

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 20 JUNE 2008

**07/0536/FL: MINERAL EXTRACTION, PROCESSING OF MINERALS,
FORMATION OF LOCHAN, ERECTION OF GATEWAY SCULPTURES AND
ASSOCIATED LANDSCAPE WORKS.
AT: THE MEADOWS, A71, GALSTON, KA4 8LB**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The application relates to the extraction and processing of minerals, the formation of a lochan, the erection of "gateway" sculptures and associated landscape works.

1.2 The applicant proposes to extract 40,000 tonnes of minerals comprising sands and gravels and transfer the extracted minerals across the A71 to the existing mineral processing plant located in the northern part of the application site. After the sands and gravels have been processed they will be stockpiled within the application site for future input to the infrastructure and landscaping of the proposed tourism and leisure development site on the north side of the A71. It is proposed to phase the excavation works into five areas, commencing at the eastern end of the site and working westwards.

1.3 The proposal indicates that the extraction would be completed within three months, with restoration taking place in the following three months.

1.4 The proposed lochan will be created from the depression resulting from the excavated minerals and will naturally fill to its ground water level. The applicant proposes the lochan will cover an area of approximately 16,200 square metres resulting in depths of approximately 1-2 metres. The area covered by the lochan does not amount to the full extent of the application site south of the A71.

1.5 It is proposed to form a screening bund at the eastern end of the site which will be retained as part of the long term landscape proposals for the site.

1.6 The proposal includes the erection of four pairs of "Countdown" gateway sculpture features to be situated on either side of the A71 adjoining the site. It is proposed to erect the sculptures following the excavation of the minerals and the completion of the restoration works.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and subject to the notification of the Scottish Ministers in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007.

3. CONCLUSIONS

3.1 As indicated in the report the application is not considered to be in accordance with the terms of the Development Plan. Therefore it should be refused unless material considerations indicate otherwise.

3.2 As per Section 6 of the report there are material considerations relevant to the application. In this instance, due to the unique nature of the site and its location adjacent to Miscellaneous Opportunity Development Site 236M (where extracted sand and gravels would be utilised) it is considered on balance that these are matters of sufficient weight to merit the approval of the application.

3.3 Given that the proposal relates to a short term period of mineral extraction and restoration of the site, it is considered that there would be no significant long term adverse impacts on the surrounding area. Approval of this application would not introduce commercial activity to the application site for the first time as the site on the northern side of the A71 has an established lochan and landscaped area associated with the initial extraction of sand and gravel.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application will not require to be referred to the Principal Planning Committee as it would not be a significant departure from Council policy.

Alan Neish
Head of Planning & Economic Development

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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AT: THE MEADOWS, A71, GALSTON, KA4 8LB

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, due to the fact that the proposal is for a new mineral extraction and is contrary to policy.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site measures approximately 10.67 hectares and is located both to the north and the south of the A71 between Hurlford and Galston. The northern part of the application site is bounded to the north, west and east by the existing Meadows lochan. The southern part of the application site is bounded to the north by the A71 road, to the south by Barr Wood and to the west and east by open fields. The southern side of the application site, where it is proposed to extract the minerals, slopes downwards from south to north.

2.2 **Proposed Development:** The application relates to the extraction and processing of minerals, the formation of a lochan, the erection of "gateway" sculptures and associated landscape works.

2.3 The applicant proposes to extract 40,000 tonnes of minerals comprising sands and gravels and transfer the extracted minerals across the A71 to the existing mineral processing plant located in the northern part of the application site. After the sands and gravels have been processed they will be stockpiled within the application site for future input to the infrastructure and landscaping of the proposed tourism and leisure development site on the north side of the A71. It is proposed to phase the excavation works into five areas, commencing at the eastern end of the site and working westwards.

2.4 The proposal indicates that the extraction would be completed within three months, with restoration taking place in the following three months.

2.5 The proposed lochan will be created from the depression resulting from the excavated minerals and will naturally fill to its ground water level. The applicant proposes the lochan will cover an area of approximately 16,200 square metres resulting in depths of approximately 1-2 metres. The area covered by the lochan does not amount to the full extent of the application site south of the A71.

2.6 It is proposed to form a screening bund at the eastern end of the site which will be retained as part of the long term landscape proposals for the site.

2.7 The proposal includes the erection of four pairs of "Countdown" gateway sculpture features to be situated on either side of the A71 adjoining the site. It is proposed to erect the sculptures following the excavation of the minerals and the completion of the restoration works.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objection to the proposal subject to the imposition of detailed conditions on any planning consent. The Roads Division has provided a list of the required conditions in relation to roads and traffic issues.

Noted.

3.2 East Ayrshire Councils Environmental Health Section has no objections to the proposal.

Noted.

3.3 Galston Community Council has not commented on the application.

Noted.

3.4 Scottish Power has no objection to the proposal.

Noted.

3.5 Scottish Water has no objection to the proposal.

Noted.

3.6 Royal Society for the Protection of Birds has no objection to the proposal but has commented that any vegetation likely to support breeding birds is cleared outwith the bird breeding season which is mid March to July.

A condition could be attached to any planning consent to address this issue.

3.7 West of Scotland Archaeology Service has not objected to the proposal but has recommended that the applicant carries out a programme of archaeological works in accordance with a written scheme of investigation.

A condition could be attached to any planning consent to address this issue.

3.8 Scottish Wildlife Trust has not objected to the proposal but has commented that any tree planting should be of native species so as to benefit the local insect and bird populations.

A condition could be attached to any planning consent requiring the applicant to submit details of site restoration and all landscaping works.

3.9 Scottish Natural Heritage has no objection to the proposal but recommends that the Council obtain information from the applicant to ensure that there will be no significant adverse environmental impacts.

The applicant has provided a planning statement which indicates that the scale of the proposal is not significant and the excavations and restoration works will be completed in a six month time period which would not result in any significant environmental impact.

3.10 Scottish Environment Protection Agency SEPA have been consulted on the application and on additional supporting information. Their final response is awaited however their most recent position is one of continued objection in that the development could place people at flood risk. In the event of their continued objection any decision to approve the application will require notification of the application to the Scottish Ministers.

The applicant is liaising directly with SEPA to try to resolve the outstanding flood issues. To this effect the applicant has submitted a Flood Risk Assessment for consideration to SEPA on 9 June 2008. However, in this instance given the timescales involved, the applicant agrees that it is appropriate to present the proposal to the planning committee on the understanding that the application will require to be referred to the Scottish Ministers in the event that SEPA don't remove their objection.

3.11 East Ayrshire Councils Roads Division Flooding Section has not objected to the proposal but has provided general comments as follows:

The applicant will require to submit details of the spillway that is referenced in the submitted Flood Risk Assessment to control the flow of the proposed lochan into

the road ditch. The spillway details required shall include levels, mode of operation, construction details and cross sections.

Should planning permission be granted a condition could be added to any consent to address the above issue.

4. REPRESENTATIONS

4.1 The application was advertised in the Kilmarnock Standard on 29 June 2007 as Contrary to the Development Plan. No letters of objection were received in connection with the application.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Adopted Ayrshire Joint Structure Plan (2007) and the adopted East Ayrshire Local Plan (2003).

Adopted Ayrshire Joint Structure Plan

5.2 Policy ENV 13 Aggregates

Proposals to extend the supply of land with planning consent for the winning and working of aggregates shall accord with the provisions of the structure plan at existing workings. Extraction at other locations will only be considered acceptable:

- A if it can be clearly demonstrated there is a specific need for the mineral within Ayrshire or where the resource is required to meet the needs of an adjoining area which cannot be met more locally; and

The applicant has indicated that the proposal is in relation to the future tourism development on the opposite side of the A71 and the minerals that are extracted will be used for future construction works on that site. The northern side of the A71 is identified in the current local plan as The Meadows (site ref:236M), a mixed use hotel, restaurant, retail garden centre, filling station, tourism and nature facilities development site. Therefore, a site specific locational need for the extraction of minerals could be justified in this instance as the extraction site is located adjacent to the development site for a

future leisure and tourism development. However, the applicant has not provided any information on why sand and gravel recycled from other sources or extracted from the nearby Loudoun Hill quarry cannot be used instead of the extraction of minerals from this location.

- B where the development proposal will have no significant adverse impact on local communities or the environment.

The applicant has indicated in the supporting statement that the development will have no significant impacts on local communities or the environment. Given that the application site is located some 269 metres from the residential properties at Barrwood Gate, some 259 metres from East Holmes and more than 400 metres from Barward Steading it is considered that the proposed development would not result in a significant adverse impact on the local communities.

5.3 Policy ENV 14 Locational Criteria for Aggregates

All applications for the winning and working of aggregates shall be considered against the following criteria:

- A whether the proposal is the extension of an existing consent;

The proposal is not for the extension of an existing consent.

- B the availability of alternative supplies, including supplies from recycled or secondary sources;

The applicant has provided no information justifying why extraction at this location is the only option available.

- C the impact on the countryside, landscape character, visual amenity and the natural and built environment;

It is acknowledged that the application site is adjacent to Barr Wood to the south of the site, which is an Ancient Woodland. However, the southern part of the site, where it is proposed to extract minerals and form a lochan, is not located in an environmentally sensitive area and is currently used as pasture land. In addition Scottish Natural Heritage has not objected to the application.

- D the impact caused by noise, dust and the contamination of ground and surface water;

The applicant's supporting statement indicates that the extraction process would take 3 months with a final 3 months restoration thereafter and that the nearest property is 250 metres away. Therefore, there will be minimal impacts caused by noise and dust to nearby properties. In terms of contamination of ground and surface water, the supporting statement submitted with the application indicates that there will be no contamination.

E any adverse effect on communities within Ayrshire;

Given the temporary time period of the proposed development for excavation and restoration, it is considered that any adverse impacts associated with the proposal will be short term and will not result in any significant adverse effect on local communities.

F the extent of directly related community benefit derived, such as the enhancement and creation of landscapes and habitats, and removal of dereliction;

The applicant's supporting statement indicates that the proposed lochan will create an enhanced landscape with the potential to enhance the local habitat and provide a focal point of access to the communities located in the Irvine Valley.

G opportunities to maximise transport by rail and sea;

The proposal is for the extraction of minerals for use in the construction of the associated future tourism development. This criterion is not therefore applicable.

H other inward investment opportunities in the area;

The applicant's supporting statement states that the development will facilitate the infrastructure and viability of the future tourism development on the north side of the A71 which is an identified local plan development site.

I any cumulative impact of proposals in one area; and

Aside from All Season's activities to the north of the A71, there are no similar types of development in the area therefore no adverse cumulative impacts would result from the proposal.

J the extraction period.

The applicant has indicated that the extraction period is estimated to be completed within 3 months.

K the suitability of restoration and aftercare proposals

The applicant has indicated that the restoration and aftercare proposals which comprise the water feature and landscaping which will enhance the area and are considered to be appropriate in this instance.

East Ayrshire Local Plan

5.4 Policy SD3 states that, within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only in five stated circumstances. Only one of these stated circumstances is pertinent to the application, this being where the development:-

(ii) can be fully justified in terms of site specific locational need; or

The applicant has indicated that the proposal is related to the future tourism development on the opposite side of the A71 and the minerals that are extracted will be used for construction on that site. The northern side of the A71 is identified in the current local plan as The Meadows (site ref: 236M). The Council encourages and supports the development of this area for a mixed use hotel, restaurant, retail garden centre, filling station, tourism and nature facilities development site. Therefore, a site specific locational need for the extraction of the minerals can be justified.

5.5 Policy M2 states that the Council will limit any extension to the existing supply of aggregate minerals to two specific types of location, these being:

(i) development at existing workings; or

(ii) other appropriate locations within the Rural Diversification Area, but only where the minerals are required to meet special local needs within that area.

The proposal is for new mineral workings within the Rural Protection Area; therefore, the proposal does not accord with policy M2 of the Local Plan.

5.6 Policy M3 requires all applicants for minerals developments to meet a series of nine stated requirements, as follows:

- (i) to submit detailed planning applications. Outline applications will not be acceptable;

The applicant has submitted a full planning application.

- (ii) to demonstrate the need for the proposed development;

The applicant has indicated that the proposal is in relation to the future tourism and leisure development on the opposite side of the A71 and the minerals that are extracted will be used for construction on that site. Therefore, a site specific locational need for the extraction of minerals can be justified.

- (iii) to submit formal Environmental Assessments in association with the application;

In accordance with Regulation 7 of the Environmental Impact Assessment (Scotland) Regulations 1999, the Council as planning authority has undertaken a screening exercise in respect of the proposed development, (June 2007). In this instance the Council has determined that the applicant will not require to submit an Environmental Assessment with the planning application because of its scale and location.

- (iv) to lodge appropriate Restoration and Aftercare Bonds to a value agreed by the Planning Authority;

The applicant has provided no information on whether a bond will be lodged with the Council.

- (v) to upgrade, maintain and repair at their own expense, roads damage shown to have been caused by vehicles serving their developments;

Should planning permission be granted a condition could be attached to any consent to address the issue of possible damage to the public road.

- (vi) to strictly observe an appropriate separation distance between the operative site and nearby settlements and dwellings;

The applicant indicates in the supporting statement that they consider the 250 metre distance between the site and the Barrwood Gate housing (combined with screening bund to the eastern end of the site) to be appropriate and there is unlikely to be any material adverse impact on residential amenity.

- (vii) to submit regular monitoring reports and annual 'Mining Progress Plans' and 'Environmental Audits' to the Council in respect of their proposals;

As the duration of the extraction and restoration is estimated at only 6 months, it is considered that there is no requirement to submit the reports mentioned above.

- (viii) to establish Liaison Committees with local representatives, to act as a forum through which relevant operational and associated issues can be discussed and addressed; and

As the duration of the extraction and restoration is estimated at only 6 months, it is considered that there is no requirement to establish a Liaison Committee.

- (ix) to service the extraction site, if considered feasible and appropriate, by rail.

This criterion is not applicable in this instance.

5.7 Policy M4 states that the Council will assess all applications for new mineral workings, including the extension of mineral working at existing sites, against a set of seven criteria, as follows:

- (i) the impact of the development on the amenity of nearby residents and the residents of properties located along agreed haulage routes to and from the site;

The applicant's supporting statement indicates that there is the potential for short term adverse visual impact during the extraction period. The statement goes on to say that temporary topsoil and subsoil storage mounds will form a visual screen at the eastern boundary of the site, some 250 metres distance from the Barrwood Gate housing. Given the distance of the site from the residential properties located at Barrwood Gate it is unlikely that there will be a significant adverse impact on the residential amenity of nearby residents. The applicant is not proposing to remove the extracted minerals from the application site, therefore there are no haulage routes for the proposed development.

- (ii) the impact of the development on the natural and built heritage, historic gardens and designed landscapes, the visual amenity and the landscape character of the area;

The applicant's statement comments that there will be a temporary minor adverse impact during the 3 months excavation period, but the statement does not specify what the impacts are or what in relation to. The statement goes on to state that the impact will be minimised by the formation of landscape proposals which will progressively follow the excavation works. Temporary adverse visual construction impact will be mitigated by the retention of roadside hedges as a visual screen to the road and by the construction of a screening bund at the east end of the proposed lochan. This will be retained at the end of the works and planted as part of the longer-term landscape masterplan proposals. On completion of the landscape scheme, the hedge will be trimmed to a lower level to allow views across the newly created lochan thereby resulting in beneficial visual and landscape character impacts. Post completion there will be progressively greater positive impacts on the local countryside in terms of visual and landscape character as the landscape scheme grows and matures.

The area at present has little of nature conservation interest. With the new proposals, the introduction of native planting will contribute to enhanced bio-diversity.

- (iii) operational details, restoration proposals and after-use of the development site;

The applicant has provided the operational details of the proposals. The applicant has also stated the restored site including landscaping, will be maintained for some two years.

- (iv) any cumulative impact of the development either concurrently or successively in association with other similar developments in the vicinity of the site;

Aside from All Season's activities to the north of the A71, there are no other similar extraction developments within the vicinity of the application site and the question of cumulative impact is unlikely to arise in this particular case.

- (v) the extent of directly related community and environmental benefits to be afforded to the area as a result of the development;

The applicant's supporting statement indicates that the proposal will create an enhanced landscape with the potential to enhance the local habitat.

- (vi) methods of transportation of material, volumes of traffic generated and proposed haulage routes; and

The applicant has provided information that the extracted materials will be transported in vehicles of 20 tonnes or less from the southern side of the A71, across the road, to the existing processing plant located on the northern side of the A71. The applicant has not provided details of the volume of traffic generated from the proposal. The applicant has indicated that the extracted materials will not be transported outwith the planning application site, therefore there are no proposed haulage routes outwith the application site boundary.

- (vii) the impact of the development on existing alternative economic initiatives and employment in the vicinity of the site e.g. tourism facilities etc

It is considered that the proposal will have no significant impact on the development of existing alternative economic initiatives and employment.

5.8 Policy ENV9 states that the Council will encourage developers to include elements of public art as an integral part of their development proposals. In support of this, the Council will seek to operate a Percent for Art Policy in partnership with the private sector and other public bodies.

The applicant proposes to erect four pairs of sculptures along the A71 adjoining the site. The design of the sculptures is to promote a green nature conservation theme for a future tourism and leisure development on the northern side of the A71. It is considered that the proposed sculptures are consistent with the terms of Policy ENV9.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the impact on the amenity of the area, the applicants supporting statement and the planning history of the site

Consultation Responses

6.2 The Scottish Environment Protection Agency (SEPA) has objected to the application and has requested that the applicant provide a flood risk assessment. The applicant provided additional flooding information which was forwarded to SEPA on 10 April 2008, SEPA responded and stated that they maintained their objection to the proposal on the grounds that the proposal could place people at flood risk. The applicant then provided details of a flood risk assessment to SEPA on 09 June 2008. At the time of writing this report SEPA had not responded to the applicants flood risk assessment. The remaining consultees have not objected to the application.

Representations

6.3 No letters of objection were received in connection with the application.

Impact on the Amenity of the Area

6.4 The proposed extraction of minerals is relatively small scale and of a temporary nature as the applicant proposes to extract the minerals within a three month time period with restoration taking place in the following three months. It is therefore considered that the proposal would result in minimum disruption and minimum impact on the surrounding area.

The application site is not immediately adjacent to an area of large population with the nearest grouping of dwellings some 250 metres to the east at Barrwood Gate. It is therefore considered that the proposal will not result in a significant adverse impact on the amenity of the surrounding area.

Applicant's Supporting Statement

6.5 The applicant has submitted a planning statement in support of the application. The supporting statement provides site characteristics and history, an outline of the proposal, assessment against planning policy and material considerations. The applicant's statement further justifies the proposed development indicating that the extracted sands and gravels are required for the future construction of the tourism and leisure development site, which adjoins the current application site, on the north side of the A71 and is an identified local plan development site.

Planning History

6.6 Planning permission 96/0357/OL was granted on 03 June 1997 for proposed chalet/crannog units with landscaping paths, access roads and parking on the north side of the A71.

6.7 Planning permission 96/0359/FL was granted on 03 June 1997 for the removal of minerals to form lochan further to permission KL/E/OL/92/253D; (north side of A71).

6.8 Planning permission 99/0178/OL was granted on 28 June 1999 for the renewal of planning consent KL/E/OL/92/253D for hotel/restaurants/retails garden centre/filling station, tourist and nature development; (north side of A71).

6.9 Planning permission 01/0190/FL was withdrawn by the applicant on 26 April 2004 for proposed outline application for residential, commercial and tourism related leisure facilities; (north side of A71).

6.10 Planning application 04/0720/OL – development of the site permitted by and subject to the conditions of outline planning permission ref KL/E/OL/92253D for proposed hotel and restaurant – application undetermined.

6.11 Planning permission 06/0639/FL was granted on 06 November 2006 for works relating to the construction of the lochan and landform and river bund; (north side of A71).

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council, but there are legal implications for the Council in the determination of this application.

7.2 The Council is required to notify the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007 where the development has been subject to consultation with the Scottish Environment Protection Agency (SEPA), where SEPA has advised against the granting of planning permission and where the Planning Authority decides to approve the application. Furthermore, the Council has an interest in part of the site and the proposal is contrary to the development plan.

8. CONCLUSIONS

8.1 As indicated in the report the application is not considered to be in accordance with the terms of the Development Plan. Therefore it should be refused unless material considerations indicate otherwise.

8.2 As per Section 6 of the report there are material considerations relevant to the application. In this instance, due to the unique nature of the site and its location adjacent to Miscellaneous Opportunity Development Site 236M (where extracted sand and gravels would be utilised) it is considered on balance that these are matters of sufficient weight to merit the approval of the application.

8.3 Given that the proposal relates to a short term period of mineral extraction and restoration of the site, it is considered that there would be no significant long term adverse impacts on the surrounding area. Approval of this application would not introduce commercial activity to the application site for the first time as the site on the northern side of the A71 has an established lochan and landscaped area associated with the initial extraction of sand and gravel.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and subject to the notification of the Scottish Ministers in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application will not require to be referred to the Principal Planning Committee as it would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development
FV/DVM
12 June 2008

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation responses.
4. Ayrshire Joint Structure Plan (2007)
5. Adopted East Ayrshire Local Plan (2003).
6. Planning permission 96/0357/OL
7. Planning permission 01/0190/OL
8. Planning permission 06/0639/FL
9. Planning permission 01/0190/FL
10. Planning permission 04/0720/OL
11. Planning permission 06/0639/FL
12. Applicants planning statement

Anyone wishing to inspect the above papers please contact Dave Morris, Development Management Manager, on 01563 576753.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

07/0536/FL

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|------------------------------|---|
| Site of Proposal: | The Meadows Galston |
| Nature of Proposal: | Mineral extraction, processing of minerals, formation of lochan, erection of gateway sculptures and associated landscape works. |
| Name & Address of Applicant: | All Seasons(Developments) Ltd. The Meadows Galston KA4 8LB |

DPOs Reference:

The above FULL application should be approved subject to the following conditions:

Timescale

(1) The development hereby permitted shall ensure for the benefit of the applicant only, and shall be commenced within 12 months of the date of this notice of decision. The approved operations including restoration, shall be completed within six months of the commencement date of the operations, or at such other time as may be formally agreed in writing with the Planning Authority.

REASON: To ensure that the development, which is temporary in nature, is commenced and completed within an acceptable timescale. The development is acceptable only because of the individual circumstances pertaining to the applicant and on a temporary basis.

(2) The applicant shall give notice in writing to the Planning Authority five days prior to the commencement of operations.

REASON: To ensure that appropriate monitoring systems are in place prior to the commencement of operations on site.

Site Establishment

3. Prior to the commencement of development details of all existing and proposed site and lochan levels shall be submitted to and agreed in writing by the Planning Authority.

REASON: In the interests of amenity and the proper control of development on site.

4. Prior to the commencement of operations on site, the applicant shall submit details of the proposed layout of the mineral preparation area including the details of any structures to be located within this area. Details of the means of illumination of this area shall also be submitted and this illumination shall be installed in a manner which minimises any potential nuisance, prior to any extraction commencing on site.

REASON: In the interest of amenity.

Archaeological Investigation

5. 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 by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Planning Authority. 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.

REASON: To ensure that appropriate archaeological work is undertaken before the development commences.

Site Access and Road Infrastructure

6. Prior to the commencement of development, details of a set of permanent traffic lights shall be submitted for approval to the Planning Authority. These shall be provided with vehicular activated loops on the A71 and within the crossing point junctions. The details of the design of these traffic lights shall be

submitted to the Planning Authority in consultation with the Roads Authority, for approval, prior to any work commencing on site at which time the timing settings of these lights will be agreed. At the completion of the extraction period the applicant shall remove the traffic installation and reinstate the public road.

REASON: In the interest of road safety.

7. Prior to the commencement of development, details of a temporary 30 mph speed limit to be promoted on the A71 from the existing limit location to the proposed mineral extraction crossing point, shall be submitted to and approved by the Planning Authority. The speed limit shall be in place prior to the commencement of the use of the crossing point.

REASON: In the interest of road safety.

8. Prior to the commencement of the development, the crossing point location shall be provided with the appropriate illumination, either by the extension of the existing street lighting columns or by tower lights details of which shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority. The power supply for both the traffic signals and the street lighting shall be provided by a permanent supply and not by on-site generators. The maintenance of the traffic lights and street lighting shall be the applicant's responsibility throughout the extraction period.

REASON: In the interest of road safety.

9. The extension of the 30 mph limit will require the appropriate approach signage from the derestricted side of the lights to form a gateway feature. There shall be variable message signage installations within the new 30 mph limits to act as traffic calming. The design of these elements shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority prior to commencement of the mineral extraction works. The maintenance of this signage shall be the applicant's responsibility throughout the extraction period.

REASON: In the interest of road safety.

10. The junctions onto the A71 shall be designed in accordance with the Design Manual for Roads & Bridges. The construction of these junctions will require a road construction consent to be obtained from the Roads Authority prior to commencement of the development. The extent of this construction work shall be no less than 15 metres from the adopted carriageway. In addition to the road construction works both junctions shall incorporate an appropriate wheel washing facility to ensure that no materials are deposited on the public road from the wheels of the transport vehicles. All construction works relating to these junctions shall be removed and the road side verge reinstated to the satisfaction of the Planning Authority in consultation with the Roads Authority, on completion of the mineral extraction period.

REASON: In the interest of road safety.

11 The proximity of the lochan to the road will require appropriate safety measures to be installed adjacent to the public road to prevent vehicles from crossing the road side verge and entering the water. Details of these measures shall be submitted to for approval by the Planning Authority in consultation with the Roads Authority. The measures shall thereafter be in place prior to the commencement of extraction on site.

REASON: In the interest of road safety.

12 The applicant shall provide a vehicle counter on the southern junction with the count data demonstrating the number of vehicle movements together with an estimate of the tonnage extracted by these vehicles. This data shall be submitted to the Planning Authority in consultation with the Roads Authority, every 4 weeks.

REASON: To monitor the amount of material extracted from the site.

13 Notwithstanding the plans hereby approved, the vehicle movements across the A71 shall be restricted to a daily dawn till dusk time period with no working on a Sunday unless otherwise agreed in writing by the Planning Authority. The traffic flows on the A71 will also require the vehicle movements across the A71 to be prioritised during peak hours in favour of traffic on the A71. The definition of peak hours shall be advised by the Roads Authority. Vehicle movements will be controlled by the timing settings of the traffic lights which will give priority the traffic on the A71 at these times.

REASON: In the interest of road safety

14 Prior to the commencement of the development, the section of public road over which the construction traffic will pass shall be inspected by the Roads Authority. Any subsequent damage to the carriageway during the extraction operations will require to be made good by the applicant to the satisfaction of the Roads Authority.

REASON: In the interest of road safety

Transportation of Minerals

15 Appropriate measures shall be taken to prevent mud, dirt, dust, slurry or stones being carried onto the public road network and such steps shall include the provision and use of hardstanding areas and a vehicle wash facility for the cleaning of all lorries, dump trucks, other heavy vehicles and plant leaving the site. Details of the vehicle wash facility shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority, prior to works commencing on site. The vehicle wash shall be installed and maintained for operational use prior to the stripping of soils within the excavation area and thereafter retained and maintained throughout the operational period.

REASON: In the interest of road safety.

Statutory Undertakers Apparatus

16. Prior to excavation works commencing on site, statutory undertakers' apparatus shall be protected and diverted as required, to the satisfaction of the respective statutory undertakers and at the expense of the developer.

REASON: In the interest of public safety.

Site Enclosure

17. The developer shall make stock-proof and maintain, until the restoration of the site is completed, all the existing perimeter hedges and fences and shall protect these from damage during operational works. Where the site boundary does not coincide with an existing hedge or fence, then the developer shall provide and maintain stock-proof fencing.

REASON: In the interest of preserving the rural landscape.

Soil Stripping and Storage

18. Topsoil and sub-soil shall only be stripped when the soils are sufficiently dry so that when moved, no damage will be done to the structure of the soils. Apart from the works required to enclose the site, no operations shall be carried out until the top soil is fully stripped and stored in the designated areas within the site.

REASON: To ensure that the top soil and sub-soil will be suitable for the restoration of the site following storage.

19. Topsoils shall be stripped to full available depth from all areas within the site except those areas designated in the approved plans as topsoil dumps. Following topsoil stripping operations from any areas of land, sub-soil shall be stripped as a separate operation to a depth, where possible, to achieve top soil and sub-soil not less than 0.9 metre at restoration.

REASON: In the interests of achieving maximum restoration potential.

20. The developer shall give at least two working days notice to the Planning Authority before work commences on the stripping of topsoil and sub-soil. The Planning Authority reserves the right to suspend operations during adverse

conditions or to impose any conditions as it sees fit for the safe keeping of top soil and sub-soil.

REASON: To prevent damage to soils and to ensure that the topsoil and sub-soil to be stored will be suitable for use during restoration of the site.

21. Bind-free soil forming material found during the course of the operations shall be reserved where practicable and stored for later use in the final restoration of the land.

REASON: To ensure that sufficient soils are available during restoration of the site.

22. Topsoil and sub-soil shall be carefully stored in separate mounds with appropriate separation of storage mounds to prevent soils from mixing. Topsoil mounds shall not exceed 5 metres in height, sub-soil mounds shall not exceed 7 metres in height above ground level. Topsoil and sub-soil mounds shall be evenly graded and tops shaped to prevent water ponding.

REASON: To prevent damage occurring to soils and in the interests of visual amenity.

Water Management and Protection of Watercourses

23. Prior to the commencement of operations on site, the applicant shall submit to, and have approved by the Planning Authority, details of the design of the proposed water drainage and treatment system for the site. The details shall be the subject of prior consultation with the Scottish Environment Protection Agency.

REASON: To prevent pollution of watercourses.

24. Throughout the period of site working, restoration and after-care, the developer shall protect and maintain or divert any ditch, stream, watercourse or culvert passing through the site so as not to impair the flow nor render less effective drainage onto and from adjacent lands.

REASON: To prevent a detrimental effect upon adjacent agricultural and other operations.

25. Appropriate provision shall be made at all times to ensure that under drainage is maintained for land outwith the working areas. Standing water must not be allowed to gather in any area where the topsoil and sub-soil has not been stripped.

REASON: To prevent damage to adjacent land and soils.

26. Alternative arrangements shall be made for any interruption of adjacent drainage systems. New interceptor leaders shall be laid, or ditches cut, where required, to ring the site and bleed in existing lateral drains from adjoining undisturbed land.

REASON: To prevent damage to adjacent land and soils.

27. Appropriate precautions shall be taken to prevent the discharge of oil from fuelling, oil, storage plant maintenance and vehicle wash areas within the site.

REASON: To prevent contamination of watercourses.

Noise Control and Mitigation

28. Whenever possible warning lights shall be used instead of beepers as a warning device on plant and maintenance vehicles, or other appropriate warning devices, the details of which shall be submitted to and approved by the Planning Authority.

REASON: In the interest of minimising noise impact.

Hours of Working

29. The hours of working on site, will be confined to between dawn and dusk Monday to Saturday with no working on a Sunday unless otherwise agreed in writing by the Planning Authority.

REASON: In the interests of the amenity of the area.

Restoration and Aftercare

30. Prior to the commencement of the development, details to include existing and proposed site levels, for the restoration and aftercare of the site shall be submitted to the Planning Authority for approval and thereafter implemented and maintained as approved.

REASON: To ensure appropriate restoration of the site.

31. No materials shall be introduced to the site from sources external to it without the formal approval of the Planning Authority.

REASON: To enable Planning Authority to retain control over development of site.

32. Prior to the extraction of material, details of an aftercare and restoration scheme shall be submitted to for approval by the Planning Authority and thereafter implemented and maintained as approved.

REASON: To secure appropriate restoration features and habitat enhancement.

33. The restored site shall be subsequently managed in accordance with the agreed aftercare scheme.

REASON: In the interests of securing appropriate afteruse of the site.

Sculptures

34. Notwithstanding the plans hereby approved, scaled detailed drawings of the gateway sculptures shall be submitted to for approval by the Planning Authority. The approved details shall be implemented within one year of the date of commencement of operations and thereafter shall be retained and maintained as per the approved details.

REASON: In the interests of visual amenity

Materials

35. No wholesale or retail sales of the excavated materials shall take place from the site at anytime and all materials removed in the formation of the lochan shall be transferred across the A71 for storage and subsequent use in the development of a tourism and development site to the north of the A71.

REASON: In accordance with the submitted details.

36. Prior to the commencement of development, details of the spillway, to include levels, mode of operation and construction details/cross sections shall be submitted for approval by the Planning Authority and thereafter implemented and maintained as per the approved details.

REASON: To safeguard the amenity of the area.

Notes.

1. Works associated with the development of the site must be carried out with due regard to SEPA's guidelines on avoidance of pollution (PPG1, 5 and 6).

2. The developer shall contact SEPA with regards to the requirement to obtain a waste management license or confirmation of exemption.
3. The removal of any waste off site must be in accordance with the waste management regulations and the developer should contact SEPA with regards to the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.
4. The developer shall contact Scottish Water Planning and Development Services team with regards to ascertaining the location of any apparatus within or adjacent to the development site.
5. The developer shall contact the Council's Roads and Transportation Division with regard to obtaining a road opening permit prior to the commencement of the development.
6. The developer shall contact Scottish Power with regard to ascertaining the location of any apparatus within or adjacent to the development site.
7. The developer shall contact Scotland Gas Networks with regard to ascertaining the location of any apparatus within or adjacent to the development site.