

PLANNING COMMITTEE

At a Meeting of the Planning Committee held by video conference on Wednesday, 23 June 2021 at 10.00 a.m.

Present: Bailie Denis Agnew and Councillors Gail Casey, Karen Conaghan, Ian Dickson, Diane Docherty, Jim Finn, Daniel Lennie, Jonathan McColl and Lawrence O'Neill.

Attending: Peter Hessett, Chief Officer – Regulatory and Regeneration; Gail MacFarlane, Chief Officer – Roads and Neighbourhood; Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Antony McGuinness, Team Leader – Forward Planning; John Walker, Assistant Engineering Officer, Roads and Transportation; Mark Walsh, Environmental Health Service Co-ordinator; Nigel Ettles, Section Head – Litigation (Legal Officer) and Scott Kelly, Committee Officer.

Councillor Jim Finn in the Chair

DECLARATIONS OF INTEREST

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

OPEN FORUM

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

PLANNING APPLICATIONS

A report was submitted by the Chief Officer – Regulatory and Regeneration in respect of the following planning applications:-

DC19/162: Section 42 application to vary condition 2 of planning permission ref: DC02/187 to allow the continuation of operations at Dumbuckhill Quarry beyond the current consented expiry date of 2024 to 2041.

DC19/163 Review of Minerals Permission relating to DC02/187 at Dumbuckhill Quarry, Stirling Road, Dumbarton by Patersons of Greenoakhill Limited.

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

Councillor Finn, Chair, invited Dr Alexander Maclellan, objector, to address the Committee and he was heard in respect of his representation.

The Chair then invited Mr Richard Hunt, agent for the applicant, and Mr Kemp Lindsey, applicant, to address the Committee and both were heard in support of the applications and in answer to Members' questions.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager and the Team Leader – Forward Planning in answer to Members' questions, the Committee agreed:-

- (1) that it was minded to Grant full planning permission 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 of the report, as detailed within Appendix 1 hereto, and to the following addition to Condition 2 that no works will be undertaken or affect the existing eastern ridge of the quarry, and to the satisfactory conclusion of a legal agreement in terms of the restoration bond (DC19/162); and
- (2) to accept the agreed conditions set out in Section 9 of the report, as detailed within Appendix 1 hereto, and delegate authority to the Planning, Building Standards and Environmental Health Manager to issue the Review of Minerals Permission (DC19/163) and to the following addition to Condition 2 that no works will be undertaken or affect the existing eastern ridge of the quarry, and to the satisfactory conclusion of a legal agreement in terms of the restoration bond.

SCOTTISH GOVERNMENT CONSULTATION: PROPOSALS FOR REGULATIONS ON LOCAL PLACE PLANS

A report was submitted by the Chief Officer – Regulatory and Regeneration seeking approval of the Council's response to the Scottish Government Consultation on the Proposals for Regulations on Local Place Plans.

Having heard the Planning, Building Standards and Environmental Health Manager in further explanation of the report and in answer to a Member's question, the Committee agreed to approve the response to the consultation as set out in Appendix 1 to the report, subject to Registered Social Landlords being included in the list of consultees for whom there would be a minimum requirement to consult with, as detailed in section 7 of the document.

The meeting closed at 11.05 a.m.

DC19/162: Section 42 application to vary condition 2 of planning permission ref: DC02/187 to allow the continuation of operations at Dumbuckhill Quarry beyond the current consented expiry date of 2024 to 2041.

DC19/163 Review of Minerals Permission relating to DC02/187 at Dumbuckhill Quarry, Stirling Road, Dumbarton by Patersons of Greenoakhill Limited.

GRANT full planning permission subject to the following conditions:-

1. The development hereby permitted shall cease by 31 August 2041 and at the end of this period, all mineral extraction and quarrying operations, including the crushing of rock and the transfer of aggregates from the site, shall cease.
2. The extent of the quarrying operations area shall be limited to those areas outlined on drawing [M12.177(c).004A] of the submitted Environmental Statement and the methods of working within the quarry shall be as described within the approved documents forming part of this consent. Any changes to the operating procedures or methods shall be submitted to and approved in writing by the Planning Authority and implemented as approved.
3. The normal daytime operating hours for the quarry shall be 0700 hours to 1900 hours Monday to Friday, 0700 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 shall be agreed in writing with the Planning Authority within 5 working days, prior to such operations taking place.
4. Noise attributable to the operators at Dumbuckhill Quarry shall not exceed the daytime limits specified in Table A below – Noise Criteria at Dumbuck View, Lennox Road, Milton House/Old Mill House, Northwood, Barnhill Road and Carnoch House.
5. The quarry operator shall ensure that all operations shall be undertaken in a method which ensures that the best practice methodologies as set out in PAN50 and PAN50 Annex A are adopted so as to minimise noise at the site boundary. A request for the relaxation of the noise limits identified in condition 4 above shall be submitted in writing a minimum of 7 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 written approval of the Planning Authority.

6. Within one month of the date of this approval the operator shall, undertake and submit a noise monitoring plan at the locations as described in condition 4 above to the Planning Authority. The frequency and timings of such monitoring must be agreed with the Planning Authority, the results of which shall be submitted to the Planning Authority on a frequency to be also agreed with the Authority. The noise monitoring shall be carried out in accordance with the methods specified in PAN50 Annex A.
7. Blasting operations shall only be carried out between 10.00 am and 16.00 pm Monday to Friday with no blasting permitted at weekends or on public holidays. As far as reasonably practicable, the applicant should ensure that blasting is carried out between 10.00 am and 13.00 pm.
8. 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 the best practice methodologies as set out in PAN50.
9. Blasting shall only be carried out after appropriate 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.
10. Ground vibration as a result of blasting shall not exceed a peak particle velocity of 6 mm/s for 95% of all blasts over any 12 months and no individual blasts shall exceed a peak particle velocity of 12 mm/s with the measurement to be the maximum of three mutually perpendicular directions taken at the ground surface at any vibration sensitive building identified in Table B – Vibration Monitoring Locations.
11. Notwithstanding the requirements of condition 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 the Planning Authority within two days of the occurrence.
12. The Council's Environmental Health Service shall be given a minimum of 48 hours written or email notification before every blast at the quarry.
13. 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 .
14. The quarry operator shall carry out vibration monitoring, retaining the results for a 12 month period, as well as, forwarding the results of the monitoring to the Planning Authority for their information.

15. The quarry operator shall ensure that all operations are controlled so as to prevent or minimise the release of dust into the atmosphere beyond the quarry boundary, ensuring that operations are undertaken in a method in accordance with the best practice methodologies as set out in PAN50. Within 3 months of the date of the approval details, the quarry operator shall provide a dust management plan to be agreed with the Planning Authority and it shall be implemented as approved.
16. Following the approval of the dust management plan, the quarry operator shall agree a dust-monitoring programme with the Planning Authority, which shall be undertaken using appropriate equipment and recording devices. The results and records shall be made available to the Planning Authority on request. Visual assessments of dust emissions from all plant and operations shall be undertaken at least once per day during operations and any remedial actions shall require to be undertaken.
17. The operator, during quarry operational times, shall ensure that mobile spraying units or other appropriate dust suppression equipment are maintained in efficient working order and used so as to ensure that haulage roads, stocking areas and other areas subject to vehicle traffic are kept damp at all times during extended periods of dry weather. The mobile spraying units or other dust suppression equipment shall have an adequate supply of water available at all operational times.
18. Wheel cleaning facilities shall be used by every vehicle entering and leaving the site and must be maintained in operation throughout the life of the quarry.
19. 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.
20. The existing trees and shrubs covered by the Tree Preservation Order and located to the east of the quarry area shall not be lopped, topped, felled, lifted, removed or disturbed in any way without the prior written consent of the Planning Authority.
21. The quarry operator shall provide and implement the mitigation and enhancement measures as prescribed in the submitted Preliminary Ecological Appraisal and the Protected Species Surveys within 12 months of the date of this approval.

22. Within 12 months of the date of this approval details, an updated Breeding Bird Survey shall be submitted to and approved in writing by the Planning Authority. This survey shall include a 'Vantage Point Survey' of breeding birds contained within Schedule 1 species of the Wildlife and Countryside Act 1981 (as amended) including peregrine falcon and barn owl. In the event that Schedule 1 species are identified within the site or it is established that the quarry operations will impact upon these species or their respective habitat, then mitigation and associated monitoring measures shall be submitted alongside the submitted survey. The survey and any associated mitigation shall be implemented as approved in a timescale agreed in writing by the Planning Authority.
23. Notwithstanding the terms of Class 56 of Schedule 1 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, the further written consent of the Planning Authority shall be required in respect of any further buildings, plant or machinery that may be required in connection with the development hereby permitted.
24. 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 associated ground reinstated in accordance with the conditions of this permission in relation to restoration.
25. With the exception of materials required for the production of concrete, no other materials shall be imported onto the site without prior written approval of the Planning Authority.
26. All artificial lighting units installed at the quarry shall be so sited and shielded to be incapable of light pollution and glare into any residential property outside the quarry boundary.
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. Within 3 months from the date of this consent, a restoration strategy and masterplan, including details of aftercare and after use, shall be submitted to and approved in writing by the Planning Authority.
29. Within 24 months of agreement of the Restoration Strategy and Masterplan, detailed in condition 28 above, and at 2 yearly intervals thereafter, the quarry operator shall submit a quarry progress plan to the Planning Authority. The quarry progress plan shall be in line with the agreed Restoration Strategy and Masterplan and will:
 - a. Provide an up-to-date topographical survey of the site in an appropriate format and appropriate scale;

- b. Identify areas of the site that have been subject to mineral extraction in the previous 5 year period (if applicable) and/or will be subject to mineral extraction in the forthcoming 5 year period, including the locations, design and formation of the proposed surface working areas, plant site, internal access road, and any temporary tracks;
 - c. Identify areas of the site that have been subject to restoration in the previous five year period (if applicable) and/or will be subject to restoration in the forthcoming 5 year period;
 - d. Identify areas where aftercare will have been completed, areas of the site that have been subject to aftercare and provide details of aftercare for areas will be subject to aftercare in the forthcoming 5 year period; and
 - e. Provide an update on the restoration proposals for areas of the site that are subject to development over the plan period and set out any necessary adjustment to the approved Restoration Strategy and Masterplan for the site to take account of site circumstances over the previous plan period.
30. The restoration scheme approved under the terms of condition 28 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.
31. 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 Planning Authority, within 12 months of either event occurring, a revised restoration scheme that modifies and updates that approved by condition 28 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.
32. Restored parts of the site shall be subject of 10 years aftercare in accordance with the measures to be detailed in Restoration Strategy and Masterplan to be provided under condition 28 of this decision or any modified Restoration Strategy and Masterplan agreed within the Quarry Progress Plan required by condition 29 of this decision.

A: Noise Criteria

Location	Noise Limit (dB LAeq, 1h)
Dumbuck View	55
Lennox Road	52
Milton House/ Old Mill House	53
Northwood	54
Barnhill Road	48
Carnoch House	45

Table B: Vibration Monitoring locations

Old Mill House
Lennox Road
Dumbuck View
Barnhill Road
Carnoch House
Northwood
Auchentorr
Solway Bank

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