in the area. Longer working hours (including 24 hour working) may be acceptable where the location of the site and/or other conditions can ensure that residential and other sensitive property do not suffer adverse effects. The proposed conditions have been agreed with the applicant, having regard to the advice of the circular.

Planning Advice Note 50 (Controlling the Environmental Effects of Surface Mineral Workings)

- 7.8** PAN50 provides advice on the more significant environmental effects which can arise from mineral working operations. It contains a series of annexes which deal with the environmental effects of surface mineral working in terms of noise, dust, traffic, etc. The proposed new conditions have been agreed with the applicant, taking into account the advice given in the PAN and its annexes.

Principle of the Quarry and Extent of Working Area

- 7.9** As explained above, the existing quarry boundaries were approved in 1949. The area which has already been worked is located away from existing houses and has relatively little impact on the landscape. However, the two main parts of the site, which have not yet been developed, do have potential to have much more of an impact. Quarrying of the western part of the site adjacent to Miltonhill would bring the quarry very close to existing housing, with potential to adversely affect residential amenity. Quarrying of the southern part of the site (Sheep Hill) would have a significant impact on the landscape by opening up views into the quarry from the south, and would also result in the loss of some notable archaeological features. Hypothetically, if the 1949 permission did not exist, it seems unlikely that quarrying of either area would be allowed if a new application was received today. However, permission to quarry these areas cannot be removed without the agreement of the applicant or the payment of very substantial compensation. The solution which was agreed by the Planning Committee in 2005 was that permission for an extension to the north-west would be granted in exchange for the applicant entering into a legal agreement to the effect that the Miltonhill area would not now be quarried. Whilst at some stage during the lengthy consideration of the ROMP, the possibility of a similar arrangement to preserve Sheep Hill may well have been raised; however, this was not progressed and the matter is discussed below. The applicant has advised both Miltonhill and Sheephill have not been quarried to date.

- 7.10** Current operations are focussed within the western void on the 100m level and the eastern void on the 135m level. It has been advised that working within the extension area would commence immediately following the grant of planning permission. It is anticipated that quarrying might start on Sheephill within the next couple of years with future development thereafter being downwards in both that area and the extension. At the present time, the applicant has advised that they are assessing the future phasing of the quarry works and have requested that this be conditioned for submission. Since the phasing works will not have environmental or amenity impacts this is considered acceptable.

Means of Extinguishing Rights to Quarry Miltonhill

- 7.11** As explained above, the Council cannot impose a condition which would prevent the quarrying of parts of the site which already have permission for quarrying without either having the agreement of the applicant or paying compensation. The applicant is however willing to accept a restriction on quarrying and other

operations at Miltonhill subject to the planning application for the north-western extension area being approved to provide an equivalent workable area. Previously the applicant wished this to be dealt with by a legal agreement, whereby the applicant agreed not to quarry the Miltonhill area and the Council agreed to issue the planning permission for the extension, and the Committee approved this arrangement in 2005. However, the applicant is now willing to accept a condition on the ROMP instead to address this matter with no requirement now to include this within the legal agreement.

Operating and Blasting Hours Conditions

- 7.12** The operating hour's condition presented to the 2005 Committee (Appendix 2) proposed that the quarry operate 0800-2000 hours Monday to Friday, 0800-1200 hours on Saturday and not at all on Sundays or public holidays. This restriction was not agreed with the applicant, and the applicant is unwilling to accept it as they consider that it would severely restrict their operation. The applicant is now proposing an alternative operating condition which would allowed the quarry to operate from 0600-2200 hours Monday to Sunday, and no operations other than emergency works, water pumping, servicing, maintenance and testing of plant being permissible outside these hours. Outwith 0700–1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday and Sunday with the exception of haulage vehicles entering and leaving the site all operations shall be undertaken below ground level within the quarry void where there is less risk of it causing noise or other disturbance. A similar condition would be applied to the extension permission.
- 7.13** In order to determine the extent and frequency of such work outwith operating hours, the applicant has advised that over the last 2 years, the quarry has regularly worked 6am to 10pm Monday to Friday, 6am to 1pm on a Saturday and 8am to 4:30pm on a Sunday without complaints being received. Working at weekends may be extended for specific contracts or where delays have been experienced due to plant breakdown.
- 7.14** The applicant has now accepted the restrictions on blasting hours which were agreed by the 2005 Planning Committee, and the proposed condition relating to this is therefore in accordance with the previous decision.

Noise Levels

- 7.15** Whilst a detailed noise assessment was undertaken with the Environmental Statement, recently an updated noise report from noise consultants, based upon BS5228 and PAN 50, was submitted with respect to the locations of noise sensitive receptors - Auchentorlie House, Greenland Farm, Middleton Farm and Milton Hill. The assessment contains operational limits for both the ROMP and extension area and a noise criteria table, which is referenced in condition 4 in both the ROMP and extension application in relation to noise limits, has been agreed with the applicant. The predicted noise levels have been assessed against the criterion in PAN 50 based on the hours of working specified in Condition 3. PAN 50 defines "daytime normally as 0700 -1900 hours and night-time as 1900 - 0700 hours. In some areas 0800 may be more appropriate than 0700 hours. The working week should generally be regarded as Monday to Friday, and Saturday morning, while Saturday afternoons, Sundays and Public/Bank Holidays would normally be regarded as periods of rest. Variations

on these may be appropriate in some circumstances if agreements can be reached”.

The daytime working noise limits have all been set as either 55dB or the background noise level plus 10dB, whichever is the lower level, down to a minimum of 45dB as defined in PAN 50.

- 7.16** For the ROMP application the applicant intends to work from 0700 –1400 on Sundays as normal daytime working as this is in line with the hours they have been operating for some time. Applying normal daytime hours during this period would mean that one property, Auchentorlie House, would have a noise limit of 45dB during this period rather than the 42dB out of hours level. A 3dB difference is regarded as just perceptible to the human ear. A 45dB level would still be less than 10dB above the background level at this location, and is the lowest recommended daytime level within PAN 50. The applicant has agreed that the noise limit will be 42dB for all locations (except Greenland farm which is in their ownership) outwith normal working hours. For the extension application the applicant has agreed that 0700-1400 on Sundays will be regarded as out of hours working and the 42dB limit will apply.
- 7.17** If noise complaints arise due to quarry operations Environmental Health would investigate in terms of the Environmental Protection Act 1990 and would serve notice in terms of “statutory nuisance” if complaints are considered to be justified and nuisance conditions exist. It should be noted that Mattock Hill has been used in lieu of Middleton Farm in terms of assessing the background levels and in terms of monitoring noise levels at this receptor. This is a perfectly reasonable approach, particularly where there may be issues with gaining access to a receptor, and it is a straight forward process to extrapolate noise levels from 1 monitoring location to the actual receptor of interest.

Restoration Scheme and Restoration Bond

- 7.18** The previous condition 37 on the ROMP has been replaced by a new condition regarding the timescale for a detailed scheme of restoration including aftercare and maintenance as the terms of the previous condition would have been difficult to implement. As with most hard rock quarries, operations are continuously focussed in the same place with operations going progressively deeper. The majority of restoration will only take place once operations are completed. The exception to this situation is where upper faces are completed and they can be progressively restored; this situation has not happened at the quarry to date. This restoration would commence once the first couple of benches have been developed within the extension at which point some hydroseeding could commence. Final proposals closer to the cessation of quarry operations will be submitted which give due acknowledgement to environmental and restoration standards at that time. As the ROMP requires to be reviewed every 15 years this can be monitored as the site progresses.
- 7.19** The applicant has agreed to provide a restoration bond for the extension area but is unwilling to provide a restoration bond for the wider quarry site despite being asked on several occasions. They consider that the maintenance of a restoration bond over the extended period that Sheephill will be operational is an unnecessary cost. Presently an assessment of the breakdown of restoration

work costs against the submitted restoration plans for the extension area is underway by independent specialist consultants acting for the Council. This work will determine the suitability of the restoration proposals and adequacy of the restoration figures. The outcome of the review will determine a revised updated bond figure which will be sufficient at all stages of the quarry development. As this review work is still ongoing the extension application, if agreed by the Committee, would not be issued until this review is complete and the updated restoration bond figure is included within a signed legal agreement.

Archaeology and Scheduled Ancient Monument Consent

7.20 In 1970, the part of the site containing the vitrified fort of Sheep Hill was designated as a Scheduled Ancient Monument (SAM) by the Secretary of State for Scotland. This area is within the area which the 1949 planning permission allows to be quarried, but the SAM designation means that an additional Scheduled Ancient Monument Consent will be required if this area is to be worked. The applicant applied to Historic Scotland in 2000 for Scheduled Ancient Monument Consent to quarry Sheep Hill and thus remove the vitrified fort and associated archaeological features. Such consent was granted by Historic Scotland on 18 March 2002, subject to a condition that the archaeological excavation be carried out in strict accordance with a Written Scheme of Investigation, and that the loss of the fort shall be mitigated by the excavation, recording and publishing of findings. A desk-based archaeological assessment of the area of the proposed site was undertaken in March 2003. Although the Scheduled Ancient Monument Consent has lapsed, recent discussion with Historic Environment Scotland have indicated that they would be likely to renew the consent should a new application be submitted. The applicant has indicated that they are likely to submit the Scheduled Ancient Monument Consent in the forthcoming year .

7.21 Reference has been made in the past that the then Director of Planning and Development in 2002 would investigate a possible excambion arrangement, whereby an additional extension area might be approved in exchange for the retention of Sheep Hill Fort. There was reference to this in the desk-based archaeological assessment, in which it was suggested as an alternative to the full excavation of the Fort and the publication of the analysis and details of the archaeology of Sheep Hill, the applicant would be prepared to accept an extension to the area of planning consent together with some element of financial compensation. It is understood that the applicant did some initial work on this proposal but it was found that the quality of the rock was poorer than that in the Sheep Hill area, and it was also considered that there would be even greater visual impact. The proposal was therefore never taken forward, and there is no reference in 2005 committee report to this proposal. Therefore, whilst the loss of Sheep Hill and its archaeological features is to be regretted, this has already been accepted by both the 1949 permission, by the 2005 decision and by the grant of SAMC in 2002 by Historic Environment Scotland. The 2005 report suggested two conditions relating to archaeological investigations prior to quarrying of Sheep Hill, but it is considered that these are not necessary as they would duplicate the controls which Historic Environment Scotland will exercise if they renew the Scheduled Ancient Monuments Consent for the removal of the fort.

Landscape Impact and Ecology

7.22 Presently the excavated area is located within the hills above wooded slopes and has limited visibility. As the excavated area expands the landscape impact will increase, especially when the flank of Sheep Hill is removed and the hillside is

opened up. It would be expected through time that the quarry would weather and the impact would be subdued somewhat, but it is recognised that in the future as development proceeds it is likely to have an impact on the landscape and would be much more visible from viewpoints to the south, west and east. In the longer term this impact should lessen once the top faces have been subject to restoration works, and the operations fall below the sight line from the front edge of the excavation. The issues relating to quarrying in the Sheep Hill area have been addressed above in relation to the archaeological impact, and the proposed changes to the conditions since 2005 do not relate to the landscape impact.

- 7.23** The extension area is grassland and there are no trees. The previous badger survey did not record any badger activity in the survey area and that the potential for badger setts were limited due to geological factors such as very thin soils and overlying solid rock. This continues to be the case. The only potential impacts would be if badgers had been able to dig a sett within the proposed excavation area or that breeding birds were present. The applicant has agreed that a condition be attached to both the ROMP and extension application requiring an updated ecological survey to be undertaken in advance of any soil stripping and that, in the event of any protected species being identified, no works would be undertaken until appropriate mitigation measures have been agreed with the Planning Authority in consultation with Scottish Natural Heritage and implemented thereafter.

Access Arrangements

- 7.24** The quarry is well sited adjacent to Dunglass roundabout and A82 trunk road. The quarry has an extensive surfaced access road which ensures that vehicles leaving the site are clean and no deleterious materials are carried onto the public highway. Condition 20 on the ROMP and extension application makes provision for the paved area of road to be swept/ washed as required and in the event that mud did prove to be an issue in the future Condition 19 makes provision for cleaning facilities if this is required. The access road to Sheephill Quarry is also used by vehicles accessing the Rigangower landfill site.

8. CONCLUSION

- 8.1** The Review of Minerals Permission and extension application have been with the Council for nearly 15 years and by some margin are the oldest outstanding applications with this Council. In those years there have been many issues that have delayed their issue, but in 2005 the Planning Committee agreed to the Review of Minerals Permission and to approve the extension application in accordance with conditions similar to those that were set out in the then committee report. The permissions were never issued due to legal issues, and some further changes to the conditions are now proposed; however, the principle of granting the ROMP application and the extension application, subject to conditions covering these matters, was established by the 2005 decision.
- 8.2** The current permission dating from 1949 is subject to very few conditions. This Review of Minerals Permission will allow the quarry to operate under modern conditions with controls on hours of working, blasting, dust, restoration and other environmental matters. Whilst the Council might have imposed some more restrictive conditions if this was a new application for planning permission, it cannot in this instance as this is a ROMP application and such conditions require to be agreed with the applicant if possible claims for compensation are to be avoided. The suggested conditions are considered by officers to be reasonable, and the limitations which are proposed represent a very substantial improvement

over the present situation. Whilst no quarry development can ever be designed to have no adverse environmental impacts, it is considered that through the new conditions and the associated mitigation measures that such impacts can either be negated, lowered or reduced in probability. The small extension to the quarry is also considered acceptable in both policy and environmental grounds.

9. Conditions

WP98/076 – Review of Minerals Permission

1. The development hereby permitted within the area identified on plan reference Figure 2 of the Environmental Statement shall endure until 21 February 2042 and at the end of the period of permission, all quarrying operations, including the crushing of rock and the transfer of aggregates from the site, shall cease.
2. No excavation of rock or quarrying operations or the storage of any materials/aggregates, equipment or the parking or servicing of any vehicles or equipment shall take place within the area coloured green on ROMPS Development Plan Figure REVDEV/06.12101.
3. Subject to the details specified in subsections 3(a)-3(b) below the normal daytime operating hours for the quarry shall be 0600 hours to 2200 hours daily and no operations other than emergency works, water pumping, servicing, maintenance and testing of plant shall take place outside these hours.
 - 3(a) Outwith 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday and Sundays, with the exception of haulage vehicles entering and leaving the site, all operations shall be undertaken below ground level within the quarry void.
 - 3(b) Loading and despatch of aggregates for specific contracts may be undertaken outwith the specified hours where no less than 24 hours written notice (excluding weekend days and public holidays) has been given to the Planning Authority.
4. Noise attributable to the operators at Sheephill quarry shall not exceed the limits specified in Table A – Noise Criteria (attached to these conditions) at Greenland Farm, Auchentorlie House, No. 9 Milton Hill, and Middleton.
5. A request for the relaxation of the noise limits identified in condition 4 above shall be submitted in writing a minimum 14 days prior to the commencement of the operations requiring the relaxation and shall include time periods and noise limits for the temporary relaxation, all for the consideration and written approval of the Planning Authority.

6. The applicant shall undertake a noise monitoring program at the locations as described in condition 4 above and the frequency and times of such monitoring shall be agreed by the Planning Authority and the results shall be submitted in writing to the Planning Authority on a frequency to be agreed with the Authority. The noise monitoring shall be carried out in accordance with the methods specified in PAN50: Annex A – The control of Noise at Surface Mineral Working and in so far as is reasonably practical, the operation shall ensure that the best practice methodologies set out in PAN50 are adopted.
7. Blasting operations shall be carried out between 1000 hours and 1600 hours Monday to Friday, with no blasting permitted at weekends and on public holidays and the quarry operator shall endeavour to ensure that as far as is practicable, blasting should be carried out between 1000 and 1300 hours.
8. Within 4 weeks of this approval details of the methods employed to minimise air overpressure from blasting operations shall be submitted to the Planning Authority for written approval. All blasting operations shall take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the Planning Authority.
9. Notwithstanding the requirements of condition 6 and 7 above, if as a result of any emergency situation or need to ensure safe quarry practices, blasting is required to take place outside the specified hours, the times and reasons for such an event shall be notified in writing to Council's Environmental Health Service within two days of the occurrence.
10. Within four weeks of the date of this approval, the operator shall submit a blast monitoring scheme that will record all blasts within the quarry area, with the monitoring points to be set at locations to be agreed by the Planning Authority.
11. The operator shall monitor all blasts and records shall be maintained so the peak particle velocity can be identified and these records shall be made available for inspection by any authorised party during office hours at the quarry with copies being supplied to Planning Authority on a three monthly basis. In the event that recorded values exceed the agreed level, the operator shall notify the Planning Authority of the event within one working day and shall provide an assessment of its implication with respect to future blasting activity and the site's vibration limit.
12. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mm/s in 95% of all blasts measured over any period of 12 months and no individual blast shall exceed a peak particle velocity of 12 mm/s as measured at any nearby vibration sensitive property. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface at any vibration sensitive building; all to the satisfaction of the Planning Authority.

13. Blasting shall be carried out using the best practicable means available to ensure that the resultant noise, vibration and air overpressure are minimised in accordance with current British Standards and Mineral Guidelines and the best practice methodologies as set out in PAN50.
14. For the duration of this permission and up to the completion of all aftercare works warning signs shall be erected and maintained by the operator next to all publicly accessible areas within or adjacent to the quarry. Details of the locations of these signs shall be submitted to and approved by the Planning Authority.
15. Blasting shall only be carried out after suitable audible and visible warnings have been given and the method of such warnings shall be submitted to the Planning Authority. Thereafter the approved warnings shall be given in writing by the operator to the occupiers of all the properties around the site.
16. The operator shall ensure that the Council's Environmental Health Service be given a minimum of 48 hours email notification, excluding weekends and public holidays, before every blast at the quarry.
17. The quarry operator shall ensure that all operations are controlled so as to prevent or minimise the release of dust in the atmosphere and the dust mitigation measures listed in the Environmental Statement shall be implemented and in a method which ensures that the best practice methodologies as set out in PAN50 are adopted.
18. Visual assessments of dust emissions from all plant and operations shall be made at least once per day during operations and remedial actions taken as may be required. The operator shall maintain a diary of weather conditions, visual assessment of dust and any mitigation measures implemented on a daily basis. The diary shall also record any complaints relating to dust, any investigations undertaken in respect of complaints and any remedial actions undertaken as a result of the investigation. The diary shall be retained on-site and made available to the Planning Authority on request.
19. Should future monitoring of the A82(T) prove that lorries from the site are carrying deleterious material onto the trunk road then the applicant provide wheel and undercarriage cleaning facilities within the site.
20. The paved area of road within the site shall be swept/washed where required in order to ensure that no debris from the quarry is carried onto the public highway.
21. Within 3 months of the date of this approval, the operator shall submit for approval details of anticipated phasing for the duration of operations. The Planning Authority shall be notified and agree any future revisions in respect of phasing.

22. In the event that the discharge of water from the site becomes necessary the operator shall apply to SEPA for Consent to Discharge. No discharge shall commence until Discharge Consent has been obtained and thereafter the control of water run-off from the site shall be in accordance with the conditions contained therein. The Planning Authority shall be notified in writing of any changes or updates in the control of site water.
23. The topsoil and subsoils to be removed shall be stored as described in the applicant's written submission and shall be retained on site for eventual reuse as part of the restoration works as described in conditions 31 and 32.
24. If it becomes necessary to relocate any of the existing or new soil storage mounds within the site then such soils cannot be relocated until the Planning Authority gives written approval of the new storage locations and methods of storage.
25. If it becomes necessary to relocate the mineral stock piles from the location indicated in the applicant's submission, then such relocation cannot take place until the Planning Authority gives written approval of the new storage locations and methods of storage.
26. Details of all boundary walls and fences for the full extent of the application site shall be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.
27. No materials shall be imported to the site for the purposes of storage, crushing, screening, processing, manufacturing or onward transportation. This condition does not apply to materials imported in relation to the mobile concrete batching plant or vehicles traversing the site to access Rigangower landfill site and recycling facility.
28. Any chemical, oil or diesel storage tanks installed within the application site shall be sited on impervious bases and surrounded by impervious boundary walls and the bunded areas shall be capable of containing 110% of the tank volume and should enclose all fill and draw pipes.
29. All artificial lighting units installed at the quarry shall have a purpose and shall be sited and directed as to minimise the potential for light pollution and glare outside the quarry boundary.
30. No later than 6 months after the permanent cessation of quarrying or the date set by condition 1 above, whichever is the sooner, all buildings plant, machinery and areas of hardstanding, including the internal access roads, shall be removed and the ground reinstated in accordance with the conditions of this permission relating to restoration. For avoidance of doubt this condition does not relate to the main access route used for the landfill site and estate management purposes.

31. Within six months of the date of this consent, a restoration masterplan for the whole of the quarry area and including details of the restoration or replanting of dilapidated features such as boundary hedges and drystone dykes, as well as, details showing how recreational access and links to the local path network would be achieved, along with details of aftercare and afteruse, shall be submitted to and approved in writing by the Planning Authority. This shall include how the restoration of the approved extension area is integrated within the overall restoration proposals of the full quarry area.
32. Not later than 2 years before the expiry of this permission or permanent cessation of quarrying, whichever is the sooner, a detailed final restoration scheme for the site including aftercare and maintenance shall be submitted for the written approval of the Planning Authority. The approved scheme shall be implemented before the expiry of this permission
33. The restoration scheme approved under the terms of conditions 31 and 32 above shall include a bird hazard management plan to be approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of the design, maintenance and management of any water bodies and wetlands to minimise birdstrike hazard.
34. The restoration scheme approved under the terms of conditions 31 and 32 above shall be implemented and the works completed within 12 months of the completion of all quarrying operations or the date stated in condition 1 above, whichever is the sooner.
35. In the event that during the life of this permission mineral extraction ceases for a continuous period in excess of two years or the use is discounted for a like period, then unless as may otherwise be agreed in writing by the Planning Authority, within 6 months of either event occurring, a revised final restoration scheme including details of aftercare and afteruse, that modifies and updates that approved by conditions 30 above, shall be submitted for the written approval of the Planning Authority, including any modifications, as may be required, detailing the steps to be taken to restore the site.
36. Within 12 months of being approved any revised restoration scheme that may have been required under the terms of condition 34 above shall be implemented and the works completed.
37. The approved aftercare scheme shall be implemented following cessation of mineral extraction and in accordance with the approved timetable as required by condition 34 above, unless as may otherwise be agreed in writing by the Planning Authority.

38. Within twelve months from the date of this permission, and thereafter at twelve monthly intervals, the applicant shall submit a plan to a scale of not less than 1:2500 indicating the progress of quarrying operations. The plan will indicate the current position of the extraction areas, the extent of spoil disposal and any landscaping or restoration works that have been implemented.
39. Prior to any tree felling work taking place, all trees that require to be felled shall be inspected by an experienced bat surveyor to check for the presence or otherwise of bats. If bats are found then no tree felling work shall take place until the relevant license is obtained.
40. The applicant shall ensure that the footpath from Milton Brae via Greenland Farm to Loch Humphrey, where it passes close to the quarry, is kept open to the public (other than during any times of blasting in the quarry) or than an alternative appropriate footpath is provided.
41. Prior to any soil stripping taking place on site, an updated ecological survey shall take place and the report shall be submitted to and approved by the Planning Authority. In the event of any protected species being identified no works shall be undertaken within the identified area until appropriate mitigation measures have been submitted to and approved by the Planning Authority and the approved mitigation measures implemented on site.
42. Any archaeological site discovered during soil stripping excluding the area of the Scheduled Ancient Monument, shall be excavated, analysed and published to the satisfaction of the Planning Authority in agreement with West of Scotland Archaeology Service.

INFORMATIVE

1. **Ground level relates to original ground surface level and reference to 'operations undertaken below ground level' should be taken to relate to plant operating at sufficient depth below ground level such that there is no clear line of sight between the plant and the sensitive property.**

Condition 4 - Table A : Noise Criteria

Receptor	Noise Criteria			
	ROMP			
	Soils and overburden handling*	Routine operations including drilling	Routine operations	Out of hours operations**
Milton Hill	70	55	55	42
Greenland	70	55	55	55
Middleton	70	45	45	42
Auchentorlie	70	49	#49	42

* For a period of up to 8 weeks in any 12 month period. These temporary works shall not start until 0800 hours and not on Sundays or Bank Holidays.

maximum of 45dB for 0700-1400 on Sundays.

** Out of hours operations are those outwith 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday and Sundays and include Bank Holidays.

DC02/447: Extension

1. **The excavation works hereby permitted within the area identified on plan reference Figure 2 of the Environmental Statement as the proposed extension area shall start within two years of the date of this permission.**
2. **The development hereby shall endure until 21 February 2042 and at the end of the period of permission, all quarrying operations, including the crushing of rock and the transfer of aggregates from the site, shall cease.**

- 3. Subject to the details specified in subsections 3(a)-3(b) below, the normal daytime operating hours for the quarry shall be 0600 hours to 2200 hours daily and no operations other than emergency works, water pumping, servicing, maintenance and testing of plant shall take place outside these hours.**

 - 3(a) Outwith 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday and Sundays, with the exception of haulage vehicles entering and leaving the site, all operations shall be undertaken below ground level within the quarry void.**
 - 3(b) Loading and despatch of aggregates for specific contracts may be undertaken outwith the specified hours where no less than 24 hours written notice (excluding weekend days and public holidays) has been given to the Planning Authority.**
- 4. Noise attributable to the operators at Sheephill quarry shall not exceed the limits specified in Table B (Noise Criteria) attached to this permission at Greenland Farm, Auchentorlie House, No. 9 Milton Hill, and Middleton.**
- 5. A request for the relaxation of the noise limits identified in condition 4 above shall be submitted in writing a minimum of 14 days prior to the commencement of the operations requiring the relaxation and shall include time periods and noise limits for the temporary relaxation, all for the consideration and written approval of the Planning Authority.**
- 6. The applicant shall undertake a noise monitoring programme at the locations as described in condition 4 above and the frequency and times of such monitoring shall be agreed by the Planning Authority and the results shall be submitted in writing to the Planning Authority on a frequency to be agreed with the Authority. The noise monitoring shall be carried out in accordance with the methods specified in PAN50: Annex A - The Control of Noise at Surface Mineral Working and in so far as is reasonably practical, the operation shall ensure that the best practice methodologies set out in PAN50 are adopted.**
- 7. Blasting operations shall be carried out between 1000 and 1600 hours Monday to Friday, with no blasting permitted at weekends and on public holidays and the quarry operator shall endeavour to ensure that as far as is practicable, blasting should be carried out between 1000 and 1300 hours.**
- 8. Prior to the commencement of blasting operations details of the methods employed to minimise air overpressure from blasting operations shall be submitted to the Planning Authority for written approval. All blasting operations shall take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the Planning Authority.**

- 9. Notwithstanding the requirements of condition 7 and 8 above, if as a result of any emergency situation or need to ensure safe quarry practices, blasting is required to take place outside the specified hours, the times and reasons for such an event shall be notified in writing to Council's Environmental Health Service within two days of the occurrence.**
- 10. Within four weeks of the date of this approval, the operator shall submit a blast monitoring scheme that will record all blasts within the quarry area, with the monitoring points to be set at locations to be agreed by the Planning Authority.**
- 11. The operator shall monitor all blasts and records shall be maintained so that peak particle velocity can be identified and these records shall be made available for inspection by any authorised party during office hours at the quarry with copies being supplied to Planning Authority on a three monthly basis. In the event that recorded values exceed the agreed level the operator shall notify the Planning Authority of the event within one working day and shall provide an assessment of its implication with respect to future blasting activity and the site's vibration limit.**
- 12. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mm/s in 95% of all blasts measured over any period of 12 months and no individual blast shall exceed a peak particle velocity of 12 mm/s as measured at any nearby vibration sensitive property. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface at any vibration sensitive building; all to the satisfaction of the Planning Authority.**
- 13. Blasting shall be carried out using the best practicable means available to ensure that the resultant noise, vibration and air overpressure are minimised in accordance with current British Standards and Mineral Guidelines and the best practice methodologies as set out in PAN 50.**
- 14. For the duration of this permission and up to the completion of all aftercare works warning signs shall be erected and maintained by the operator next to all publicly accessible areas within or adjacent to the quarry. Details of the locations of these signs shall be submitted to and approved by the Planning Authority.**
- 15. Blasting shall only be carried out after suitable audible and visible warnings have been given and the method of such warnings shall be submitted to the Planning Authority. Thereafter the approved warnings shall be given in writing by the operator to the occupiers of all the properties around the site.**
- 16. The operator shall ensure that the Council's Environmental Health Service be given a minimum of 48 hours email notification, excluding weekends and public holidays, before every blast at the quarry.**

- 17. The quarry operator shall ensure that all operations are controlled so as to prevent or minimise the release of dust into the atmosphere and the dust mitigation measures listed in the Environmental Statement shall be implemented and in a method which ensures that the best practice methodologies as set out in PAN50 are adopted.**
- 18. Visual assessments of dust emissions from all plant and operations shall be made at least once per day during operations and remedial actions taken as may be required. The operator shall maintain a diary of weather conditions, visual assessment of dust and any mitigation measures implemented on a daily basis. The diary shall also record any complaints relating to dust, any investigations undertaken in respect of complaints and any remedial actions undertaken as a result of the investigation. The diary shall be retained on-site and made available to the Planning Authority on request.**
- 19. Should future monitoring of the A82(T) prove that lorries from the site are carrying deleterious material onto the trunk road then the applicant shall provide wheel and undercarriage cleaning facilities within the site.**
- 20. The paved area of road within the site shall be swept/washed where required in order to ensure that no debris from the quarry is carried onto the public highway.**
- 21. The methods of working within the quarry shall be as described within the approved documents forming part of this consent and any changes to the operating procedures or methods shall be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.**
- 22. The topsoil and subsoils to be removed shall be stored as described in the applicant's written submission and shall be retained on site for eventual reuse as part of the restoration works as described in condition 31.**
- 23. If it becomes necessary to relocate any of the existing or new soil storage mounds within the site then such soils cannot be relocated until the Planning Authority gives written approval of the new storage locations and methods of storage.**
- 24. If it becomes necessary to relocate the mineral stock piles from the location indicated in the applicant's submission, then such relocation cannot take place until the Planning Authority gives written approval of the new storage locations and methods of storage.**
- 25. Details of any boundary walls and fences to be erected for the full extent of the application site shall be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.**
- 26. No materials shall be imported to the site for the purposes of storage, crushing, screening, processing, manufacturing or onward transportation. This condition does not apply to vehicles traversing the site to access Rigangower landfill site.**

- 27. Any chemical, oil or diesel storage tanks installed within the application site shall be sited on impervious bases and surrounded by impervious bunded walls and the bunded areas shall be capable of containing 110% of the tank volume and should enclose all fill and draw pipes.**
- 28. All artificial lighting units installed at the quarry shall have a purpose and shall be so sited and directed as to minimise the potential for light pollution and glare outside the quarry boundary.**
- 29. No later than 6 months after the permanent cessation of quarrying or the date set by condition 1 above whichever is the sooner, all buildings, plant, machinery and areas of hardstanding including the internal access roads shall be removed and the ground reinstated in accordance with the conditions of this permission relating to restoration.**
- 30. Within six months of the date of this consent, a restoration masterplan for the whole of the quarry area and including details of the restoration or replanting of dilapidated features such as boundary hedges and drystone dykes, as well as details showing how recreational access and links to the local path network would be achieved, along with details of aftercare and afteruse, shall be submitted to and approved in writing by the Planning Authority. This shall include how the restoration of the extension area is integrated within the overall restoration proposals of the full quarry area.**
- 31. Not later than 2 years before the expiry of this permission or permanent cessation of quarrying whichever is the sooner, a detailed final restoration scheme for the site including aftercare and maintenance shall be submitted for the written approval of the Planning Authority. The approved scheme shall be implemented before the expiry of this permission.**
- 32. The restoration scheme approved under the terms of conditions 30 and 31 above shall include a bird hazard management plan to be approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of the design, maintenance and management of any water bodies and wetlands to minimize birdstrike hazard.**
- 33. The restoration scheme approved under the terms of condition 32 above shall be implemented and the works completed within 12 months of the completion of all quarrying operations or the date stated in condition 2 above, whichever is the sooner.**
- 34. In the event that during the life of this permission mineral extraction ceases for a continuous period in excess of two years or the use is discontinued for a like period, then unless as may otherwise be agreed in writing by the Planning Authority, within 6 months of either event occurring, a revised final restoration scheme that modifies and updates that approved by condition 30 above, shall be submitted for the written approval of the Planning Authority, including any modifications as may be required, detailing the steps to be taken to restore the site.**

- 35. Within 6 months of being approved any revised restoration scheme that may have been required under the terms of condition 34 above shall be implemented and the works completed.**
- 36. The approved aftercare scheme shall be implemented following cessation of mineral extraction and in accordance with the approved timetable as required by condition 34 above, unless as may otherwise be agreed in writing by the Planning Authority.**
- 37. Within twelve months from the date of this permission, and thereafter at twelve monthly intervals, the applicant shall submit a plan to a scale of not less than 1:2500 indicating the progress of quarrying operations. The plan will indicate the current position of the extraction areas, the extent of spoil disposal and any landscaping or restoration works that have been implemented.**
- 38. Prior to any tree felling work taking place, all trees that require to be felled shall be inspected by an experienced bat surveyor to check for the presence or otherwise of bats. If bats are found then no tree felling work shall take place until the relevant licence is obtained.**
- 39. The applicant shall ensure that the footpath from Milton Brae via Greenland Farm to Loch Humhrey , where it passes close to the quarry, is kept open to the public (other than during any times of blasting in the quarry) or that an alternative appropriate footpath is provided.**
- 40. Within 3 months of the date of this consent an updated plan and programme of the anticipated phasing of the extension quarry operations shall be submitted and approved by the Planning Authority. Any changes to the approved phasing programme and plan shall be notified and approved by the Planning Authority.**
- 41. No development shall commence on the extension area, including any soil stripping, until an updated ecological survey has taken place. The ecological report shall be submitted to and approved by the Planning Authority. In the event of any protected species being identified no works shall be undertaken within the identified area until appropriate mitigation measures have been submitted to and approved by the Planning Authority and the approved mitigation measures implemented on site.**
- 42. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with the written scheme of investigation which has been submitted for approval of the 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 site is undertaken to the satisfaction of the Planning Authority in agreement with West Of Scotland Archaeology Service.**

INFORMATIVE

1. **Ground level relates to original ground surface level and reference to ‘operations undertaken below ground level’ should be taken to relate to plant operating at sufficient depth below ground level such that there is no clear line of sight between the plant and the sensitive property.**
2. **In the event that the discharge of water from the site becomes necessary the operator shall apply to SEPA for Consent to Discharge. No discharge shall commence until Discharge Consent has been obtained and thereafter the control of water run-off from the site shall be in accordance with the conditions contained therein. The Planning Authority shall be notified in writing of any changes or updates in the control of site water.**

Table B – Noise Criteria – Condition 4

Receptor	Noise Criteria			
	Extension			
	Soils and overburden handling*	Routine operations including drilling	Routine operations	Out of hours operations**
Milton Hill	70	55	55	42
Greenland	70	55	55	55
Middleton	70	48#	45	42
Auchentorlie	70	49	49	42

* For a period of up to 8 weeks in any 12 month period. The temporary works shall not start until 0800 hours and not on Sundays or Bank Holidays.

Only when drilling to upper bench, 45dB for all other benches.

** Out of hours operations are those outwith 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday, and include Bank Holidays.

Person to Contact:	Pamela Clifford, Planning, Building Standards and Environmental Health Manager Email: Pamela.Clifford@west-dunbarton.gov.uk
Appendices:	Appendix 1 – Planning permission granted 3 rd November 1949 on appeal Appendix 2- Report to Planning Committee 5 January 2005, Minutes of January and February Committee 2005
Background Papers:	<ol style="list-style-type: none">1. Application forms, plans and Environmental Statement;2. Consultation Responses;3. Letters of representation;4. Glasgow & Clyde Valley Strategic Development Plan 2012;5. Clydeplan6. Scottish Planning Policy;7. West Dunbartonshire Local Plan 2010;8. West Dunbartonshire Council Proposed Plan 1 and 29. Circular 34/1996;10. Planning Advice Note 50 and Annexes
Wards affected:	Ward 3 (Dumbarton)

WEST DUNBARTONSHIRE COUNCIL

Report by the Strategic Lead Regulatory

Planning Committee: 11 November 2020

Subject: WP98/076: Review of Minerals Permission (ROMP) and DC02/447: Extension to Quarry, Sheephill Quarry, Milton, Dumbarton

1. Purpose

- 1.1** To provide the Committee with further information relevant to the consideration of the Review of Minerals Permission application(ROMP) and the extension application.

2. Recommendations

- 2.1** That the Committee **accept the agreed conditions** set out in Section 9 in Appendix 1: Planning Committee report dated 11th March 2020 and authorise officers to issue the Review of Minerals Permission(WP98/076)
- 2.2** That the Committee indicate that it is **Minded to Grant** full planning permission for an extension area, and delegate authority to the Planning, Building Standards and Environmental Health Manager to issue the decision subject to the conditions set out in Section 9 in Appendix 1:Planning Committee Report dated 11th March 2020 and to the satisfactory conclusion of a legal agreement in terms of the restoration bond(DC02/447).

3. Background

- 3.1** The circumstances of the application for a ROMP and the extension application were set out in the report to the March Planning Committee meeting. (Appendix 1) At that meeting, the Committee agreed to continue the application for consideration at a future meeting so that members could be provided with additional information regarding the Review of Minerals application, extension application and the Scheduled Monument. The following issues were raised by the Committee requiring further clarification and comment:

- The Review of Minerals application process and how it relates to the extension application.
- Further details of Scheduled Monument (SM) process and the role of the Council in that process
- The proposed hours of working and how it relates to modern standards.

4. Main Issues

Refusal of the ROMP

- 4.1** It was suggested that if the application for new conditions was refused that the application be handed over to the Scottish Ministers for determination on appeal. The guidance and legislation is clear that the planning authority, and only the planning authority is obliged to determine new conditions; the planning authority cannot refuse to determine the conditions. The Committee therefore requires to consider the conditions proposed by the applicant and either agree to approve these conditions or agree to determine conditions that differ from those set before them. There is no legal right to refer the conditions to the Scottish Ministers for determination. The ROMP is not granting a new permission but is reviewing the 1949 permission and agreeing to a new set of conditions which meets modern standards and working practices. The application for the extension is a normal planning application and the Committee can approve or refuse the application and if the application is refused there is the right to appeal to the Scottish Ministers.
- 4.2** In terms of the conditions recommended in the ROMP. The planning authority can determine conditions that differ from those proposed. However if these conditions adversely affect the asset value of the site then the Planning Authority would require to compensate the quarry operator accordingly. Where the Planning Authority determine conditions different from those submitted by the applicant and the effects of the conditions is to restrict working rights further than the existing conditions attached to the permission relating to the site the planning authority must provide a separate notice for determination. This should identify the working rights further restricted and state whether or not in our opinion in the effect of that restriction would be such as to prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site; a liability for compensation will arise. The applicant has a right of appeal to the Scottish Ministers against the planning authority's opinion. Scottish Government advice considers that conditions which would restrict working rights to the extent of unreasonable prejudice should not be imposed except in exceptional circumstances.
- 4.3** The applicant has provided the asset values for the overall site, the Scheduled Monument area, the Milton Hill area and the proposed extension area which was to be exchanged for the Milton Hill Area. This information demonstrates the loss in asset value in the event that working was restricted within the Scheduled Monument and Milton Hill areas. The asset values of Milton Hill and the proposed Extension area are not significantly different and the proposal does represent a reasonable exchange for restricting operations at Milton Hill and allowing the quarrying of the extension area.
- 4.4** If the Council were to restrict operations to retain the Scheduled Monument the level of compensation payable would be in the region of several million pounds. From the figures provided, it is clear that there is a significant reduction in asset value and that the imposition of any condition that restricted development in the Scheduled Monument area which would prejudice to an unreasonable degree the asset value of the site, the Council would be liable to pay compensation. The planning permission granted in 1949 for Sheephill Quarry allows the full excavation of the whole site, which includes the rock

under Sheep Hill Scheduled Monument. If the Council was to impose a planning condition which restricted development so as to retain the Sheep Hill Scheduled Monument, then the Council would be directly responsible for the reduction in the asset value of the quarry and would require to compensate the operator.

Scheduled Monument Consent

- 4.5** The vitrified fort of Sheephill was designated as a Scheduled Ancient Monument by the Secretary of State in 1970. Scheduled Ancient Monument Consent (SAMC) was granted in 2002 by Historic Scotland subject to a condition that the archaeological excavation be carried out in strict accordance with a Written Scheme of Investigation and that the loss of the fort shall be mitigated by the excavation, recording and publishing of findings. Although the 2002 SAMC has since lapsed, the principle of removing the fort has been repeatedly established and Historic Environment Scotland have suggested that it would not seem reasonable to recommend refusal of any subsequent application for SMC at this stage.
- 4.6** Since the March Planning Committee Historic Environment Scotland have provided further details of the Scheduled Monument Consent process. They have indicated that while works to the scheduled area would require consent, there is a long established permission in place to extract minerals in this area which would be a significant consideration for any application for scheduled monument consent (SMC). SMC has previously been issued for the excavation and removal of Sheep Hill Fort and although the consent has now expired, the principle of its excavation has been established. Therefore there would be a presumption that Historic Environment Scotland would grant consent for a new application for excavation and subsequent removal of the monument were it to be made. All applications for scheduled monument consent are public and are lodged on their portal and anyone can comment on them. Any material comments would be taken into account in making the decision. They have indicated that the Council is not a statutory consultee and does not have a right to make an objection, but is free to comment on the application
- 4.7** Historic Environment Scotland have indicated that they would expect the applicants to consult them well before they submitted the application for SMC. These pre-application discussions would clarify their expectations of the archaeological work on the hill fort. For a large and complex case such as this, they would expect to have long discussions with the applicants and with their archaeological contractors, who would prepare detailed plans for the necessary archaeological work, which would be funded by the applicant. A project design with appropriate supporting documentation and agreements would then form part of the application for consent. It can take up to 8 weeks to process an application for consent, or more time by agreement between HES and the applicant. This case would also be referred onwards to Scottish Ministers for review and final decision.

- 4.8** The Council will have the opportunity to make representations to both Historic Environment Scotland and the Scottish Ministers asserting that the Scheduled Monument is an important archaeological site which should be retained and that the SMC application be refused. As the 1949 planning permission pre-dates the scheduling of the Sheep Hill SM site, if the Scottish Government were to refuse SMC then the Scottish Government would under the Ancient Monuments and Archaeological Areas Act 1979 be liable to pay compensation to the operator.

Hours of working

- 4.9** The Quarry can work unrestricted and can operate 7 days a week, 24 hours a day, at present due to 1949 permission. The agreed conditions as part of the ROMP would allow the quarry to operate under more restricted and modern conditions which take into account amenity, environmental and landscape matters. The current operations are undertaken on a double shift worked 6am to 10pm Monday to Friday, 6am to 1pm on a Saturday and 8am to 4:30pm on a Sunday. Working at weekends may be extended for specific contracts or where delays have been experienced.

- 4.10** The Committee had commented about the long hours of working and how they can meet modern standards. Planning Circular 34/1996: Environment Act 1995 gives advice to planning authorities and the minerals industry on the statutory procedures to be followed for the consideration of updated planning conditions in the review process. In terms of hours of working it states: "that it is not the hours of working themselves which cause disturbance but the environmental effects associated with the operation - e.g. traffic, noise, dust etc. Restricting working hours may not therefore achieve environmental improvements if production is intensified during the shortened working period."

It is proposed that Sheephill Quarry is to operate from 0600-2200 hours Monday to Sunday, and no operations other than emergency works, water pumping, servicing, maintenance and testing of plant being permissible outside these hours. Outwith 0700–1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday and Sunday (with the exception of haulage vehicles entering and leaving the site), all operations would be undertaken below ground level within the quarry void where there is less risk of it causing noise or other disturbance. A similar condition would be applied to the extension permission.

- 4.11** There are no 'standard times' for operational hours within the quarrying industry. This is reflected in the guidance in Circular 34/1996 as it advises that the precise nature of the condition and times specified will depend upon the circumstances of the particular case. Longer or shorter hours may be appropriate. Therefore it would be unreasonable to set operational hours at a quarry purely on the basis that these hours were the same as another operation elsewhere.

- 4.12** A detailed noise assessment was undertaken with the Environmental Statement and recently an updated noise report from noise consultants, based upon BS5228 and PAN 50, was submitted with respect to the locations of noise sensitive receptors. The assessment contains operational limits for both the ROMP and extension area. The predicted noise levels have been assessed against the criterion in PAN 50 based on the hours of working specified in Condition 3 contained in the Committee report in Appendix 1 and a noise criteria table, which is referenced in condition 4 in both the ROMP and extension application in relation to noise limits, has been agreed with the applicant. Whilst concern was expressed by the Committee at the length of the proposed hours of working, the guidance contained in Circular 18/1996 advises that longer working hours, including 24 hour working, may be acceptable where the location of the site and/or other conditions can ensure that residential and other sensitive property do not suffer adverse effects. PAN 50 includes recommended noise levels for working 1900-0700hrs, designed to ensure that quarries can operate 24hrs if need be, but without causing noise disturbance at nearby residences. This proposal complies with this 'night time' noise level including for daytime working on Sundays. The noise levels agreed by condition 4 complied with the recommendations of both PAN 50 Annex A and the World Health Organisation (WHO).

- 4.13** The current and proposed future operations have appropriate distances from residential properties. It has been agreed that early morning and evening operations will be restricted to areas below ground level, where reduced noise levels can be achieved; and it has been demonstrated to the satisfaction of Environmental Health that operations can be undertaken without any amenity impact in relation to noise, dust, or traffic movement. The extension area would have no significant impacts on any sensitive receptors and that appropriate separation distances are being maintained from all properties. The setting of specific noise levels enables any noise complaints to be assessed in terms of strict adherence to the specified noise criteria set out in Condition 4. The operator is required to routinely monitor these levels to ensure they are being achieved. Should a resident complain of noise disturbance, even when it was within the specified noise limit, Environmental Health would investigate and potentially may require a reduction in the output noise level in terms of the Environmental Protection Act 1990 if it is deemed to be a statutory nuisance.

Link between ROMP Permission and Extension Application

- 4.14** The applicants had confirmed that they would accept ROMP Condition 2, which removes the Milton Hill area from the quarrying.

ROMP Condition 2 states "No excavation of rock or quarrying operations or the storage of any materials/aggregates, equipment or the parking or servicing of any vehicles or equipment shall take place within the area coloured green on ROMPS Development Plan Figure REVDEV/06.12101 . "

The applicant has indicated that this condition was agreed on the understanding that the Council was minded to grant the extension area as an alternative development area to Milton Hill. The applicant has advised that if the Council is minded to refuse the Sheephill Extension application they will no longer accept Condition 2 and that development proposals will revert to

those submitted with the ROMP application whereby the area adjacent to Milton Hill can be quarried as per 1949 permission or the applicant seeks compensation for the asset loss of this part of the quarry site. Condition 4 on the ROMP application would require to be revisited as noise limits will require to be reviewed and uplifted to correspond with the levels that will be experienced at Milton Hill during the development of this phase of operations.

Letters of Representations

- 4.15** In the March Committee report there were eight letters of representations including Bowling and Milton Community Council and Silverton and Overtoun Community Council and one letter of support which supports the extension application. At the Committee, the objectors and the applicants agent addressed the Committee. Since the Committee a further objection has been received and they believe that the work has already been carried out and there has been significant rock fall onto a path below. Water is coming from the extension and new access road to the quarry which has been channelled down the hillside potentially flooding the A82. They believe that there is another ancient structure directly below and will be contacting Historic Environment Scotland and West of Scotland Archaeology Service.
- 4.16** In response to the above issues raised the applicant has advised that any rock movement was attributable to on-going works within the quarry boundary and health and safety protocols were in place to ensure that all works were being undertaken safely. Surface water runoff from a significant proportion of the surrounding hillside has historically been channelled through the area below Sheephill. There is no potential for flooding of the A82 from this source. They are unaware of any previously unrecorded archaeological features in the area and much of the hillside below Sheephill is disturbed ground with derelict man-made structures for during the war. Historic Environment Scotland or West of Scotland Archeology Service have not raised any issues regarding other ancient structures.

Other Issues

- 4.17** The Environment Statement (ES) supporting the application was prepared in 2002. It has been suggested that the contents of the ES are out of date. The various aspects of the ES have been discussed with the applicant and that in relation to the assessment and the principle of the methodology for assessing landscape and visual impact, this has not changed since the original assessment was undertaken. No significant changes have occurred in the management of dust and no change in relation to archaeology. A number of matters have been updated since the ES was submitted such as the water management plan, updated noise and blast vibration assessments and an updated ecological survey is required by condition to be undertaken prior to commencement of operations and, if required, that appropriate mitigation is implemented on site. The consultation process has not raised issues which have not been addressed or can be dealt with by condition.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial and Procurement Implications

- 6.1** Financial implications may arise if the proposed conditions are altered or additional conditions added without the agreement of the applicant.

7. Risk Analysis

7.1 A risk assessment is not required.

8. Equalities Impact Assessment (EIA)

8.1 There are no equalities issues identified.

9. Consultation

9.1 Neighbours and objectors have been consulted through the planning process.

10. Strategic Assessment

10.1 The ROMP supports the Councils strategic priorities of the Council.

Peter Hessett
Strategic Lead- Regulatory
Date: 11th November 2020

Person to Contact:	Pamela Clifford, Planning, Building Standards and Environmental Health Manager Email: Pamela.Clifford@west-dunbarton.gov.uk
Appendices:	Appendix 1 – Planning Committee Report – 11 th March 2020
Background Papers:	<ol style="list-style-type: none">1. Application forms, plans and Environmental Statement;2. Consultation Responses;3. Letters of representation;4. Glasgow & Clyde Valley Strategic Development Plan 2012;5. Clydeplan6. Scottish Planning Policy;7. West Dunbartonshire Local Plan 2010;8. West Dunbartonshire Council Proposed Plan 1 and 29. Planning Circular 34/1996;10. Planning Advice Note 50 and Annexes;
Wards affected:	Ward 3 (Dumbarton)

WEST DUNBARTONSHIRE COUNCIL**Report by the Chief Officer - Regulatory and Regeneration****Special Planning Committee: 26th January 2021**

Subject: WP98/076: Review of Minerals Permission (ROMP) and DC02/447: Extension to Quarry, Sheephill Quarry, Milton, Dumbarton

1. Purpose

- 1.1** To provide the Committee with further information relevant to the consideration of the Review of Minerals Permission application(ROMP) and the extension application.

2. Recommendations

- 2.1** That the Committee indicate that it is **Minded to Grant** full planning permission for an extension area, and delegate authority to the Planning, Building Standards and Environmental Health Manager to issue the decision subject to the conditions set out in Section 9 in Appendix 1: Planning Committee Report dated 11th March 2020 and to the satisfactory conclusion of a legal agreement in terms of the restoration bond(DC02/447).
- 2.2** That the Committee **accept the agreed conditions** set out in Section 9 in Appendix 1: Planning Committee report dated 11th March 2020 and authorise officers to issue the Review of Minerals Permission(WP98/076).

3. Background

- 3.1** The circumstances of the application for a ROMP and the extension application were set out in the report to the March Planning Committee meeting (Appendix 1). At that meeting, the Committee agreed to continue the application for consideration at a future meeting so that members could be provided with additional information regarding the Review of Minerals application process and how it relates to the extension application, the Scheduled Monument process and the proposed hours of working.
- 3.2** A report was presented to November Planning Committee addressing the above matters. At that meeting the Committee agreed to continue the applications to a future meeting of the Committee in order to allow a fresh hearing to take place. The Committee also requested that an officer from Historic Environment Scotland attend the Committee meeting to provide

further details regarding the Sheephill Fort and the Scheduled Ancient Monument Process.

4. Main Issues

Review of Minerals Permission (ROMP) and Extension Application

- 4.1** Appendix 1 contains the planning report presented to the March Planning Committee. It contains the development details, the background to the applications, consultations, representations, assessment against the Development Plan and material considerations as well as recommendations and proposed conditions. Members will be aware that there is a long history to these applications and this has been fully detailed in this report. The Review of Minerals Permission (ROMP) is not a normal application for planning permission as no planning permission is being sought. It is reviewing the 1949 permission for the quarry and agreeing to a new set of conditions which meet modern standards and working practices. Presently the Quarry can work unrestricted and can operate 7 days a week, 24 hours a day. The agreed conditions would allow the quarry to operate under more restricted and modern conditions which take into account amenity, environmental and landscape matters.

The second application (DC02/447) is to extend the existing operational extraction area of the quarry. The extension would measure approximately 1.53ha at the north western boundary of which some 1.07ha relates to the proposed excavation area. This application is to allow for an area of land which would be 'swapped' with the western part of the existing quarry consent to the rear of the residential properties in Miltonhill.

- 4.2** In the report to the November Planning Committee contained in Appendix 2 further details was provided of the ROMP process in Section 4 of the report. It advises that the Committee requires to consider the ROMP conditions proposed by the applicant and either agree to approve these conditions or to agree to determine conditions that differ from those set before them. The planning authority can determine conditions that differ from those proposed. However if these conditions adversely affect the asset value of the site then the Planning Authority would require to compensate the quarry operator accordingly and provide a separate notice for determination and state whether or not in their opinion in the effect of that restriction would be such as to prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site; a liability of compensation will arise. The applicant would have a right of appeal to the Scottish Ministers against the planning authority's opinion.
- 4.3** The applicant have confirmed that they would accept ROMP Condition 2 which removes the Milton Hill area from excavation or quarrying operations. This has been agreed on the understanding that the Council was minded to grant the extension area as an alternative development area to Milton Hill. The applicant has advised that if the Council is minded to refuse the extension

application they will no longer accept Condition 2 and that the development proposals will revert to those submitted with the ROMP application whereby the area adjacent to Milton Hill can be quarried as per the 1949 permission or the applicant seeks compensation for the asset loss of this part of the quarry site.

- 4.4** A fresh hearing for the ROMP and extension applications is to take place at this Special Committee as per the Council's agreed hearing procedures whereby the applicants agent, supporters and objectors can address the Committee. There are now nine letters of representations including Bowling and Milton Community Council and Silverton and Overton Community Council. There are a further four letters of support from residents of Miltonhill which support both the ROMP application and extension application and welcome the removal of uncertainty over quarrying adjacent to Miltonhill. They also indicate that the supply of stone from Sheephill will reduce the Council's carbon footprint and could be used for projects such as the Exxon site and the new relief road.

The reasons for objection are summarised below and have been updated to include additional comments received since the March Planning Committee Report.

- The proposed operating hours are not in keeping with modern standards and are excessive and unnecessary. The operating hours presented to the Planning Committee in 2005 are reasonable;
- The proposed operating hours would result in the significant loss of amenity for local residents in the form of noise and light pollution early in the morning and late in the evening;
- The requirement for works to be carried out below ground level within certain periods is insufficiently clear in its intention;
- The proposed operating hours exceed those granted for the neighbouring Dumbuckhill Quarry;
- The applicant should ensure that the levels stipulated in the assessments are met and that regular checks are carried out;
- No noise survey was carried out at Middleton Farm, the property closes to the proposed quarry extension;
- The renewal and proposed extension would be contrary to local planning policies in particular GB1- Greenbelt, KH1- Kilpatrick Hills, MIN 1 – Mineral Extraction, CON3 –Core Path;
- The proposed extension is in the Greenbelt and would involve the removal of a large section of a hillside in a countryside location;
- There would be a major permanent and detrimental impact on the landscape and scenic skyline and it would restrict access to the Kilpatrick Hill;
- Part of the quarry site is a Site of Importance to Nature Conservation and is protected under the adopted Local Plan;
- The extension borders with a designated Core Path and it would be impossible to maintain safe public access to the path if consent is granted;

- Blasting operations would require the path to be closed either intermittently or permanently;
- Middleton Farm was not neighbour notified when the current planning application was submitted in 2002 nor residents of Treedom Cottage or Milton Brae and therefore they were denied the opportunity to object to the planning application prior to 2005 Planning Committee;
- The landscape information, national environmental standards and planning requirements in the Environmental Statement prepared in 2002 needs updated and does not reflect changes in the adjacent area;
- The arguments presented to justify the extension are meagre and contradictory such as providing employment, enhanced safety, benefits to the residents of Milton Hill;
- It is never been shown that the proposed extension area and Milton Hill are of equal value;
- There are practical challenges to excavating Milton Hill making it extremely doubtful whether the operator would ever be able to do so;
- The ROMP and extension application are legally distinct, with the latter being presented as a solution to the issue of excluding the Miltonhill buffer area from future quarrying;
- An application for significant changes to the area worked at Dumbuckhill Quarry was rejected by the Planning Committee and rejected by the Scottish Ministers;
- There should be no quarrying within the immediate proximity of the Sheephill Fort;
- The historic remains of the vitrified fort which is a Scheduled Ancient Monument should not be destroyed until a proper professional archaeological exploration and documentation is carried out.
- Work has commenced on the extension and there has been significant rock fall onto the path below.
- Water is coming from the extension and new access road to the quarry which has been channelled down the hillside potentially flooding the A82.
- There is another ancient structure below .

Response to these issues are addressed fully in the March Planning Committee report and the November Planning Committee report.

Scheduled Monument Consent

- 4.5** The vitrified fort of Sheephill was designated as a Scheduled Ancient Monument by the Secretary of State in 1970. Scheduled Ancient Monument Consent (SAMC) was granted in 2002 by Historic Scotland subject to a condition that the archaeological excavation be carried out in strict accordance with a Written Scheme of Investigation and that the loss of the fort shall be mitigated by the excavation, recording and publishing of findings. Although the 2002 SAMC has since lapsed, the principle of removing the fort has been established. A new application will required to be submitted and Historic Environment Scotland have indicated that it would not seem reasonable to recommend refusal of any subsequent application for SMC at this stage.

- 4.6** As requested by the Committee, officers from Historic Environment Scotland will attend the Special Planning Committee and will provide further details about the Scheduled Monument and the Scheduled Monument process. Further details of the Sheephill fort and the Scheduled Monument process is provided in sections 7.20-7.21 of the March Report (Appendix 1) and sections 4.5 – 4.8 of the November Committee Report (Appendix 2).

5. People Implications

- 5.1** There are no personnel issues.

6. Financial and Procurement Implications

- 6.1** Financial implications may arise if the proposed conditions are altered or additional conditions added without the agreement of the applicant.

7. Risk Analysis

- 7.1** A risk assessment is not required.

8. Equalities Impact Assessment (EIA)

- 8.1** There are no equalities issues identified.

9. Consultation

- 9.1** Neighbours and those with an interest in the applications have been consulted through the planning process.

10. Strategic Assessment

- 10.1** The ROMP and extension application supports the strategic priorities of the Council.

Peter Hessett
Chief Officer – Regulatory and Regeneration
Date: 26th January 2021

Person to Contact: Pamela Clifford, Planning, Building Standards and Environmental Health Manager
Email: Pamela.Clifford@west-dunbarton.gov.uk

Appendices:

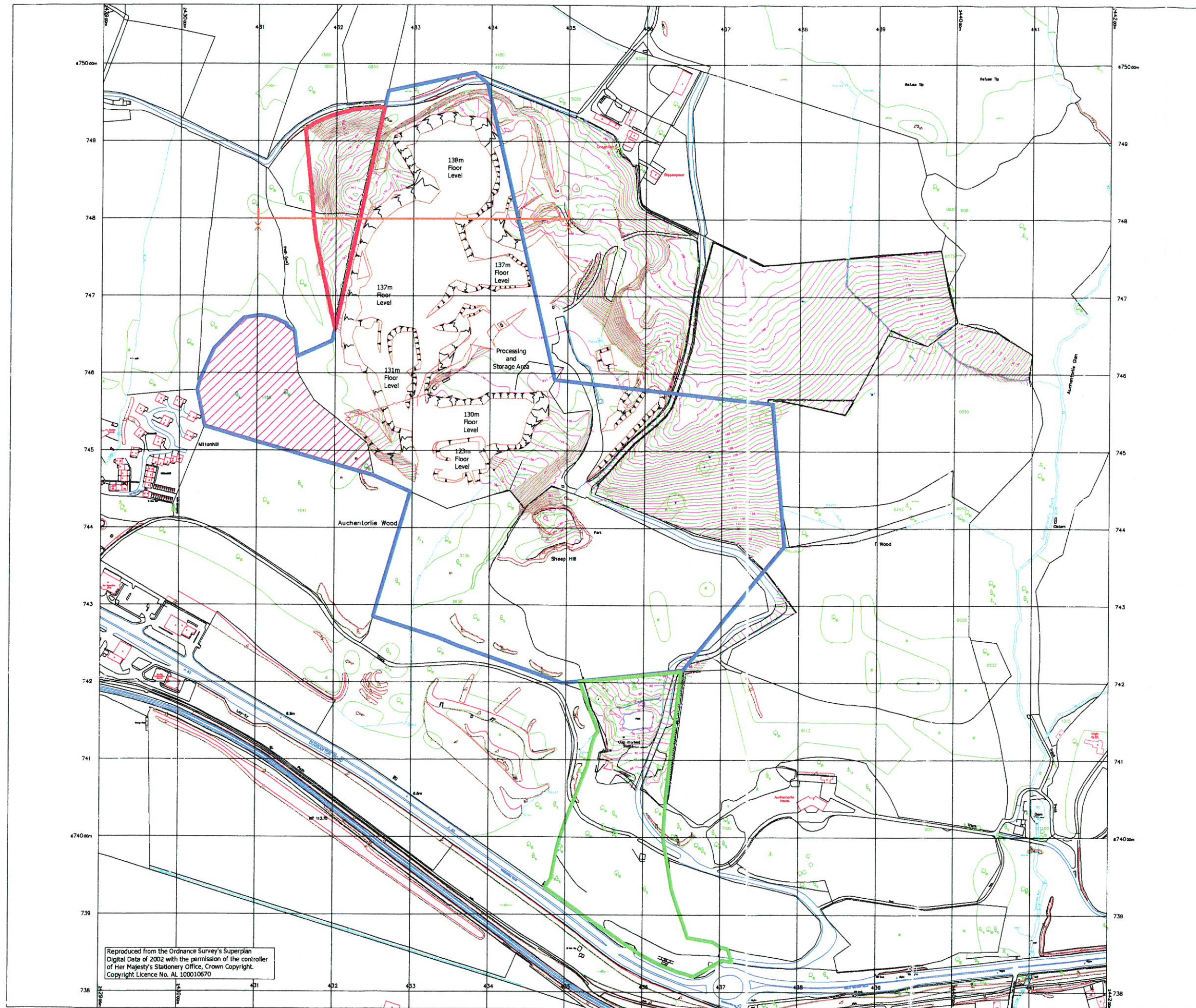
Appendix 1 – Planning Committee Report
– 11th March 2020
Appendix 2 – Planning Committee Report
– 11th November 2020

Background Papers:

1. Application forms, plans and Environmental Statement;
2. Consultation Responses;
3. Letters of representation;
4. Glasgow & Clyde Valley Strategic Development Plan 2012;
5. Clydeplan
6. Scottish Planning Policy;
7. West Dunbartonshire Local Plan 2010;
8. West Dunbartonshire Council Proposed Plan 1 and 2
9. Planning Circular 34/1996;
10. Planning Advice Note 50 and Annexes;

Wards affected:

Ward 3 (Dumbarton)



LEGEND

- PROPOSED EXTENSION AREA
- EXISTING CONSENTED EXCAVATION AREA
- EXISTING ACCESS AND PLANT AREA
- PROPOSED EXCAVATION AREA
- X-SECTION LOCATION

DC02/447

WP98/076


WILLIAM THOMPSON & SON
(DUMBARTON) LIMITED


DAL
DALGLEISH
ASSOCIATES
LIMITED

Client: WILLIAM THOMPSON AND SON

Project: SHEEPHILL QUARRY PROPOSED EXTENSION

Title: EXISTING TOPOGRAPHY

Scale: 1:5000 Date: 20.03.03 Drawn: EM Checked: KVD

Figure: 2 Rev Date:

Dalgleish Associates Ltd.
ENVIRONMENTAL, MINERAL AND PLANNING CONSULTANTS
CATHEDRAL SQUARE
DUNBLANE
FK15 0AH
Tel. 01786 822339 Fax. 01786 822899

Copy

Department of Health for Scotland,
St. Andrew's House,
EDINBURGH, 1.
3rd November, 1949

Our Ref: DH/TCF/C/1/U

Gentlemen,

Town and Country Planning (Scotland) Act, 1947
Dumbarton County Council
Appeal by Keir & Gauder Limited, Auchentorlie

I am directed by the Secretary of State to refer to the appeal lodged by you on behalf of Messrs. Keir & Gauder Limited against the decision of Dumbarton County Council, as local planning authority, refusing permission under the Town and Country Planning (Scotland) Act, 1947, to work a whinstone quarry at Auchentorlie, Bowling.

The Secretary of State has carefully considered the subject matter of the appeal and the report of the Hearing on 21st and 22nd June, 1949, and he has come to the conclusion that the national interest would best be served if quarrying operations were allowed, subject to certain safeguards. He has accordingly decided to sustain and hereby sustains the appeal and consents to the development proposed, subject to the following conditions:-

- (1) The layout generally and particularly the siting of (a) stock piles, (b) loading bays for vehicles, (c) internal road or roads and (d) plant and equipment shall be adjusted with the County Council of Dumbarton and in so far as the layout may affect the protection and improvement of the line of Trunk Road A.12 and conditions (2) and (3) hereunder with the Divisional Road Engineer of the Ministry of Transport.
- (2) The access road shown on Messrs. Keir & Gauder's Drawing K.C.111/48A dated 17th November, 1948, shall be adhered to subject to the longitudinal profile being approximately level for not less than 100 feet back from the North side of the existing trunk road carriage-way.
- (3) A belt of trees of adequate density shall be preserved or provided on the Southernmost boundary of the site to a depth of 100 feet from the existing trunk road to screen, as far as possible, the stockpiles, loading bays and plant from the trunk road.

2.

- (4) No trees shall be felled within 30 feet on each side of (a) the conveyor between the primary and secondary crushers, (b) the reject conveyor and (c) the conveyor between the secondary crusher and the vibrating screens.
- (5) All reasonable steps shall be taken to reduce dust during breaking and screening operations and all deposits, whether temporary or permanent, of overburden and waste material to be agreed with the County Council of Dunbarton.
- (6) Plant, buildings and machinery shall be removed when no longer required for quarry purposes.
- (7) The developers shall collaborate with the Ministry of Works (Inspectorate of Ancient Monuments) with a view to the preservation and/or recording of any archaeological remains which may exist on the site.

Any question arising out of the conditions aforesaid shall, at the instance of either party, be referred to the Secretary of State. Subject to any further reference which may be made to him in this respect, this decision is by the terms of Section 13(3) as applied by Section 14(2) of the Town and Country Planning (Scotland) Act, 1947, final.

A copy of this letter is being sent to-day to the County Clerk for the information of the County Council.

I am, Gentlemen,
Your obedient Servant,

(Sgd.) J.H. McGuinness.

Messrs. Moncrieff Warren Paterson & Company,
45, West George Street,
GLASGOW, C.2.

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

Wards Affected: Ward 11

Person to Contact: Alasdair Gregor, Planning & Development Manager
Development and Environmental Services
Council Offices, Garshake Road, Dumbarton G82 3PU
Tel. No.: (01389) 737415.

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 5 January 2005 at 9.30a.m.

Present: Provost Alistair Macdonald and Councillors Denis Agnew, Dennis Brogan, Jack Duffy, Linda McColl and Duncan McDonald.

Attending: Dan Henderson, Director of Development and Environmental Services; Alasdair Gregor, Planning and Development Manager; Nigel Ettles, Principal Solicitor; Kevin Neeson, Section Head, Planning and Building Control and Shona Barton, Administrative Assistant.

Apology: An apology for absence was submitted on behalf of Councillor Connie O'Sullivan.

Councillor Jack Duffy in the Chair

MINUTES OF PREVIOUS MEETING

4687 The Minutes of Meeting of the Committee held on 1 December 2004 were submitted and approved as a correct record.

NOTE OF VISITATION

4688 A Note of Visitation carried out on 29 November 2004, a copy of which forms Appendix 1 hereto, was submitted and noted.

PLANNING APPLICATIONS

4689 Reports were submitted by the Director of Development and Environmental Services in respect of various planning applications as detailed below.

Continued Applications

(a) DC02/372 – Erection of 12 flats, vehicular access and car parking at Cross Cottage/1-3 William Street, Duntocher, Clydebank

4690 After discussion and having heard the Section Head, Planning and Building Control in further explanation and in answer to Members' questions, the Committee agreed that it was minded to grant planning permission subject to:-

- (1) satisfactory comments being received from Housing and Technical Services regarding the applicant's proposed reduction in sightline splay; and
- (2) the conditions specified in the Director's report, details of which are contained in Appendix 2 hereto.

4691 It was also agreed that authority to grant planning permission be delegated to the Director of Development and Environmental Services.

(b) DC04/204 – Conversion of lounge bar and disco into 3 flats at 9 Quay Street, Dumbarton

4692 A copy of a letter submitted by the Agent for the Applicant detailing proposed flood prevention measures was circulated to Members for information. Having heard the Section Head, Planning and Building Control in further explanation, the Committee agreed that it was minded to grant planning permission subject to:-

- (1) a satisfactory response being received from Housing and Technical Services in relation to the proposed flood prevention measures; and
- (2) the conditions specified in the Director's report, details of which are contained in Appendix 2 hereto.

4693 It was also agreed that authority to grant planning permission be delegated to the Director of Development and Environmental Services.

New Applications

(c) DC03/338 – Erection of dwellinghouse (outline) at Cleddans Farm, Hardgate, Clydebank

4694 Having heard the Planning and Development Manager in further explanation, the Committee agreed that the application be refused for the reasons specified in the Director's report, details of which are contained in Appendix 2 hereto.

SHEEPHILL QUARRY, MILTON

4695 A report was submitted by the Director of Development and Environmental Services explaining the context of the following applications and requesting that the applications be determined concurrently.

- (a) WP98/076 – review of minerals permission at Sheephill Quarry, Milton; and
- (b) DC02/447 – Extension to Quarry at Sheephill Quarry, Milton.

- 4696 A letter of representation from an objector to the applications, Mrs. Frances Walker, was circulated to Members for their information. After discussion and having heard the Planning and Development Manager in further explanation, and having heard representations from two objectors to the application who were in the Public Gallery and who were concerned about the amount of time which they had had to consider the matter, the Committee agreed to continue consideration of the above report and applications until the next meeting of the Committee to allow a site visit and hearing to take place.

LITTMILL DISTILLERY, BOWLING

- 4697 A report was submitted by the Director of Development and Environmental Services informing of demolition works carried out at the former Littlemill Distillery buildings and of the proposals for future development.
- 4698 After discussion and having heard the Planning and Development Manager and the Section Head, Planning and Building Control in further explanation and in answer to Members' questions, the Committee agreed:-
- (1) to note the previous history of the site and the current planning applications and listed building applications for the site and adjacent sites;
 - (2) to note the involvement of Historic Scotland in the process and their support for the rebuilding of the two towers;
 - (3) to instruct the Director of Development and Environmental Services to send a report to the procurator fiscal in relation to the removal of the East Tower;
 - (4) that should the remaining tower be in jeopardy that appropriate enforcement action be taken if necessary; and
 - (5) that the rebuilding of the two towers form an essential part in any redevelopment of the site.

GLASGOW AIRPORT

- 4699 A report was submitted by the Director of Development and Environmental Services informing of two consultation documents issued by the British Airports Authority (BAA) Glasgow entitled "Protecting Against Airport Noise" and "Protecting Against Blight" and recommending the Council's formal response.

4700 The Committee noted that an additional paper detailing issues relevant to the report had been circulated to Members before the meeting. After discussion and having heard the Planning and Development Manager and the Director of Development and Environmental Services in further explanation and in answer to Members' questions, the Committee agreed:-

- (1) in relation to the consultation paper "Protecting Against Airport Noise", that BAA Glasgow be informed of the Council's concerns over:-
 - (i) the exclusion of houses from the definition of noise sensitive buildings; and
 - (ii) the lack of justification for the choice of the 63dB noise contour for eligibility for assistance;
- (2) in relation to the consultation paper "Protecting Against Blight", that BAA Glasgow be informed of the Council's concerns over the lack of justification for the choice of the 66dB noise contour;
- (3) that in addition to the responses to the consultation that the recommendations from the additional paper be added as follows:-
 - (i) the present noise levels for the existing single runway be reviewed by BAA with a view to reducing them;
 - (ii) that BAA be asked to consider restricting night time flying to essential movements only and asked to clarify the definition of "essential movements";
 - (iii) that BAA be asked to arrange for an independent economic appraisal assessing the benefit of night flight against disturbance to the local community and in the meantime at least reduce night time take offs and landings;
 - (iv) that BAA be asked to consider the provision of resources to noise sensitive premises outside the existing qualifying noise contours and that domestic premises should be included in the noise sensitive category;
 - (v) that BAA be asked to install a noise monitoring point within the West Dunbartonshire area to provide more relevant data to residents most likely to be affected by airport noise; and
 - (vi) that a report should be provided by BAA detailing their proposed actions in relation to points (i) to (v) above; and

- (4) to note that a report would be submitted to the next meeting of the Community Safety and Environmental Services Committee which would cover in more detail the issues raised by Members and would contain further recommendations in relation to representations which the Council could make to BAA.

STRATEGIC REVIEW OF SCOTTISH NATURAL HERITAGE – RESPONSE TO QUESTIONNAIRE

- 4701 A report was submitted by the Director of Development and Environmental Services advising of the Strategic Review of Scottish Natural Heritage and seeking homologation of the Council's response to a questionnaire issued by the Scottish Executive.
- 4702 Having heard the Planning and Development Manager in further explanation, the Committee agreed to homologate the responses to the questionnaire, as shown in the Appendix to the report, as the Council's response to the strategic review of Scottish Natural Heritage.

BUDGETARY CONTROL

- 4703 A report was submitted by the Director of Development and Environmental Services showing how the budgets controlled by the Development and Environmental Services Department were performing against projections for the period up until 15 November 2004.
- 4704 The Committee agreed to note the contents of the report.

APPEAL DECISIONS – 661 DUMBARTON ROAD, DALMUIR, CLYDEBANK; THE KEEP INN, CASTLEHILL ROAD, DUMBARTON; PLANNING APPEAL – DRUM HOUSE, OLD KILPATRICK

- 4705 A report was submitted by the Director of Development and Environmental Services informing of the outcome of two appeals to the Scottish Executive Inquiry Reporters Unit and the submission of an appeal to the Scottish Executive Inquiry Reporters Unit.
- 4706 The Committee agreed to note:-
- (1) that the appeal against the refusal of a retrospective application for advertisement consent for the display of an internally illuminated pole mounted advertisement within the grounds of a petrol station located at 661 Dumbarton Road, Dalmuir, Clydebank had been dismissed;

- (2) that the appeal against the refusal of an application for planning permission for the erection of a 15m high telecom mast and ancillary equipment at The Keep Inn, Castlehill Road, Dumbarton had been sustained; and
- (3) that an appeal against an Enforcement Notice served in relation to engineering works at Drum House, Old Kilpatrick had been submitted and would be dealt with by way of written submissions.

**STREET NAMING FOR NEW DEVELOPMENT OFF MANSE DRIVE,
HALDANE, BALLOCH**

- 4707 A report was submitted by the Director of Development and Environmental Services seeking to allocate a street name for a new housing development in Haldane.
- 4708 The Committee agreed that the name Manse Court be adopted.

SITE VISIT

- 4709 It was agreed that the site visit referred to in the item relating to Sheephill Quarry would be undertaken in the morning of Tuesday, 1 February 2005.

The meeting closed at 10.21 a.m.

PLANNING COMMITTEE**NOTE OF VISITATION – 29 NOVEMBER 2004**

- Present:** Provost Alistair Macdonald and Councillors Jack Duffy and Duncan McDonald.
- Attending:** Alasdair Gregor, Planning and Development Manager and Craig Stewart, Administrative Assistant - Legal and Administrative Services.

SITE VISIT

With reference to the Minutes of the Meeting of the Planning Committee held on 3 November 2004, a site visit was undertaken in connection with the undernoted planning application:-

DC02/372 – Erection of 12 flats, vehicular access and car parking at Cross Cottage, 1-3 William Street, Duntocher, Clydebank.

APPENDIX 2

**APPLICATIONS FOR PLANNING PERMISSION CONSIDERED BY THE
PLANNING COMMITTEE ON 5 JANUARY 2005**

**DC02/372 – Erection of 12 flats, vehicular access and car parking at Cross
Cottage/1 – 3 William Street, Duntocher, Clydebank**

Minded to GRANT permission subject to the following conditions:-

1. The development hereby permitted shall commence within a period of 5 years from the date of this permission.
2. Exact details and specifications of all proposed external finishing materials (including roofing materials) shall be submitted for the further approval of the Director of Development and Environmental Services prior to any work commencing on the site.
3. Prior to the occupation of any flat in this development all roads and footpaths within and serving the development shall be completed to the level of bottoming and bitmac base course, to the satisfaction of the Director of Development and Environmental Services.
4. Prior to occupation of the last flat in the development all roads and footpaths within and servicing the development shall be completed to their final specification and adoptable standard to the satisfaction of the Director of Development and Environmental Services.
5. Details of design and construction of all fences and walls to be erected on the site shall be submitted to the Director of Development and Environmental Services and no work on the site shall be commenced until the permission of the Director has been granted for these details and that the boundary treatments approved shall be completed within timescale to be agreed with the Director of Development and Environmental Services.
6. The stone-dyke wall indicated on the approved plan shall be retained as part of the development, with no section of it being removed, without the written consent of the Director of Development and Environmental Services.
7. Before any work commences on the site, a landscaping scheme for the site shall be submitted to and approved by the Director of Development and Environmental Services and such a scheme shall include:
 - a) details and specification of all trees, shrubs, grass mix etc;
 - b) details of all top-soiling or other treatment to the ground;
 - c) sections and other necessary details of any mounding or earthworks;
 - d) proposals for the initial maintenance of the landscaped areas;

and no work shall be undertaken on the site until approval has been given to these details.

8. Before any of the units hereby approved are completed the landscaping scheme required in terms of condition 7 shall be completed to the satisfaction of the Director of Development and Environmental Services and thereafter all of the landscaping shall be maintained and replaced where necessary to the satisfaction of the Director of Development and Environmental Services.
9. Prior to commencement of development, the developer shall submit a detailed survey of all trees and hedging on the site. This survey shall be displayed on a site layout plan and include an identification of the existing tree species, an estimation of their height and spread of branches and their location within the site accurately plotted (any trees around the perimeter which over-hang onto the site shall also be included). Those trees which it is proposed to fell or remove shall be separately identified.
10. The existing trees and shrubs on site shall not be lopped, topped, felled, lifted, removed or disturbed in any way without the prior written consent of the Director of Development and Environmental Services.
11. During the construction period, all works and ancillary operations which are audible at the site boundary or at such other places to be approved by Director of Development and Environmental Services, shall be carried out only between 0800 and 1800 hours Monday to Saturday inclusive, and not at all on Sundays or Public Holidays.
12. The developer shall ensure that the method of working and the use of constructional plant shall not cause the noise level at adjacent residential dwellings or other noise sensitive properties to exceed the levels to be agreed in writing with the Director of Development and Environmental Services prior to any development taking place on site.
13. Any piling operations on the site must be carried out in accordance with the requirements of BS5228: Part 4: 1992. Code of Practice for Noise and Vibration Control applicable to piling operations.
14. To minimise nuisance in the surrounding area from noise and vibration, during all demolition and construction works, the plant and machinery used shall be in accordance with the relevant Codes of Practice specified in the Control of Noise (Codes of Practice for Construction and Open Sites) (Scotland) Order 2002 and all reasonably practicable steps shall be taken to minimise the formation of dust in the atmosphere and in the surrounding area.
15. No works shall commence on site until a suitable scheme for the drainage of surface water has been submitted and approved by the Director of Development and Environmental Services.
16. The applicant/operator shall provide and maintain on the site suitable means for the washing of vehicle wheels at all times during the hours of operation to prevent mud being deposited on the public road.

17. The consent hereby granted shall not enure until details of appropriate sightlines of 4.5 x 90 x 1.05 onto Dumbarton Road and 4.5 x 50 x 1.05m for the private access to the development site have been submitted and approved in writing by the Director of Development and Environmental Services, prior to any development commencing on site.
18. The consent hereby granted is not inclusive of the binstore area identified on drawing no. 553 302D and a revised bin store layout should be submitted to the Director of Development and Environmental Services for his approval, prior to any development commencing on site.

DC04/204 – Conversion of lounge bar and disco into 3 flats at 9 Quay Street, Dumbarton

Minded to GRANT permission subject to the following conditions:-

1. The development hereby permitted shall commence within a period of 5 years from the date of this permission.
2. Exact details and specifications of all proposed external finishing materials (including roofing materials) shall be submitted for the further approval of the Director of Development and Environmental Services prior to any work commencing on the site.
3. The permitted maximum noise level emanating from construction/redevelopment shall be relative to the pre-contract ambient noise level for the area. The contractor shall ensure that the method of working and the use of constructional plant shall not cause the noise level at adjacent residential properties, schools, offices or libraries to exceed the levels agreed in writing with the Director of Development and Environmental Services. The applicant is required to contact the Public Health and Pollution Section of Environmental Services not less than 14 days prior to works commencing on the site.
4. During the period of construction/redevelopment, all works and ancillary operations which are audible at the site boundary, or at such other places as may be agreed with the Council, shall be carried out only between 0800 and 1800 hours, Monday to Saturday inclusive and not at all on a Sunday or Public Holiday.

DC03/338 – Erection of dwellinghouse (outline) at Cleddans Farm, Hardgate, Clydebank

Permission REFUSED for the following reasons:-

1. The development would be contrary to Policy GB1 of the Clydebank Local Plan as it would be development in the green belt and the requirement for a dwellinghouse has not been sufficiently justified for the purposes of agriculture.

2. The development falls within Strategic Policy GB1 of the Glasgow and the Clyde Valley Structure Plan and is therefore a departure from the Development Plan for which insufficient justification has been submitted to warrant an approval under Strategic Policy 10.
3. The development would be contrary to Policy E7 of the Clydebank Local Plan and National Planning Policy Guideline 5 because it would have an adverse effect on the remains and setting of the Antonine Wall, a Scheduled Ancient Monument.

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Council Chambers, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 2 February 2005 at 9.30a.m.

Present: Provost Alistair Macdonald and Councillors Denis Agnew, Linda McColl*, Duncan McDonald and Connie O'Sullivan.

Attending: Dan Henderson, Director of Development and Environmental Services; Alasdair Gregor, Planning and Development Manager; Nigel Ettles, Principal Solicitor; Kevin Neeson, Section Head, Planning and Building Control and Shona Barton, Administrative Assistant.

Apology: An apology for absence was intimated on behalf of Councillor Dennis Brogan.

* Attended later in the meeting

COUNCILLOR JACK DUFFY

4838 After hearing the Director of Development and Environmental Services, the Committee was upstanding to observe a short period of silence in remembrance of Councillor Jack Duffy, Convener of the Planning Committee, who died suddenly on the 22 January 2005 after a short illness.

APPOINTMENT OF CHAIR

4839 The Director of Development and Environmental Services invited the Committee to appoint a Chair for this meeting of the Committee. It was agreed that Councillor Duncan McDonald be appointed Chair. Accordingly Councillor McDonald assumed the Chair.

URGENT ITEM

4840 The Chair, in terms of Section 50B(4) of the Local Government (Scotland) Act 1973, as inserted by the Local Government (Access to Information) Act 1985, asked the Committee to agree to consider an additional item namely "Glasgow & Clyde Valley Joint Structure Plan Review" as a matter of urgency on the grounds that the action to be taken required early consideration. The Committee agreed that this item be considered at the end of the agenda.

MINUTES OF PREVIOUS MEETING

- 4841 The Minutes of Meeting of the Committee held on 5 January 2005 were submitted and approved as a correct record.

SHEEPHILL QUARRY, MILTON

- 4842 With reference to the Minutes of Meeting of the Planning Committee held on 5 January 2005 (page 1341, paragraph 4696 refers) a report was resubmitted by the Director of Development and Environmental Services explaining the context of the following applications and requesting that the applications be determined concurrently:-

(a) WP98/076 – Review of minerals permission at Sheephill Quarry, Milton; and

(b) DC02/447 – Extension to Quarry at Sheephill Quarry, Milton.

- 4843 Having heard the Planning and Development Manager in further explanation and update, the Committee agreed to consider the reports on the Review of Minerals Permission and the proposed extension to the Quarry at Sheephill Quarry, Milton concurrently.

- 4844 Reference was made to the site visit undertaken in respect of this application. The Planning and Development Manager also made reference to a recent meeting with the applicant at which details of the proposed conditions had been discussed and a series of amendments agreed. The Chair, Councillor McDonald, invited the objectors to the application to address the Committee. The Committee heard representations from Mr. Francis McNeill, representing the Community Councils Forum and Mrs. Elizabeth Meechie, representing Bowling and Milton Community Council. The Chair then invited the agent for the applicant, Ms. Karen Dalglish, to address the Committee and she was heard in support of the application.

- 4845 After discussion and having heard officers in further explanation and in answer to Members' questions, the Committee agreed:-

- (1) that with regard to the Review of Minerals Permission, amended conditions similar to those outlined in the Director's report, details of which are contained in the Appendix hereto, be imposed for the future quarrying operations;
- (2) that they were minded to grant planning consent for the extension to the quarry subject to amended conditions similar to those outlined in the Director's report, details of which are contained in the Appendix hereto;

- (3) that authority be delegated to the Director of Development and Environmental Services to finalise the conditions relating to the Review of Minerals Permission and the extension to the quarry;
- (4) that the planning consent would not be issued until the existing planning consent was revoked by either a Section 75 Agreement or a Section 65 Order and until a restoration bond was, to the satisfaction of the Director of Development and Environmental Services, signed and delivered or otherwise provided for; and
- (5) that authority be delegated to the Director of Development and Environmental Services to grant planning consent for the extension to the quarry.

NOTE: Councillor McColl entered the meeting during discussion of the above item.

PLANNING APPLICATIONS

4846 Reports were submitted by the Director of Development and Environmental Services in respect of various planning applications as detailed below.

New Applications

(a) DC01/068 – Demolition of lodge at Dalmonach North Lodge, Main Street, Bonhill

4847 The Committee agreed to grant listed building consent for the demolition of the Lodge subject to the conditions specified in the Director's report, details of which are contained in the Appendix hereto.

(b) DC04/103 – Two storey side extension to dwellinghouse at 73 Oronsay Crescent, Old Kilpatrick

4848 The Planning and Development Manager provided an update on the application. It was noted that there had been two objections submitted in relation to this application, and that the applicant and the objectors had been invited to attend the meeting in order that a hearing could take place. Reference was also made to the site visit undertaken in respect of the application. The Chair, Councillor McDonald, invited Mr. Thomas Kelly, an objector to the application, to address the Committee and he made his views on the application known. The applicant, Mrs. Allison McKirdy, was then invited to address the Committee and spoke in support of the application.

4849 After discussion, the Committee agreed that the application be refused for the reasons specified in the Director's report, details of which are contained in the Appendix hereto.

(c) DC04/226 – Erection of 3 detached dwellinghouses at Third Avenue, Bonhill

4850 The Planning and Development Manager provided an update on the application. It was noted that there had been two objections submitted in relation to this application, and that the applicant and the objectors had been invited to attend the meeting in order that a hearing could take place. The Committee noted that the agent for the applicant had advised that he would not be in attendance. Reference was also made to the site visit undertaken in respect of the application.

4851 The Chair, Councillor McDonald, invited Mr. Roddy Mackenzie, an objector to the application, to address the Committee and he made his views on the application known. A copy of a briefing note and supporting photographs were circulated to Members for their information. Mr. McDiarmid, another objector to the application, was then invited to address the Committee and he made his views on the application known.

4852 After discussion and having heard the Planning and Development Manager in further explanation and in answer to Members' questions, the Committee agreed that consideration of the application be continued until the next meeting of the Committee to allow the applicant the opportunity to consider making adjustments to the plans.

(d) DC04/252 – Erection of office development and associated car parking at the site adjacent to 199 Dumbarton Road, Clydebank

4853 The Committee agreed to grant planning permission subject to the conditions specified in the Director's report, details of which are contained in the Appendix hereto.

(e) DC04/338 – Erection of dwellinghouse at 53 Dumbarton Road, Bowling

4854 The Committee noted that this application had been withdrawn.

**UNAUTHORISED SITING OF CARAVAN AT THE DRUMS,
OLD KILPATRICK**

4855 A report was submitted by the Director of Development and Environmental Services informing of a breach of planning control in the form of the unauthorised siting of a static caravan in a field at The Drums, Old Kilpatrick, and seeking authority to take enforcement action to have the breach remedied.

- 4856 The Committee agreed to authorise the Director of Development and Environmental Services to serve an Enforcement Notice requiring that the caravan be removed from the site and the land restored to its original condition.

CONSULTATION ON TREE PRESERVATION ORDERS

- 4857 A report was submitted by the Director of Development and Environmental Services informing of a consultation on Tree Preservation Orders issued by the Scottish Executive Development Department in December 2004 and recommending the Council's formal response.
- 4858 The Committee agreed:-
- (1) to note the contents of the report; and
 - (2) that authority be delegated to the Director of Development and Environmental Services to respond to the consultation supporting the proposed changes to the Town and Country Planning (Scotland) Act 1997 regarding Tree Preservation Orders.

APPEAL DECISION – DUNCLUTHA, PARKHALL ROAD, CLYDEBANK; PLANNING APPEAL – 93 HIGH STREET, DUMBARTON

- 4859 A report was submitted by the Director of Development and Environmental Services informing of the outcome of an appeal to the Scottish Executive Inquiry Reporters Unit and the submission of an appeal to the Scottish Executive Inquiry Reporters Unit.
- 4860 The Committee agreed to note:-
- (1) that the appeal against the refusal of planning consent for the erection of 25 flats with ancillary works at Dunclutha, Parkhall Road, Dalmuir in Clydebank had been dismissed; and
 - (2) that an appeal against the refusal under delegated powers of a proposed change of use from a Class 1 shop to a Class 2 Licensed Betting Shop at 93 High Street, Dumbarton had been submitted and would be dealt with by way of written submissions.

GLASGOW & CLYDE VALLEY JOINT STRUCTURE PLAN REVIEW

- 4861 A report was submitted by the Director of Development and Environmental Services advising of the publication of a discussion document entitled „The Future of the Glasgow & Clyde Valley“ which sets out the general approach to the Review of the Glasgow and the Clyde Valley Joint Structure Plan and recommending the Council's formal response.

4862 Having heard Councillor McDonald the Committee agreed:-

- (1) to note the contents of the report;
- (2) that the report should form the basis of the Council's formal response to the discussion document; and
- (3) that the Council's response to the discussion document should highlight the following:-
 - (i) a growth scenario that continues to improve the area is supported;
 - (ii) a continued commitment to utilising brownfield land;
 - (iii) new housing be located in existing urban areas as the first preference;
 - (iv) it is recognised that both Dumbarton and Clydebank perform a regional/sub-regional role and a development framework is set out which safeguards and enhances this role;
 - (v) any additional retail floorspace should as first preference be located in existing centres and should be able to be supported by the relevant population and not have an adverse impact on existing centres; and
 - (vi) an evaluation of the suitability of areas for windfarm development is undertaken and local implications are suitably considered.

The meeting closed at 10.21 a.m.

APPLICATIONS CONSIDERED BY THE PLANNING COMMITTEE ON 2 FEBRUARY 2005

WP98/076 – Review of Minerals permission at Sheephill Quarry, Milton

Conditions similar to the following to be imposed for the future quarrying operations:-

1. The development hereby permitted within the area identified on plan reference Figure 2 of the Environmental Statement shall endure until 21 February 2042 and at the end of the period of permission, all quarrying operations, including the crushing of rock and the transfer of aggregates from the site, shall cease.
2. The normal daytime operating hours for the quarry are to be 0800 hours to 2000 hours Monday to Friday, 0800 hours to 1200 hours (noon) on Saturday and not at all on Sundays or Public Holidays and no heavy goods vehicles shall arrive at or leave the site and no operations, including the loading and transportation of minerals or operation of quarry plant shall take place outside these hours. Permission to operate outside these hours must be agreed in writing with the Director of Development and Environmental Services, prior to such operations taking place.
3. Noise attributable to the operators at Sheephill quarry shall not exceed the daytime limits of 59 dB $L_{Aeq\ 1\ hour}$ during the working of phase 1 and 55 dB $L_{Aeq\ 1\ hour}$ during the working of all other phases at Greenland Farm; and 55 dB $L_{Aeq\ 1\ hour}$ during the working of all phases at Auchentorlie House, No. 9 Milton Hill, and Mattockhill (representative of Middleton); all as specified in the Environmental Statement and to the satisfaction of the Director of Development and Environmental Services.
4. A request for the relaxation of the noise limits identified in condition 3 above must be submitted in writing a minimum of 14 days prior to the commencement of the operations requiring the relaxation and must include time periods and noise limits for the temporary relaxation, all for the consideration and written approval of the Director of Development and Environmental Services.
5. The applicant shall undertake a noise monitoring programme at the locations as described in condition 3 above and the frequency and times of such monitoring must be agreed by the Director of Development and Environmental Services and the results shall be submitted in writing to the Director of Development and Environmental Services on a frequency to be agreed with the Authority. For the avoidance of doubt, the noise monitoring shall be carried out in accordance with the methods specified in PAN50: Annex A - The Control of Noise at Surface Mineral Working and in so far as is reasonably practical, the operation shall ensure that the best practice methodologies set out in PAN50 are adopted.

6. Blasting operations shall be carried out at regular times between 1000 and 1600 hours Monday to Friday, with no blasting permitted at weekends and on public holidays and the quarry operator shall endeavour to ensure that as far as is practicable, blasting should be carried out between 1000 and 1300 hours.
7. Blasting shall be avoided, where possible, under weather conditions likely to direct or focus the blast air overpressure towards noise sensitive properties and no blasting shall be carried out during a temperature inversion; all to the satisfaction of the Director of Development and Environmental Services.
8. Notwithstanding the requirements of condition 6 and 7 above, if as a result of any emergency situation or need to ensure safe quarry practices, blasting is required to take place outside the specified hours, the times and reasons for such an event shall be notified in writing to West Dunbartonshire Council's Environmental Health Section within two days of the occurrence.
9. Within four weeks of the date of this approval, the operator shall submit a blast monitoring scheme that will record all blasts within the quarry area, with the monitoring points to be set at locations to be agreed by the Director of Development and Environmental Services.
10. The occupiers of neighbouring properties that have been identified as part of the monitoring scheme to be vibration sensitive, shall be notified in writing of the intended blasting programme and any subsequent changes to the programme; all to the satisfaction of the Director of Development and Environmental Services.
11. The operator shall monitor all blasts and records shall be maintained so that peak particle velocity can be identified and these records shall be made available for inspection by any authorised party during office hours at the quarry; and on the last working day of each month the monitoring records shall be submitted to the Director of Development and Environmental Services.
12. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mm/s for 95% of all blasts over any 12 months and no individual blast shall exceed a peak particle velocity of 12 mm/s. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface at any vibration sensitive building; all to the satisfaction of the Director of Development and Environmental Services.
13. The operator shall adopt appropriate blasting practices that have regard to safe quarrying practices and be such that under normal atmospheric conditions, the peak linear and air overpressure level of 120 dB shall not be exceeded as measured at any noise sensitive properties; all to the satisfaction of the Director of Development and Environmental Services.

14. Blasting shall be carried out using the best practicable means available to ensure that the resultant noise, vibration and air overpressure are minimised in accordance with current British Standards and Mineral Guidelines and the best practice methodologies as set out in PAN 50; and to the satisfaction of the Director of Development and Environmental Services.
15. For the duration of this permission and up to the completion of all aftercare works warning signs shall be erected and maintained by the operator next to all publicly accessible areas within or adjacent to the quarry. Details of the locations of these signs shall be made known to the Director of Development and Environmental Services.
16. Blasting shall only be carried out after suitable audible and visible warnings have been given and the method of such warnings must be submitted and approved in writing by the Director of Development and Environmental Services; and must be given in writing by the operator to the occupiers of all the properties around the site.
17. The operator shall ensure that the Environmental Health Section of West Dunbartonshire Council be given a minimum of 48 hours telephone notification before every blast at the quarry.
18. The quarry operator shall ensure that all operations are controlled so as to prevent or minimise the release of dust into the atmosphere and the dust mitigation measures listed in the Environmental Statement shall be implemented to the satisfaction of the Director of Development and Environmental Services and in a method which ensures that the best practice methodologies as set out in PAN50 are adopted.
19. Visual assessments of dust emissions from all plant and operations shall be made at least once per day during operations and remedial actions taken to the satisfaction of the Director of Development and Environmental Services.
20. Wheel cleaning facilities shall be used on the site by every vehicle entering/leaving the operations area and must be maintained in operation throughout the life of the quarry.
21. The paved area of road within the site must be swept/washed where required in order to ensure that no debris from the quarry is carried onto the public highway, all to the satisfaction of the Director of Development and Environmental Services.
22. The methods of working within the quarry must be as described within the approved documents forming part of this consent and any changes to the operating procedures or methods must be submitted to and approved in writing by the Director of Development and Environmental Services.
23. The gradient of the quarry floor shall be maintained at 1:250 and in such a manner as to ensure that throughout the life of the quarry, all internal water

run-off is directed out of the excavation area and towards the settlement ponds and to ensure that no flooding takes place within the quarry area.

24. The operator of the quarry shall grade all benches and work areas to drain towards the quarry floor and ultimately towards the settlement ponds and no water or run-off shall be directed out of the quarry area unless it is within the current discharge process area as consented by SEPA.
25. The operator of the quarry shall continue to control water run-off from the site according to the Discharge Consent and the conditions contained therein, as issued by SEPA and shall inform the Director of Development and Environmental Services in writing of any changes or updates in the Discharge Consent (or its equivalent) and its conditions.
26. The operator of the quarry shall continue to carry out the crushing, grading and screening of the minerals on the site according to the Certificate of Authorisation of a Prescribed Process as issued by SEPA and shall inform the Director of Development and Environmental Services in writing of any changes or updates in the Certificate (or its equivalent) and its conditions.
27. The topsoil and subsoils to be removed must be stored on as described in the applicant's written submission and must be retained on site for eventual reuse as part of the restoration works as described in conditions 36 and 37, all to the satisfaction of the Director of Development and Environmental Services.
28. If it becomes necessary to relocate any of the existing or new soil storage mounds within the site then such soils cannot be relocated until the Director of Development and Environmental Services gives written approval of the new storage locations and methods of storage.
29. If it becomes necessary to relocate the mineral stock piles from the location indicated in the applicant's submission, then such relocation cannot take place until the Director of Development and Environmental Services gives written approval of the new storage locations and methods of storage.
30. Details of all boundary walls and fences for the full extent of the application site must be submitted to and approved in writing by the Director of Development and Environmental Services.
31. In the event that any waste products are produced on the site, the operator of the quarry must obtain a licence under the Waste Management Licensing Regulations 1994 and details of any waste products and the licence, must be submitted to the Director of Development and Environmental Services as soon as they are identified or received.
32. No materials shall be imported to the site for the purposes of storage, crushing, screening, processing, manufacturing or onward transportation.
33. Any chemical, oil or diesel storage tanks installed within the application site shall be sited on impervious bases and surrounded by impervious bunded

walls and the bunded areas shall be capable of containing 110% of the tank volume and should enclose all fill and draw pipes.

34. All artificial lighting units installed at the quarry shall be so sited and shielded to be incapable of direct sight from any residential property outside the quarry boundary.
35. No later than 6 months after the permanent cessation of quarrying or the date set by condition 1 above whichever is the sooner, all buildings, plant, machinery and areas of hardstanding including the internal access roads shall be removed and the ground reinstated in accordance with the conditions of this permission relating to restoration.
36. Within six months of the date of this consent, a restoration masterplan for the whole of the quarry area and including details of the restoration or replanting of dilapidated features such as boundary hedges and drystone dykes, as well as details showing how recreational access and links to the local path network, would be achieved, along with details of aftercare and afteruse, must be submitted to and approved in writing by the Director of Development and Environmental Services.
37. As part of the restoration masterplan as described in condition 36 above, a detailed restoration scheme for the upper bench levels (shown to be completed within 3 years of the start of excavations along the eastern boundary) shall be submitted to and approved in writing by the Director of Development and Environmental Services and shall include details of restoration works to add rock and soil to reprofile blast faces and trees and other planting to assist natural regeneration, all in order to replicate the appropriate key characteristics of the surrounding landscape.
38. The restoration scheme approved under the terms of condition 36 above shall be designed with due consideration to minimise any resulting birdstrike hazard and shall take into account relevant guidance provided by the Civil Aviation Authority/Airport Operators Association.
39. The restoration scheme approved under the terms of condition 36 above shall be implemented and the works completed within 12 months of the completion of all quarrying operations or the date stated in condition 1 above, whichever is the sooner.
40. In the event that during the life of this permission mineral extraction ceases for a continuous period in excess of two years or the use is discontinued for a like period, then unless as may otherwise be agreed in writing by the Director of Development and Environmental Services, within 12 months of either event occurring, a revised restoration scheme that modifies and updates that required by conditions 36 and 37 above, shall be submitted for the written approval of the Director of Development and Environmental Services, including any modifications as may be required, detailing the steps to be taken to restore the site.

41. Within 12 months of being approved any revised restoration scheme that may have been required under the terms of condition 40 above shall be implemented and the works completed.
42. The approved aftercare scheme shall be implemented following cessation of mineral extraction and in accordance with the approved timetable as required by condition 36 above, unless as may otherwise be agreed in writing by the Director of Development and Environmental Services.
43. Except as may otherwise be agreed in writing by the Director of Development and Environmental Services, at the expiry of twelve months from the date of this planning permission, and thereafter at twelve monthly intervals, the applicant will submit a plan to a scale of not less than 1:2500 indicating the progress of quarrying operations. The plan will indicate the current position of the extraction areas, the extent of spoil disposal and any landscaping works that have been implemented.
44. Prior to any work taking place within or affecting the scheduled area of Sheephill Fort, the operator of the quarry must prepare a written scheme of investigation for the preservation and/or recording of the scheduled area and this must be submitted to and approved in writing by the Director of Development and Environmental Services and the Council's Archaeology Service.
45. Prior to any work taking place within or affecting the scheduled area of Sheephill Fort, the operator of the quarry shall implement the approved scheme of investigation to the satisfaction of the Director of Development and Environmental Services and the Council's Archaeology Service.
46. Prior to any tree felling work taking place, all trees that require to be felled shall be inspected by an experienced bat surveyor to check for the presence or otherwise of bats. If bats are found then no tree felling work shall take place until the relevant licence is obtained.

DC02/447 – Extension to Quarry at Sheephill Quarry, Milton Dumbarton

Minded to GRANT planning permission subject to conditions similar to the following:-

1. The excavation works hereby permitted within the area identified on plan reference Figure 2 of the Environmental Statement as the proposed extension area, shall start within two years of the date of this permission and prior written notice of the start of such works must be given to the Director of Development and Environmental Services no later than 7 days prior to the commencement of quarrying in this area.
2. The development hereby permitted shall enure until 21 February 2042 and at the end of the period of permission, all quarrying operations, including the crushing of rock and the transfer of aggregates from the site, shall cease.

3. The normal daytime operating hours for the quarry are to be 0800 to 2000 hours Monday to Friday, 0800 to 1200 hours (noon) on Saturday and not at all on Sundays or Public Holidays and no heavy goods vehicles shall arrive at or leave the site and no operations, including the loading and transportation of minerals or operation of quarry plant shall take place outside these hours. Permission to operate outside these hours must be agreed in writing with the Director of Development and Environmental Services, prior to such operations taking place.
4. Noise attributable to the operators at Sheephill quarry shall not exceed the daytime limits of 59 dB $L_{Aeq\ 1\ hour}$ during the working of phase 1 and 55 dB $L_{Aeq\ 1\ hour}$ during the working of all other phases at Greenland Farm; and 55 dB $L_{Aeq\ 1\ hour}$ during the working of all phases at Auchentorlie House, No. 9 Milton Hill, and Mattockhill (representative of Middleton); all as specified in the Environmental Statement and to the satisfaction of the Director of Development and Environmental Services.
5. A request for the relaxation of the noise limits identified in condition 4 above must be submitted in writing a minimum of 14 days prior to the commencement of the operations requiring the relaxation and must include time periods and noise limits for the temporary relaxation, all for the consideration and written approval of the Director of Development and Environmental Services.
6. The applicant shall undertake a noise monitoring programme at the locations as described in condition 4 above and the frequency and times of such monitoring must be agreed by the Director of Development and Environmental Services and the results shall be submitted in writing to the Director of Development and Environmental Services on a frequency to be agreed with the Authority. For the avoidance of doubt, the noise monitoring shall be carried out in accordance with the methods specified in PAN50: Annex A - The Control of Noise at Surface Mineral Working and in so far as is reasonably practical, the operation shall ensure that the best practice methodologies set out in PAN50 are adopted.
7. Blasting operations shall be carried out at regular times between 1000 and 1600 hours Monday to Fridays with no blasting permitted at weekends or on public holidays and the quarry operator shall endeavour to ensure that so far as is practicable, blasting should be carried out between 1000 and 1300 hours.
8. Blasting shall be avoided, where possible, under weather conditions likely to direct or focus the blast air overpressure towards noise sensitive properties and no blasting shall be carried out during a temperature inversion; all to the satisfaction of the Director of Development and Environmental Services.
9. Notwithstanding the requirements of condition 7 and 8 above, if as a result of any emergency situation or need to ensure safe quarry practices, blasting is required to take place outside the specified hours, the times and reasons for

such an event shall be notified in writing to West Dunbartonshire Council's Environmental Health Section within two days of the occurrence.

10. Prior to excavation works taking place within the application site, the applicant shall submit for the written approval of the Director of Development and Environmental Services, a list of properties considered to be vibration sensitive at which the monitoring of blasts shall be carried out.
11. Prior to excavation works taking place within the application site area, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used shall be submitted to the Director of Development and Environmental Services for written approval. All blasting operations shall take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the Director of Development and Environmental Services.
12. The occupiers of neighbouring properties that have been identified as part of the monitoring scheme to be vibration sensitive, shall be notified in writing of the intended blasting programme and any subsequent changes to the programme; all to the satisfaction of the Director of Development and Environmental Services.
13. The operator shall monitor all blasts and records shall be maintained so that peak particle velocity can be identified and these records shall be made available for inspection by any authorised party during office hours at the quarry; and on the last working day of each month the monitoring records shall be submitted to the Director of Development and Environmental Services.
14. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mm/s for 95% of all blasts over any period of 12 months and no individual blast shall exceed a peak particle velocity of 12 mm/s. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface at any vibration sensitive building all to the satisfaction of the Director of Development and Environmental Services.
15. The operator shall adopt appropriate blasting practices that have regard to safe quarrying practices and be such that under normal atmospheric conditions, the peak linear and air overpressure level of 120 dB shall not be exceeded as measured at any noise sensitive properties; all to the satisfaction of the Director of Development and Environmental Services.
16. Blasting shall be carried out using the best practicable means available to ensure that the resultant noise, vibration and air overpressure are minimised in accordance with current British Standards and Mineral Guidelines and the best practice methodologies as set out in PAN 50 and to the satisfaction of the Director of Development and Environmental Services.
17. For the duration of this permission and up to the completion of all aftercare works warning signs shall be erected and maintained by the operator next to

all publicly accessible areas within or adjacent to the quarry. Details of the locations of these signs shall be made known to the Director of Development and Environmental Services.

18. Blasting shall only be carried out after suitable audible and visible warnings have been given and the method of such warnings must be submitted and approved in writing by the Director of Development and Environmental Services; and must be given in writing by the operator to the occupiers of all the properties around the site.
19. The operator shall ensure that the Environmental Health Section of West Dunbartonshire Council be given a minimum of 48 hours telephone notification before every blast at the quarry.
20. The quarry operator shall ensure that all operations are controlled so as to prevent or minimise the release of dust into the atmosphere and the dust mitigation measures listed in the Environmental Statement shall be implemented to the satisfaction of the Director of Development and Environmental Services and in a method which ensures that the best practice methodologies as set out in PAN50 are adopted.
21. Visual assessments of dust emissions from all plant and operations shall be made at least once per day during operations and remedial actions taken to the satisfaction of the Director of Development and Environmental Services.
22. Wheel cleaning facilities shall be used on the site by every vehicle entering/leaving the operations area and must be maintained in operation throughout the life of the quarry.
23. The paved area of road within the site must be swept/washed where required in order to ensure that no debris from the quarry is carried onto the public highway, all to the satisfaction of the Director of Development and Environmental Services.
24. The methods of working within the quarry must be as described within the approved documents forming part of this consent and any changes to the operating procedures or methods must be submitted to and approved in writing by the Director of Development and Environmental Services.
25. The extent of the quarrying operations area shall be as outlined on plan reference Figure 5: excavation boundary following excambion of the approved application Environmental Statement.
26. The gradient of the quarry floor shall be maintained at 1:250 and in such a manner as to ensure that throughout the life of the quarry, all internal water run-off is directed out of the excavation area and towards the settlement ponds and to ensure that no flooding takes place within the quarry area.
27. The operator of the quarry shall grade all benches and work areas to drain towards the quarry floor and ultimately towards the settlement ponds and no

water or run-off shall be directed out of the quarry area unless it is within the current discharge process area as consented by SEPA.

28. The operator of the quarry shall continue to control water run-off from the site according to the Discharge Consent and the conditions contained therein, as issued by SEPA and shall inform the Director of Development and Environmental Services in writing of any changes or updates in the Discharge Consent (or its equivalent) and its conditions.
29. The operator of the quarry shall continue to carry out the crushing, grading and screening of the minerals on the site according to the Certificate of Authorisation of a Prescribed Process as issued by SEPA and shall inform the Director of Development and Environmental Services in writing of any changes or updates in the Certificate (or its equivalent) and its conditions.
30. The topsoil and subsoils to be removed from the application site area must be stored on site as described in the applicant's written submission and must be retained on site for eventual reuse as part of the restoration works as described in conditions 40 and 41, all to the satisfaction of the Director of Development and Environmental Services.
31. No extraction or quarrying operations shall be carried out within the application site area until all topsoil and subsoil is fully stripped to the full available depth and the stripping of such soils shall only take place when they are dry.
32. If it becomes necessary to relocate any of the existing or new soil storage mounds within the site then such soils cannot be relocated until the Director of Development and Environmental Services gives written approval of the new storage locations and methods of storage.
33. If it becomes necessary to relocate the mineral stock piles from the location indicated in the applicant's submission, then such relocation cannot take place until the Director of Development and Environmental Services gives written approval of the new storage locations and methods of storage.
34. Details of all boundary walls and fences for the full extent of the application site must be submitted to and approved in writing by the Director of Development and Environmental Services.
35. In the event that any waste products are produced on the site, the operator of the quarry must obtain a licence under the Waste Management Licensing Regulations 1994 and details of any waste products and the licence, must be submitted to the Director of Development and Environmental Services as soon as they are identified or received.
36. No materials shall be imported to the site for the purposes of storage, crushing, screening, processing, manufacturing or onward transportation.
37. Any chemical, oil or diesel storage tanks installed within the application site shall be sited on impervious bases and surrounded by impervious bunded

walls and the bunded areas shall be capable of containing 110% of the tank volume and should enclose all fill and draw pipes.

38. All artificial lighting units installed at the quarry shall be so sited and shielded to be incapable of direct sight from any residential property outside the quarry boundary.
39. No later than 6 months after the permanent cessation of quarrying or the date set by condition 2 above whichever is the sooner, all buildings, plant, machinery and areas of hardstanding including the internal access roads shall be removed and the ground reinstated in accordance with the conditions of this permission relating to restoration.
40. Within six months of the date of this consent, a restoration masterplan for the whole of the quarry area and including details of the restoration or replanting of dilapidated features such as boundary hedges and drystone dykes, as well as details showing how recreational access and links to the local path network, would be achieved, along with details of aftercare and afteruse, must be submitted to and approved in writing by the Director of Development and Environmental Services.
41. As part of the restoration masterplan as described in condition 40 above, a detailed restoration scheme for the upper bench levels (shown to be completed within 3 years of the start of excavations along the eastern boundary) shall be submitted to and approved in writing by the Director of Development and Environmental Services and shall include details of restoration works to add rock and soil to reprofile blast faces and trees and other planting to assist natural regeneration, all in order to replicate the appropriate key characteristics of the surrounding landscape.
42. The restoration scheme approved under the terms of condition 40 above shall be implemented and the works completed within 12 months of the completion of all quarrying operations or the date stated in condition 2 above, whichever is the sooner.
43. The restoration scheme approved under the terms of condition 40 above shall be designed with due consideration to minimise any resulting birdstrike hazard and shall take into account relevant guidance provided by the Civil Aviation Authority/Airport Operators Association.
44. In the event that during the life of this permission for mineral extraction ceases for a continuous period in excess of two years or the use is discontinued for a like period, then unless as may otherwise be agreed in writing by the Director of Development and Environmental Services, within 12 months of either event occurring, a revised restoration scheme that modifies and updates that required by conditions 40 and 41 above, shall be submitted for the written approval of the Director of Development and Environmental Services, including any modifications as may be required, detailing the steps to be taken to restore the site.

45. Within 12 months of being approved any revised restoration scheme that may have been required under the terms of condition 44 above shall be implemented and the works completed.
46. The approved aftercare scheme shall be implemented following cessation of mineral extraction and in accordance with the approved timetable as required by condition 40 above, unless as may otherwise be agreed in writing by the Director of Development and Environmental Services.
47. Except as may otherwise be agreed in writing by the Director of Development and Environmental Services, at the expiry of twelve months from the date of this planning permission, and thereafter at twelve monthly intervals, the applicant will submit a plan to a scale of not less than 1:2500 indicating the progress of quarrying operations. The plan will indicate the current position of the extraction areas, the extent of spoil disposal and any landscaping works that have been implemented.
48. The applicant shall ensure that the footpath from Milton Brae via Greenland Farm to Loch Humphrey, where it passes close to the quarry, is kept open to the public (other than during any times of blasting in the quarry) or that an alternative, appropriate footpath is provided, all to the satisfaction of the Director of Development and Environmental Services.

DC01/068 – Demolition of lodge at Dalmonach North Lodge, Main Street, Bonhill

Listed building consent GRANTED subject to the following conditions:-

1. The development hereby permitted shall commence within a period of 5 years from the date of this permission.
2. The demolition shall only operate between the hours of 8.00am and 6.00pm, Monday to Saturday.
3. No material of any kind shall be brought onto the site and tipped as part of any reinstatement works without the express written consent of the Director of Development and Environmental Services.
4. Prior to the start of demolition on the site and until all buildings have been demolished and materials removed from the site, a security fence shall be erected round the demolition site and details of the fence shall be submitted to and approved in writing by the Director of Development and Environmental Services.
5. The red sandstone including the corniced and capped stone which forms the external walls and chimneyhead of the building shall be salvaged from the demolition and stored for use in any future development of the former Dalmonach dye works site and details of where and how this storage should take place shall be submitted to the Director of Development and

Environmental Services for his written approval, prior to any demolition works commencing on site.

6. Any other materials resulting from demolition on the site, excepting those covered under condition 5, shall be removed to a recognised and registered infill site, details of which shall be submitted to and approved in writing by the Director of Development and Environmental Services prior to demolition work commencing on site.
7. Upon completion of the approved demolition, the surface of the demolition site shall be levelled, well-compacted and free of all extraneous materials, and shall be kept weed and litter free, all to the satisfaction of the Director of Development and Environmental Services.
8. In the event that any contaminated materials or any other materials requiring a specialist contractor (e.g. asbestos) are found to be on site then details of the materials, their method of removal and supervision of their removal, must be submitted to and approved in writing by Director of Development and Environmental Services prior to the materials being disturbed on site or removed from the site.

DC04/103 – Two storey side extension to dwellinghouse at 73 Oronsay Crescent, Old Kilpatrick

Permission REFUSED for the following reasons:-

1. The proposed two storey side extension is considered to be contrary to Policies H5 and GD1 of the Clydebank Local Plan as its scale, height and proximity to the boundary would have an adverse effect on the amenity of the neighbouring properties.
2. The proposed two storey side extension is considered to be contrary to Policy GD1 of the Clydebank Local Plan as the applicant has not demonstrated that the site can be provided with two off street parking places (measuring 5.0 x 2.5m) to accord with the requirements of West Dunbartonshire Councils Roads Development Guidelines.

DC04/252 – Erection of office development and associated car parking adjacent to 199 Dumbarton Road, Clydebank

Permission GRANTED subject to the following conditions:-

1. The development hereby permitted shall commence within a period of 5 years from the date of this permission.
2. Exact details and specifications of all proposed external finishing materials (including roofing materials) shall be submitted for the further approval of the

Director of Development and Environmental Services prior to any work commencing on the site.

3. No consent is granted to the boundary fence/walls shown on the approved plan and before work commences on site all boundary details shall be submitted for the approval of the Director of Development and Environmental Services and shall be implemented within a timescale to be approved by the Director of Development and Environmental Services
4. The car parking area and internal roads and footpaths shall be designed and constructed to the specification of West Dunbartonshire Council and shall be fully completed before the units are brought into use.
5. Prior to commencement of works, full details of all hard surfacing to be provided on the site shall be submitted for the consideration and written approval of the Director of Development and Environmental Services.
6. The development shall be landscaped in accordance with a scheme which shall be submitted to and approved by the Director of Development and Environmental Services before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and the extent of any areas of earthmounding, and shall ensure:-
 - (a) completion of the scheme during the planting season next following the completion of the building(s), or such other date as may be agreed in writing with the Director of Development and Environmental Services; and
 - (b) the maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Director of Development and Environmental Services, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
7. The roof element of the development site shall be constructed to allow access to all areas by foot using permanent access hatches details of which shall be submitted to the Director of Development and Environmental Services, prior to the building being occupied and the owner/occupier of the building shall ensure that at no time will the flat roof be allowed to support breeding or roosting birds.
8. No works shall commence on the site until details of a sustainable urban drainage system has been submitted and approved by the Director of Development and Environmental Services.

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer- Housing and****Employability****Council: 3 March 2021**

**Subject: Housing Revenue Account (HRA) Estimates and Rent
 Setting 2021/2022**

1. Purpose

- 1.1** The purpose of this report is to seek Council approval of the updated HRA capital programme; the HRA revenue budget for 2021/22 and to agree the level of weekly rent increase for 2021/22 which is sufficient to fund the revenue budget for 2021/22 and the associated capital investment programme.

2. Recommendations**2.1** It is recommended that Council:

- i) Notes the outcome of the tenant consultation process detailed in Appendix 1;
- ii) Notes the projected revenue position for 2020/21;
- iii) Notes the progress made, per Appendix 2, in the HRA capital programme for 2020/21;
- iv) Agrees the updated five year capital programme of work set out in Appendix 3 to this report inclusive of the Council's new house building programme and the overall resources to fund the programme;
- v) Agrees the revenue budget for 2021/22 as detailed in Appendix 4;
- vi) Agrees the weekly rent increase for 2021/22 at an average £1.52 on a 52 week basis (£1.68 on a 47 week basis), equating to 1.5% to meet the planned revenue HRA budget as detailed in Appendix 4;
- vii) Agrees to increase rents at the Gypsy Travellers site by the 1.5%;
- viii) Agrees to maintain the existing level of lock-up rent levels at £5.44 per week on a 52 week basis (£6.02 on a 47 week basis) at the same levels as for 2020/21;

- ix) Notes the increase in the prudential reserve target for 2020/21 (from
- x) £0.883m to £0.923m); and
- xi) Agrees the recommended use of the projected reserves as at 31 March 2021 for the purposes identified at 4.4.8 of the report.

3. Background

3.1 West Dunbartonshire Council is the landlord for a stock of some 10,000 homes located in communities across West Dunbartonshire. In delivering this role, good quality, affordable, safe, secure and warm housing is fundamental to the health and well-being of individuals and families as well as the sustainability of local communities and the success of the local economy.

3.2 In June 2012 the Council took the decision to halt the partial stock transfer process and retain the housing stock and to address the challenges of improving homes and meeting housing need by:

- Investing approximately £161 million to improve homes and meeting the Scottish Housing Quality Standard;
- Embarking on a programme of demolition and regeneration of sites; and
- Progress on a council house building programme.

3.3 In addition, through the Council's Strategic Housing Investment Plan (SHIP), supported by the Scottish Government's Affordable Housing Programme, more than 1,000 new social homes for rent will have been completed in West Dunbartonshire by the Council and its RSL partners in the period to 2022, including 467 new Council homes.

3.4 In considering the structure of the budget consideration has been given to:

- Increasing revenues and reducing costs by:
 - Focused strategic asset management of our council housing stock;
 - A housing led regeneration approach;
 - improving estate management generally; and
 - improved void performance.
- Financial Impact – ongoing implementation of various welfare reform changes and the emerging impact of the pandemic; and
- Financing the investment required to meet the Energy Efficiency Standard for Social Housing (EESH) and the wider climate change and energy efficiency agenda.

3.5 In preparing these estimates the following factors have been taken into account:

- Nil inflation has been assumed on all non-protected budget lines;
- Provision has been made for a pay increase in line with Scottish Government's commitments on public sector pay; and
- A 4% turnover expectation has been applied to employee costs.

3.6 For financial year 2020/2021, West Dunbartonshire's average weekly rent (with regards to lettable self-contained units) of £81.45 was sixth highest of Scotland's 26 housing authorities. This equates to £2.48 (3%) above the national average for local authorities of £78.97. In comparison with the overall Scottish average including Registered Social Landlords of £82.80, West Dunbartonshire's average weekly rent was £1.35 less than this average.

4. Main Issues

4.1 HRA Capital Investment

4.1.1 At Council on 4 March 2020, a 5 year programme of HRA capital work to 2024/25 was reported and approved. Progress on 2020/21 work is shown in Appendix 2. The overall slippage in 2020/21 is projected to be £15.153m (25.29%). COVID-19 restrictions have delayed construction and improvement works.

4.1.2 The HRA capital programme is derived from data from the current stock condition survey and our annual stock assessment exercise which was reported to the Housing and Communities Committee in November 2020. The main drivers for the programme are for the Council to deliver on the key objectives of the Council's Better Homes Strategic Housing Asset Management Strategy and health and safety responsibilities. In addition to the core stock, the programme includes the Council's ambitious ongoing new house build programme 'More Homes West Dunbartonshire'.

4.1.3 Due to the long term nature of the Capital Investments, a 30 year financial business planning model is used to determine if these investments are affordable in the longer term taking account of expected inflation and debt interest rates.

4.1.4 This report outlines ambitious proposals for a major programme of investment in housing led regeneration and renewal in West Dunbartonshire that will not only significantly enhance the Council's housing stock but will also contribute to the wider transformation of West Dunbartonshire as a place, and will be central to the economic and social recovery of West Dunbartonshire in the face of the wider impacts of the pandemic.

4.1.5 The Council's new house build and housing supply programme 'More Homes West Dunbartonshire' will see significant resources invested in the creation and acquisition of new homes. The Council's commitment to increasing the housing supply, as evidenced within the Local Housing Strategy, is further reinforced through planned open market acquisitions and is incorporated into the future programme. The Council will also continue to support applications under the Scottish Government Mortgage to Rent Scheme. An expenditure budget of £83.393m for the affordable housing supply programme is factored into the 5 year capital plan, together with a projected minimum of £17.379m of Scottish Government Grant Funding available through the Affordable Housing Supply Programme. Therefore, there is a net capital cost to the HRA of £66.014m.

4.1.6 The new build programme will include the continuation of the current new build programme. It reflects the delivery of around 420 new Council homes in West Dunbartonshire under the 'More Homes West Dunbartonshire' strategic approach. Quarterly updates on progress including changes in programme will continue to be reported to the Housing and Communities Committee

4.1.7 The 5 year plan has now been rolled forward a year to 2025/26 and recognises progress made and any re-phrasings of projects and anticipated funding that have been necessary. The result of this review is shown as Appendix 3 and results in the expected level of loan charges to be the following:

Year	Amount
2021/22	£11.266m
2022/23	£13.139m
2023/24	£14.384m
2024/25	£15.590m
2025/26	£16.470m

4.1.8 The investment will deliver an ongoing commitment to improving housing for tenants and future tenants of Council homes and will also support the delivery of wider Strategic Plan and Local Housing Strategy priorities, including:

- providing a pipeline of construction work with opportunities for job creation, community benefits, training and benefits to the local supply chain as a means of contributing to the wider pandemic economic recovery plan and with the potential to lever in significant external investment;
- contributing to the wider recovery plan from the pandemic, with the investment programme providing a catalyst for engagement with local communities in the development and delivery of these ambitious plans through our strong tenant participation mechanisms;

- through our Better Homes approach ensuring the design and specification of improvements maximises opportunities to future proof homes, including the use of technology where practical and appropriate, and improve the health and wellbeing of tenants. Improving the quality of housing and the places people live helps to improve the quality of people's lives, with positive benefits for both physical and mental health and general wellbeing.
- contributing to the Council's place-shaping agenda, providing a framework for improving the quality of the places where people live and supporting tenants to be actively involved in shaping change, impacting positively on the attractiveness of West Dunbartonshire as a place to live and encouraging economic investment.
- improving the quality and appearance of neighbourhoods and delivering a consistent and cost effective approach to the maintenance and management of areas. As well as benefiting local tenants and residents, this will bring positive benefits for a range of Council services, such as open space maintenance, waste collection and recycling. Improvements to the physical environment will encourage more people to use outside spaces (this is particularly important in the context of the pandemic) and encourage physical activity.
- contributing to the achievement of climate change ambitions and the Council's Climate Change Strategy and addressing fuel poverty through the use of the highest standards of energy efficiency practices in new build construction and retrofit technologies, along with future proposed demonstration innovation projects which will be reported to the Housing and Communities Committee.

4.1.9 It should be noted that the 30 year HRA business model has been prepared on the basis that there will be fluctuations in inflation over the period of the plan. These assumptions would need to be revised in the event of long-term inflation forecasts being above target (the planning assumption for long-term inflation in the business model is 1.9% initially rising to 2.5% or additional pressures on the revenue account becoming apparent. The other key variable within the business model is the capital expenditure requirements which can alter depending on circumstances and priorities. The HRA business model has been updated this year with the revised proposed capital plan as part of the normal annual review to recognise the most up-to-date information and to consider affordability.

4.1.10 In considering affordability, a key output from the HRA business model is the percentage of rental stream that is required to fund debt charges. This is an indicator for the amount of prudential borrowing that can be undertaken without putting undue stress on the remainder of the revenue budget. When the decision was taken to retain all the housing stock in WDC the investment requirements needed to achieve the SHQS coupled with the historic debt

structure of HRA debt suggested that the “debt affordability” percentage in West Dunbartonshire should not exceed 50%. The most recent update for 2021/22 has an average percentage of 40% with a peak of 49% in 2044/45.

4.1.11 Over the 30 year period of the business model, the additional rental income stream from the new properties will offset the additional operational costs and the loan charges outlined in 4.1.6 above.

4.1.12 The Council's external auditors have raised concerns around the level of borrowing which the Council currently holds in general and analysis (which indicates that the Council has amongst the highest levels of borrowing in Scotland) includes the significant HRA investment in achieving SHQS. The annual debt affordability percentages under the most recent HRA business model update as outlined above continues to be within acceptable range and the model therefore remains robust and viable in terms of debt affordability.

4.2 HRA Revenue Estimates 2021/22

4.2.1 The revenue estimates for 2021/22 are attached as Appendix 4 showing an increase in net expenditure since 2020/21 of £0.656m. This is the amount which needs to be recovered via the proposed rent increase and equates to 1.5% based on expected housing stock and occupancy levels. Appendix 4 provides information on the breakdown of the budget and provides explanations for the main year on year variances.

4.3 Rent Increase

4.3.1 The Council is required to consider the level of weekly rent increase for the financial year 2021/22 and agree an appropriate rent rate which meets the estimated costs of providing the Housing Service in 2021/22 as identified in the Appendix 4.

4.3.2 In determining the level of weekly rent increase, due cognisance must be taken in terms of changing service demands, as well as the requirements for investment as highlighted in the Housing Asset Management Strategy and the need for robust financial planning and management to ensure that the Council delivers on its investment commitments. In addition the decision of the Council in June 2012 regarding its policy on stock retention, which set out clearly the rent increase requirements to support the Council's investment needs, must be recognised.

4.3.3 The required weekly percentage rent increase contained within the attached HRA estimate is an average £1.52 on a 52 week basis (£1.68 on a 47 week basis) which equates to 1.5%.

4.3.4 The recommended budget attached, sets a rent level that satisfies best

practice in maintaining a prudential balance, ensuring that all reasonable contingencies are taken into account and is sufficient to support the Council's HRA investment programme.

4.3.5 At the rent consultation meeting held remotely on the 24 November 2020, the draft HRA Estimates for 2021/22 were presented to tenants. Discussions looked at options; the outcome of which led to the creation of 3 rent options.

4.3.6 A survey of tenants was undertaken regarding options for setting the rent and tenants were asked to select from 3 options:

Option 1

1.5% increase by using a proportion of the surplus generated in 2021/22. This would not affect the current New Build and Capital Investment Programmes and the wide range of services that tenants receive;

Option 2

1.9% increase with one week rent credit. By using a proportion of the surplus generated in 2021/22, a one off credit would be applied to all tenants' rent accounts to the value of one week's rent and will help reduce rent arrears in many cases. This would not affect the current New Build and Capital Investment Programmes and the wide range of services that tenants receive; or

Option 3

2.2% increase would increase the income for the Housing Revenue Account and would allow for the increase and acceleration of the delivery of certain works or services based on identified tenant priorities. The additional income would allow for an additional capital expenditure of £1.2m on priority areas for spend which will be decided by tenants in early 2021 allowing these to be delivered in 2021/22.

There were 1,344 respondents (14% of tenants) to the survey with the majority opting for option 1, as follows:

- Option 1 54.9%;
- Option 2 31.8%; and
- Option 3 13.3%.

Further information from the survey is provided in Appendix 1.

4.3.7 It is recommended that Council increase rents at the Gypsy Travellers site by the same percentage as the housing rents at 1.5%.

4.4 Reserves

4.4.1 At 31 March 2020, the HRA reserve was £3.924m, consisting of:

Reserves	£m
Regeneration of housing stock	2.441
Welfare Reform Reserve	0.500
COVID provision	0.100
2020/21 prudential reserve	0.883
Total	3.924

4.4.2 The standing Council policy is that an HRA Prudential Reserve of 2% of gross expenditure should be maintained. Based upon the recommended budget for 2021/22, this equates to £0.923m for 2021/22 (previously £0.883m). The increase in the prudential reserve is therefore £0.040m for 2021/22. It is prudent to recommend that the budget for 2021/22 retains reserves at this level.

4.4.3 It is currently forecast (per the probable outturn identified in the Budgetary Control report for Period 10 which was presented to Council on 24 February 2021) that there will be an in-year surplus on the HRA revenue account at the end of 2020/21 of £2.322m which, adjusting for the £0.040m increase in the prudential target noted above, results in a net surplus of £2.282m.

4.4.4 Council policy established a number of years ago is that any surpluses will be earmarked for the purpose of regeneration of the housing stock unless specific provisions are required. It is anticipated that all of the £2.441m reserve held at March 2020 in respect of regeneration of stock will be utilised during 2020/21.

4.4.5 As advised a significant proportion of the projected underspend in 2020/21 leading to a surplus position is the currently projected underspend in relation to revenue repairs. This has been caused as a result of Scottish Government imposed restrictions during lockdown periods. As was reported to Council in COVID-19 Update reports to June 2020 and August 2020 Councils this issue has been considered by COSLA and was subject of a report to COSLA Leaders in May 2020. At the time of the report to the June 2020 Council it was anticipated that this would lead to Scottish Government guidance. However this is now known not to be the subject of guidance from the Scottish Government. What remains is a position whereby the position of an internal trading arrangement has been considered by COSLA and Audit Scotland (as reported to COSLA Leaders in May 2020) in consultation with the Scottish Government. The view taken is that:

“structures within Councils vary with a result that some costs, especially around maintenance, are either charged directly to the HRA or recharged from the General Fund. Confirmation has now been given that all such costs can be

charged to the HRA, irrespective of Council structures, and irrespective of whether services have actually been provided. This is consistent with other actions Councils have taken with financial support to external firms, and charges expenditure where there is budget provision, thereby avoiding a further cost pressure“.

- 4.4.6** On the above basis a number of other Councils with similar arrangements to WDC have or plan to make charges from their equivalent of Building Services to their HRA revenue accounts. This does not necessarily mean that this Council needs to follow suit.
- 4.4.7** Within the General Fund the financial impact of COVID-19 for 2020/21 is not yet fully known and Scottish Government funding and potential Scottish Government allowed fiscal flexibilities aim to mitigate and minimise such financial impact to the General Fund. However the final position is not yet determined. On this basis the potential for a charge from Building Services to the HRA remains an option for Members to consider. It is hoped – as has been stated at Council meetings that the financial impact within the general Fund can be minimised, however in order to allow Council flexibility during this financial year it is recommended that an element of the surplus is earmarked at this stage to allow Council appropriate decision-making flexibility between now and the final costs of COVID-19 being known within the General Fund and absolute clarity being available from the Scottish Government on any fiscal flexibilities that may be used. Officers will be speaking to WDTRO about this issue in advance of the Council meeting.
- 4.4.8** Based on the above it is recommended that the projected surplus is earmarked by Council as follows:
- to allow the implementation of the recommended rent rise of 1.5% by utilising £0.800m of reserves for this purpose;
 - to allow flexibility for Council in relation to the financial impact of COVID-19 £1.282m is used for any potential funding to Building Services for 2020/21 and to align to the expected additional costs incurred in order to progress the repairs backlog that has arisen due to COVID; and
 - £0.100m has been set-aside in reserves to mitigate for the possible effect of COVID on rent collection. Due to the ongoing nature of the pandemic it is recommended that this should be increased by £0.200m to £0.300m.

4.4.9 Therefore by 31 March 2021 the above would result in the reserves being as follows:

Reserves	£m
Repairs Backlog / COVID-19 Building Services payment	1.282
To implement 1.5% rent rise	0.800
Welfare Reform Reserve	0.500
COVID rent income provision	0.300
2021/22 prudential reserve	0.923
Total	3.805

4.4.10 In terms of the adequacy of reserves, the prudential level of reserves is viewed as being at an adequate level to deal with any financial shocks to the budget, based on previous experience and future expectations specifically in relation to income streams. As can be seen, the level of reserve remains planned to meet the prudential level and is therefore judged as being adequate.

5. People Implications

5.1 There are no personnel issues.

6. Financial and Procurement Implications

6.1 The financial implications are as detailed within the report and appendices.

6.2 All procurement activity carried out by the Council in excess of £50,000 is subject to a contract strategy. The contract strategy for the HRA Capital Programme will be developed by the Corporate Procurement Unit in consultation with Housing officers. The contract strategy will include, but is not limited to; contract scope, service forward plan, the market, procurement model and routes – including existing delivery vehicles, roles and responsibilities, risks, issues and opportunities and on-going contract management. Opportunities to maximise the positive social, economic and environmental impact for the Council through the relevant procurement processes will be developed in line with procurement policy.

7. Risk Analysis

7.1 The key driver for determining rents for Council properties is the HRA investment plan. Failure to set rents consistent with the delivery of this plan will potentially result in insufficient funding being available to meet the aspirations highlighted above.

7.2 In producing the budget a number of assumptions have been made in relation to performance around rent recovery, voids and the impact of

welfare reform. These issues will be closely monitored during 2021/22 and members advised of any significant variations that will impact materially on the sufficiency of the budget as proposed.

7.3 In terms of the capital programme, the main financial risks relate to:

- i) whether inflation increases costs, resulting in plans requiring to be reviewed upwards;
- ii) Longer-term affordability requires to be considered in determining appropriate levels of capital funding.

Ongoing budgetary control processes will monitor the above issues and any issues will be reported to a future Council meeting for consideration.

8. Equalities Impact Assessment (EIA)

8.1 An EIA screening has been undertaken by officers and no issues were identified.

9. Consultation

9.1 The Council has a statutory requirement to carry out a rent consultation exercise. Details of the consultation can be seen in Appendix 1.

9.2 A HRA budget scrutiny group (Joint Rent Group) is now well established involving tenant representatives. This group meet with Officers and the Convenor monthly and examines the HRA to ensure increased transparency and demonstrate Value for Money to tenants.

10. Strategic Assessment

10.1 The proposals contained in this report directly address all of the Council's strategic priorities. The investment in, and provision of attractive affordable housing will also indirectly support the objective of economic growth and employability through supporting employment and improving place attractiveness.

10.2 Proper budgetary control and sound financial practice are cornerstones of good governance and support Council and Officers to pursue the five strategic priorities of the Council's Strategic Plan. This report forms part of the financial governance of the Council.

Peter Barry
Chief Officer – Housing and Employability
Date: 20 February 2021

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Appendices: Appendix 1: Consultation information
Appendix 2: HRA Capital Projects Forecast
Outturn and Slippage 2020/21
Appendix 3: HRA Capital programme Financial
Year 2021/26
Appendix 4: 2021/22 Housing Revenue Account
Draft Revenue Estimate

Background Papers: EIA screening
Consultation Planning Sheet

Wards Affected: All

Housing Services

Consultation Recording Sheet



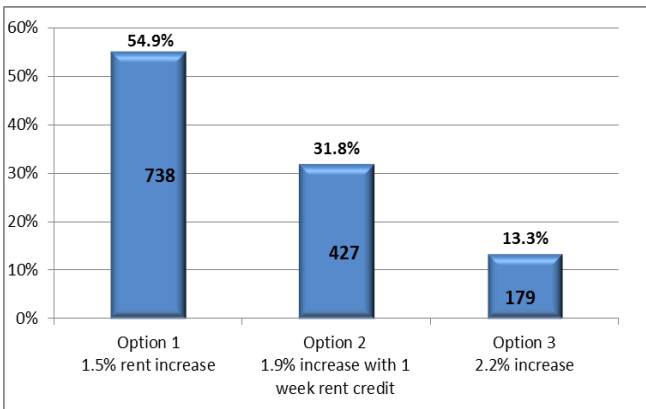
Housing Service ...Housing Development & Homelessness

Person responsible: Janice Rainey and Jane Mack

Consultation Start date: 24/11/20 End Date 20/1/21

1.	The name of consultation / participation exercise?	Rent setting consultation 2021-22
2.	Its aims and objectives?	Discuss and get agreement from tenants on HRA Budget estimates and vote on subsequent rent increase options for 2021/22.
3.	Who did you invite/include? (e.g. all tenants, tenant from the interested tenants register, RTOs, staff)	<p>Virtual public meeting arranged for 24/11/20 and advertised publicly through the WDC website and TP Facebook page.</p> <p>Due to working from home restrictions, direct invites could only be sent to those that we had an email address for -</p> <ul style="list-style-type: none"> • TRA members • Tenants on our Register of Interested tenants • Scrutiny Panel members <p>Aim of public meeting was to discuss and agree options for the wider consultation. All tenants then had the opportunity to vote for their preferred option through freepost voting cards or online survey.</p>
4.	What methods did you use to promote/invite stakeholders to get involved? (e.g. letters, posters, website)	<p>The consultation process included a virtual public meeting (24/11/20) and a public survey. Specific invites to members of the above groups inviting them to the public meeting were sent via email. The Council's website and social media was also used to advertise the public meeting.</p> <p>Once the rent options were agreed a specific mailing was sent to all tenants with an A3 page detailing the rent options and giving an outline of what each option meant in terms of service delivery and investment along with the</p>

	<p>free-post voting card and details of how to vote online. Voting could also be done by text or email to help make it as easy as possible for tenants.</p> <p>The survey was also promoted regularly through the Council's webpages and social media as well as on our Tenant Participation Facebook account. Email and text reminders were also sent via QL to tenants with contact details.</p> <p>WDC intranet was also used to reach WDC staff who are also tenants to encourage them to vote.</p> <p>Housing officers and Homeless support officers were also briefed and asked to encourage their tenants to vote.</p>
5.	<p>Who actually took part? (Number of individuals and or number of tenant organisations represented)</p> <p>10 tenants joined the virtual public meeting on 24/11/20 which included representatives from 6 TRA's as well as individual tenants.</p> <p>1344 tenants voted for their preferred option in the survey –472 using the pre-paid voting card and 872 online votes. Giving a response rate of 13.8%.</p>
6.	<p>What method(s) did you use to obtain their views? (e.g. focus/working group, newsletter, survey) Why did you choose this method(s)?</p> <p>A presentation was given at the virtual public meeting which outlined current performance of Housing Services and a breakdown of proposed spending for 2021/22.</p> <p>Tenant priorities from a recent tenant satisfaction survey were included in the considerations and there was an open discussion on the options.</p> <p>All tenants were encouraged to vote for their preferred rent option with a direct mailing to them and a range of voting methods offered to make it as easy as possible – free-post voting card, online survey, texting and email options.</p> <p>These methods were chosen to gather the views of as many tenants as possible in a clear and most accessible way possible. The survey results will be taken into account as part of the Council committee decision -making process when setting rents for 2021/22.</p> <p>The information provided was presented in as clear and understandable way as possible and made available online for any tenant to refer to. Over previous years our Joint Rent Group have worked to make the rent consultation information clearer and as understandable as possible.</p>

	<p>We also used staff to promote the survey and to encourage dialogue with tenants and to explain the options being considered. The Tenant Participation Officer contact details were also provided for tenants to ask any questions and a number of tenants got in touch. Due to the pandemic and working from home restrictions face to face encouragement and engagement was not possible but all other means of contact were maximized.</p>												
<p>What good practice or minimum standards can you evidence as part of your consultation?</p>	<p>An 9 week consultation period was used to collect views. Freepost voting cards , texting and email options were made available to all tenants as well as the on line survey to make it as easy as possible to vote.</p> <p>The information provided at the virtual public meeting was made available online so that any tenant could read and refer to it.</p> <p>All financial information was presented as clearly and understandable as possible as well as being available on-line for public scrutiny.</p>												
<p>What was the outcome of the consultation?</p>	<p>1344 tenants gave their views in the survey and Option 1, 1.5% rent increase was the preferred option with 54.9%% of votes. The survey results were put forward as the proposed rent increase going for Council approval.</p>  <table><tr><th>Option</th><th>Percentage</th><th>Count</th></tr><tr><td>Option 1 1.5% rent increase</td><td>54.9%</td><td>738</td></tr><tr><td>Option 2 1.9% increase with 1 week rent credit</td><td>31.8%</td><td>427</td></tr><tr><td>Option 3 2.2% increase</td><td>13.3%</td><td>179</td></tr></table>	Option	Percentage	Count	Option 1 1.5% rent increase	54.9%	738	Option 2 1.9% increase with 1 week rent credit	31.8%	427	Option 3 2.2% increase	13.3%	179
Option	Percentage	Count											
Option 1 1.5% rent increase	54.9%	738											
Option 2 1.9% increase with 1 week rent credit	31.8%	427											
Option 3 2.2% increase	13.3%	179											
<p>How did you feedback to participants the outcome?</p>	<p>Following the virtual public meeting all attendees were emailed to thank them for attending and making them aware that the public survey was underway. The survey results have been shared with the Joint Rent Group.</p> <p>Once March Council meeting has concluded, the survey results and final rent setting decision will be reported in the Spring Housing News, on the Council webpages and</p>												

	<p>through the TP Facebook account.</p> <p>All rent increases must be notified to tenants in writing with 28 days notice so all tenants will be advised of the rent increase and how much the increase means for their own weekly and annual rent charge.</p>
10.	<p>How did tenant involvement influence your consultation?</p> <p>We have continued to increase tenants understanding and opportunity to scrutinise the HRA through our Joint Rent Group which includes tenant volunteer members. Our Joint Rent Group had helped make the financial information being presented as clear and understandable as possible. The rent setting consultation plan was also discussed and agreed with them ahead of the consultation.</p>
11.	<p>Are you able to demonstrate this?</p> <p>Yes - meeting notes and information on webpages</p>
12.	<p>How have you demonstrated to tenants that involvement made a difference?</p> <p>The preferred option for a 1.5% rent increase from the consultation survey is being put forward as the rent proposal to be considered by Councilors.</p>
13.	<p>Did you check with participants that they were happy with the opportunities given to make their views known and that they felt that we listened and acted upon them?</p> <p>The tenant volunteers on the Joint Rent Group have stated that they are pleased with the increased number of tenants getting involved in the rent setting consultation and the high response rate gives more credibility to the tenants voice despite the challenging times that everyone is experiencing.</p> <p>Tenant understanding of the HRA has continued to increase through the Joint Rent Group and the Housing News will be used to help share this information with all tenants to encourage more involvement.</p>

What worked well, what didn't work well – or any other comments you have.

Comments: We had less tenants attend the virtual public meeting than normal but had a significantly higher response rate with 1344 tenants voting. Far more tenants voted online this year and that could be because more people are at home and using digital means to keep in touch during the pandemic.

We were also able to use text and email reminders via the new QL housing system. Facebook reminders about the survey were also used and got good reaches.

Hopefully there is also a continuing increase in involvement as tenants see that they can actually influence the outcome and the fact that the survey feeds into the Council committee decision is stated in the consultation.

The pandemic has also put a massive strain on many people's financial situations and rent affordability a concern for many and this might have motivated more people to have their say in the rent setting. The majority of the negative comments received about the consultation were in relation to there not being a 'no increase' option included and many people didn't think that was fair. There were also concerns about not getting value for money when non-essential repairs weren't getting done within restrictions related to the pandemic.

WEST DUNBARTONSHIRE COUNCIL
HRA CAPITAL PROGRAMME
CAPITAL PROJECTS FORECAST OUTTURN AND SLIPPAGE 2020/21

APPENDIX 2

	Budget	Forecast Outturn	Slippage	Over / (Under) Recovery
	£000	£000	£000	£000
RESOURCES				
New Build Grant	3,995	3,656	850	(511)
Prudential Borrowing	47,799	35,233	14,207	(1,641)
SG - Gypsy Travellers Site Upgrades	91	91	0	0
Contribution towards Noise Insulation Project	96	0	96	0
CFCR	7,927	7,927	0	0
Total Resources	59,908	46,907	15,153	(2,152)
	Budget	Forecast Outturn	Slippage	Over / (Under) Spend
	£000	£000	£000	£000
CAPITAL EXPENDITURE				
OTHER CAPITAL EXPENDITURE				
Special Needs	462	286	176	0
Capitalised Minor Works	615	70	545	0
Better Homes Priority Budget	245	123	122	0
Community Safety	17	17	0	0
QL Development	25	25	0	0
Airport Noise Insulation Scheme	192	0	192	0
Gypsy Travellers Site Upgrades	91	0	91	0
MAJOR COMPONENT REPLACEMENTS				
Targeted SHQS compliance works	100	0	100	0
Targeted EESSH compliance works	5,228	3,394	1,834	0
Building external component renewals	3,726	2,732	994	0
Doors/window component renewals	2,475	300	2,175	0
External stores/garages/bin stores	131	72	59	0
Secure entry component renewals	181	20	161	0
Statutory/regulatory compliance works	2,403	2,300	103	0
Heating improvement works	923	815	108	0
Energy improvements/energy efficiency works	55	0	55	0
Modern facilities and services	707	30	677	0
Non Traditional/Traditional Improvement Works	197	50	147	0
VOID CAPITAL				
Void house strategy programme	2,050	3,219	0	(1,169)
CONTINGENCIES				
Contingencies	100	100	0	0
STRUCTURAL & ENVIRONMENTAL				
Defective structures/component renewals	615	405	210	0
Environmental renewal	1,004	745	259	0
Asbestos management works	205	205	0	0
MSF Fire Risk Assessment Works	500	0	500	0
SUPPORT COSTS				
Direct Project Support	2,302	2,302	0	0
AFFORDABLE SUPPLY PROGRAMME				
Affordable housing supply programme	35,359	29,697	6,645	(983)
TOTAL	59,908	46,907	15,153	(2,152)

WEST DUNBARTONSHIRE COUNCIL
HRA CAPITAL PROGRAMME
FINANCIAL YEAR 2021-26 DRAFT

	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
	Slippage as at period 10	Annual Budget (excluding Slippage)	Annual Budget	Annual Budget	Annual Budget	Annual Budget
	£000	£000	£000	£000	£000	£000
CAPITAL EXPENDITURE						
OTHER CAPITAL EXPENDITURE	1,126	1,113	1,114	1,142	1,170	1,199
Special needs adaptations	176	462	474	485	497	509
Capitalised minor works	545	420	431	442	453	464
Better Homes Priority Budget	122	205	210	215	221	226
QL Development	0	26	0	0	0	0
Gypsy Travellers Site	91	0	0	0	0	0
Airport Noise	192	0	0	0	0	0
MAJOR COMPONENT REPLACEMENTS	6,413	10,170	10,166	10,420	10,680	10,948
Targeted SHQS compliance works	100	0	0	0	0	0
Targeted EESSH compliance works	1,834	3,625	3,715	3,808	3,903	4,001
Building external component renewals, roofs/chimneys/flashings/fascias/gutters/svp	994	3,152	2,972	3,047	3,123	3,201
Doors/window component renewals	2,175	1,576	1,615	1,656	1,697	1,740
External stores/garages/bin stores/drainage component renewals	59	42	43	44	45	46
Secure entry component renewals	161	42	43	44	45	46
Statutory/regulatory compliance works (lifts/electrical/legionella/fire etc)	103	105	108	110	113	116
Heating improvement works	108	946	969	993	1,018	1,044
Energy improvements/energy efficiency works	55	53	54	55	57	58
Modern facilities and services	677	630	646	662	679	696
Improvement works (Risk St)	147	0	0	0	0	0
VOID CAPITAL	0	2,101	1,576	1,615	1,656	1,697
Void house strategy programme	0	2,101	1,576	1,615	1,656	1,697
CONTINGENCIES	0	100	100	100	100	100
Contingencies	0	100	100	100	100	100
STRUCTURAL & ENVIRONMENTAL	969	2,491	3,012	3,033	3,055	3,078
Defective structures/component renewals	210	630	646	662	679	696
Environmental renewal works, paths/fences/walls/parking area's	259	950	950	950	950	950
Asbestos management works	0	210	215	221	226	232
MSF Fire Risk Assessment Works	500	700	1,200	1,200	1,200	1,200
AFFORDABLE SUPPLY PROGRAMME	6,645	16,161	24,067	19,641	12,621	4,258
Buy Backs	972	900	1,350	1,350	1,350	1,350
St Andrews School	0	1,967	639	0	0	0
Haldane Primary School	706	1,168	0	0	0	0
Aitkenbar Primary School	1,120	155	320	0	0	0
Clydebank East	0	7,600	4,977	5,668	0	0
Creveul Court	14	100	0	0	0	0
Dumbarton Harbour Ph 3	(550)	896	248	0	0	0
Queens Quay Site B	2,557	0	132	0	0	0
Fees and Staffing Costs	0	701	701	701	701	0
Future New build sites	1,826	2,674	15,700	11,922	10,570	2,908
SUPPORT COSTS	0	2,455	2,504	2,554	2,605	2,657
Salaries/central support/offices	0	2,455	2,504	2,554	2,605	2,657
ANNUAL TOTAL EXPENDITURE	15,153	34,591	42,539	38,506	31,888	23,937

ANTICIPATED RESOURCES	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
	Revised Slippage	Annual Budget (excluding Slippage)	Annual Budget	Annual Budget	Annual Budget	Annual Budget
	£000	£000	£000	£000	£000	£000
New Build Grant	0	4,500	7,057	3,372	2,450	0
Contribution towards Noise Insulation Project	96	0	0	0	0	0
Prudential Borrowing	15,057	21,635	28,384	27,748	22,490	16,989
CFCR	0	8,455	7,098	7,386	6,948	6,948
TOTAL ANTICIPATED RESOURCES	15,153	34,591	42,539	38,506	31,888	23,937

DRAFT HRA ESTIMATES 2021/22

2019/20 Outturn £000	EXPENDITURE	2020/21 Estimate £000	Probable Outturn £000	2021/22 Estimate £000	Movement year on year £000	Comments on Movement >£50,000
5,229	Employee Costs	5,559	5,869	6,272	713	Provision for anticipated employee pay award, increments and full year effect of new staffing model in relation to Neighbourhood Officer/Assistants roles.
1,748	Property Costs	1,837	1,843	1,917	80	Utilities increase £0.048m, Property Insurance increase £0.016m, provision for add'l contract cleaning & materials £0.012m
76	Transport Costs	80	91	110	30	
418	Supplies, Services and Admin	316	353	394	78	Provision for digital inclusion budget £0.040m, Telephone increase £0.017m, £0.21m on general running costs eg clothing/uniforms, computer software and supplies & services
2,552	Support Services	2,661	2,626	2,677	16	
461	Other Expenditure	464	460	498	34	
10,616	Repairs & Maintenance	12,516	9,508	12,872	356	Reinstatement of Tenant Priority Budget £0.400m (reduced in 20/21 as part of rent consultation), Gas Maint Contract Reduction £0.210m, income recoveries budget reduced in line with current income £0.050m, repairs inflation £0.111m.
1,029	Bad Debt Provision	1,060	1,060	1,060	-	
648	Void Loss (Council Tax/Lost Rents)	740	1,124	648	- 92	Assumes void numbers returns to 'normal' level.
13,619	Loan Charges	18,919	18,919	19,699	780	Increase in CFCR figure to match business plan requirement
36,396	Total Expenditure	44,152	41,853	46,147	1,995	
41,477	House Rents	42,432	42,429	43,761	(1,329)	Income received from 306 additional new build properties, albeit, not all will be available for let for the whole financial year
208	Lockup Rents	209	210	210	(1)	
1,192	Factoring/Insurance Charges	1,202	1,211	1,235	(33)	
113	Other rents	115	113	114	1	
57	Interest on Revenue Balance	93	71	71	22	
130	Miscellaneous Income	101	141	100	1	
43,177	Total Income	44,152	44,175	45,491	(1,339)	
(6,781)	Net Expenditure	0	(2,322)	656	656	

Rent % Increase required (Net expenditure/20/21 estimated Rental Income at current rent level)	1.50%
Required rent increase (52 weeks)	£1.52
Average rent 2020/21 (52 weeks)	£79.74
Revised average rent (52 weeks)	£81.26
Prudential reserve	£0.923m

West Dunbartonshire Council
Report by the Chief Officer - Resources
Council: 3 March 2021

Subject: Capital Strategy 2021/22 to 2030/31

1. Purpose

- 1.1** The purpose of this report is to provide Members with the capital strategy for the period 2021/22 to 2030/31.

2. Recommendations

- 2.1** Members are requested to approve the capital strategy as appended to this report.

3. Background

- 3.1** In December 2017, the Chartered Institute of Public Finance and Accountancy, (CIPFA), issued revised Prudential and Treasury Management Codes. As from 2019/20, all local authorities are required to prepare a Capital Strategy which is intended to provide the following:

- a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services;
- an overview of how the associated risk is managed; and
- the implications for future financial sustainability.

- 3.2** The first Capital Strategy was presented to Council in March 2019 and this is the first annual update of the strategy.

4. Main Issues

Capital Strategy

- 4.1** The capital strategy is reviewed and updated annually and this updated version covers the period 2021/22 to 2030/31 which is the time period covered by the capital plan update which will be reported to Council as part of the separate budget report to this Council meeting.
- 4.2** The updated Strategy reflects new accounting rules which come into effect from financial year 2022/23 which means that from 1/4/22, all leases (with a few exceptions) will require to be accounted for on the

Council Balance Sheet as assets. Accounting for these leases on the Balance Sheet will result in increases to assets and long term liabilities. This will also result in Prudential and Treasury Management indicators being adjusted – increasing: the ‘level of debt’ identified by the Council; the Capital Financing Requirement; Operational Boundary; and Authorised Limit, by the value of the leases. Forecast and estimates of the ratio of financing costs to Net Revenue Stream may also be affected. This change affects all Councils, though this Council has a low number of leased assets.

5. Option Appraisal

5.1 No option appraisal was required for this report.

6. People Implications

6.1 There are no personnel issues.

7. Financial and Procurement Implications

7.1 There are no direct financial or procurement implications arising from this report.

8. Risk Analysis

8.1 While the appended report provides the capital strategy of the Council there are 3 main risks associated with long term capital planning. These risks are noted below; however the Council has robust capital appraisal and monitoring processes in place and provides regular reports to Council:

- Capital plans are not fully aligned to Council strategic objectives and the Council has robust controls included within the prioritisation and approval process to mitigate this risk;
- The risk of non-deliverability of capital investment plans must also be taken into account; however the Council has robust management and monitoring controls included within its capital investment governance process that will assist in mitigating this risk; and
- Capital inflation may increase capital expenditure levels, which in turn may affect the capital financing and borrowing requirement leading to an increase in borrowing, assuming no additional capital receipts are available. The Council has a robust capital governance process in place to mitigate and manage this risk.

9. Equalities Impact Assessment

9.1 An equalities impact screening has been carried out and has determined that a detailed assessment was not required in relation to this report.

10. Environmental Sustainability

10.1 No assessment of environmental sustainability was required in relation to this report.

11. Consultation

11.1 The views of Legal Services have been requested on this report and have advised there are neither any issues nor concerns.

12. Strategic Assessment

12.1 Proper budgetary control and sound financial practice are cornerstones of good governance and support Council and officers to pursue the 5 strategic priorities of the Council's Strategic Plan.

12.2 The capital strategy contributes to the Financial Strategy via the interdependency that exists between pro-active long term capital planning and the formulation of long term financial plans.

Stephen West
Chief Officer – Resources
3 March 2021

Person to Contact:	Chief Officer - Resources Council Offices, Church Street, Dumbarton Telephone (01389) 737191 Email: stephen.west@west-dunbarton.gov.uk
Appendix:	Capital Strategy 2021/22 to 2030/31
Background Papers:	Prudential Indicators 2019/20 to 2029/30 and Treasury Management Strategy 2020/21 to 2029/30 (Council 4 March 2020)
Wards Affected:	No wards directly affected.



West Dunbartonshire Council

Capital Strategy

2021/22 to 2030/31

March 2021

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Chapter One - Overview

Introduction

The Capital Strategy for West Dunbartonshire Council provides an overview of how capital expenditure plans reflect the Council's capital investment ambition while ensuring the links between capital investment, capital financing, treasury management, asset management plans/strategies and the Council's revenue budgeting cycle and long term financial planning are maintained.

The Capital Investment Strategy is a reporting requirement introduced by the 2017 edition of the CIPFA Prudential Code. Local authorities produce many plans and strategies in the course of their operations, however, it is recognised that within the context of capital planning, there is a need to produce an overarching view that addresses the following key considerations:

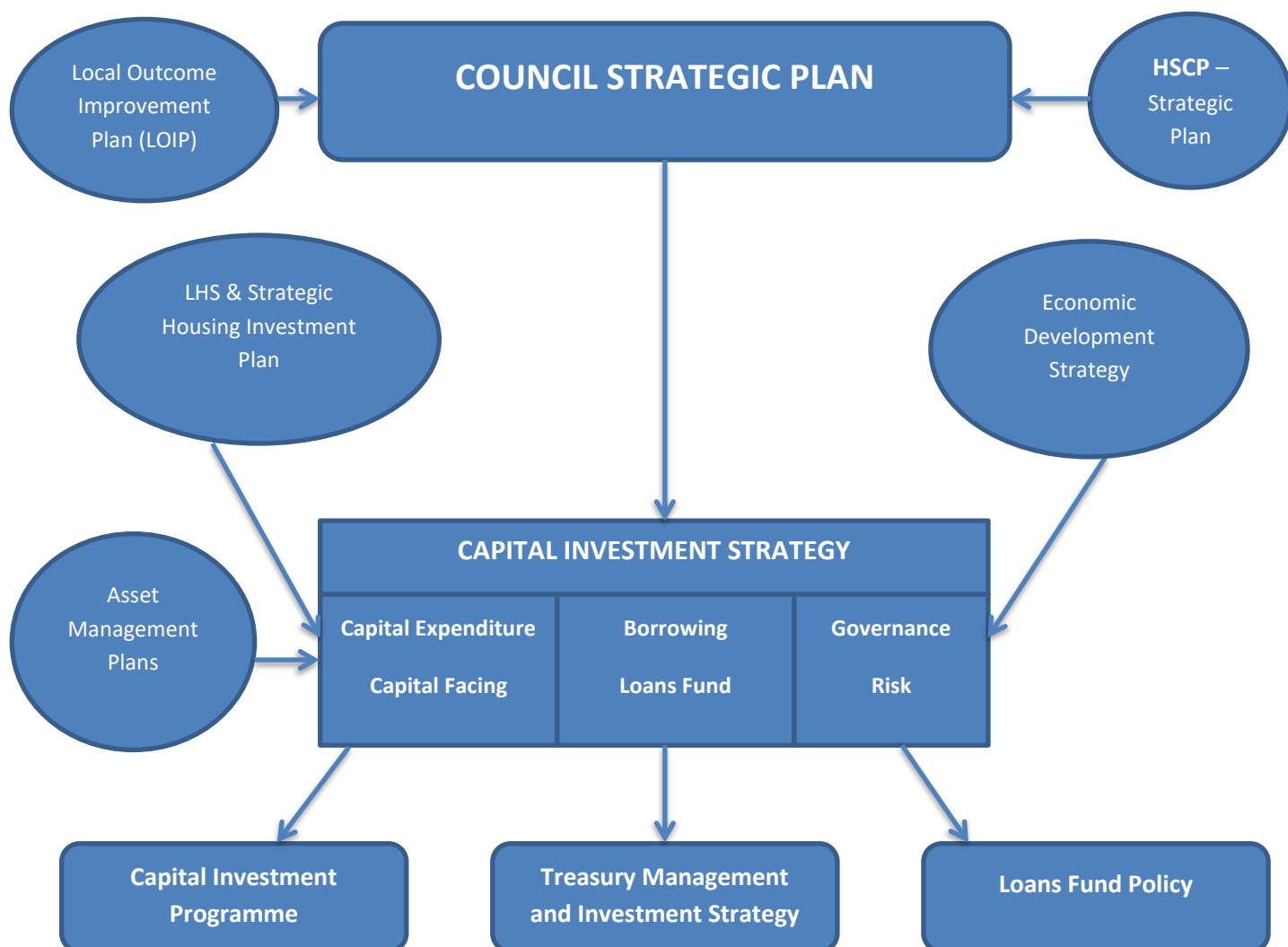
- Ensuring that capital plans are aligned to the strategic priorities as set out in the Council Plan;
- Ensuring that capital plans are affordable, prudent and sustainable;
- Demonstrating the linkage to local strategic planning and local asset management planning;
- Ensuring that financing decisions are taken in accordance with good professional practice and a full understanding of the risks involved; and
- Demonstrating the Council has robust governance arrangements to support its capital planning activities.

The Strategy is the policy framework document that sets out the principles to be used to guide the allocation of capital investment across the Council's services and informs decisions on capital spending priorities within both the General Fund 10 year capital plan (2020/21 to 2029/30) and the Housing Revenue Account (HRA) 5 year capital plan (2020/21 to 2024/25). Included within this strategy document is a statement by the Section 95 Officer on the delivery, affordability and risks associated with this strategy.

Background

West Dunbartonshire Council is an ambitious Council and has plans to deliver significant capital investment over the next 10 year capital planning period across housing, schools, economic regeneration and infrastructure. The Council works in partnership with other agencies in the delivery of this investment, including the Scottish Government and Glasgow City Region City Deal.

The Capital Investment Strategy takes account of the Council's strategic priorities and considers any new investment within the context of outcomes, affordability or spend to save. There is also recognition of the need to balance investment between maintaining current assets and infrastructure against the ambitions for acquiring new assets. The Council's current capital programme is shaped and influenced by various associated strategies and plans, as illustrated as follows:



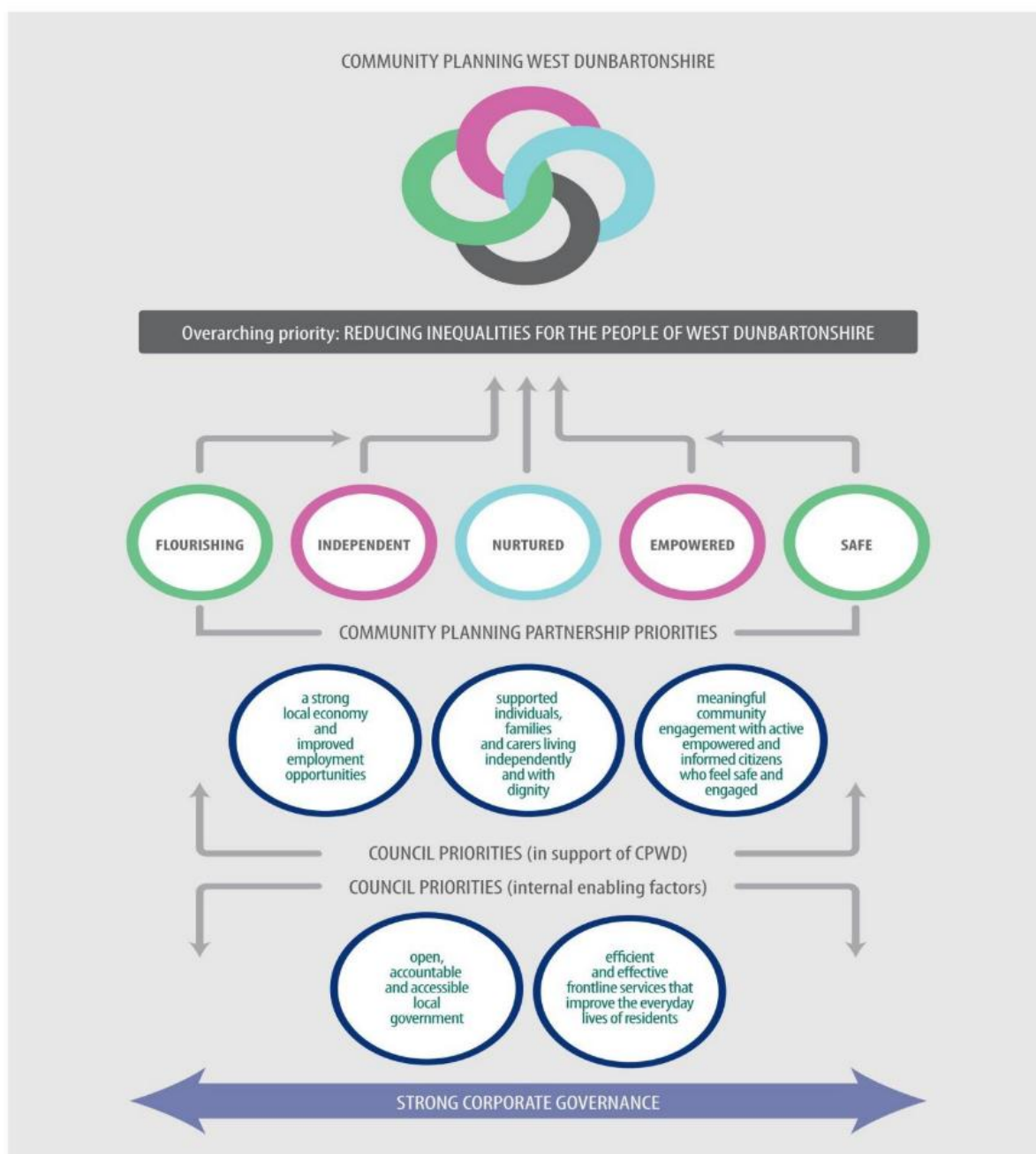
The primary purpose of the Capital Investment Strategy is to provide an overarching view of how various plans and strategies inform capital investment and to demonstrate that this is both affordable and sustainable. The associated plans and strategies each focus on specific priority areas and, through appropriate governance structures, ultimately shape and influence the investment plans delivered through the Capital Investment Programme. Underpinning the Capital Investment Programme is the Treasury Management and Investment Strategy and Loans Fund Policy. Both ultimately consider the delivery of the capital programme within the context of affordability and risk and apply a measurement of what this means against key prudential and treasury indicators. The aim being to demonstrate affordability and sustainability over the long term.

Plans and Strategies

West Dunbartonshire Council Strategic Plan 2017-2022

The vision for West Dunbartonshire Council is to: “*West Dunbartonshire Council will*

deliver high quality services, led by priorities identified by the communities of West Dunbartonshire, in an open and transparent way". The Council has 5 Strategic Priorities that link to the Community Planning West Dunbartonshire's Local Outcome Improvement Plan, with an overarching priority of reducing inequalities for the people of West Dunbartonshire, as illustrated below:



Health and Social Care Partnership Strategic Plan

The strategic plan has been created in partnership with the third and independent sector, public health, community planning partners, local communities and people who use the service. The vision and our desire is to ensure that our citizens have access to the right care, at the right time and in the right place. It involves a range of activities, centred around a continuous cycle of “analyse, plan, do and review” and is iterative and dynamic to support collaborative system change across health and social care and all partners working in our communities. The HSCP Strategic Plan has identified the following Strategic Priorities:

- Early Intervention;
- Access;
- Resilience;
- Assets; and
- Inequalities.

Asset Management Plans

The Council has a number of asset management plans, each of which covers a 5 year period. The following diagram illustrates the linkage between the overarching Corporate Asset Management Strategy and the underlying asset plans that are in place for each asset category.



The overarching document is the Corporate Asset Management Strategy. The aim of the Asset Management Strategy is to ensure that our assets are managed in a corporate, coherent and prioritised fashion, as a mechanism to support the delivery of key services;

ensuring their efficiency and effectiveness in meeting the current and future needs of communities within West Dunbartonshire.

Strategic well-executed asset management is an essential component for West Dunbartonshire Council and is fundamental to being able to demonstrate that the Council is delivering in the context of the Best Value agenda. The Council therefore has a responsibility to ensure that:

- Assets are managed on a strategic basis so that they enhance and improve service delivery; and
- The asset base is aligned to the organisations strategic priorities and objectives and that they are managed in an active, effective and efficient manner.

Sound and efficient management of our assets has a significant part to play in continuing to improve and develop our services to the Community. Therefore, core services such as Education, Health & Social Care Partnership, Housing, etc. must continue to articulate their strategic direction in the short, medium and long term and support the translation of these priorities and their implications in terms of asset requirements to enable the effective development and delivery of Services. Effective Asset Management as well as improving efficiency and effectiveness, can:

- Generate resources through income by selling surplus assets; and
- Generate long term revenue efficiencies as those assets would no longer be a burden on resources.

The corporate Asset Management Strategy supplemented by individual asset management plans. These plans follow the guidance from the Chartered Institute of Public Finance and Accounting (CIPFA) advising that local authorities should classify assets under 6 categories:

- Property (including investment and disposals);
- Open Spaces;
- Roads Structures & Lighting;
- Housing;
- Vehicle Fleet & Plant; and
- Information and Communication Technology (ICT).

West Dunbartonshire Council's approach to the management of these categories require detailed asset management plans which have been developed within the context of this strategic framework and approved by the appropriate Committee for each of the categories.

Each of the asset management plans takes account of six key drivers which are promoted by CIPFA as being critical to effective asset management. These drivers in turn will influence the capital projects that are both in the current capital investment plan and are proposed for future inclusion. The key drivers are:

- Condition;
- Suitability;
- Sufficiency;
- Revenue Costs;
- Accessibility; and
- Value.

Local Housing Strategy 2018-22 and Strategic Housing Investment Plan 2019-24

The key strategic outcomes for the Local Housing Strategy for West Dunbartonshire include ensuring the supply of housing meets the needs and aspirations of local people that they live in good quality homes which are located in strong, safe communities. The Strategic Housing Investment Plan (SHIP) sets out the priorities for affordable housing investment in West Dunbartonshire over the next five years;

- Health and Educational benefits;
- Contribute to Regeneration of West Dunbartonshire;
- Sustainable Investment
- Meet Local Demand and Aspirations; and
- Maximise Return on Investment and achieve Value for Money.

The SHIP will secure investment across the Council and provide sustainable, affordable, accessible high quality homes which will contribute to the wider regeneration aims for the area.

In addressing projected demographic trends of an ageing population in West Dunbartonshire new build homes will be designed for future needs of an aging population with cognisance taken in the design stage for changing mobility needs. The SHIP supports the Health and Social Care Partnership to meet specialist housing need through dedicated supported accommodation projects.

The Council also recognises that bringing former social housing stock back into social ownership can increase the level of housing stock available as well as supporting regeneration in the area. As such, a buy-back programme has been incorporated into the SHIP.

Making sustainable investment in housing is a key priority within the SHIP and this is achieved by incorporating energy efficiency measures and renewable technologies within the new build programme. The developments benefit from a range of sustainable measures including solar photovoltaic panels, district heating schemes and design measures to minimise space heating demand. This investment aligns to the Council's Environmental, Sustainability and Climate Change Strategy in supporting affordable warmth to households across the Council.

The regeneration of Council communities is a strategic priority within the Council Plan and the SHIP. The Scottish Index of Multiple Deprivation shows that West Dunbartonshire has one of the highest levels of data zones within the 15% most deprived areas in Scotland.

Through housing led regeneration and the provision of high quality homes, desirable communities are created where people want to live and which in turn can also attract private sector investment.

Finally, it is recognised that new build housing also provides benefits to health, wellbeing and can contribute positively to educational attainment. New energy efficient, high quality homes can alleviate symptoms in a number of respiratory illnesses and young people can benefit from improved cognitive development and less risk of behavioural issues when living in warm, high quality housing.

Other plans and strategies

In addition to the asset management plans outlined above there are a number of other plans, strategies and approaches that influence the level and type of capital investment undertaken by the Council.

- West Dunbartonshire Strategic Plan;
- Strategic service delivery plans;
- Schools Estate Strategy;
- Early Years Strategy;
- Asset Disposal Strategy; and
- Regeneration charrettes.

Capital Investment

Capital Investment is a highly regulated area of finance and is clearly defined both externally and internally as detailed below:

- CIPFA's Code of Practice (underpinned by financial reporting standards); and
- The Council's Capital Guidance document which can be located in the Treasury and Capital section of the Council's intranet.

In summary capital investment is defined as expenditure that can be directly attributed to the acquisition, creation or enhancement of items of property, plant and equipment or the acquisition of rights over certain longer term intangible benefits. In contrast revenue expenditure is incurred in providing a service on a day to day basis and the benefit is immediately consumed by the Council.

The value of the Council's assets as at 31 March 2020 is detailed in the table below and illustrates the diversity and scale of the asset base:

Asset Classification	£000
Operational land and buildings	340,855
Commercial land and buildings	43,765
Surplus assets	9,454
Assets under construction	104,814
Council dwellings	431,095

Infrastructure assets	68,548
Vehicles, plant and equipment	9,086
Assets held for sale	8,053
Community Assets	3,909
Heritage Assets	1,406
Total Asset Value	1,020,985

While this strategy focuses on the Council's management of its own investment in assets, a wider view of capital investment throughout the Council area (by other public organisations and the private sector) will influence both the Council's capital spend and the ability of the Council to meet its strategic priorities:

- Reducing inequalities for the people of West Dunbartonshire Council;
- A strong local economy and improved job opportunities;
- Supported individuals, families and carers living independently and with dignity;
- Meaningful engagement with active, empowered and informed citizens who feel safe and engaged;
- Open, accountable and accessible local government; and
- Efficient and effective frontline services that improve the everyday lives of residents.

The Capital Strategy sets out a number of guiding principles, however a balance is required between guidance and prescription to allow a flexible approach to be taken and to enable the Council to adapt and reflect in times of uncertainty.

The management of both the General Fund and HRA capital plans are supported by the Council's financial regulations and financial code of practice.

Guiding principles

Long term capital investment plans cannot be developed in isolation but instead are informed by a number of key principles which are explored in more detail further in this document:

- Approach to borrowing - ensuring that the Council complies with the CIPFA Prudential Code and that borrowing is prudent, affordable and sustainable in the long term;
- Approach to development and monitoring of long term capital investment plans - ensuring that all plans make a positive contribution to the overall Council strategic priorities and that all plans are clearly linked to asset management planning and any other relevant plans/strategies;
- Approach to treasury management - ensuring that there is a close relationship between long term capital investment plans and overall treasury management; and
- Approach to financial planning - ensuring that the impact of long term capital investment plans are clearly detailed within the Council's Long Term Financial Plan and annual budget reports.

Linkage of capital plan to internal plans and strategies

Any capital investment plans that are undertaken by the Council must link to one of the Council's key priorities and contribute to the documented aims and objectives. While this is achieved through the scoring of capital bids (as detailed later in this document) the capital bids themselves are determined by a number of internal plans and strategies (as described above).

External influences on capital planning

The internal plans and strategies outlined in the previous section will determine the capital strategy for both the management of the existing asset base and future capital investment requirements; however external influences will impact on the Council's ability to deliver the aims and objectives. The level to which the Council is able to mitigate against these externalities will depend on both the risk and materiality of them.

External influences can be considered under a PESTLE analysis and some of the main externalities are explored in more detail below:

Political

Much of the activity undertaken by the Council is governed by statute and in turn this has implications for capital investment required by the Council. Examples of such statutory implications are:

- Scottish Government Early Learning and Childcare Legislation to increase the funded entitlement from 600 to 1140 hours per year from August 2020;
- National housing policy;
- School regeneration;
- Scottish housing standards; and
- Energy efficiency standards.

Economic

Both the UK and the wider global economy have an impact on both the Council's ability to undertake capital borrowing and effectively manage its asset disposal strategy.

- Capital borrowing considerations:
 - While the Council is able to borrow money from the money market or from the Public Works Loans Board to fund capital investment it is essential that this is done in as efficient a way as possible to ensure best value for both Council tenants and Council tax payers; and
 - The Council takes a prudent approach to borrowing, paying particular regard to the robustness of the management and monitoring of the capital investment plan, loan charge forecasting models and the impact that any deviations will have on the level of prudential borrowing required.
- Asset disposal considerations:

- Those properties which have been declared surplus are grouped into three separate categories based on importance. In prioritised order, they are:
 - Strategic sites – sites that could bring significant economic impact;
 - Rationalisation programme – land and buildings that are to be disposed of as part of any Council rationalisation programme; and
 - Commercial and private – land and buildings with commercial and/or private benefit to interested parties.
- The economic climate impacts on the Council's ability to dispose of surplus sites as developers may or may not be able to move forward with development plans. The Council will fully consider the best way to market surplus assets/sites taking all relevant factors into account.

Social

Changes in the social and demographic profile of West Dunbartonshire Council (e.g. changes in the age profile of the population, household size, poverty levels, gender mix and life expectancy) all have implications for service delivery on a day to day basis and ultimately for the long term management of the Council's assets.

Technological

Changes in technology such as new ways of working, advances in delivering heating and lighting, etc. has the potential to impact on capital investment plans both in relation to the cost of implementation and the frequency of updates required.

Legal

Increasing complex capital investment plans invariably result in complex legal negotiations. In addition legal and regulatory responsibilities of the Council have the potential to result in capital investment requirements such as protecting vulnerable residents.

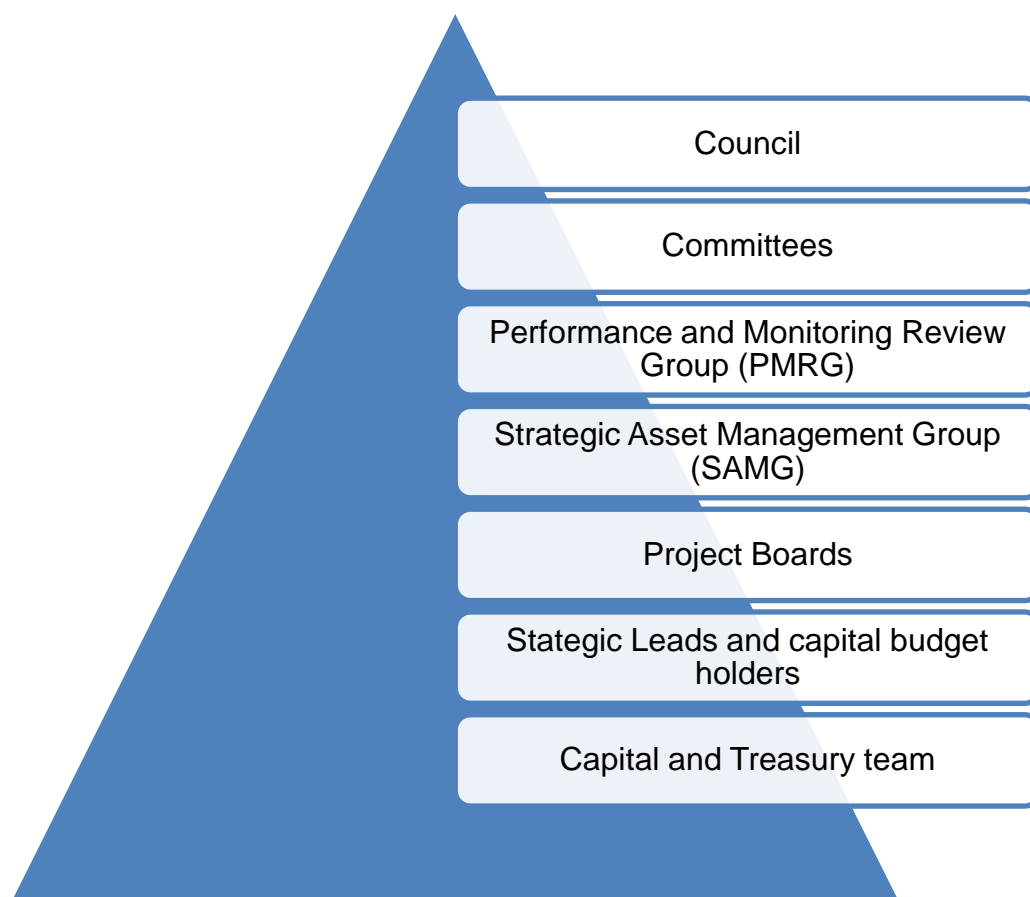
Environmental

Climate change is widely reported in the news and has far reaching impacts on the Council for capital investment. An example of this is the requirement to tackle the resulting environmental impacts such as flood management.

Chapter Two – Long term capital planning

Governance process

Capital investment within West Dunbartonshire Council is governed by a hierarchy of approval, scrutiny and monitoring processes, as follows:



Council

In accordance with the CIPFA Prudential Code all capital investment must be approved by full Council prior to project commencement and any expenditure being incurred. The General Fund 10 year capital plan (2021/22 to 2030/31) and the HRA 5 year capital plan (2021/22 to 2025/26) will be submitted to Council in March 2021 for approval and include both recurring and one off projects with one off project budgets being approved in principle subject to business case approval. The responsibilities of Council in relation to capital are noted below:

- Approval of capital plans;
- Approval and scrutiny of capital plan budget monitoring reports;
- Approval of budget virements; and
- Oversight of specific capital projects if deemed appropriate.

Committees

Service Committees are responsible for scrutiny of capital budgets, approval of business cases (if delegated authority from Council) and oversight of specific capital projects where required. The main Committees this applies to are:

- Corporate Services Committee;
- Educational Services Committee;

- Housing and Communities Committee; and
- Infrastructure, Regeneration and Economic Development Committee.

In addition the Health and Social Care Partnership is responsible for capital projects that would previously have been classed as social work projects.

Performance and Monitoring Review Group (PMRG)

The PMRG is led by the Chief Executive and membership includes all Chief Officers of the Council. This group is responsible for scrutiny of capital plans, budget monitoring reports and any other issues that require discussion prior to reporting to Committee/Council.

Strategic Asset Management Group (SAMG)

The SAMG was established in 2010 initially as a short life small working group to take a more strategic focus in relation to asset management and the contribution that an effective asset management strategy could make to the wider issues across the Council.

Since that time the group has increased in both members and remit. Standing members include the following:

- Chief Officer - Supply, Distribution & Property (Chair);
- Chief Executive
- Chief Officer - Regeneration;
- Chief Officer - Resources;
- Chief Officer - Environment & Neighbourhood;
- Capital Programme Manager;
- Manager of Legal Services;
- Manager of Procurement Services;
- Service Manager ICT;
- Corporate Assets Manager; and
- Finance Business Partner (Capital).

With other Chief Officers and/or project sponsors of existing major capital projects (where variance in delivery, budget, or risk is being reported) or proposed new capital projects being required to attend on a case by case basis.

The remit of the group is to:

- Ensure the most efficient use of the Council's capital assets in pursuit of the Council's strategic priorities;
- Review Asset Management plans prior to PMRG/Committee consideration;
- Ensure that capital spending is aligned to the Council's strategic priorities;
- Make recommendations on the prioritisation of spending to maximise the impact on those strategic priorities including recommendations on annual refresh of the capital programme;
- Drive the rationalisation of the Council's operational properties, and decide on the allocation of space to services as required by that process

- Receive updates on the financial and physical progress of capital spending and individual capital projects;
- Scrutinise the performance of the capital spending programme and of individual capital projects and make recommendations to PMRG where necessary;
- Scrutinise delivery of the Asset Disposal Strategy and linked capital funding expectations; and
- Drive improvements in capital programme and capital project management.

Project Boards

Major capital projects within similar themes are reported to individual Project Boards. Each project board has a project sponsor who is ultimately responsible for the project objectives and outcomes. Examples of this are:

- Schools Estate Project Board - which oversees all major capital investment in schools such as new builds and/or major refurbishments;
- Exxon Project Board; and
- More Homes West Dunbartonshire Board – which oversees the development of the HRA capital investment around expanding the provision of Council houses.

Chief Officers and capital budget holders

Once a capital project has been approved capital budget holders (and ultimately Chief Officers) are responsible for the implementation of the project. Depending on the scale and nature of the project the budget holder may need to engage the services of other Council departments such as planning, consultancy services, procurement, etc.

Capital and Treasury Team

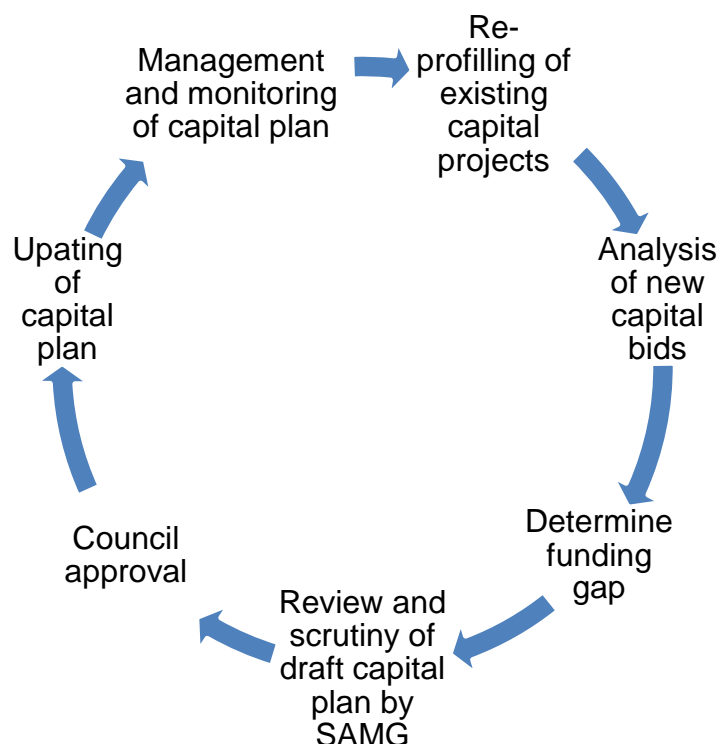
The Capital and Treasury Team is responsible for preparing annual capital plan refresh documentation, budget monitoring, determining capital finance requirements and assisting with financial/business case analysis as and when required. The team also undertake all treasury management functions within the Council including the preparation of the annual treasury management strategy and prudential indicator information thus ensuring the linkage between capital investment and these core documents.

Prioritisation and approval

The Council has separate capital plans for both the General Fund and the HRA. The General Fund plan covers a 10 year period with the next update in March 2021 being for the period 2021/22 to 2030/31. The HRA capital plan covers a shorter period of 5 years for the period 2021/22 to 2025/26 (backed up by a 30 year HRA business plan).

Both the updated General Fund and the HRA capital plans will be submitted to Council in March 2021 for approval and is just one part of the cyclical annual capital process. The prioritisation and approval process for each are slightly different due to the different nature of the projects involved and the strategies/plans that underpin them. It is important to maintain a list of “shovel ready” projects to ensure sufficient flexibility in the process to take advantage of any funding opportunities that may occur mid-year or fill any gaps where programme slippage occurs.

The management of capital investment planning follows a cyclical process as follows:



Existing capital projects are subject to an annual review to determine the likely profile of capital spent taking into account the nature, complexity and risk of the project. This exercise is carried out in conjunction with ongoing budget monitoring.

It is always difficult to make choices between competing priorities as funding requests will normally be in excess of finance available. As highlighted above the process involved is slightly different for both General Fund and the HRA with the key differences detailed below:

General Fund – due to the nature of the General Fund being multi-functional if a specific scheme is to be recommended for approval there will be a requirement for a capital bid template to be completed and submitted to the capital and treasury team. The following are some of the details to be provided by prospective budget holders prior to bids being considered through a scoring and prioritisation process:

- Confirmation that the project meets the definition of capital investment;
- The project must be scored by the budget holder according to how well the project meets a number of corporate priorities, financial and non-financial criteria;
- Anticipated budgetary requirements;
- Anticipated resources which may be either full or partial grant funding;
- Anticipated revenue impact of the project which may be either positive, neutral or negative; and

- Risk analysis.

Once all capital bids have been received they are allocated a weighted score to enable the projects to be ranked from ones that are most aligned to assisting the Council in meeting its corporate aims and objectives to the ones least aligned.

HRA – Unlike the General Fund capital investment plans are not subject to a bidding process but instead are primarily driven by stock condition survey results; ongoing housing regulations; and new build investment plans. The proposed capital investment must be affordable within the parameters of the HRA 30 year business plan.

Overall - Once all potential capital investment has been identified an analysis of likely capital resources (e.g. grants, receipts and contributions) is carried out to identify any funding gap which in turn will:

- Determine the level of prudential borrowing and likely revenue impact re loan charges that would be required if all potential capital investment was approved by Council;
- Flow through to both the treasury management strategy and prudential indicator calculations;
- Inform the revenue budget process; and
- Inform the long term finance strategy.

The draft capital plan refresh for the General Fund (covering both investment plans and the anticipated resources in place to finance those plans) is reviewed and scrutinised by the SAMG prior to being submitted to Council for approval. This group challenges the phasing and deliverability of capital projects at each of its meetings.

Documents are produced for council outlining recommendations for both updates to the existing capital plan and inclusion of new capital projects. These documents form part of an overall finance budget report covering both capital and revenue to ensure that the linkage between both types of expenditure are maintained.

In addition to approving the recommended capital plan refresh Council may add new projects to the capital plan that have been identified outwith the bidding process reflecting political priorities. Where this is the case any revenue impact is included within the budget papers thus maintaining the links.

Capital projects are defined as either recurring or one off projects. Recurring projects relate to ongoing investment requirements on the core asset base such as building upgrades and roads infrastructure works. The funding for one off projects are approved in principle with a detailed business case requiring to be approved by the relevant service Committee prior to project commencement. Any projects which are subject to unconfirmed external funding are also approved in principle and should not commence until grant offer letters have been received.

There are a number of business case templates that have been used within the Council and officers are currently working towards development a corporate template that can be used for all appropriate projects in a scalable way. The development of a corporate template will ensure a consistent approach to business case development and ensure that business cases are aligned to the principles contained within the Treasury Green Book.

Once the capital plan is updated for all approvals obtained at council, final confirmation of available budget is communicated to budget holders to allow the management and monitoring part of the capital cycle to commence.

Management and monitoring of the capital plan

The capital plan is monitored on a monthly basis via a combination of verbal updates for small/low risk budgets and face to face meetings for material/high risk budgets. Monitoring is carried out for both investment expenditure and anticipated resources and is reported on an exception basis using a red, amber, green status as detailed below:

Red
Projects are forecast to be overspent and/or significant delay to completion
Amber
Projects are either at risk of being overspent and/or delay in completion (although this is unquantifiable at present) or the project has any issues that require to be reported at this time
Green
Projects are on target both in relation to overall budget and the forecast stages in the project life cycle and no issues are anticipated at this time

Monitoring reports follow the governance cycle and are reported in a hierarchy from the SAMG and PAMG to Council and Service Committees with the Project Boards receiving more detailed project updates. An example of the monitoring reports prepared can be found on the West Dunbartonshire Council's Committee Management Information System (CMIS) under the relevant Council/Committee meeting.

Funding of the capital investment plan

Capital grants and capital contributions

Grants may be awarded to the council for the purpose of carrying out either a specific project or a general aim, but in either case certain conditions will be imposed by the establishment awarding the grant which will have to be adhered to. Failure to adhere to the conditions may require the grant to being repaid. Grant finance can come from a number of sources such as the Scottish Government, The Big Lottery Fund, Strathclyde Partnership for Transport (SPT), and so on. Some examples of grant income received by the Council in the past are:

- Scottish Government - General Services capital grant;
- Scottish Government – schools regeneration funds;

- Scottish Government - Early years schools funds;
- Scottish Government - Cycling, walking, safer streets;
- Strathclyde Partnership for Transport (SPT); and
- Lottery funding.

Capital contributions arise when funds are provided to the Council by way of a non-refundable and unconditional gift. The capital involved can vary in nature. Cash is an obvious example, but a capital contribution may also be by way of property or services provided.

Capital receipts strategy

Capital receipts that are received are held in either the Capital Receipts Reserve or Capital Fund and can only be used for “defraying any expenditure of the authority to which capital is properly applicable, or in providing money for repayment of the principal of loans (but not any payment of interest on loans)”.

As such it is generally considered that use of the Capital Fund is restricted to (a) funding capital expenditure by the Council or (b) repayment of loans principal.

The Council takes a balanced view in the application of capital receipts and the current strategy is to apply capital receipts both to funding expenditure and to funding the repayment of loans principal, in line with legislation and Scottish Government guidance. The balance between these is considered on an annual basis when Council considers and sets its revenue and capital budgets.

Revenue funding

The situation may arise where the Council requires to either create or enhance an asset; however the project is not part of the approved capital plan. In this case where no capital resources have been previously allocated to the project a funding option that can be utilised is known as Capital Funded From Current Revenue (CFCR).

As the name suggests under CFCR revenue budgets are used to finance the capital project. This allocation must be taken account of when estimating future revenue budget.

Other forms of funding

In addition to the traditional sources of funding outlined above the Council will explore the following where appropriate:

- Leasing and Hire Purchase Agreements
A lease is a form of contract whereby the Council (lessee) pays an annual charge which is comprised of capital and interest to the finance company (lessor) for the use of an asset. This is normally used for vehicles, plant, furniture and equipment. Up until financial year 2022/23 these were not all required to be accounted for on the Council's balance sheet, however as noted above this changes from financial year 2022/23, with most leases now requiring to be accounted for on the balance sheet.

- Public Finance Initiatives - Public Private Partnerships (PPP), Non-Profit Distributing (NPD) and hub financing models
Public Finance Initiatives, as a generic term and approach are normally used as a method of financing new buildings and some of the types of buildings as reported by HM Treasury range from new schools and leisure centres to hospitals. The Council didn't access any such funding from the original PFI scheme, but used a PPP scheme to fund new schools with Scottish Government funding support). Since PPP was terminated as an approach for new investment the Council has used the NPD approach via the West hub to fund Our Lady and St.Patrick's High School. It is likely that the Scottish Government will replace the NPD approach with a new approach for further schools regeneration funding. Under these financing approaches the Council does not own the asset but the asset is constructed and financed by a private contractor and the Council pays an annual charge for the use of the asset for a specified period of time. At the end of the contract the asset ownership passes to the Council.
- Unconventional Finance
If the Council has any fixed assets bought or constructed with financing that does not take the form of simple borrowing, the future liability should be capitalised.

Borrowing

The current guidance for a Council's level of borrowing is the CIPFA Prudential Code (revised December 2017). The following extracts from the Code and the Local Government Scotland Act 2003 summarise the Code's approach to level of borrowing (self-regulating) and the governance that should apply:

- Prudential Code (Executive summary – E3): *"The objectives of the Prudential Code are to ensure, within a clear framework, that the capital expenditure plans of local authorities are affordable, prudent and sustainable"*; and
- Local Government Act 2003 (Part 7 [Finance] – 35(1)): *"It is the duty of a local authority to determine and keep under review the maximum amount which it can afford to allocate to capital expenditure"*.

From 1/4/2022 there is a significant change to the Accounting Code of Practice for 2022/23 which the Council follows for their Financial Statements, which also impacts on the Treasury Management Strategy and Prudential Indicators and therefore the Capital Strategy. This change is in relation to assets the Council leases in.

Currently there are 2 types of leases which are treated differently through the Financial Statements at present. From 1/4/22, all leases (with a few exceptions) will require to be accounted for on the Council Balance Sheet as assets. For illustrative purposes, leases held by the Council not owned and therefore not currently on the Council's Balance Sheet include leases for properties (such as Aurora/ Clydebank Town Centre Office/ Bridge Street), photocopiers, and vehicles. This is similar to the current accounting reporting for PPP assets.

Accounting for these leases on the Balance Sheet will result in increases to assets and long term liabilities. This will also result in Prudential and Treasury Management indicators being adjusted – increasing: the ‘level of debt’ identified by the Council; the Capital Financing Requirement; Operational Boundary; and Authorised Limit, by the value of the leases. Forecast and estimates of the ratio of financing costs to Net Revenue Stream may also be affected.

Under the prudential system, individual authorities are responsible for deciding the level of their affordable borrowing, having regard to CIPFA’s Code, which has been given legislative backing. The system is designed to encourage authorities that need, and can afford to undertake capital investment, to do so.

The Council’s Section 95 officer is responsible for determining and presenting possible capital investment options to Elected Members and offering them professional advice. However, it is the duty of Elected Members to balance the constraints of affordability with the demands of services for capital investment, and in all but most exceptional cases it will be for elected members to make the necessary judgement.

The ability to borrow additional money in this way comes with increased responsibility and a need for greater transparency in decision making such as what capital projects to borrow for, how much to borrow and when, where to borrow from, how long to borrow over, and so on.

The risks associated with a significant capital plan and a significant level of borrowing can be mitigated and indeed should be mitigated as “business as usual”. All capital projects are supported by the Council’s governance process and should have:

- Adequate project management and/or project boards;
- Suitable skills for the delivery of the project, tax planning, cash flow;
- Clear operational plan for the use of the asset;
- Clear assumptions on phasing of spend taking into account optimism bias;
- Clear business case analysis where appropriate;
- Use of specific Committees;
- Security and due diligence on loans and purchases;
- Use of external advice where appropriate;
- Project contingencies;
- Full tender process; and
- Regular and transparent reporting to members.

Alternative funding and delivery opportunities

The Council will consider alternative methods of supporting capital investment within West Dunbartonshire Council using alternative funding and delivery opportunities where:

- Opportunities arise;
- Such opportunities are financially viable; and
- Such opportunities positively contribute to the Council’s strategic priorities.

Two such opportunities that the Council is currently engaged with is the partnership with Clydeside Regeneration Limited (CRL) in relation to the redevelopment of the former John Brown site at Queens Quay in Clydebank and the developments at the former Exxon Mobil site which is part of the Glasgow City Deal £1.13bn project.

Capacity to deliver

The capacity of the Council to deliver its long term capital investment plans depends upon the following:

- Affordability of capital investment plans;
- Project officer capacity;
- Interdependencies with other projects; and
- Skills and knowledge.

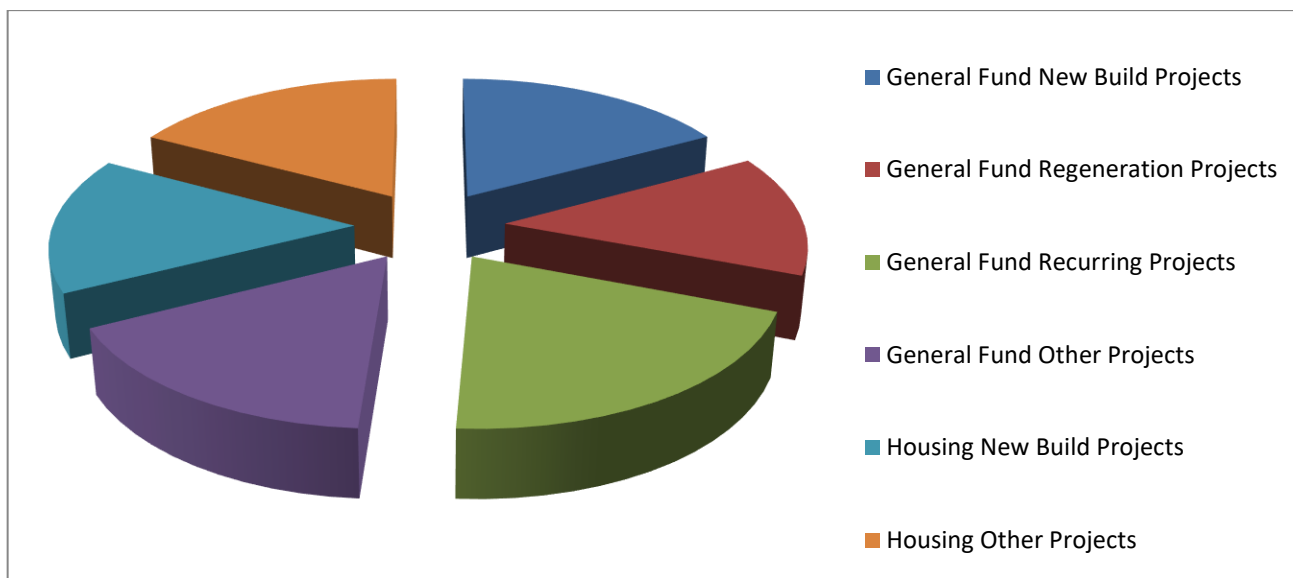
The affordability of capital investment plans is covered both within the capital investment cycle as detailed above and the treasury management and prudential indicators section of the strategy covered in chapter 4.

The ability to have “shovel ready” capital projects primarily relates to recurring capital investment projects such as building upgrades. Such investment plans are mostly driven by the outcome of condition surveys which enable officers to plan capital investment needs in advance of funding being available. This combined with the long term planning horizon of the capital investment plan mitigates the risk of lack of capacity in this area.

Project officer capacity relates to the reliance of the project on the ability of the Council to both access and co-ordinate technical and professional expertise which is primarily internal to the Council and varies depending on the complexity and nature of the capital investment required such as:

- Project managers;
- Planning and building control;
- Environmental health;
- Roads;
- Legal;
- Financial;
- Procurement; and
- Other stakeholders

The following chart shows the nature of the overall capital investment plan for 2020/21 and all projects require technical and professional expertise throughout the lives of the various projects.



The long term planning approach to capital investment will ensure that project officer resources are aligned appropriately to the needs of each project as required.

While many capital investment projects are “stand alone” such that the delivery of them has no material impact on the delivery of others (other than potentially competing for technical and professional expertise), there are a number of capital investment projects where there is a high level of interdependency and thus increased levels of risk associated with delivery. Examples of such projects are:

- Wider Queens Quay Regeneration;
- Queens Quay District Heating Network;
- Clydebank care home; and
- Connecting Clydebank.

Where such interdependencies exist the Council will ensure that project officers and all those involved in project development and implementation maintain regular communication with any issues/concerns/decisions required being highlighted and discussed as appropriate via the capital governance process as detailed above.

Skills and knowledge

The Council will seek to draw upon internal skills and knowledge wherever possible; however this may not be possible for a variety of reasons.

- Project officer capacity issues may arise where the available resource in-house is insufficient to meet project demand either due to staffing vacancies or a number of projects requiring the same technical and professional expertise at the same time thus creating a bottleneck; and
- The expertise required is highly specialised and the Council does not have any resource in-house with the knowledge base at the appropriate level.

Where the Council is unable to utilise internal skills and knowledge (and it is considered essential to the successful implementation of the capital investment project) external expertise will be brought in on a contract by contract basis in accordance with procurement rules. The cost of such expertise will be included in the overall budget set aside for the relevant project. External expertise is more likely to be contracted in where projects are highly complex and/or of a specialist nature.

Chapter Three – Investments and Guarantees

Approach, due diligence and risk appetite

The approach to investments and guarantees will be to fully consider the following prior to recommendation:

- Level of financial and economic benefit to the Council;
- Whether held on a cash or non-cash basis;
- Impact on wider service objectives;
- Impact on wider community; and
- Risk profile of investment.

Investment properties

Linked to its approach to asset management planning and the increasing trend for commercialism the Council will consider, where appropriate, the purchase or development of land and property as an investment to both generate an ongoing income stream or to realise an increase capital value in the future.

Any such purchase or development will only be recommended to members for approval following the development of a robust business case that clearly demonstrates financial and economic benefit to the Council.

Impact of capital planning on investment strategy

Long term capital planning has a material impact on the Council's investment strategy which forms part of the annual treasury management and prudential indicators strategy report covered in chapter 4 of this document.

The process for investment strategy covers a wide range of Council investments and will be broadly managed in the following way:

- Short term cash – Cash relating to day to day cash flow will be maintained on a shorter term basis in cash type products with consideration to the liquidity requirements outlined above;
- Longer term cash – Cash relating to reserves, provisions and balances on the balance sheet may be held for longer periods of time in cash type products or in longer term bonds or funds depending on:
 - Cash flow requirements:

- The underlying expectation for interest rates; and
 - The economic background of these investments may be held longer term.
- Service type investments – These types of investments will predominately be policy driven and approved by Members. Shareholdings, development opportunities, loans to third parties, equity instruments and investment properties held for rental returns) will be regularly reviewed to judge the investment performance.
 - Non-service type investments – Investments such as Joint venture delivery companies such as Hub West Scotland and investments in regeneration partnerships and development opportunities.

In relation to cash investments it is important to determine the likely profile of capital spend as the timing of such investment plays a crucial part in the ability of the Council to maximise the investment return on surplus funds.

In relation to service and non-service type investments the investment strategy must be future proofed in that all potential investments must be listed as a permitted investment.

Summary of material investments and guarantees

Material investments

The Council currently holds two long term investments which generate annual investment income as noted below, and will in 2021/22 hold an investment in the District Heat Network Company.

- Clydebank Property Company
Previously known as Clydebank Rebuilt this was a pathfinder urban regeneration organisation, limited by guarantee and included a commercial letting company (industrial units) and a registered charity (the Titan Trust). On 11 August 2014, following the transfer of the Titan Crane to the Property Company, the Council bought the commercial letting company with a view to continuing its regeneration objective.
- Hub West Scotland
This is a public private joint venture development organisation established in 2012. They work with the public sector partners to plan, design, build, and fund and maintain buildings in the most efficient and effective manner delivering better value for money and ultimately improving public services.

Further long term investments will be considered as appropriate where there is a clear financial and economic benefit to the Council. It is further noted that the holding of such investments may originate as fulfilling a service need or objective whereby the generation of financial return is a secondary consideration.

Any such investments will be included in the list of permitted investments within the Council's investment strategy.

Guarantees

Loans for a capital purpose may be approved by Council subject to an appropriate business case and due diligence including, as appropriate, guarantees to secure the repayment of the loan.

Business Loans Scotland

In December 2018, Business Loans Scotland was appointed as the Fund Manager, under contract to the Scottish Growth Scheme to deliver a new £10 million debt fund, on behalf of the Scottish Government. Business Loans Scotland is a company limited by guarantee, and has as its Members all 32 Scottish Local Authorities. The company is governed by Articles of Association and Members' Agreement where WDC is a member.

In all investments and/or guarantees entered into by the Council the risks associated with the activity will be clearly weighed up against the long term benefits which may be both financial and non-financial in nature. The Council will seek to protect its position at all times via robust governance and legal processes.

Chapter Four – Treasury Management and Prudential Indicators

Governance process

The treasury management service is an important part of the overall financial management of the Council's affairs with the Council's treasury activities are strictly regulated by statutory requirements and a professional code of practice (the CIPFA code of practice on treasury management – revised December 2017).

Closely linked with treasury management is the prudential regime for capital investment. Whilst prudential indicators consider the affordability and impact of capital investment decisions, the treasury service covers the effective funding of these decisions.

Section 56 of the local government (Scotland) act 1973 Act permits local authorities in Scotland to discharge their functions by Committees. Exceptions include setting the Council tax (s56 (6) (b)) and borrowing money (s56 (6) (d)), which requires the authority, that is full Council, to discharge.

As a result of Section 56, both the prudential indicators and the treasury management strategy are required to be approved by full Council before the start of the financial year.

The CIPFA Treasury Management Code of Practice requires greater elected member scrutiny of the treasury policies with one of the key clauses being that a responsible body is required to ensure effective scrutiny of the treasury management strategy and policies. Within West Dunbartonshire Council the Audit Committee provides further scrutiny after Council has considered the policies.

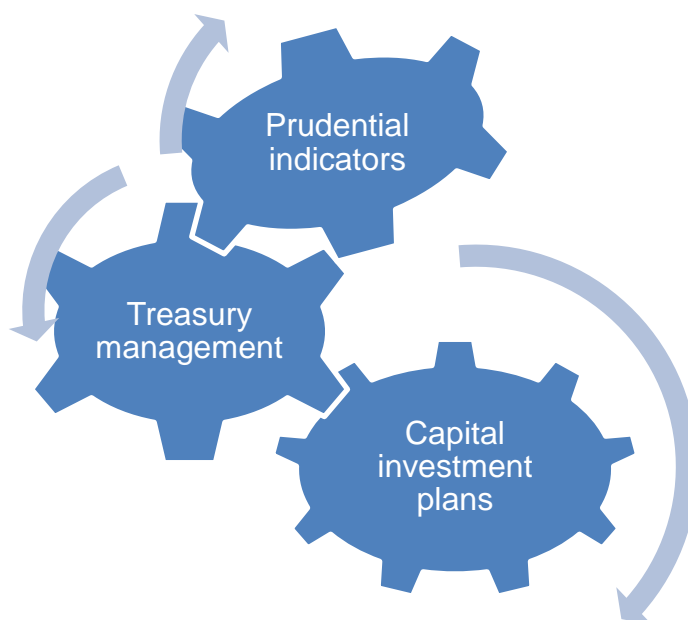
As a requirement of the Code the Council included the following documents within its "Prudential Indicators 2019/20 to 2028/29 and Treasury Management Strategy 2020/21 to 2029/30" report which was approved by members in March 2020:

- Treasury Management Policy Statement (the policy);
- Treasury Management clauses; and
- Treasury Management role of the Section 95 Officer.

The Policy requires an annual strategy to be reported to Council outlining the expected treasury activity for the forthcoming 3 years, however in line with the longer term capital planning approaches, the current treasury management and prudential indicators are provided (where appropriate) covering the period to 2029/30. An updated strategy that will be submitted for approval in March 2021 will extend this period to 2030/31.

Impact of capital investment on treasury management and prudential indicators

There are clear links between the Capital Investment Plan to the Treasury Management Strategy and Prudential Indicators. These are also subject to review and oversight by members at Audit Committee and Council.



Treasury management

The treasury management strategy covers:

- the Council's debt and investment projections;
- limits to the Council's borrowing activity;
- Information on the economic climate and expected movement in interest rates;
- the Council's borrowing, debt and investment strategies;
- treasury performance indicators;
- specific limits on treasury activities; and
- policy on ethical investments.

Any new borrowing increases the Council's overall liabilities that will need to be repaid in the future. This generates a greater financial risk to the Council's two main Funds as the value of borrowing increases as additional borrowing increases the level of interest and principal repayment costs that it will incur each year. This is currently increasing due to previous investment decisions of the Council linked to the Council's priorities as described earlier in this document. The updated 2020/21 Treasury Management Strategy indicated that the Council could generate a borrowing liability of £647.972m and ongoing fixed costs of over £19m per annum by 2021/2022 and increasing over time in line with planned capital spend (split between General Fund and HRA).

As stated above, the change, from 1 April 2022 to the Accounting Code of Practice for 2022/23 will have an impact on the treasury management performance indicators.

Following a review of the PWLB regime by the UK Government a new set of governance arrangements were introduced to reduce the use of PWLB by Councils on what were seen as speculative commercial investments by some English Councils. Following this the PWLB interest rates were reduced by 0.1% and remain at low levels. The current strategy is to borrow short term while converting a fixed percentage of short term into longer term debt over a 20 year period, depending on market conditions. Based on current economic forecasts an average borrowing cost of between 1% to 1.6% for new borrowing is assumed for 2021/22.

The Treasury Management and investment Strategy of the Council will take full cognisance of the capital plan update and is reported to Members in accordance with the Treasury Management Code of Practice.

There are a number of risks associated with the funding of capital investment decisions which are explored (including mitigation strategies) in more detail within the individual strategy documents. In summary these can be defined as:

- Increasing borrowing liability;
- Increasing revenue impact of capital investment (loan charges);
- Interest rate risk;
- Counterparty risk; and
- Security and liquidity in financial markets.

Prudential indicators

The Council is required to approve the following prudential indicators to ensure the financial risks of borrowing are recognised and considered appropriately:

- Capital Expenditure;
- Capital Financing Requirements; and
- Forecast and estimates of the ratio of financing costs to Net Revenue Stream.

In addition to the above Council is also required to approve the policy for loans fund advances.

Prudential indicators are prepared taking both the audited financial accounts and the capital plan update into consideration and therefore the risk that the indicators vary from forecast is directly correlated to the extent to which the capital investment plans and the associated resourcing of those plans is managed effectively.

Chapter Five – Section 95 Officer Statement on delivery, affordability and risk

Delivery

The delivery of the individual projects in the capital plan are directly linked to the original approval of the capital plan supported by the governance process outlined with projects being support by budget holders and (where appropriate) project sponsors who are responsible for the delivery of each approved project and the subsequent achievement of the objectives of that project.

The governance process enables the SAMG, PAMG and Elected Members to review and challenge the delivery of projects and any changes to both the timing and value of the Capital Plan.

Affordability

Affordability is critical in applying the capital strategy and approving projects for inclusion in the capital plan. This is demonstrated by the interdependency of the annual capital plan refresh or update; the revenue budget report and the annual Treasury Management Strategy – which provide Elected Members with key information about the levels of debt and estimates of affordability in short, medium and longer term.

All projects need to have a clear funding source. If external funding such as an external grant is to be used there needs to be a clear funding commitment in place prior to the project commencing.

The affordability of each project needs to be clear, not only for the funding of the capital spend but also to cover any ongoing costs of the operation and funding of that capital spend.

Where borrowing is to be used the affordability is of greater importance and the affordability has to include the interest costs of that borrowing and the provision for the repayment of the borrowing. This repayment is matched to a prudent asset life and any income streams estimated to fund this asset must be sustainable. The “rules” around the governance of this borrowing is outlined in the Prudential Code.

At no stage should the asset value be lower than the value of outstanding debt unless there is a clear plan to mitigate that shortfall or to sell that asset.

Risks

A number of key risks (as listed below) have been identified throughout this strategy along with associated mitigating actions and members need to be aware of them:

- Economic risks - mitigated by capital borrowing and asset disposal considerations;
- General capital investment plan risk - mitigated by the governance structure in place to recommend, monitor and review the capital investment plans of the Council;
- Capacity to deliver - mitigated by both an assessment of the affordability of the capital investment plans supported by the governance structure and clear communication between all relevant parties; and
- Treasury management and Prudential risks - mitigated by the preparation and monitoring of a clear treasury management (investment) strategy and calculation of prudential indicators.

Ultimately all risks impact on the level/timing of borrowing required to be undertaken to finance the capital investment plans of the Council. The current system of borrowing is a self-regulatory system which means that responsibility for borrowing decisions, and the level of borrowing incurred, by a Council is determined on a local level. Therefore Elected Members have a key role.

It is the duty of Elected Members to balance the constraints of affordability with the demands of services for capital investment, and in all but most exceptional cases it will be for Elected Members to make the necessary judgement.

The Section 95 Officer's professional view is that, as all borrowing decisions result in a long term commitment to fund that borrowing, all decision-making should be as transparent as possible to all elected members and the residents of West Dunbartonshire Council.

The pace and level of change in the Council's borrowing is significant, up to £661.153m of borrowing, an ongoing revenue cost in excess of £30m. Therefore all Elected Members need to be fully informed as to all implications of its capital investment decisions, in particular those funded from borrowing.

To assist Elected Members make an informed decision on investment plans the reporting for approval of capital plans to Council each year provides information of future risk around affordability with a projection of the percentage of revenue funding streams (General Fund and HRA) that is being used to fund the borrowing required within the capital plans.

Chapter Six – Action Plan

Long term capital planning is not an exercise that can be carried out in isolation and as such is supported by a number of plans, strategies and processes that are required to be refreshed on a regular basis. The following action plan outlines key actions.

Action	Timescale	Lead Officer	Output	Outcomes	Update on progress
Asset management planning	Dec 2021 Mar 2022 Aug 2022 Feb 2023 Aug 2023 Aug 2023	Property – Craig Jardine Vehicles – Gail McFarlane ICT- Patricia Kerr Housing – John Kerr Roads – Raymond Walsh Open Spaces – Ian Bain	Updated asset management plans	Ensures that asset management plans remain relevant	On track per indicated timescales
Asset disposal strategy	Annually, latest version Summer 2019	Michelle Lynn	Updated asset disposal strategy	Ensures the disposal of surplus assets is managed effectively and linked to corporate and service objectives.	Was due to be reported during 2020, however delayed due to COVID-19 to allow consideration of workstyle changes, expected to IRED Committee May 2021
Annual capital plan refresh report	February / March annually	Gillian McNeilly Alan Young	Updated capital investment plans for both the General Fund the and the HRA	Ensures long term capital plans are robust and clearly linked to corporate and service objectives	Updated and being reported to Council 3 March 20201
Annual treasury management and prudential indicator report	February / March annually	Gillian McNeilly	Updated strategy documents for treasury management, investment strategy and prudential indicators	Ensures the Council complies with CIPFA Codes and financial impact of long term capital plans clear and understood	Updated and being reported to Council 3 March 20201