

## REGULATORY PANEL.

Minutes of meeting in Town Buildings, New Bridge Street, Ayr  
on 11 December 2019 at 10.00 a.m.

Present: Councillors Brian Connolly (Chair), Ian Cavana, Peter Convery, Ian Fitzsimmons, Mary Kilpatrick, Craig Mackay and Margaret Toner.

Apology: Councillor Andy Campbell.

Attending: J. Nicol, Service Lead - Planning and Building Standards; K. Briggs, Service Lead – Legal and Licensing; M. McClelland, Planning Co-ordinator, A. Cooke, Planning Co-ordinator; A. Edgar, Supervisory Planner, A. McGibbon, Supervisory Planner; and A. Gibson, Committee Services Officer.

### 1. 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.

### 2. Minutes of previous meetings.

The Minutes of 14 November 2019 ([issued](#)) were submitted and approved.

### 3. Application for Planning Permission.

There were submitted a report of November 2019 by the Director - Place on current applications for determination.

The Panel decided as follows:-

- (1) [17/00027APPM](#) – DUNDONALD – Hillhouse Quarry, B730 Dundonald A759 – Council Boundary - The winning and working of minerals and associated ancillary operations at Hillhouse and Hallyards quarries, construction of internal link road between quarries and formation of paths (consolidation of two existing consented quarry operations into a single site with a reduced overall site area).

Having heard the Planning Officer detail proposed amendments to the recommendations in the report, the Panel

**Decided:** to agree

- that the Director of Place be granted delegated powers to approve the planning application subject to conclusion of a Section 75 Agreement to secure the provision of a suitable restoration bond to ensure the satisfactory restoration and aftercare of the quarries in the event that the operations cease on a permanent basis prior to final reinstatement being carried out and the undernoted conditions;

- that the applicant's request for Waiver for unpolluted soils from the requirements of the Management of Extractive Waste (Scotland) Regulations 2010 and request for Non-Waste By-Product confirmation for all non-saleable materials generated at the site and placed directly into excavation voids be granted; and
- that Section 4 of the Report of Handling be amended to remove "None" and replaced with "The Heads of Terms of the Section 75 Agreement are 1. Provision of a restoration bond for the operational life of the quarries and 2. The mechanism and methodology for calculation and review of the restoration bond."

Conditions:-

- (a) that by 17.01.2092 all quarrying and associated operations within the site shall cease unless a further grant of planning permission is obtained from the Planning Authority to extend the duration of quarrying and associated operations beyond this date;
- (b) 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;
- (c) that the extraction of minerals and reinstatement of areas shall be carried out in accordance with the extraction limits and sequence shown on approved drawings of the environmental statement M15.116(a).D.021, M15.116(a).D.022, M15.116(a).D.023, M15.116(a).D.024 and M15.116(a).D.025. For the avoidance of doubt, there shall be no extraction of minerals within the areas denoted as "Areas to be Relinquished from Development" on approved drawing number M15.116(a).D.068;
- (d) prior to the commencement of work for the formation of the quarry access link between Hillhouse Quarry and Hallyards Quarry, full details of the following shall be submitted to and approved in writing by the Planning Authority:-
  - (i) details, in plan form including cross sections, showing the precise location and proposed finished ground levels of the quarry access link. Any details pursuant to this condition shall show the location of the quarry access link being in general accordance with and no closer to Kemp Law than shown on the approved drawing M15.116(a).D.070;
  - (ii) details in plan and written form of the measures to reduce the risk of adverse impact on wet woodland habitat within the Dundonald Woodlands SSSI as a result of the excavations to form the quarry access link. Such details shall be in accordance with paragraph 27 of the Addendum to the Environmental Statement, Appendix C and drawing number 170885-005 Revision A in Appendix E of the Addendum to the Environmental Statement.
  - (iii) a Construction Method Statement demonstrating the measures to minimise the impact of the quarry access link during the construction phase on the surrounding flora and fauna;

- (iv) the precise route of the temporary diversion of the Smugglers Trail footpath and the route of the reinstated footpath. Any details pursuant to this condition shall show the reinstated footpath following the original route;
  - (v) construction details of the diverted and restored Smugglers Trail footpaths, including the width of the path, build-up of the path base, the final surfacing material, edge treatment and surface drainage;
  - (vi) details of temporary signage required to direct walkers to the appropriate path route;
  - (vii) details of the composition and depth of soils to be placed on the excavated benches within the linkage area, the backfilled area above the underpass and the screening bunds that are to be formed either side of the underpass;
  - (viii) details of the tree species and density of planting to mitigate the impact of the quarry access link on the landscape quality and biodiversity value of the Smugglers Trail Valley; and
  - (ix) details of a scheme of aftercare works required to ensure the successful implementation of the approved landscaping scheme;
- (e) prior to the commencement of work for the formation of the quarry access link between Hillhouse Quarry and Hallyards Quarry a phasing plan for the construction of the quarry access link and footpath diversion required for the Smugglers Trail footpath and the landscaping works required to mitigate the impact of the development shall be submitted to and approved by the Planning Authority. Any details pursuant to this condition shall ensure that at no point in time will both the original Smugglers Trail footpath and the footpath diversion be unavailable for use by the public;
- (f) the quarry access link and related footpath diversion and landscaping works shall be undertaken in accordance with the details approved under condition 4 and in the sequence approved under condition 5 of this permission. The developer shall notify the Planning Authority in writing of the date of commencement of works for the construction of the quarry access link. All works for the construction of the quarry access link and the landscaping and other works required to mitigate the impact of the development shall be completed within five years of work commencing on the construction of the quarry access link;
- (g) the Smugglers Trail footpath diversion shall be maintained by the developer until such time as the restored footpath is available for public use, with the surface being maintained free of encroaching vegetation, mud and defects resulting from water erosion. Any remedial work shall be carried out within one month of such defects being identified by the applicant or operator or being notified to the applicant/operator by the Planning authority;

- (h) the areas identified on approved drawing numbers M15.116(a).D.021, M15.116(a).D.022, M15.116(a).D.023, M15.116(a).D.024 and M15.116(a).D.025 to be restored during the operational life of the quarries shall be spread with soil (or soil forming material) and planted and seeded with suitable species within one growing season following the completion of material placement works within these areas. Prior to any soil spreading and planting and seeding taking place in accordance with this condition, details of the composition of the soil or soil forming materials; the intended depth of soil or soil forming materials to be spread within the restoration areas; details of the species type and planting densities of all species to be included within the planting scheme; and details of aftercare measures required to ensure that all new planting is maintained shall be agreed in writing with the planning authority. The choice of soil composition and species of plant shall accord with the approved Concept Restoration Plan shown on approved drawing number M15.116(a).D.06';
- (i) that within one year of the expiry of this permission or the permanent cessation of quarrying activities, whichever is the sooner, the operator or quarry owner shall submit a plan for the reinstatement and aftercare of the unrestored parts of the application site. The reinstatement plan shall accord with the principles embodied within the Concept Restoration Plan shown on approved drawing M15.116(a).D.069 and shall, depending upon the final excavation profile, incorporate standing and ephemeral water bodies, marsh, conservation grassland and woodland areas and recreational paths. Notwithstanding the generality of the foregoing, the reinstatement plan shall include the following:-
- stabilisation of the final excavation faces;
  - removal of all loose rock;
  - removal of all machinery and fixed plant;
  - demolition and clearance of all buildings and their foundations;
  - removal or spreading of any remaining stockpiles;
  - spreading of the any remaining materials contained within the extractive waste tips;
  - backfilling of the quarry benches as identified in the approved plans;
  - recovery of all soils within the site and reuse of such materials within the site to form a growing medium for subsequent habitat creation;
  - water management systems to moderate the rate and quality of any water discharge from the site to receiving water bodies in accordance with prevailing standards at the time; and
  - the plan shall include a schedule of aftercare works to be carried on for a minimum period of 5 years following completion of all restoration works;

- (j) prior to the commencement of work, a comprehensive Surface Water and Groundwater Management Plan shall be submitted to and approved by the Planning Authority, in consultation with SEPA. Any details submitted pursuant to this condition shall be based upon the 'Hillhouse and Hallyards Quarry Water Management Plan' contained within Appendix 9.1 of the Environmental Statement. The plan must include full details of the proposed surface water and groundwater management systems, groundwater monitoring proposals and pollution incident response plan;
- (k) a vehicle wheel washing facility shall be maintained within the site. The wheel washing facility shall be used when appropriate to prevent mud and other materials being deposited onto the public road;
- (l) that the public road adjacent to the site shall be kept clear of mud and any other deposited material at all times;
- (m) that within one month of the completion of the access link between Hillhouse and Hallyards quarries, the use of the existing access from Hallyards Quarry onto the C38 Old Loans Road by heavy goods vehicles shall cease with the exception of heavy goods vehicles associated with the manufacture of cementitious products within Hallyards Quarry only together with access for emergency vehicles, plant, machinery and equipment;
- (n) that no new vehicular access shall be constructed onto the public highway;
- (o) that the existing vehicular access shall be paved to the satisfaction of the Planning Authority, in consultation with the Roads Authority;
- (p) that sightline splay areas shall be maintained at the quarry site entrance to the satisfaction of the Planning Authority;
- (q) that Except in emergencies, or with the prior agreement of the planning authority no operations, other than crushing and screening, the operation of asphalt plants and concrete plants, distribution of materials, water pumping, servicing, maintenance and testing of plant or other similar work, to be carried out except between the following times:
  - 0700 hours and 1900 hours Mondays to Fridays;
  - 0700 hours and 1600 hours Saturdays; and
  - no working on Sundays.

(r)

- With respect to the control of noise resulting from the daytime operations during the hours of 0700-1900 hours, the nominal noise limit from site operations shall not exceed the following, when measured free field over any one hour period:

| Receptor                        | Noise Limit (dB LAeq,1hr) |
|---------------------------------|---------------------------|
| Hillhouse East Lodge            | 55                        |
| 32 Kilnford Crescent            | 48                        |
| 7 Vernon Place                  | 48                        |
| Dundonald Nursing Home          | 47                        |
| Highlees Farm                   | 45                        |
| Hallyards Cottage               | 45                        |
| 4 Waterworks Cottage (Collenan) | 51                        |
| Hillhouse Estate House          | 50;                       |

- during the hours 1900-0700 hours the nominal noise limit from site operations shall not exceed 42 dB LAeq,1hr at the noise-sensitive dwellings identified at part (a) above, when measured free field over any one hour period; and
  - notwithstanding the terms of part (a), that during temporary operations, such as soil stripping operations, the nominal daytime noise limit from site operations, shall be no more than 70 dB LAeq over any one hour period for a maximum of 56 days per year;
- (s) within three months of the date of approval of planning permission, the operator shall submit written details to the Planning Authority, of a system of noise monitoring for all activities at the site, prepared by a competent independent person, for approval by the Planning Authority, in consultation with the Environmental Health Authority. The identity of the person preparing the noise monitoring system shall be agreed in writing with the Planning Authority, in consultation with the Environmental Health Authority, prior to the preparation and submission of the written details. The system of noise monitoring shall include a requirement to provide written monitoring reports to the Planning Authority at times when new activities are to be undertaken or when the location of the operational activity alters;
- (t) the system of noise monitoring approved under Condition 19 of this permission shall be implemented upon approval of the system by the Planning Authority and shall thereafter be complied with at all times, including the submission of monitoring reports;

- (u) in the event of noise complaint relating to the development hereby permitted being received by the Planning Authority or the operator or site monitoring revealing non-compliance with condition 18 of this permission, an immediate investigation will be initiated by the operator and the findings of the investigation shall be reported in writing to the Planning Authority. In the event that the investigation reveals, to the satisfaction of the Planning Authority, in consultation with the Environmental Health Authority, non-compliance with condition 18, the operator shall cease the operation giving rise to the complaint until a report detailing appropriate mitigation measures to be taken has been submitted to and approved in writing by the Planning Authority. The approved mitigation measures shall be fully implemented prior to the recommencement of the operation giving rise to the complaint;
- (v) the operator shall minimise emissions of dust in accordance with the approved control measures and the access road shall be maintained to ensure that all running surfaces are free of debris. The Control Measures and the Dust Mitigation Measures detailed in the Dust Management Plan contained in Chapter 14 of the approved Environmental Statement shall be implemented, reviewed as necessary and complied with at all times;
- (w) all vehicles leaving the site with materials liable to wind blow shall be hopped;
- (x) blasting shall be undertaken in such a manner to ensure that ground vibration does not exceed a peak particle velocity (ppv) of 6mm per second in 95% of all blasts measured over any continuous 12 month period and no single blast shall exceed 12mm per second. The measurement is to be taken at or near the foundations of any noise sensitive residential property not owned by the quarry owner or operator, as identified in Chapter 13, Figure 13/1 of the approved Environmental Statement;
- (y) when carrying out blasting operations, the operator shall ensure that the propagation of airborne vibration outside the site is minimised;
- (z) an audible warning shall be given prior to the commencement of any blasting operations;
- (aa) the monitoring of vibration from blasting shall be carried out at regular intervals at the sites identified in Chapter 13, Figure 13/1 in the approved Environmental Statement;
- (bb) within 12 months of the date of implementation of this permission, the applicant or operator shall submit for the written approval of the Planning Authority, in consultation with Scottish Natural Heritage, a Habitat Management Plan for the areas of woodland and grassland shown on approved drawing number M15.116(a).D.068. The habitat management plan shall provide an updated program of mitigation for the loss of habitat within the Dundonald Wood Site of Special Scientific Interest. Such a program of mitigation may include, but shall not be limited to, the following actions:-

- I. all woodland identified as woodland under management and additional woodland to be managed on drawing M15.116(a).D.068 brought into positive management;
  - II. a habitat management plan detailing management proposals for areas of woodland that are to be retained;
  - III. a soil management plan for the planned storage of and reuse of woodland soils, as part of the habitat management plan;
  - IV. inclusion of the area of grassland shown as the eastmost area to be relinquished on drawing M15.116(a).D.068 within the habitat management plan;
  - V. translocation of the basin mire fens and methodology for carrying this work out; and
  - VI. hydrological monitoring;
- (cc) implementation of the habitat management plan approved under condition 28 of this permission shall be commenced within one month of the receipt of the Planning Authority's written approval of the plan;
- (dd) prior to the commencement of work for the construction of the quarry access link, an updated bat roost feature inspection, carried out by a suitably qualified ecologist shall be undertaken. In the event that evidence of the presence of bats is observed, additional surveys shall be undertaken to determine the requirement for protected species licensing;
- (ee) prior to the commencement of work for the implementation of this permission, an updated badger survey, carried out by a suitably qualified ecologist, shall be undertaken. In the event that evidence of the presence of badgers is observed, additional surveys shall be undertaken to determine the requirement for protected species licensing;
- (ff) all works for the clearance of vegetation shall be undertaken outwith the nesting bird season (March to August inclusive). In the event that it is necessary to undertake vegetation clearance works during the nesting bird season, all such works shall be preceded by a nesting bird survey undertaken by a suitably experienced ecologist, in order to check for nesting birds. In the event that active nests are discovered, then the works shall be suspended immediately and advice sought from a suitably experienced ecologist on how best to proceed;
- (gg) prior to the commencement of ground clearance and excavation work within the south west corner of Hillhouse quarry and within the area to contain the proposed quarry access link, a Peregrine Falcon Management Plan shall be submitted to and approved by the Planning Authority. The plan shall include measures to prevent disturbance to nesting birds and any other necessary measures;
- (hh) that all artificial lighting shall be downward directed to minimise interference of bat flight lines;



- (ii) prior to the commencement of any soil stripping works within the southern part of Hallyards quarry, the developer shall submit for the Council's approval an archaeological mitigation strategy for the area of the site containing the former scheduled Hallyards Farmstead and the related enclosure lying to the North (WOSASPINs 6553 and 6545). The strategy shall include:-
- I. removal of vegetation cover under the direction of an archaeologist;
  - II. full survey and mapping of the remains; de-turfing of recognisable features by hand; and
  - III. cleaning/exposure of each individual feature for detailed recording followed by evaluation to investigate each feature in detail.

The approved strategy shall be fully implemented and all protection and/or recording and recovery of archaeological resources within the development site undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service, prior to extraction of minerals within this area of the site;

- (jj) prior to the commencement of any soil stripping works within the Hillhouse area of the application site and the area containing the quarry access link, the developer shall submit for the Council's approval an archaeological mitigation strategy. Thereafter the developer shall ensure that the approved strategy is implemented in full and that all protection and/or recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority, in consultation with the West of Scotland Archaeology Service;
- (kk) prior to the commencement of work for the construction of the quarry access link, a plan for the positive management and interpretation of Kemp Law Dun Scheduled Monument shall be submitted to and approved by the Planning Authority, in consultation with Historic Environment Scotland. The approved management plan shall be implemented within 5 years of the quarry access link being brought into use for transport of material between the Hallyards and Hillhouse areas;
- (ll) an annual quarry survey plan shall be submitted to the Planning Authority on the anniversary of the date of implementation of this planning permission. The survey plan shall be submitted in both paper and digital formats and shall demonstrate the lateral and vertical extent of the excavated and restored areas as they existed not more than three months prior to the anniversary date;
- (mm) that the site boundary shall be stockproof fenced throughout the period of the consent; and
- (nn) that prior to work commencing on site detailed arrangements for the establishment of a Technical Working Group (TWG), as recommended within the applicant's Environmental Statement shall be submitted for the prior written approval of the Planning Authority. The required arrangements shall include; constitution, membership, precise remit and frequency of meetings. The TWG shall include representatives of the Council, SEPA and SNH.

**Reasons:**

- (a) to retain effective control over the duration of winning and working minerals at the site;
- (b) in order to ensure that the development is carried out in accordance with the approved plans;
- (c) in order to define the limits of the permission and for the avoidance of doubt;
- (d) in order to ensure protection of the natural and cultural heritage within the Smugglers Trail Valley;
- (e) in order to ensure continuity of access to the Smugglers Trail Core Path;
- (f) in order to ensure that the construction of the quarry access link is undertaken in accordance with the approved details and is completed within a reasonable timescale;
- (g) in order to ensure that the Core Path diversion is maintained to an adequate standard;
- (h) in order to ensure that restoration is undertaken concurrently with extraction to mitigate the effect of the quarry on the environment and the amenity of the surrounding area;
- (i) in order to ensure that the quarry is restored to a beneficial after use upon permanent cessation of extraction works;
- (j) in order to ensure protection of surface water and groundwater from accidental pollution;
- (k) in the interest of road safety;
- (l) in the interest of road safety;
- (m) in the interest of amenity to help limit the volume of HGV traffic using the local road network within Dundonald and Loans;
- (n) in the interest of road safety;
- (o) in the interest of road safety;
- (p) in the interest of road safety;
- (q) in order to minimise the impact of the development on the amenity of the surrounding area as a result of noise nuisance;
- (r) in order to minimise the impact of the development on the amenity of the surrounding area as a result of noise nuisance;
- (s) in order to minimise the impact of the development on the amenity of the surrounding area as a result of noise nuisance;
- (t) in order to minimise the impact of the development on the amenity of the surrounding area as a result of noise nuisance;
- (u) in order to minimise the impact of the development on the amenity of the surrounding area as a result of noise nuisance;
- (v) in order to ensure that the amenity of the surrounding residential areas are protected from dust nuisance and in the interest of maintaining the ecological value of the adjoining woodland areas;
- (w) To minimise the propagation of dust in the interest of amenity;
- (x) In the interest of residential amenity;
- (y) in the interest of residential amenity;
- (z) in order to minimise the effect of blasting on residential amenity and to provide warning;
- (aa) to help ensure that the effects of blasting on residential amenity are minimised;
- (bb) in order to mitigate the effect of the development on the natural environment;
- (cc) in order to mitigate the effect of the development on the natural environment;

- (dd) in the interest of nature conservation;
- (ee) in the interest of nature conservation;
- (ff) in the interest of nature conservation;
- (gg) in the interest of nature conservation;
- (hh) in the interest of nature conservation;
- (ii) in order to appropriately conserve the potential archaeological resources within the Hallyards area of the site;
- (jj) in order to appropriately conserve the potential archaeological resources within the Hillhouse area of the site;
- (kk) In order to help mitigate the impact of the proposal on the archaeological resource adjacent to the site;
- (ll) in order to assist the Planning Authority maintain proper planning control of the development;
- (mm) in the interest of public safety; and
- (nn) in order to ensure that the ongoing restoration work meets with the objectives set out in the Environmental Statement, in the interest of amenity and the environment.

**Advisory Notes:**

- (1) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.  
Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)
- (2) The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

- (3) The Extended Phase 1 Habitat Survey (dated November 2016) identified the presence of Japanese Knotweed on site to the north of the Hallyards area. Although this is only present in a small area, its removal and appropriate disposal is an important consideration especially if material from the site is being sold on and distributed nationally or in restoration. The applicant should carefully follow the relevant guidance for the eradication and disposal of INNS. Further information on this is available in the Code of practice on Non-Native Species as well as the following webpage and guidance.

<https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants>

<http://www.sepa.org.uk/media/163480/biosecurity-and-management-of-invasive-non-native-species-construction-sites>

- (4) SEPA note that an application will be required to vary the Pollution Prevention and Control permit for operations on the site to account for the changes to the site boundary and extraction limits. Details of regulatory requirements and good practice advice can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: 31 Miller Road, Ayr, KA7 2AX, Tel: 01292 294000.

Whilst SEPA has no consentability concerns at this stage SEPA would also highlight that the applicant will require further discussions with its regulatory services team regarding the regulatory implications of the activities under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) and the Pollution Prevention and Control (PPC) regime. SEPA would particularly highlight the need to discuss the new discharge licence from Hallyards, variation to the existing discharge licence to Gales Burn and the potential for an abstraction licence all under CAR as soon as possible.

- (5) In accordance with the Management of Extractive Waste (Scotland) Regulations 2010, the submitted Waste Management Plan hereby approved is subject to the following deemed conditions:-
- 1/ Extractive waste shall be managed in accordance with the Waste Management Plan
  - 2/ The WMP shall be reviewed by the operator no later than 5 years from the date of this approval and every 5 years thereafter or in the event of substantial changes to the extractive waste area or facility or to the waste deposited. Any amendments to the WMP, whether as a result of a review or otherwise shall be notified to the planning authority.
- (6) There is an obligation entered into under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) in connection with this decision. This obligation can be inspected during office opening hours at the Planning Service, South Ayrshire Council, Burns House, Burns Statue Square, Ayr, KA7 1UT.

**List of Determined Plans:**

Drawing - Reference No (or Description): SITE PLAN ES Figure 2-3 -Nov 2016;  
 Drawing - Reference No (or Description): LOCATION PLAN ES FIGURE 1-1 -July 2016;  
 Drawing - Reference No (or Description): CULTURAL HERITAGE SITES ES FIGURE 11-1 -May 2016;  
 Drawing - Reference No (or Description): HISTORIC MAP 1828 ES FIGURE 11-2-May 2016;  
 Drawing - Reference No (or Description): HISTORIC MAP 1654 ES FIGURER 11-3-May 2016;  
 Drawing - Reference No (or Description): HISTORIC MAP 18TH CENTURY ES FIGURE 11-4 -May 2016;

Drawing - Reference No (or Description): HISTORIC MAP 1860 ES FIGURE 11-5 -May 2016;

Drawing - Reference No (or Description): NOISE RECEPTOR LOCATIONS ES FIGURE 12-1;

Drawing - Reference No (or Description): BLASTING RECEPTOR LOCATIONS ES Figure 13-1;

Drawing - Reference No (or Description): AIR QUALITY LOCATIONS ES Figure 14-1;

Drawing - Reference No (or Description): OBLIQUE AERIAL PHOTOGRAPH ES Figure 2-1;

Drawing - Reference No (or Description): CURRENT AND CONSENTED POSITION ES Figure 2-2;

Drawing - Reference No (or Description): LOCAL DESIGNATIONS AND INFLUENCE ES Figure 2-4;

Drawing - Reference No (or Description): ALTERNATIVE CROSSING ES Figure 3-1;

Drawing - Reference No (or Description): FULL QUARRY DESIGN ES Figure 4-1;

Drawing - Reference No (or Description): RESTORATION CROSS SECTIONS ES Figure 4-10;

Drawing - Reference No (or Description): FIVE YEAR PLAN ES Figure 4-2;

Drawing - Reference No (or Description): INDICATIVE QUARRY UNDERPASS AND ES Figure 4-3;

Drawing - Reference No (or Description): TEN YEAR PLAN ES Figure 4-4;

Drawing - Reference No (or Description): FIFTEEN YEAR PLAN ES Figure 4-5;

Drawing - Reference No (or Description): FIFTY YEAR PLAN ES Figure 4-6;

Drawing - Reference No (or Description): FINAL QUARRY DEVELOPMENT -SEVENT ES Figure 4-7;

Drawing - Reference No (or Description): CONCEPT RESTORATION ES Figure 4-8;

Drawing - Reference No (or Description): QUARRY DEVELOPMENT CROSS SECTION ES Figure 4-9;

Drawing - Reference No (or Description): TOPOGRAPHICAL LOCATION PLAN ES Figure 7-1;

Drawing - Reference No (or Description): LANDSCAPE DESIGNATIONS ES Figure 7-2;

Drawing - Reference No (or Description): LANDSCAPE CHARACTER ES Figure 7-3;

Drawing - Reference No (or Description): CURRENT SITUATION ZTV ES Figure 7-4;

Drawing - Reference No (or Description): PERMITTED EXTRACTION ZTV ES Figure 7-5;

Drawing - Reference No (or Description): PROPOSED EXTRACTION ZTV ES Figure 7-6;

Drawing - Reference No (or Description): ASSESSMENT ZONES AND PHOTOGRAPHI ES Figure 7-7;

Drawing - Reference No (or Description): PHOTOGRAPHIC SHEETS A-D ES Figure 7-8;

Drawing - Reference No (or Description): EXTENDED PHASE 1 HABITAT SURVEY ES Figure 8-1;

Drawing - Reference No (or Description): WOODLAND FELL PLAN ES Figure 8-2;

Drawing - Reference No (or Description): WATER FEATURES ES Figure 9-1;

Drawing - Reference No (or Description): DRIFT GEOLOGY ES Figure 9-2;

Drawing - Reference No (or Description): SOLID GEOLOGY ES Figure 9-3;

Drawing - Reference No (or Description): HYDROGEOLOGICAL CONCEPTUAL MODEL ES Figure 9-4;

Drawing - Reference No (or Description): LOCATION PLAN M15.116 (a).D.007;

Drawing - Reference No (or Description): APPENDIX 8-2 EXTENDED PHASE 1 HA M15.116(a).D.001;

Drawing - Reference No (or Description): APPENDIX 9-1 C HYDRO FEATURES 167272-001;

Drawing - Reference No (or Description): APPENDIX 9-1 D HYDRO FEATURE 167272-001;

Drawing - Reference No (or Description): APPENDIX 9-1 E POND SETTLEMENT A 167272-005;

Drawing - Reference No (or Description): APPENDIX 9-1 F POND SETTLEMENT A 167272-006;

Drawing - Reference No (or Description): APPENDIX 9-1 G SETTLEMENT OUTLIN 167272-007;

Drawing - Reference No (or Description): APPENDIX 9-1 H SETTLEMENT OUTLIN 167272-008;

Drawing - Reference No (or Description): APPENDIX 9-1 I SWALE TYPICAL LON 167272-010;

Other - Reference No (or Description): CULTURAL HERITAGE METHODOLOGY Appendix 11-1;

Other - Reference No (or Description): CULTURAL HERITAGE GAZETTEER Appendix 11-2;

Other - Reference No (or Description): LVIA METHODOLOGY Appendix 7-1;

Other - Reference No (or Description): LVIA ASSESSMENT Appendix 7-2;

Other - Reference No (or Description): EXTENDED PHASE 1 HABITAT SURVEY Appendix 8-1;

Other - Reference No (or Description): BREEDING BIRD SURVEY Appendix 8-3;

Other - Reference No (or Description): GREAT CRESTED NEWTS EDNA REPORT Appendix 8-4;

Other - Reference No (or Description): CONFIDENTIAL BADGER SURVEY REPOR Appendix 8-5;

Other - Reference No (or Description): SURFACE WATER MANAGEMENT PLAN Appendix 9-1;

Other - Reference No (or Description): PAC REPORT Planning Statement – App;

Other - Reference No (or Description): WATER USE LICENCE Appendix 9-1;

Other - Reference No (or Description): LOCATION PLAN Planning Statement – App;

Other - Reference No (or Description): PLANNING PERMISSION FORMS Planning Statement – App;

Other - Reference No (or Description): WASTE MANAGEMENT PLAN Planning Statement – App;

Other - Reference No (or Description): ENVIRONMENTAL STATEMENT Volume 1;

Other - Reference No (or Description): PLANNING STATEMENT Volume 3;

Other - Reference No (or Description): APPENDIX A4.13;

Drawing - Reference No (or Description): M15.116(A).D.071 CROSSING POINT;

Drawing - Reference No (or Description): M15.116(A).D.069 CONCEPT RESTORA;

Other - Reference No (or Description): APPENDIX A4.12;

Other - Reference No (or Description): APPENDIX B EXPERIENCE STATEMENT;

Other - Reference No (or Description): APPENDIX C ADDITIONAL HYDRO INFO;

Other - Reference No (or Description): APPENDIX A4.11 CROSSING COMPARIS;

Other - Reference No (or Description): APPENDIX4.14 3D VIEW CROSSING;

Other - Reference No (or Description): APPENDIX A4.15 ALT CROSSING 3D;  
 Drawing - Reference No (or Description): M15.116(A).D.070 ALT CROSS LAYO;  
 Drawing - Reference No (or Description): M15.116(A).D.068 WOOD MANAGEMENT;  
 Other - Reference No (or Description): ES ADDENDUM NTS; and  
 Other - Reference No (or Description): ES ADDENDUM VOL 1.

**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.

- (2) [19/00708/APPM](#) – MAYBOLE – Land at Crosshill Road – Erection of residential development, formation of access roads, landscaping and associated infrastructure.

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

- (a) that the development hereby granted shall be implemented in accordance with the approved 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 development, a phasing plan setting out the sequence of construction of the land engineering works, roads, parking areas, hard and soft landscaped areas, public open spaces, equipped play area, footpaths and SUDS features shall be submitted to and approved by the planning authority. The construction of the development shall thereafter proceed in accordance with the approved phasing plan, and no item shall be omitted, unless the prior written permission of the planning authority is received for an amendment to the approved phasing plan;
- (c) that before any works start on site, detailed landscape plans at a recognised metric scale shall be submitted for the prior written approval of the Planning Authority. Plans shall be accompanied by a planting schedule which details the genus, species and variety or cultivar of all plants, bulbs, seeds and turf. The size and specification of all plant material shall be detailed, together with total plant numbers and densities per m<sup>2</sup>. 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. Construction details for paved or other hard surfaces shall be provided together with details of any fences for inclusion as part of the landscape scheme.



For the avoidance of doubt the required landscape scheme shall include:-

- (i) retention of existing hedging as far as possible along eastern boundary;
  - (ii) details of planting within the open space area to the north east of the site along the rear property boundaries to minimise the impact of the development on St John's Cottage;
  - (iii) details of perimeter buffer landscape planting along the eastern boundary of the site; and
  - (iv) the use of native nectar rich species and fruiting species. These might include 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*);
- (d) the landscaping scheme approved under condition 3 of this permission shall be implemented in a phased manner concurrent with construction of the housing. Prior to the commencement of development, a landscaping phasing plan shall be submitted to and approved by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the scheme as approved shall be implemented within the first planting season following the completion or occupation of the last house within the relevant phase of the development, whichever is the sooner;
- (e) prior to the occupation of the first house a maintenance schedule for all areas to be landscaped in accordance with the details approved under conditions 3 and 4 of this permission shall be submitted to and approved by the Planning Authority. The landscaped areas shall be maintained for a period of five years from the date of completion of the landscaping within the relevant phase of the development;
- (f) that the detailed arrangements for complying with the Council's Supplementary Planning Guidelines 'Open Space and Designing New Residential Developments' through the provision of toddler play facilities on site and the upgrading of play facilities within the nearby Glebe Park shall be submitted for the prior written approval of the planning authority before any works start on site. For the avoidance of doubt this shall involve the payment of a commuted sum in relation to the off-site play provision within Glebe Park;
- (g) that a performance bond or alternative financial mechanism, agreed by the Council, covering the cost of the landscaping of the development, as approved under conditions 3 and 4 of this permission and play facility scheme as approved under condition 6 of this permission, shall be submitted to, approved in writing by the planning authority and executed before any works commence within the relevant phase. For the purposes of calculating the landscape bond quantum, details of the landscaping works to be implemented within areas that are to be maintained by a factor, including the total length of hedging; the species, number and size of all plants to be included within the areas of shrub and herbaceous planting; the species, size and number of trees and details of ground preparation methods, topsoil quality and depth, planting methods, hole sizes and other materials such as mulches and stakes shall be submitted to the planning authority;

- (h) that notwithstanding the plans hereby approved and prior to commencement of development, details of the two footbridges and phasing details of their installation shall be submitted to the Planning Authority for written approval;
- (i) no ground or vegetation clearance works shall be undertaken outwith the main bird nesting season (March to August inclusive), unless the development site has been inspected by a suitably experienced ecologist, before work commences, to determine the presence of any nesting birds;
- (j) that no development shall take place within the development site as outlined in red on the approved plan 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 to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. 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 development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;
- (k) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval;
- (l) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (m) prior to occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development;
- (n) that all new roads infrastructure associated with the development shall be designed and constructed to adoptable standards, as specified by the Council's National Roads Development Guide, and take full cognisance of the principles of Designing Streets as National Policy. The precise details and specifications of all new roads infrastructure shall be submitted for the written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority), prior to commencement of work on site;
- (o) that junction access visibility sightline splays of 2.4 metres by 60.0 metres shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays;

- (p) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;
- (q) that defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council;
- (r) that off-road parking spaces for all house types shall be provided within the existing site boundary to satisfy provision levels as defined within the SCOTS National Roads Development Guide, as adopted by the Council. Details of parking layouts designed to comply with the guidance set out in the National Roads Development Guide shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority);
- (s) that integral or detached garages within the curtilage of a property intended to form part of the parking provision for the dwelling shall have internal garage dimensions of a minimum of 7m x 3m, per vehicle;
- (t) that visitor parking shall be provided as shown within drawing number L(00)003 - Site Layout;
- (u) that designated bin collection points shall be located a maximum of 15 metres from the public carriageway, before occupation of the development. Details and specification of the siting and design of bin collection points shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) prior to the commencement of work on site;
- (v) no construction work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details that shall be submitted for the written approval of the Council as Roads Authority prior to its installation, if required for that phase. 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 a nuisance or hazard to the road system in the locality;
- (w) that prior to the commencement of development, the applicant/ developer shall submit a Construction Traffic Management Plan (CTMP) for the written approval of the Planning Authority, in consultation with the Council as Roads Authority. The plan shall provide all relevant information pertaining to traffic implications associated with construction, including details of the methodology for the movement of construction traffic to and from the site. The CTMP shall require the agreement of the Council as Planning Authority prior to any movement of construction traffic associated with the site;

- (x) a Sustainable Urban Drainage System (SUDS) design for the site shall be approved and implemented prior to the occupation of the first dwelling;
- (y) that prior to the commencement of work, details of the proposed landscaping scheme, signage and fencing associated with the SUDS areas shall be submitted for the written approval of the Planning Authority. Thereafter the management and aftercare of the scheme shall be carried out in accordance with these approved details to the satisfaction of the Planning Authority;
- (z) that prior to the commencement of work, details of earthworks and soil storage arrangements within the site shall be submitted to and approved by the Planning Authority. Such details shall confirm the location and height of any storage bunds;
- (aa) that prior to commencement of work, a phasing plan in relation to the timing of the implementation of the footpath leading from the west of the SUDS pond to Crosshill Road (B7023) and construction details of said footpath shall be submitted to and approved by the Planning Authority. The footpath shall, thereafter, be implemented in accordance with the approved phasing plan, unless otherwise agreed in writing with the Planning Authority;
- (bb) that any proposed discharge of surface water to the water environment shall be in accordance with the principles of the CIRIA SUDS Manual (C753) and compliant with Sewers for Scotland v4.0; and
- (cc) that all surface water runoff up to a 1 in 200 event plus climate change shall be retained on the development site prior to release at agreed rates to the water environment in accordance with details to be submitted to and approved by the Planning Authority before work commences on site.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to ensure that all elements of the proposed development are provided at an appropriate stage in the development in the interest of the proper planning of the area;
- (c) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (d) to ensure the approved landscaping details are implemented at an appropriate time and no areas are left in an unsatisfactory condition in respect to landscaping for an unacceptable length of time in the interest of visual amenity;
- (e) to ensure that the approved landscaping details are properly maintained for a sufficient length of time to ensure that all areas of planting are established in the interest of visual amenity;
- (f) in the interests of the proper planning of the area and to ensure that the proposed development is in compliance with the Council's Supplementary Planning Guidelines 'Open Space and Designing New Residential Developments' through the provision or upgrading of play facilities within the nearby area;

- (g) to ensure that the approved landscaping is implemented in the event that the developer is unable to complete the development;
- (h) these details have not been submitted and to ensure the footbridges are completed at an appropriate stage in the development of the site;
- (i) in the interest of nature conservation;
- (j) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (k) in the interests of visual and residential amenity;
- (l) in the interests of visual amenity;
- (m) to encourage sustainable means of travel;
- (n) in the interest of road safety and to ensure an acceptable standard of construction;
- (o) in the interest of road safety and to ensure an acceptable standard of construction. To avoid the possibility of unnecessary reversing of vehicles onto the public road;
- (p) in the interest of road safety and to avoid the discharge of water onto the public road;
- (q) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (r) in the interest of road safety and to ensure adequate off-street parking provision;
- (s) in the interest of road safety and to ensure adequate off-street parking provision;
- (t) in the interest of road safety and to ensure adequate off-street parking provision;
- (u) in the interest of road safety;
- (v) in the interest of road safety;
- (w) in the interest of road safety;
- (x) to ensure the site is drained in an acceptable and sustainable manner;
- (y) in the interests of visual amenity;
- (z) in the interests of visual amenity and to protect the soil resource within the site;
- (aa) to ensure that this element of the proposed development is provided at an appropriate stage in the development in the interest of the proper planning of the area;
- (bb) to ensure the site is drained in an acceptable and sustainable manner; and
- (cc) to ensure the site is drained in an acceptable and sustainable manner.

**Advisory Notes:**

- (1) Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: [www.sepa.org.uk](http://www.sepa.org.uk).
- (2) The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- (3) In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.

- (4) The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.
- (5) The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant - including any relevant road signs and markings.
- (6) The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.
- (7) Please note that Roads Construction Consent (RCC) from the Council as Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Council's National Roads Development Guide and Designing Streets as National Policy.
- (8) The Council as Roads Authority advises that prior to the commencement of works to construct any new or amended roads infrastructure; a Stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges shall be completed and submitted for the prior written approval of the Council as Roads Authority. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Council as Roads Authority & the applicant.
- (9) The Council as Roads Authority advises that a Stage 3 Road Safety audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges should be submitted for the prior written approval of the Council as Roads Authority prior to the occupation of the first dwelling, unless an alternative time period is approved. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority and the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.
- (10a) 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).
- b) 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).
- c) 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 and Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004.
- d) 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.
- e) 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.
- f) Where possible the developer considers the inclusion of bird and bat boxes within the development.

- g) 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.
- h) 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.
- i) Should any European EPS be found either prior to or during the period of development then the need for EPS licensing should be reviewed.
- j) 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.
- k) 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 escape. Where this is not possible these areas should be fenced off to prevent accidental entry.
- l) Pipe work etc. if stored in the open, should be capped or sealed or blocked up during storage so as to prevent it being used by animals.
- (11) Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- (12) Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licenses may be required for any installations or processes.
- (13) A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which: is more than 4 hectares, is in excess of 5km or includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence it is strongly encouraged to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.
- (14) Details of regulatory requirements and good practice advice can be found on the Regulations section of the SEPA website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: 31 Miller Road, Ayr, KA7 2AX Tel: 01292 294000.

**List of Determined Plans:**

Drawing - Reference No (or Description): L(00)001 Location Plan;  
 Drawing - Reference No (or Description): L(00)002 Site Plan as Existing;  
 Drawing - Reference No (or Description): L(00)003 Site Plan As Proposed (Black and White Version);  
 Drawing - Reference No (or Description): L(00)003 Site Plan as Proposed (Coloured);  
 Drawing - Reference No (or Description): L(01)101 House Type 1 Blair Floor Plans;  
 Drawing - Reference No (or Description): L(01)201 House Type 2 Carrick Floor Plans;  
 Drawing - Reference No (or Description): L(01)301 House Type 3 Cassillis Floor Plans;  
 Drawing - Reference No (or Description): L(01)401 House Type 4A Braemar Floor Plans;  
 Drawing - Reference No (or Description): L(01)402 House Type 4B Braemar Floor Plans;  
 Drawing - Reference No (or Description): L(01)501 House Type 5 Belvedere Floor Plans;  
 Drawing - Reference No (or Description): L(01)601 House Type 6 Duart Floor Plans;  
 Drawing - Reference No (or Description): L(01)701 House Type 7 Balmoral Floor Plans;  
 Drawing - Reference No (or Description): L(01)801 House Type 8 Culzean Floor Plans;  
 Drawing - Reference No (or Description): L(02)101 House Type 1 Blair Elevations;  
 Drawing - Reference No (or Description): L(02)201 House Type 2 Carrick Elevations;  
 Drawing - Reference No (or Description): L(02)301 House Type 3 Cassillis Elevations;  
 Drawing - Reference No (or Description): L(02)401 House Type 4A Braemar Elevations;  
 Drawing - Reference No (or Description): L(02)402 House Type 4B Braemar Elevations;  
 Drawing - Reference No (or Description): L(02)501 House Type 5 Belvedere Elevations;  
 Drawing - Reference No (or Description): L(02)601 House Type 6 Duart Elevations;  
 Drawing - Reference No (or Description): L(02)701 House Type 7 Balmoral Elevations;  
 Drawing - Reference No (or Description): L(02)801 House Type 8 Culzean Proposed Elevations;  
 Drawing - Reference No (or Description): SG647-13/R/F/01 Site Investigations Plan;  
 Other - Reference No (or Description): Ecological Constraints Survey Report 8 April 2019;  
 Other - Reference No (or Description): Drainage Design Report Calculation Sheets;  
 Other - Reference No (or Description): Flood Risk Assessment July 2019 Report;  
 Other - Reference No (or Description): Flood Risk Assessment July 2019 Appendices;  
 Other - Reference No (or Description): Private Garden Areas Analysis Sheet;  
 Other - Reference No (or Description): Supporting Planning Statement;  
 Other - Reference No (or Description): Traffic Impact Assessment July 2019;  
 Other - Reference No (or Description): Design and Access Statement; and  
 Other - Reference No (or Description): Pre-Application Consultation Report.

**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.



- (3) [19/00862/APP](#) – STRAITON – Temporary Meteorological Mast, C1 from Newton Stewart Road, Straiton, south to Council boundary north-east of Loch Moan – Erection of temporary 80 metre high meteorological mast.

The time being 11.45 a.m., the Panel adjourned to allow a Councillor to discuss with officers the terms of a Motion he may wish to make on this planning application. The meeting re-adjourned at 11.55 a.m.

Councillor Convery, seconded by Councillor Kilpatrick, moved that the application be refused for the reasons stated.

By way of an Amendment, Councillor Connolly, seconded by Councillor Fitzsimmons, moved that the application be approved subject to the conditions stated in the Planning Officer's report.

On a vote being taken by a show of hands, five Members voted for the Amendment and two for the Motion. The Amendment was accordingly declared to be carried.

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

- (a) that the development hereby granted shall be implemented in accordance with the approved 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) that the approval for the proposed use is limited to 5 years at which date the use of the meteorological mast shall be terminated and the site shall be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted within 2 months of the date of this planning approval;
- (c) that the meteorological mast shall be fitted with a minimum intensity 25 candela omni directional flashing red light or equivalent infrared light aviation lighting at the highest practicable point of the structure. Precise details of the proposed lighting shall be submitted to, and approved in writing by, the planning authority, before the mast is erected. Thereafter, the lighting shall be installed and operated in accordance with the approved layout and specification and retained in situ in an effective operating condition for the lifetime of the development;

- (d) that the developer shall notify UK DVOF and Powerlines at the Defence Geographic Centre with the following information prior to development commencing:-
- Precise location of development.
  - Date of commencement of construction.
  - Date of completion of construction.
  - The height above ground level of the tallest structure.
  - The maximum extension height of any construction equipment.
  - Details of any aviation warning lighting fitted to the structure(s).

This information can be sent by e-mail to UK DVOF and Powerlines at [icgdgc-prodaisafdb@mod.uk](mailto:icgdgc-prodaisafdb@mod.uk), or posted to:

D-UKDVOF and Power Lines  
Air Information Centre  
Defence Geographic Centre  
DGIA  
Elmwood Avenue  
Feltham  
Middlesex  
TW13 7AH; and

- (e) that bird deflector line markers shall be installed on all of the guy wires, and that these line markers shall thereafter be maintained for the lifetime of the mast.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) the use of the land is of a temporary nature and is only acceptable as a temporary expedient;
- (c) in the interest of public safety;
- (d) to ensure that the Ministry of Defence is aware of the details of the development, in the interests of aviation safety; and
- (e) to reduce the chance of bird strike.

**Advisory Notes:**

- (1) 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).

- (2) 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).
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) Should any European EPS be found either prior to or during the period of development then the need for EPS licensing should be reviewed.

- (12) 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.
- (13) 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.
- (14) Pipe work etc. if stored in the open, should be capped or sealed or blocked up during storage so as to prevent it being used by animals.

**List of Determined Plans:**

Drawing - Reference No (or Description): 3078-REP-009;  
 Drawing - Reference No (or Description): 3078-REP-010;  
 Drawing - Reference No (or Description): 3078-DR-P-0005A; and  
 Drawing - Reference No (or Description): 3078-DR-P-0005B.

**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.

- (4) [19/00887/APP](#) – AYR – Kincaidston Primary School – Cranesbill Court – Proposed Extension to existing Early Years Early Years Centre to provide additional accommodation.

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

- (a) that the development hereby granted shall be implemented in accordance with the approved 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) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (c) surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007;

- (d) that 42 off-road parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the SCOTS National Roads Development Guide prior to occupation of the extended nursery facility. This provision shall consist of 15 spaces for the primary school, a further 25 spaces for the nursery facility, and two accessible parking bays. Details of parking layouts shall be submitted for the written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) prior to the commencement of work on site;
- (e) that defined parking bays and associated aisle widths shall accord with the dimensions as set out within paragraphs 3.6.2 and 3.6.3 of the National Roads Development Guide publication, adopted for use by the Council;
- (f) that before occupation of the extended school an updated Travel Plan shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall include information on existing pedestrian facilities on the principal walking routes to and from the school within the catchment, and highlight appropriate areas for "park and stride" trips to reduce the parking impacts in the vicinity of the school entrance. The Travel Plan shall identify the measures and initiatives to be implemented in order to encourage modes of travel to and from the development other than by private car, and set targets for modal shift. The Travel Plan shall clearly define the system of management, monitoring, review, reporting and the duration of the plan; and
- (g) that before occupation of the extended nursery facility a School Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The School Travel Pack shall include information on walking, cycling and public transport facilities and services along principle routes within the catchment area. Additionally the pack shall provide advice on "park and stride" opportunities in the vicinity of the school to mitigate vehicle impacts at the school gate. The Travel Pack shall be distributed to all pupils upon initial opening of the school, and to new pupils as part of the new intake annually thereafter.

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) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;
- (d) in the interest of road safety and to ensure adequate off-street parking provision;
- (e) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (f) to encourage sustainable means of travel; and
- (g) to encourage sustainable means of travel;

**Advisory Notes:**

The applicant/developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority. The plan shall describe the methodology for the movement of construction traffic to and from the site and shall require the agreement of the Council as Roads Authority prior to any movement of construction traffic associated with the site.

**List of Determined Plans:**

Drawing - Reference No (or Description): 001;  
Drawing - Reference No (or Description): 003;  
Drawing - Reference No (or Description): 005;  
Drawing - Reference No (or Description): 006;  
Drawing - Reference No (or Description): 013;  
Drawing - Reference No (or Description): 030; and  
Drawing - Reference No (or Description): 031

**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 meeting ended at 12.15 p.m.