

REGULATORY PANEL.

Minutes of meeting held in County Buildings, Wellington Square, Ayr and remotely on 11 June 2020 at 10.00 a.m.

Present: Councillor Brian Connolly (Chair).

Present

Remotely: Councillors Andy Campbell, Ian Cavana, Alec Clark; Peter Convery, Ian Fitzsimmons, Mary Kilpatrick, Craig Mackay and Margaret Toner.

Attending: K. Briggs, Service Lead – Legal and Licensing; and A. Gibson, Committee Services Officer.

Attending

Remotely: J. Nicol, Service Lead – Planning and Building Standards; A. Cooke, Co-ordinator (Planning); and K. Braidwood, Ayrshire Roads Alliance.

1. Opening Remarks.

The Chair took the sederunt and confirmed that today's meeting was not open to the press and public, which was permissible under the COVID-19 legislation. He also confirmed to Members the procedures to conduct this meeting.

2. Declarations of Interest.

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

3. Minutes of previous meeting.

The Minutes of 24 March 2020 ([issued](#)) were submitted and approved.

4. Application for Planning Permission.

There was submitted a report of May 2020 by the Director - Place on a current application for determination.

The Panel decided as follows:-

- (1) [19/01015/APPM](#) – GIRVAN – The Curragh, North of Grangestone Industrial Estate, KA26 9JH - Erection of storage warehouses (Class 6) with associated sprinkler tanks, pump house, sub-station and stacker sheds, engineering works to include access roads, suds ponds and re-alignment of burn and landscaping - Girvan Distillery, B741 from A77T junction at Bridge Mill, Girvan to Main Street, Dailly, Girvan, South Ayrshire, KA26 9PT.

The Chair asked the Service Lead - Planning and Building Standards, to provide a summary of the representations/objections raised, and following this, heard from the Coordinator (Planning) in respect of the application.

The Panel, having confirmed that they had sufficient information before them to make a decision today

Decided: to approve the application, subject to the following conditions:-

- (a) that the development hereby granted shall be implemented in accordance with the plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (b) prior to the commencement of construction of the warehouses, details of the exterior wall and roof finishes including the colour and texture shall be submitted to and approved by the planning authority;
- (c) prior to the commencement of construction of the warehouses, details of all exterior lighting shall be submitted to and approved by the planning authority. Such details shall include full details of the measures to ensure compliance with the Institution of Lighting Professionals "Guidance Note for Reduction of Obtrusive Light";
- (d) no soil stripping works shall be commenced within stage A, stage B or stage C, as detailed on approved drawing number WGC 5-NGL-P5-EX-DR-C-9011 Rev C, until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the Planning Authority for each stage of the development. 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 relevant stage of the development site is undertaken to the satisfaction of the Planning Authority;

- (e) prior to the commencement of development, detailed landscape plans at a recognised metric scale shall be submitted to and approved by the planning authority. The planting scheme shall follow the indicative woodland planting scheme shown on Figure 5.26 of Volume 2 of the Environmental Impact Assessment Report and shall include substantial woodland planting around the perimeter of the proposed warehouses. The planting plan shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. Any such details shall include the use of native nectar rich species and fruiting species such as Blackthorn (*Prunus spinose*), Crab apple (*Malus sylvestris*), Elder (*Sambucus nigra*), Hawthorn (*Crataegus monogyna*), Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Rowan (*Sorbus aucuparia*) and Silver birch (*Betula pendula*). The size and specification of all plant material shall be detailed together with total plant numbers and densities per m². The location of all plant material shall be clearly identified on the landscape drawing. Ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall also be specified;
- (f) prior to the commencement of development a phasing plan for the implementation of the landscaping scheme approved under condition 5 of this permission shall be submitted to and approved by the planning authority. Unless otherwise agreed, such details shall show the approved landscaping being implemented within each stage of the development following the completion of construction works within the relevant phase. Notwithstanding the generality of this, the landscaping phasing plan shall show the landscaping work within the vicinity of the site boundary with Woodhead Cottage being carried out in advance of any construction work within the site. The landscaping for the site shall be implemented accordance with the approved landscaping phasing plan;
- (g) prior to the commencement of development a Habitat Management Plan for Badger shall be submitted to and approved by the planning authority. In accordance with Chapter 7 of the submitted EIA Report, the Habitat Management Plan shall detail the measures to be taken to ensure the new areas of woodland are managed to ensure the long term success and viability of badger. The approved habitat management plan shall be implemented in accordance with the details and time periods detailed within the plan;
- (h) prior to the commencement of development Species Protection Plans for Badger and Otter shall be submitted to and approved by the planning authority. In accordance with Chapter 7 of the submitted EIA Report, the Species Protection Plan shall detail the working methods that will be employed to minimise impacts on Badger and, additionally, on otter during the watercourse diversion works. The approved Species Protection Plans shall be implemented in accordance with the details and time periods detailed within the plans;

- (i) there shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW). The terms of appointment shall:-
- (i) Impose a duty to monitor the ecological commitments provided in the Environmental Impact Assessment Report and those to be contained within the Habitat Management Plan for Badger and Species Protection Plan for Badger and Otter required by conditions 7 and 8 respectively of this permission;
 - (ii) Require the ECoW to report to the Company's nominated construction project manager any incidences of non-compliance with the approved Habitat Management Plan and Species Protection Plan at the earliest convenience; and
 - (iii) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the approved Habitat Management Plan and Species Protection Plan at the earliest practical opportunity.
- The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development and the completion of the construction activity and establishment of the new area of woodland within the east of the application site;
- (j) that prior to the bringing into use of any of the new warehousing units within any phase of the development, the flood risk and surface water drainage recommendations contained within the submitted EIA Volume 2 Main Report and EIA Volume 3 Technical Appendices shall be implemented for the particular phase within which the warehousing is located; and
- (k) that no work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed. Prior to the commencement of development on any phase of the development details of the proposed wheel washing facility shall be submitted to and approved by the Council as Planning Authority. When required such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause nuisance or hazard to the road system in the locality.

Reasons:

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity;
- (c) in the interests of residential amenity;
- (d) in order to ensure the proper preservation of any previously unrecorded archaeological assets within the site;
- (e) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (f) in the interest of residential amenity and environmental quality;

- (g) in the interest of nature conservation;
- (h) in the interest of nature conservation;
- (i) to secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development;
- (j) in order to ensure that the site and adjoining land are not subject to increased risk from flooding; and
- (k) in the interest of road safety.

Advisory Notes:

- Scottish Water advice to the developer: The developer should be aware that Scottish Water is unable to reserve capacity at its water and/or waste water treatment works for the proposed development. Once a formal connection application is submitted to Scottish Water, after full planning permission has been granted, Scottish Water will review the available capacity at that time and advise the applicant accordingly. Scottish Water has suggested that the developer should be made aware that there are Scottish Water assets within the application site. The developer should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Scottish Water advises that it will not normally accept surface water connections into its combined sewer system. Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. If the developer wishes to enquire about Scottish Water's procedure for checking water pressure in the area then they should contact the Scottish Water customer services department. If the connection to the public sewer and/or water main requires to be laid through land outwith public ownership, the developer must provide to Scottish water formal evidence of formal approval from the affected landowner (s) by way of a deed of servitude. The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- South Ayrshire Council Sustainable Development Service (Biodiversity) have advised as follows:-
 - That the applicant is made aware that works should not lead to contravention of either the Protection of Badgers Act 1992 or the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004; (this includes ensuring that any foraging badger would not become trapped /injured during construction).
 - That the applicant is made aware that works should not lead to contravention of the Habitats Directive/Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).

- That the area of construction be checked prior to the commencement of any works for any ground nesting birds or nesting hare, thereby ensuring that they are not contravening the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004.
- If there is a requirement for any tree felling then it may be appropriate for the developer to conduct a survey (in season) for potentially roosting bats / nesting birds.
- If a bat survey demonstrates that bats and / or a known roost are likely to be affected by the proposed development and planning permission is to be granted then a condition should be placed on the decision notice requiring the developer to apply for, and obtain, a European Protected Species Licence (EPS) before work commences.
- If a bat survey demonstrates that development is likely to affect bat foraging and/or commuting habitat then where possible linear features such as tree lines should be retained, and compensatory planting should be considered.
- If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist should provide input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging.
- Any temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary lights should not illuminate any tree lines or hedgerows due to lighting potentially affecting wildlife commuting and foraging.
- Where possible the developer considers the inclusion of bird and bat boxes within the development.
- If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist provides input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging.
- If an EPS licence is required further survey will be required in order to gain sufficient information in order to supply a sufficient baseline and to inform the necessary mitigation plan required to support a licence application. Application forms can be found on the SNH website along with guidance.

- Should any EPS be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for advice before proceeding with works. Advice from SNH may be required and the ecologist should be able to determine this.
 - Should any European EPS be found either prior to or during the period of development then the need for EPS licensing should be reviewed.
 - Should any vegetation require to be removed this should be undertaken outwith the breeding bird's season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing.
 - Where possible that any native hedgerows are retained, or replaced with native species hedgerow enhancements. This could consist of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder.
 - All holes and excavations greater than 1 m deep should be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of trapped species to escape. Where this is not possible these areas should be fenced off to prevent accidental entry.
 - The ends of any pipeline should be capped when unattended, or at the end of each working day to prevent animal access.
- South Ayrshire Council Environmental Health Service have advised:-

Construction noise and dust: In order to minimise nuisance in the surrounding area from noise and vibrations, during all demolition and construction works, the plant and machinery used should be in accordance with BS 5228; Noise Control on Construction and Open Sites and the Control of Pollution Act 1974. To prevent nuisance all reasonably practicable steps to minimise the formation of dust in the atmosphere and in the surrounding area must be taken.
 - Ayrshire Roads Alliance (Flood Officer) has advised:-

In relation to Volume 2 and Volume 3 of the EIA and in particular the NIRAS report titled 'The Curragh Warehouse Extension Phase 5 William Grant and Sons Distillers Ltd' the climate change value of 20% used should be reconsidered and the most up to date SEPA Climate Change Guidance is used, which would result in a greater increase on peak rainfall intensity.

List of Determined Plans:

Drawing - Reference No (or Description): Location Plan Existing WGC5-NGL-P5-EX-DR-C-9001;

Drawing - Reference No (or Description): Location Plan WGC5-NGL-P5-EX-DR-C-9000;

Drawing - Reference No (or Description): Site Phasing Plan as Proposed WGC5-NGL-P5-EX-DR-C-9011;

Drawing - Reference No (or Description): Site Proposals Plan as Proposed WGC5-NGL-P5-EX-DR-C-9010;

Drawing - Reference No (or Description): Topographical Survey WGC5-NGL-P5-EX-DR-C-9100;

Drawing - Reference No (or Description): Warehouse Elevations as Proposed WGC5-NGL-P5-WH-DR-A-2450;

Other - Reference No (or Description): Design and Access Statement;

Other - Reference No (or Description): EIA Volume 1 Non Technical Summary;

Other - Reference No (or Description): EIA Volume 2 Main Document;

Other - Reference No (or Description): EIA Volume 3 Technical Appendices;

Other - Reference No (or Description): Supporting Statement;

Other - Reference No (or Description): Transportation Statement 1 of 3;

Other - Reference No (or Description): Transportation Statement 2 of 3;

Other - Reference No (or Description): Transportation Statement 3 of 3;

Other - Reference No (or Description): Pre- Application Consultation Report;

Drawing - Reference No (or Description): Warehouse Sections as Proposed WGC5-NGL-P5-WH-DR-A-2300;

Drawing - Reference No (or Description): Burn Diversion Layout Plan as Proposed WGC5-NGL-P5-EX-DR-C-9404;

Drawing - Reference No (or Description): Catchment Layout Plan as Proposed WGC5-NGL-P5-EX-DR-C-9060;

Drawing - Reference No (or Description): Design Layout Plan as Proposed McLHGC16-WDL-0919 Rev A;

Drawing - Reference No (or Description): Drainage Layout Plan (Stage A) as Proposed WGC5-NGL-P5-EX-DR-C-9401;

Drawing - Reference No (or Description): Drainage Layout Plan (Stage B) as Proposed WGC5-NGL-P5-EX-DR-C-9402;

Drawing - Reference No (or Description): Drainage Layout Plan (Stage C) as Proposed WGC5-NGL-P5-EX-DR-C-9403;

Drawing - Reference No (or Description): Drainage Phase 5 Site Plan as Proposed WGC5-NGL-P5-EX-DR-C-9400;

Drawing - Reference No (or Description): Emergency Road Plan as Proposed WGC5-NGL-P5-EX-DR-C-9250;

Drawing - Reference No (or Description): Flood Compensation Area Plan as Proposed WGC5-NGL-P5-EX-DR-C-9480;

Drawing - Reference No (or Description): Fence Details as Propose WGC5-NGL-EX-XX-DR-C-9310;

Drawing - Reference No (or Description): Stream Sections WGC5-NGL-P5-EX-DR-C-9460;

Drawing - Reference No (or Description): Warehouse Floor Layout Plan as Proposed WGC5-NGL-P5-WH-DR-A-3000;

Drawing - Reference No (or Description): Ground Cross Section A1 WGC5-NGL-P5-EX-DR-C-9800;

Drawing - Reference No (or Description): Ground Cross Sections BC1 WGC5-NGL-P5-EX-DR-C-9810;

Drawing - Reference No (or Description): Ground Cross Sections BC2 WGC5-NGL-P5-EX-DR-C-9811;

Drawing - Reference No (or Description): Level Difference Model (Cut and Fill) McLHGC16-WLDM-0919 Rev A;

Drawing - Reference No (or Description): Manhole Details L1 as Proposed WGC5-NGL-P5-EX-DR-C-9501;

Drawing - Reference No (or Description): Manhole Details L2 as Proposed WGC5-NGL-P5-EX-DR-C-9502;

Drawing - Reference No (or Description): Manhole Details as Proposed WGC5-NGL-P5-EX-DR-C-9500;

Drawing - Reference No (or Description): Pond Details as Proposed WGC5-NGL-P5-EX-DR-C-9515;

Drawing - Reference No (or Description): Pond Manhole Details as Proposed WGC5-NGL-P5-EX-DR-C-9520;

Drawing - Reference No (or Description): Pump House Plans and Elevations as Proposed WGC5-NGL-P5-SS-DR-A-2200;

Drawing - Reference No (or Description): Road Details as Proposed WGC5-NGL-P5-EX-DR-C-9300;

Drawing - Reference No (or Description): Warehouse Roof Plan as Proposed WGC5-NGL-P5-WH-DR-A-5000;

Drawing - Reference No (or Description): Stacker Shed Plans, Elevations and Section as Proposed WGC5-NGL-P5-SS-DR-A-2100;

Drawing - Reference No (or Description): Stage A Stacker Shed Details as Proposed WGC5-NGL-P5-SS-DR-A-2000;

Drawing - Reference No (or Description): Stream Layout Plan WGC5-NGL-P5-EX-DR-C-9410;

Drawing - Reference No (or Description): Stream Sections WH84-1 WGC5-NGL-P5-EX-DR-C-9470;

Drawing - Reference No (or Description): Stream Sections WH87-1 WGC5-NGL-P5-EX-DR-C-9461;

Drawing - Reference No (or Description): Stream Sections WH87-2 WGC5-NGL-P5-EX-DR-C-9462;

Drawing - Reference No (or Description): Stream Sections WH90-1 WGC5-NGL-P5-EX-DR-C-9465; and

Drawing - Reference No (or Description): Stream Sections WH90-2 WGC5-NGL-P5-EX-DR-C-9466.

Reason for Decision:

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

This is an EIA development. An Environmental Impact Assessment has been carried out. Likely significant effects of the development on the environment are mitigated.

The meeting ended at 10.50 a.m.