

## WEST DUNBARTONSHIRE COUNCIL

### Report by the Executive Director of Housing, Environmental and Economic Development

Planning Committee: 1 May 2013

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**Subject: WP98/076: Review of Minerals Permission (ROMP), and DC02/447:  
Extension to Quarry Sheephill Quarry, Milton, by William  
Thompson & Son Ltd.**

#### **1. Purpose**

1.1 To update the Committee of progress regarding the above applications.

#### **2. Recommendations**

2.1 It is recommended that the Committee **notes the content of this report** and that the ROMP and extension application will be returned to a future Planning Committee meeting for full consideration once the outstanding information is available.

#### **3. Background**

3.1 On 5 December 2012 the Planning Committee considered a new set of conditions for the ROMP for Sheephill Quarry. Following a hearing the Committee decided to defer consideration of the ROMP until no later than 6 March 2013, in order to allow further information to be obtained on the issues of compensation and preservation of the archaeological site, including further discussions with Historic Scotland. Officers were asked to use the extra time to look at amending the proposed conditions to better address the concerns of objectors, and to contact the Scottish Government to ask if they would be willing to pay compensation to the operator if the area of Sheephill was excluded from quarrying by the Review of Minerals Permission.

3.2 A progress report was submitted to the March Planning Committee advising that it was not been possible to obtain and consider all of the information requested in time for the ROMP application to be reconsidered at that meeting. The Committee agreed to note that the ROMP application be submitted to the May Planning Committee together with the extension application. It also requested that a further letter be submitted to the Scottish Government seeking clarification of their position on compensation.

#### **4. Main Issues**

4.1 It has not been possible to return the ROMP to the May Planning Committee as a response from the Scottish Government regarding our most recent letter

has not been received. The Scottish Government in their previous letter had offered a brokerage role in terms of the ROMP and this is being further explored with Scottish Government officers. Outstanding information in terms of the asset value is still being discussed with the applicant in terms of the cost of undertaking archaeological work and this has not been forthcoming by the applicant, to date. It is hoped that the ROMP will be returned to the Planning Committee once these issues are resolved.

- 4.2** The planning application for the extension area also is not ready to be considered by the Committee as a number of issues still require to be resolved. It was only in January 2013 that the applicant asked for the extension area to be also considered by the Planning Committee. Previously the applicant had severed the ROMP from the extension area to enable the ROMP to move ahead. It was the applicant that volunteered a condition in the ROMP to exclude extraction and quarry operations from the Miltonhill area. They also agreed verbally and in writing that they would not seek compensation against the Council regarding this condition. However, the applicant in a letter to the Council on 25 January 2013 now propose “that they will accept condition 2 attached to the ROMP subject to the Planning Committees’ approval of all of the conditions pertaining to the Review set out in the report to the December Planning Committee and the grant of planning permission for the extension application ref:DC02/447. They confirm that they will not pursue compensation in relation to condition 2. However they have indicated if the Planning Committee seek to alter or insert conditions without the applicants agreement they shall no longer indemnify the Council in terms of Condition 2 and shall retain the right to seek compensation on all aspects of the development. “
- 4.3** Previously, the February Planning Committee in 2005 were minded to grant planning consent for the extension to the quarry subject to amended conditions similar to those outlined in the directors report and delegated authority to then Director to finalise conditions relating to the extension. The planning permission was not to be issued until a legal agreement was signed and delivered in terms of revoking permission for extraction and quarrying adjacent to Miltonhill and securing a restoration bond. The legal agreement has never been concluded as the applicant has been unable to procure all necessary legal signatories and it is understood that this is still the position.
- 4.4** The applicant is now proposing that a legal agreement is not required as the area adjacent to Miltonhill has been safeguarded from extraction and quarrying through condition 2 of the ROMP. They are proposing that the restoration bond can now be secured by a condition on the planning permission and they have given examples were this mechanism has been used by other planning authorities. This requires further examination by planning and legal officers to ensure that it gives the Council the necessary safeguards and this is presently being undertaken. Also, the conditions of the extension require to be reconsidered to ensure that they are compatible with the ROMP conditions and to ensure that they address the planning issues of the extension area. Once the conditions of the extension application have been finalised all neighbours, previous objectors and the Community Council

will be made aware of the application returning to Committee and the new set of extension conditions.

**5. People Implications**

5.1 No personnel issues.

**6. Financial Implications**

6.1 The financial implications of any new conditions will require to be considered at the relevant future Planning Committee meeting when the ROMP application is determined.

**7. Risk Analysis**

7.1 A risk assessment is not required

**8. Equalities Impact Assessment (EIA)**

8.1 An equalities impact assessment is not required.

**9. Consultation**

9.1 No consultation was required. The ROMP application and extension application are subject to public consultation, and additional representations received will be detailed in the relevant future report.

**10. Strategic Assessment**

10.1 There are no strategic issues.

**Elaine Melrose**

**Executive Director of Housing, Environmental and Economic Development**

**Date: 21 April 2013**

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**Background Papers:** Report to Planning Committee- 5 December 2012.  
Report to Planning Committee- 6 March 2013

**Wards Affected:** Ward 3 (Dumbarton)