

Agenda



Elected Members' Pre-Application Meeting

Date: Thursday, 13 June 2019

Time: 10:00

Venue: Civic Space,
Council Offices, 16 Church Street, Dumbarton

Contact: Craig Stewart
Tel: 01389 737251 craig.stewart@west-dunbarton.gov.uk

Dear Member

Please attend the **Elected Members' Pre-Application Meeting – Dumbuckhill Quarry: Review of Minerals Permission (ROMP) and Further Application** as detailed above. 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

Strategic Lead - Regulatory

Date issued: 6 June 2019

ELECTED MEMBERS' PRE-APPLICATION MEETING

THURSDAY, 13 JUNE 2019

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 DUMBUCKHILL QUARRY: REVIEW OF MINERALS PERMISSION (ROMP) AND FURTHER APPLICATION 5 – 11

Submit a briefing note by the Planning & Building Standards Manager:-

- (a) advising of forthcoming applications in respect of Dumbuckhill Quarry;
and
 - (b) giving Members an opportunity to highlight any additional issues which they consider the applications ought to address.
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Dumbuckhill Quarry – Review of Minerals Permission (ROMP) and Further Application

Elected Members' Pre-Application Meeting: 13th June 2019

1. Purpose

The purpose of this briefing note is to advise Members of forthcoming applications with respect to Dumbuckhill Quarry, and to give Members an opportunity to highlight any additional issues which they consider the applications ought to address. The merits of the proposal are not being considered, and no decision will be made at this stage. The procedures and protocol for Elected Member involvement at the pre-application stage were agreed in August 2014, and a copy of the procedures and protocol are attached as appendices.

2. Site

The application site comprises the quarry at Dumbuckhill, located to the east of Dumbarton and accessed from the north side of the A82. It covers an area of 30.5 hectares, of which 11 hectares is presently being quarried for rock. The remaining area is either grassland or is used for ancillary infrastructure, crushing machinery and water treatment, haulage and stocking.

3. Background

The quarry extraction and crushing of rock aggregates is long established at this site. The current operations are being carried out, by the applicant (Patersons of Greenoakhill Ltd.), under planning permission DC02/187 granted on 5th April 2004. This 2004 permission consolidated and superseded all previous planning permissions for the quarry thereby removing the need for a Review of Minerals Permission (ROMP). The 2004 planning permission was granted subject to 51 planning conditions that control such matters as operating hours, environmental controls relating to noise, blasting, pollution, methods of working and landscaping/restoration requirements.

The duration of permission for the quarry currently limits the time period for works as being 20 years from the date of permission and it expires on 5th April 2024.

The conditions of the permission set requirements for a restoration masterplan and its subsequent implementation, to be completed within 12 months of cessation of operations. Alongside planning conditions a financial guarantee (bond) is in place to ensure that the landscape is restored on completion of the quarry operation.

4. Application Details

The proposal is twofold, comprising of an application for a statutory periodic Review of Minerals Permission (ROMP) and a further application for a variation of condition no.2 to extend the time period for quarry operations. Neither application seeks to extend the consented boundaries or extraction limits of the 2004 permission.

ROMP

Legislation requires conditions attached to all mineral permissions to undergo a review (an Initial Review, followed by Periodic Reviews) every 15 years to ensure that the planning conditions meet current environmental standards and do not become outdated with the passage of time. This application would form the Initial Review of the 2004 permission. The ROMP application would contain the applicant's proposed schedule of conditions for consideration.

The role of the Planning Authority in determining a ROMP application is to either approve the conditions proposed by the applicant or approve an alternative suite of conditions. Where approving alternative conditions these shall not have an unreasonable adverse effect on the economic viability of the operation or asset value of the site.

Further Application

In addition to the ROMP application, the applicant intends to apply for planning permission to amend Condition 2 of the 2004 permission, to extend quarry operations beyond the current consented expiry date in 2024, for an additional period of between 11 and 14 years. The applicant's justification for this application is that, due to the periods of no extraction by the previous owners, not all of the reserves within the consented period have been extracted, and will not be completed by the permission expiry date. As such the applicant envisages that this further period is required to enable the consented reserves (estimated 4.6 million tonnes) to be extracted from the quarry.

5. Planning Policies

In the Adopted West Dunbartonshire Local Plan 2010 Dumbuckhill Quarry is identified as being located within the greenbelt. The use at this site is long established therefore locational justification is addressed under the provisions of Policy GB1 (Green Belt). Policy DC8 (Minerals) is of more specific relevance to new quarries, extended or re-opening of former sites.

Dumbuckhill Quarry is identified in the West Dunbartonshire Local Development Plan Proposed Plan 2016 (Policy SD4) and the Local Development Plan 2: Proposed Plan (Policy MIN1) as a consented site for aggregate extraction.

6. Main Issues

As stated above in section 4, the principle of the established quarry cannot be considered in these applications as this was agreed by the 2004 permission. The main issues requiring to be addressed as part of the applications will include the following:

Relationship with Residential Areas – Matters such as noise, blasting, vibration, air quality and dust measures will require to be carefully considered to ensure there is no adverse impact on the amenity of the residential areas of Milton and Milton Brae and the eastern extents of Dumbarton.

Traffic - Potential impact on the transport network requires to be considered in terms of traffic movements and the hours of despatch.

Landscape and visual Impact – An assessment of the landscape and visual effects of the quarry operations require to be undertaken in terms of its impact on the local area. The applications will be accompanied with a series of visualisations (from the surrounding landscape towards the quarry) to illustrate the static nature of the views.

Ecology and habitats – Ecological impacts on any notable habitats and species will be established through survey work. The findings, including mitigation, will be submitted with the planning application and considered through consultation with Scottish Natural Heritage.

Restoration/Bond – The landscaping and restoration conditions on the 2004 permission would be reviewed as part of the ROMP application. As part of this process the terms of the restoration bond, would also be reviewed to ensure that it is still fit for purpose.

7. Next Steps

All Elected Members are invited to attend a presentation on the proposals by the applicant and their consultant, and to participate in a subsequent discussion.

Following this pre-application meeting, the applicant intends to finalise their applications for submission and address any comments received during this meeting. On receipt of any such application it would be advertised in the press, weekly list and the Council website to allow the public to view the plans and make representations. The application would then be presented to Planning Committee for consideration and determination in due course.

Pamela Clifford

Planning & Building Standards Manager

Date: 5th June 2019

Appendices:

1. Protocol 3 – Elected Member involvement in Pre-Application Discussions
2. Planning Procedures for Councillor Involvement in the Pre-application Stage

Background Papers: None

Wards affected: 3 - Dumbarton

PROTOCOL 3 - ELECTED MEMBER INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS

Background

West Dunbartonshire Council is committed to engaging with developers at the pre-application stage. This Council has agreed procedures for elected member involvement in the pre-application stages of major development proposals. Recently, the Scottish Government has issued guidance on the role of Councillors in pre-application discussions. Councillors are encouraged to engage at the pre-application stage and to add value to the process while continuing to act within the terms of the Councillors Code of Conduct.

Purpose

To engage Councillors at the pre-application stage on major and complex developments that are key to the Council's strategic priorities and objectives. Appropriate local development may also benefit from this process.

Role

To allow early engagement with elected members to identify key and significant local issues at an early stage of the planning process rather than only emerging in the course of a planning application.

Function

To achieve high quality development as efficiently and effectively as possible by engaging elected members at an early stage.

- To better inform Councillors of development that would be subsequently presented to Planning Committee;
- To give a degree of certainty and confidence to developers by identifying key and local issues earlier;
- To reduce abortive costs by failed applications or redesign work;
- To assist officers to negotiate on key issues;
- To foster greater efficiency in the processing of the subsequent application.

What you can expect of us:

- Offered for all major or complex development or other local development which we would consider would benefit from early input from elected members;
- Consistent and transparent procedure for involving all elected members;
- Ensuring that pre-application meeting is arranged for the earliest date at the end of a Planning Committee meeting;
- Briefing note prepared by officers of the main issues and development policies and circulated before the meeting;
- Invitation to all Planning Committee members and ward members to the presentation;
- Opportunity to hear from the elected members directly;
- Clearly identified on the agenda of Planning Committee as different from other items;
- Elected members being open-minded to all material considerations and are prepared to change their views if persuaded they should;
- Meeting will be minuted and will be available publicly;
- Advised of all the relevant procedures. With procedures regularly reviewed to ensure openness and accountability.

What we expect of you:

- Openness and transparency regarding your development proposal;
- Commitment to provide as much information at this early stage;
- Opportunity to make a short presentation of draft proposals;
- Commitment to give weight and consideration to issues raised by elected members.

Contact

If you require more information about this service please contact:

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West Dunbartonshire Council

Planning Procedures for Councillor Involvement in the Pre-application Stage

1. A pre-application meeting will take place either at the conclusion of the Planning Committee or a Special Meeting will be set up.
2. A briefing note will be produced by planning officers. This will detail the main issues of the proposal together with the relevant development plan policies. No recommendation will be provided.
3. The developer will be offered the opportunity to make a short presentation. This allows members to hear directly from the developer and discuss issues with guidance from officers.
4. The briefing note will be circulated at least 3 working days before the relevant meeting.
5. Members will be advised by the Planning and Building Standards Manager or their representative of the purpose of the meeting and that no decision is sought and no matters should be determined.
6. The meeting will be chaired by the Planning and Building Standards Manager or their representative.
7. The meeting will be open to the public. However members of the public will not be able to make representations or participate. They will be advised that after an application has been submitted they will be entitled to make representations.
8. All Councillors will be invited to attend and they will be able to participate in the meeting.
9. Councillors should have regard to the Councillors Code of Conduct that they can provide a provisional view however any opinions or views expressed must be mindful of the overarching requirements of fairness and impartiality and of keeping an open mind.
10. Councillor should have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.
11. The minutes of the meeting will be recorded and will be available publicly.