

PLANNING COMMITTEE

At a Special Meeting of the Planning Committee held by Video Conferencing on Tuesday, 26 January 2021 at 10.00 a.m.

Present: Bailie Denis Agnew and Councillors Gail Casey, Karen Conaghan, Ian Dickson, Diane Docherty, Jim Finn, Marie McNair and Lawrence O'Neill.

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Antony McGuinness, Team Leader – Forward Planning; Mark Walsh, Environmental Health Officer; Nigel Ettles, Section Head – Litigation (Legal Officer) and Craig Stewart, Committee Officer.

Apologies: Apologies for absence were intimate on behalf of Councillors Daniel Lennie and Douglas McAllister.

Councillor Jim Finn in the Chair

CHAIR'S REMARKS

Councillor Finn, Chair, welcomed everyone to the Special meeting of the Planning Committee which was being held remotely, in terms of Section 43 of the Local Government in Scotland Act 2003.

Accordingly, the Chair advised that a process/procedure had been developed for the meeting (a copy of which had previously been circulated to Members). Thereafter, the Committee agreed to note the procedure in place for the conduct of the meeting and the meeting then continued by video conferencing.

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in the item of business on the agenda.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

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

A report was submitted by the Chief Officer – Regulatory & Regeneration providing the Committee with further information relevant to the consideration of the Review of Minerals Permission application (ROMP) and the extension application.

Reference was made to a site visit which had been undertaken in respect of the above application. The Planning, Building Standards and Environmental Health Manager was then heard in further explanation of the report.

Councillor Finn, Chair, invited Dr Mary McLeod and Mr James Bruhn, Historic Environment Scotland, to give some further background information to the Committee regarding the Sheephill Fort and the Scheduled Monument Process, and both were heard in answer to Members' questions. The Chair then invited Mr Brian Mooney, Ms Shona Brown, Ms Liz Meechie, Ms Jan Meechie, Mr Nicola Zuelli and Ms Frances Walker to address the Committee. All were heard in respect of their representations.

The Chair then invited Mr Willie Booth, agent for the applicant, to address the Committee and he was heard in respect of the applications.

After consideration and having heard the Planning, Building Standards and Environmental Health Manager and the Legal Officer in clarification of certain matters, including the potential for compensation, and in answer to Members' questions, Councillor O'Neill, seconded by Bailie Agnew, moved:-

- (1) that planning permission for the extension area be refused because of the effect it would have on the amenity of the area and on the residents of nearby properties; and
- (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) as detailed within Appendix 1 hereto, 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.

As an amendment, Councillor Docherty, seconded by Councillor Casey, moved:-

- (1) that the Committee indicate that it was minded to grant full planning permission for the 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); and

(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), 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.

On a vote being taken, 4 Members voted for the amendment and 4 Members voted for the motion. There being an equality of votes, Councillor Finn, Chair, exercised his casting vote in favour of the motion which was accordingly declared carried.

The meeting closed at 1.11 p.m.

APPENDIX 1

WP98/076: Review Of Minerals Permission (Romp) and DC02/447: Extension To Quarry, Sheephill Quarry, Milton, Dumbarton

ACCEPT the agreed following conditions:-

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,

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 that 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.