

EAST AYRSHIRE COUNCIL

**SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE: 14 AUGUST
2003**

**02/0526/FL: PROPOSED EXTENSION OF DRY WORKING SAND AND
GRAVEL QUARRY
AT LOUDOUNHILL QUARRY, DARVEL
BY TARMAC NORTHERN LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Permission is sought to extend the existing area of sand and gravel extraction in a westward direction at Laigh Newton whilst continuing to utilise the existing on-site processing plant. It is not intended to commence excavation at this site until excavation at the existing workings are complete. Consequently, this proposal will have the same impacts in terms of traffic generation as the existing workings based on current outputs. Geological investigations indicate that potential reserves within the application boundary would provide a 3 year extension to the quarry's life under the present production rates of a maximum output of 600,000 tonnes per annum.

1.2 The mineral extraction is expected to take place for a period of approximately 36 months with restoration taking a further 12 months. The site would be worked in 3 main phases with progressive restoration being incorporated into the scheme. This would minimise the size of un-vegetated areas thus helping to reduce the duration of the visual disturbance.

1.3 The deposit would be worked in three phases across the application area from east to west. During the first phase, top and sub soils would be stripped by excavator and placed in storage mounds. During the subsequent two phases, soils would be stripped and placed directly on to the restored areas.

1.4 The proposed area of extraction will be linked to the existing processing plant by a covered field conveyor.

1.5 Mineral extraction would be by dry working only (ie extraction only from above the highest (winter) water table level).

1.6 Once extraction over the whole area is completed, final restoration activities would commence to return the site to agricultural use using top soil and

sub soil previously stripped from the area, although where possible, progressive restoration of the earlier phases would commence prior to this.

1.7 It is proposed that operations will be limited to the existing working hours:

07:00 – 18:00 Monday – Friday

07:00 - 13:00 Saturday.

Only care and maintenance would be carried out outwith these times.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant, in respect of the matters described in Section 8 of this report.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the proposed development is considered to be in accordance with the Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 above, there are material considerations relevant to this application but, in this regard, it is not considered that these are of significant weight as to outweigh the provisions of the Development Plan.

3.2 Although it is acknowledged that the proposed extension will be visually intrusive it is considered that subject to the imposition of appropriate conditions to ensure that the site is operated to acceptable environmental standards and suitable restoration is undertaken that, given the short timescale for the scheme, there would be no significant detrimental impacts on the surrounding area.

3.3 In respect of all relevant matters and material considerations to be taken into account, it is considered that the proposed development is consistent with policy and that there are environmental benefits which would outweigh any temporary adverse impacts. Consequently it is considered that the application should be approved.

3.4 Should the Committee agree with this view and be disposed to grant planning permission, any consent should be withheld until a Section 75

Agreement under the Town and Country Planning (Scotland) Act 1997 has been satisfactorily concluded. Obligations contained within the Section 75 Legal Agreement should include:-

- (i) A restoration and aftercare bond provided and monitored in agreement with the Planning Authority.
- (ii) The establishment of a community/neighbourhood liaison group, the composition of which shall be the subject of discussion and agreement between the applicant and the Planning Authority.
- (iii) The maintenance of any private water supply or drainage services to private residential properties, which may be affected by the minerals operations, throughout the life of the site, or the provision of alternative supplies or services where appropriate.
- (iv) The establishment of noise and dust monitoring programmes for the Laigh Newton site following consultation with the Planning Authority and the Environmental Health Division, such monitoring schemes to be in place prior to the commencement of operations associated with this development.
- (v) A contribution to a local project, the level of such contribution shall be the subject of discussion and agreement between the applicant and the Planning Authority. The local project shall be agreed in consultation with the applicant, the Planning Authority and the Liaison Group.
- (vi) The establishment of a Technical Steering Group to oversee the progressive restoration of the site to ensure appropriate opportunities for habitat creation and enhancement. The Group shall include representatives from SNH, RSPB and the Planning Authority.
- (vii) The implementation in full of the mitigation and restoration recommendations contained in the Environmental Statement that accompanied the planning application. The application shall provide a Mitigation Management Plan for the site that shall be the subject of an annual audit with a monitoring report provided to the Planning Authority assessing the effectiveness of mitigation measures.
- (viii) The securing through legal agreement of the future management and preservation of the areas of enhanced habitat.
- (ix) The implementation of a phasing plan incorporating restoration of each phase to a standard acceptable to the Planning Authority prior to commencement of extraction within the next phase.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as this would not represent a significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

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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**02/0526/FL: PROPOSED EXTENSION OF DRY WORKING SAND AND
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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which includes an environmental statement which is to be considered by the Local Planning Committee under the scheme of delegation because it represents an extension to an existing quarry and is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The quarry is situated approximately 3 km east of Darvel. The A71 passes the existing entrance to the processing area which would continue to be used for the proposed Laigh Newton extension. The application site, including the current processing plant is south of the A71. The application site consists of the proposed extraction area (approximately 23.7 ha) and the field containing a conveyor. In total, the site extends to approximately 40.1 ha.

The site is currently in permanent grazing and forms part of the rising southern slope facing the River Irvine. The site is predominantly undulating, north/south across the slope.

2.2 **Proposed Development:** Permission is sought to extend the existing area of sand and gravel extraction in a westward direction at Laigh Newton whilst continuing to utilise the existing on-site processing plant. It is not intended to commence excavation at this site until excavation at the existing workings are complete. Consequently, this proposal will have the same impacts in terms of traffic generation as the existing workings based on current outputs. Geological investigations indicate that potential reserves within the application boundary would provide a 3 year extension to the quarry's life under the present production rates of a maximum output of 600,000 tonnes per annum.

2.3 The mineral extraction is expected to take place for a period of approximately 36 months with restoration taking a further 12 months. The site would be worked in 3 main phases with progressive restoration being incorporated into the scheme. This would minimise the size of un-vegetated areas thus helping to reduce the duration of the visual disturbance.

2.4 The deposit would be worked in three phases across the application area from east to west. During the first phase, top and sub soils would be stripped by excavator and placed in storage mounds. During the subsequent two phases, soils would be stripped and placed directly on to the restored areas.

2.5 The proposed area of extraction will be linked to the existing processing plant by a covered field conveyor.

2.6 Mineral extraction would be by dry working only (ie extraction only from above the highest (winter) water table level).

2.7 Once extraction over the whole area is completed, final restoration activities would commence to return the site to agricultural use using top soil and sub soil previously stripped from the area, although where possible, progressive restoration of the earlier phases would commence prior to this.

2.8 It is proposed that operations will be limited to the existing working hours:

07:00 – 18:00 Monday – Friday
07:00 - 13:00 Saturday.

Only care and maintenance would be carried out outwith these times.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to this application. The Flooding Engineer has confirmed the following:-

- the proposed operation would not affect local ground water because mineral extraction would only be constructed from above the water table;
- the proposal would not require de-watering during any phase of its operation as mineral extraction would take place above the water table. Therefore, changes in local stream flow often associated with such de-watering processes would not occur;

- the sand and gravel is to be processed at the existing screening and processing plant located within the permitted Loudounhill site. The processing plant complex contains appropriate silt lagoons and water re-cycling system, thereby mitigating the potential impact of released silts and sediments into local watercourses including the River Irvine.

Noted.

3.2 East Ayrshire Council's Department of Community Services, Environmental Health and Waste Management have no objection in principle to the application subject to compliance with the provisions of PAN 50 (Annexes A and B) Controlling the Environmental Effects of Surface Mineral Workings, in order to ensure that no noise or dust nuisance is caused to any residential properties in the area, any existing private water supplies in the area are adequately safeguarded and precautions are taken to avoid the former landfill site.

The Service has acknowledged that the mitigation measures proposed in para 9.6 of the Environmental Statement will certainly be of assistance especially the use of a covered conveyor for the transportation of excavated material from the work site to the processing area. The availability of water sprays and sprinklers to allow damping of haul roads etc during dry weather conditions is also noted. Conditions can be attached to any grant of planning permission regarding mitigation measures relating to noise, dust, water supplies and avoidance of the former landfill site.

3.3 East Ayrshire Council's Outdoor Amenities have commented that the final landscaping should be left to look as natural as possible and not like the bank left on the other side of the A71. Before planting, a soil survey should be carried out to determine the nutrient and texture value. The young trees will also require tube protection from wildlife for the first few years.

Conditions can be attached to any grant of planning permission requiring specific details of the final landscaping and maintenance to be submitted to and approved by the Council. This would allow the above Service to assess the suitability of the proposals in detail.

3.4 The Health and Safety Executive have advised that there are no major hazard sites in the vicinity of the proposed development and therefore has no comments on the application and Environmental Statement.

Noted.

3.5 The Ministry of Defence has confirmed that they have no safeguarding objections to the proposal.

Noted.

3.6 Scottish Water has no comments to make on this application regarding any water or sewerage issues.

Noted.

3.7 The Scottish Environment Protection Agency (SEPA) has no objection in principle to the proposed development, provided all drainage arrangements are to their satisfaction. The Environmental Impact Assessment (EIA) addresses the majority of issues in which SEPA have an interest however it does not address the potential risk and impact on both ground and surface water from the spillage of fuel oil from any vehicles or fuelling operations at the site. A planning condition would therefore be necessary to require the applicant to instigate mitigation measures into the operational plan for the site which would take into consideration the potential risk arising from oil or fuel spillages on site.

SEPA also request that any planning permission granted makes reference to the EIA with regards to the protection of controlled waters and, in particular, should include the following conditions:-

- Operation of the site should not have a detrimental effect on controlled waters;
- Existing settlement ponds should be used to retain effluent from the site. The settlement ponds should operate on a closed cycle, whereby there is no outlet and water is recycled;
- Extraction of minerals should be carried out on a 'dry working' basis, whereby minerals are not extracted below groundwater level;
- The closed landfill site should not be disturbed by any of the proposed activities, in particular, extraction of minerals should not be carried out in the direct vicinity of the former landfill site;
- Drainage ditches should be installed, as appropriate, to protect surface waters during the operational phase of the site; and
- Any minor culverting of watercourses required for movement of plant, crossing points for vehicles should only be constructed on a temporary basis.

In terms of restoration of the site SEPA have some minor concerns that the hydrological balance of small watercourses may be detrimentally affected by planting of trees along the river banks. SEPA suggest that the applicant should give further consideration to this issue.

All the issues raised by SEPA can be attached to any grant of planning permission by means of conditions. In addition with regard to potential oil spillages the applicant has advised that all oil tanks will be bunded as required in accordance with SEPA's Pollution Prevention Guidelines and re-fuelling will be carried out at the plant site, not in the extraction area except in exceptional circumstances where a double skinned bowser shall be utilised. Furthermore, the quarry is accredited under ISO 140001 (MS) and as such has procedures in place to prevent against pollution to ground and surface waters.

3.8 The Scottish Wildlife Trust has no objections to this application. The Trust would like to make the following observations regarding the EIA:

- (i) We applaud the retention of existing vegetation in certain areas; and
- (ii) We applaud the intention to plant a suitable mixture of native broadleaf trees and hedgerow planting.

Noted.

3.9 The Royal Society for the Protection of Birds do not object to the proposed development but would recommend the following points be considered during site mitigation:-

- (i) Restoration of the site to agricultural land will provide an opportunity to improve the habitat of this site for waders, including lapwing, curlew and snipe. This could be done by restoring existing damp areas within the field and by creating new damp areas by creating water scrapes. Leaving slightly lower areas, closer to the water table, will create patches of damp ground for waders to feed in; and
- (ii) Many of the other bird species recorded on the site will benefit from woodland restoration. RSPB welcome the restoration of existing hedgerows and woodland and the planting of small patches of broadleaved and wet woodland. The use of native species within this planting is strongly supported.

The recommendations regarding habitat improvement can be considered as part of the restoration. The restoration details of the site can be conditional on any grant of planning permission.

3.10 Historic Scotland is content that the proposed development will not harm any aspects of the historic environment which are protected at the national level.

Noted.

3.11 The Scottish Executive, Environment Group, Air, Climate and Engineering Unit have no comments on the EIA.

Noted.

3.12 West of Scotland Archaeology Service (WOSAS) have provided the following comments on the revised archaeological evaluation report carried out by Glasgow University Archaeological Research Division (GUARD) on behalf of the applicant:

The density and state of preservation of the important archaeological features within the evaluation areas show that there is less justification for their preservation in situ and that there is an archaeological argument in favour of their excavation and recording to achieve “preservation by record” in advance of the development because of their continuing fragility and vulnerability to natural and manmade erosional pressures.

Consequently, there is no strong case for refusal of the planning application although there remains an outstanding archaeological issue with respect to the prehistoric remains which are known to survive within the application area, but this issue could be addressed through appropriate mitigation fieldwork prior to the development commencing.

WOSAS therefore recommend the attachment of a negative suspensive condition to ensure that a method statement for identifying and recording all the surviving archaeological remains will be prepared before development starts and that its provisions can be put in place by the developer and can be enforced by the Planning Authority.

Noted. A negative suspensive condition as proposed by WOSAS can be attached to any grant of planning permission.

3.13 South Lanarkshire Council's main concern is the visual impact of the proposal from locations within South Lanarkshire. The Council would have preferred if a wider area had been considered. The Council do not intend to object to this proposal on condition that the following measures are undertaken during ground preparation, operational and restoration phases of the development ie that:

- Suitable phasing of the development will be secured to ensure that the area disturbed by works at any one time is kept to a minimum;
- Conditions are associated with any planning permission which will minimise the

- visual impacts (on views from within South Lanarkshire), and

- impacts of noise, dust, contaminants on water courses, and traffic movements on the surrounding natural heritage resources, communities and highways; and
- The number of vehicle movements on the A71 will be as specified in the EIA.

The issues raised by South Lanarkshire Council can be attached by means of conditions to any grant of planning permission.

3.14 East Ayrshire Council's Ranger Service has no objections to the proposed works.

Noted.

3.15 Scottish Natural Heritage (SNH) recognise that there will be a temporary landscape impact although agree with the applicant that a large proportion of the scheme will be screened by existing topography. However, SNH still have reservations over Phase 2 of the scheme and have emphasised that the significance of this impact should be clearly evaluated. SNH recommend that opportunities to compensate for the short term negative impacts of the development should be sought in the continued implementation of improvement to the wider environment.

SNH are concerned as to the potential for adverse cumulative landscape and visual impacts. SNH therefore have no objection to the proposed development subject to the imposition of a condition requiring that no work is commenced prior to completion of the restoration of the existing working.

A number of additional matters which SNH recommend be made the subject of additional conditions are as follows:

- It is essential that the worked site is fully restored before extraction commences on the proposed site;
- British Standard 5837:1991 – ‘Guide for Trees in Relation to Construction’ should be applied;
- The timescale for extraction and restoration should be clearly identified within the permission;
- A badger survey should be carried out prior to extraction work around Laigh Newton Plantations; and
- A formal restoration and aftercare plan should be drawn up within 12 months of planning approval.

The proposed quarry will have a short term, high visual impact on some receptors, for eg the Loudounhill Inn and sections of the A71. With appropriate restoration the impact has the potential to be positive in the longer term, through the planting of new areas of hedgerow and trees. The site itself is predominantly semi-improved fields with no reported species of conservation importance. The woodland areas are more likely to be used for shelter and feeding and therefore of greater ecological importance. The woodland areas have however, been identified for retention and enhancement.

Noted. A badger survey has since been carried out and SNH have confirmed that they are content that there is no badger activity within the site. Conditions addressing the issues of restoration and aftercare, timescale for extraction and application of BS 5837:1991 can all be attached to any grant of planning permission.

3.16 The Ayrshire Joint Structure Plan Team have stated that it is their view that this proposal opens up a new area of working which is not immediately adjacent to the current workings and therefore is not in the spirit of Structure Plan Policy E15A. However, should it be the Council's view that this proposal does relate to the existing workings, the criteria outlined in Policy E13 are relevant.

In addition to Policy E13 the other relevant Structure Plan policies are Policy E1, G2, ADS7 and E20. Together these policies advocate a precautionary principle toward development that may have an adverse impact on the landscape or heritage resource of the area. This approach is consistent with national guidance outlined in SPP1 and NPPG5.

It is the intention to prepare a replacement Structure Plan and this review will address current policy toward aggregate and mineral extraction.

The relevant Structure Plan policies are addressed in full in paras 5.2 – 5.7 below. However, it is considered that the proposal does comply with Policy E15 since the application site is accepted as being an extension to existing workings. SPP1 and NPPG5 are also considered in detail in Section 6 of this report.

3.17 Darvel and District Community Council object to the proposal and have submitted the following comments:

At a public meeting representations were made by quarry employees concerned about future employment for 7 of their number and for the contingent effect on others such as lorry drivers, etc. A local farmer indicated that while he had reservations about some aspects, he saw future advantages for the usability of his land. Nevertheless, there was an overwhelming vote against the proposal.

It was considered that it would be preferable were Tarmac to exploit resources east of their present workings rather than encroach on the scenic amenity of the upper valley area. There was concern that there would be future westward encroachment to the outskirts of Darvel itself, since mineral rights are known to be in Tarmac's possession for that land.

The application should be refused on the following grounds:

- (i) That restoration to a satisfactory level would be impossible. Earlier workings had left a permanently defaced landscape; and
- (ii) The impact of visual and recreational amenity would be devastating and that the proposal was in direct conflict with local efforts to develop the countryside around Darvel as a walking/hiking area. In this connection reference should be made to the environment section of the AJSP and NPPG14, both of which represent sound grounds for refusal.

However, should the application be approved, local involvement, including the Community Council, should be offered a powerful monitoring role in the planning and implementation of screening and restoration objectives.

The proposal for consideration relates to the area identified in the application to the west of the existing processing plant and not to the east of their present workings. The applicants are within their rights to make a planning application for any area of land and it is the duty of this Authority to consider their proposals.

It is not considered that any proposed restoration would be impossible. In fact, Scottish Natural Heritage in their consultation response commented that "with appropriate restoration, the impact has the potential to be positive in the longer term, through the planting of new areas of hedgerow and trees." In addition, the Scottish Wildlife Trust have also responded positively to the proposals.

It is acknowledged that previous restoration works on part of the existing site have not been entirely satisfactory and therefore it is clear that a higher quality of restoration will be necessary on the proposed site. Details of such restoration can be included as conditions on any grant of planning permission.

There will be limited short term impacts on the area as a result of workings. However, it is considered that the proposed use of progressive restoration will minimise the size of un-vegetated areas thus helping to reduce the duration of the visual disturbance.

Any grant of planning permission can be conditional that no extraction shall commence at this site until extraction has ceased at the existing workings. This would assist in minimising any adverse impacts as a result of both sites operating at the same time. In addition, a condition can be attached to any grant of planning permission or within a Section 75 Agreement requiring the restoration of each phase to a suitable standard prior to the commencement of the next phase. The proposal already provides for workings in 3 phases for periods of 12 months for each phase with progressive restoration. This would also ensure that the visual impact at any point in time would be minimised since there would only ever be workings on one phase at a time. At no point would the entire site be under extraction.

Furthermore, the time period for extraction is only proposed to take a period of 36 months with final restoration taking a further 12 months.

Approval of the application could be conditional subject to the establishment of a local community group. A Neighbourhood Liaison Group was set up in July 2002 and it may be that the membership of this Group is extended to encompass a wider group of interested parties.

4. REPRESENTATIONS

(76 individuals, including the Community Council, have objected to the application. Two letters plus one petition with 176 signatories have been submitted in support of the application).

The main grounds of objection are as follows:-

4.1 There are concerns over the standard of work by the applicant to restore previous quarry workings. The restoration works have not yet been completed and, in part, have been executed to a visibly poor standard. The proposed extension should not be permitted to commence until all the restoration works at the existing workings have been completed to a high standard. A plan showing the extent of restoration of existing workings is essential.

As stated in response to para 3.17 above, it is acknowledged that previous restoration works on part of the existing site have not been entirely satisfactory. It is clear that a higher quality of restoration will be necessary on the proposed site. No major issues on the proposed restoration contained within the EIA have been raised by any of the consultees however, specific details of the restoration can be included as conditions on any grant of planning permission. In

addition a condition can be attached to any grant of planning permission which requires the completion of the extraction at the existing workings prior to commencement of any extraction at the proposed site. This would assist in minimising any adverse impacts as a result of both sites operating at the same time but would allow a continuation in terms of extraction operations at the quarry and would also contribute towards the required 10 year landbank.

4.2 The proposed site is more visible from the A71, a major tourist route, than the area of existing workings. It is therefore essential that screening is provided along the A71 to minimise the visual impact. The visual impact will be dramatic. What is now a pleasant, rural, natural looking landscape will, for a number of years, be turned into an ugly scar which will face those properties on the opposite side of the valley. The same visual impact will affect walkers on the new paths network and from the top of Loudoun Hill. Paths in the vicinity of the proposal would be unsafe.

The visual impact will be disastrous during the extraction process and despite the proposed restoration, if the applicant removes 1.77 million tons of materials, there is no possibility that the restoration will leave the area remotely like the existing situation. Any positive impacts are superfluous because if there was no development there would be no need to restore the site.

It is not considered appropriate to site the overburden near Loudounhill Inn, both in physical and visual terms. It is accepted in the EIA that the proposed extraction area can be viewed from the floodplain and surrounding elevated slopes. Therefore, no amount of screening can mask this. If the site is to be worked for only 3 years, no tree planting can mitigate its considerable and adverse visual impact.

See response to para 3.17 above.

4.3 Any grant of planning consent must contain stringent conditions to ensure the site is restored after quarrying operations have ceased to do so, promptly after the cessation of works and to a high standard. Nevertheless, it is a matter of opinion that visual amenity would be improved by restoration.

It is considered that through conditions on any grant of planning permission and a Section 75 Legal Agreement the timing and quality of restoration of the site would be ensured.

4.4 To take account of any further corporate changes in the structure of Tarmac (Northern) Ltd, an insurance or other bond should be provided to ensure that the cost of restoration works will be undertaken.

The requirement for a performance bond or financial guarantee could be included in any Section 75 Legal Agreement in order to ensure the necessary restoration and aftercare of the application site.

4.5 The proposal cannot be described as an extension. The existing quarrying operation is 1 mile away, across the other side of the A71. The connection of one quarry with another linked by a conveyor cannot be termed an extension.

The proposal is considered to be an extension at existing workings due to the use of the existing processing plant and the fact that the application site boundary directly abuts this plant area. The field directly adjacent to the existing processing plant contains the conveyor belt which links to the proposed area of extraction.

4.6 The absence of any noise complaints from existing workings is not surprising since few people live anywhere near. A number of properties within the valley will be directly affected by the noise nuisance relating to the movement of top soil, and long term, from the reversing klaxons. The natural amphitheatre shape of the site would result in this noise nuisance being increased to intolerable levels. Although it is noted that working outside the proposed hours would only be for maintenance activity, no activity should be permitted outwith normal working hours unless for life and limb emergencies. No one should have to suffer noise for longer periods. The existing fields provide a raised buffer to the noise from the A71. If this barrier is removed background noise levels will increase dramatically – for all time. A 4m soil bund will do little to reduce noise at Gorsebraehead.

With regard to noise, the Council's Environmental Health Division were consulted (see para 3.2 above) and confirmed that they had no objection to the application subject to compliance with the provisions of PAN 50, Annexes A and B: Controlling the Environmental Effects of Surface Mineral Workings. It would be the intention to attach a condition to any grant of planning permission requiring compliance with these provisions. In addition, the applicant has already addressed the potential nuisance resulting from shovel reversing beepers at the existing plant site by using a "white noise" beeper which is the least noise polluting reversing alarm available. It is noted from the Minutes of a recent Neighbourhood Liaison Group Meeting that "residents have noted a significant improvement and reduction in nuisance" since the upgrading of these reversing safety beepers.

4.7 The nuisance from dust would be particularly noticeable from properties across the valley, in direct line from the prevailing wind. No account seems to have been taken of the effect of high winds common at this location. One family

member has Down's Syndrome and there is concern regarding their health due to dust pollution.

It is noted that Tarmac claim that dust emissions will be adequately controlled but it is understood that neighbouring properties already experience almost permanently dusty windows so one can surely assume that further workings on such a dominant site will only lead to increased dust pollution. A Climatological/Meteorological Station is run from one of the houses in the vicinity of the site and sensitive Hygrometer muslins are coated with fine particulates when downwind of the quarry. The dust assessment does not take into account the A71 particulates.

As noted in para 3.2, the application site would be required to comply with the provisions of PAN 50. Annex B of this PAN relates specifically to "The Control of Dust at Surface Mineral Workings." Any grant of planning permission could include a condition requiring compliance with the provisions of this PAN.

In addition, it is noted that the applicants do have an environmental policy under which the company is committed to achieving world class performance in environmental practice and minimising the environmental impact of all its operations. In this respect an ISO 14001 Accredited Environmental Management System is in place at the current site.

4.8 With regard to the economic data supplied with the application, there are actually only a few jobs directly affected by the determination of this application. The numbers quoted are not exclusively working for this quarry. The small number directly working at the quarry have some years work left even if the application is refused. The number of lorry drivers would be unaffected, or even increased if supplies of sand and gravel were sourced from other quarries between Loudounhill and Strathaven.

Any losses of staff at Tarmac must be offset against the loss of existing jobs related to the tourist industry. Jobs preserved and created in the tourist industry will have greater longevity than those provided by new workings by Tarmac.

The information provided in the EIA confirms that there are 7 persons employed directly at Loudounhill Quarry with over 50 hauliers who rely on trade from the quarry. In addition the applicant has advised that there are a further 90 employees at the regional main office at Bellshill to provide professional and support services to the quarry.

The letters and petition in support of the application make reference to the fact that the quarry is considered to be "very important to the

community with many local people's livelihoods dependent upon continued quarrying at Loudounhill." Furthermore, it is stated that "sand and gravel is in short supply in the west of Scotland and the costs incurred in travelling to quarries outwith this area could be inhibitive."

4.9 There is concern about the effect of the proposal on the former waste tip and potential contamination.

Both EAC's Environmental Health Service and SEPA were consulted in relation to this issue. The responses noted in paras 3.2 and 3.7 above confirm that conditions should be attached to any grant of planning permission to ensure that minerals are not extracted in the direct vicinity of the former landfill site.

4.10 There are occupied buildings within 100-150 metres of the proposed site boundary which is not an appropriate separation distance. One of these buildings is the Loudoun Hill Inn, a business which provides both a tourist industry service and local employment.

The owners of Loudoun Hill Inn have written in support of the application. It is their opinion that the impact on the business will be minimal and that the restoration works will be carried out to acceptable standards.

The nearest residential property to the area of extraction is at Gorsebraehead. Phase 3, the area closest to Gorsebraehead would be worked in 2 parts; each part being worked in opposite directions. The mineral extraction would be worked in a northerly direction towards the A71 from the centre of Phase 3 area and also from the centre southerly to the southern boundary of the site. It is also intended that the southern edge of Laigh Newton Plantation would be preserved intact until the end of Phase 3A and for as long as possible in Phase 3B to provide screening for Gorsebraehead. In addition, some of the top soil and overburden material from Phase 3 would be used for the creation of a screening bund located in the south-west corner of the site.

It is therefore considered that the impact on occupied buildings will be minimised due to the method and phasing of the proposed workings.

4.11 The proposed quarry workings will cause air pollution. The air quality on the present site is not monitored as extracted minerals do not require this. However, it is understood that on-site vehicles are not subject to the same statutory exhaust emission control as road vehicles and, if so, what assurances

are there that levels of diesel and silicon particulates are within accepted guidelines?

The issue of air quality has been assessed in detail in Section 9 of the EIA. The proposal has been assessed against the guideline values contained in PAN 50: Controlling the Environmental Effects of Surface Mineral Workings. The potential impacts of the operation have been assessed and a number of mitigation measures have been identified including minimising soil stripping dust through seeding and the short duration of activities, mineral haulage is limited on site between excavation and mounding, transportation of material to the processing plant is via a covered conveyor and the use of sprinkler systems on haul roads will suppress any dust arising. The Council's Environmental Health Division have also acknowledged the benefits of these mitigation measures.

4.12 The proposal will have a detrimental effect on tourism, in particular the stated objectives of East Ayrshire Outdoor Access Strategy. The Irvine Valley Regeneration (Initiative) Partnership have achieved a great deal in the Valley but how can their work be maintained and the Council's Local Plan Policies, when this development will have such an adverse impact on the character of the valley landscape? It is noted in the East Ayrshire Outdoor Access Policy that opencast coal extraction has meant that there may be a perception that the countryside is damaged or unattractive. This correlates directing to quarrying for sand. The new quarry will be highly visible from the tourist vantage points and the view from Loudoun Hill will look like a moonscape. First impressions, so significant for an area whose future increasingly lies in tourism, are of paramount importance and for this reason alone it is essential that the scenic beauty of the Irvine Valley be retained.

As noted in response to para 4.10 above, the owners of Loudoun Hill Inn have written in support of the application. Furthermore, due to the method, phasing and limited timescale of the proposed operations it is not considered that there will be a significant detrimental impact on tourism in the area.

4.13 Tarmac have applied for permission to extend the period of existing workings due to market conditions. As market fluctuations are likely to continue, Tarmac's contention that extraction will be completed in 3 years is not credible.

The applicant has submitted this proposal for a period extending to 36 months extraction and 12 months restoration. Any extension to this time period would require a further application to this authority which would be determined on its own merits.

4.14 There is no need or justification to extend westwards when there are consented deposits to the east and an application to extend current workings at Allanton Plains until 2007. This proposal is therefore not necessary for Tarmac to preserve current jobs and business.

There are two current applications to extend the time period of workings at the existing site until 2007. However this application, if approved, could be conditional on completion of extraction at the existing areas of working prior to the commencement of extraction at this site. Nevertheless, in terms of complying with Structure and Local Plan Policies and NPPG 4, the approval of this application would assist in contributing towards the required 10 year landbank of permitted reserves.

4.15 The site is not shown for mineral extraction in either the Ayrshire Joint Structure Plan or in the EALP.

Both the AJSP and the EALP acknowledge the aim to identify and agree a 10 year landbank of permitted reserves for the supply of aggregate minerals. In the interim Policy E15 (AJSP) and Policy M2 (EALP) provide for extensions at existing workings.

4.16 There would be a loss of habitat for several species of wildlife that are listed on the Ayrshire Bio-diversity action list. The Laigh Newton Plantation should be preserved in its entirety as some important birds have been found there. The Breeding Bird Survey and Vegetation Survey recommended by RSPB are deficient/insufficient.

The Ayrshire Biodiversity Action Plan was published in January 2002. The ecological assessment contained in the EIA was carried out with cognisance of the Plan. The assessment confirms that there will be no significant loss of biodiversity as a result of the proposals. Subsequent restoration of the site will also reflect the aims of the Plan. Furthermore, the applicant has advised that they have recently committed to preparing site specific Biodiversity Action Plans for all units including Loudounhill. RSPB did not consider the surveys to be deficient.

4.17 Further extraction will almost undoubtedly alter the water table and add to exiting water supply problems in the area. Many local residents are on private water supply. There is the potential for water and ground pollution if the water table under the former Darvel Coup is altered. Confirmation that current and previous gravel extractions have lowered the water table in this area is demonstrated by many of the wells of dwellings in the vicinity of Loudoun Hill having become dry. The deposit is currently being worked on a fairly large scale. Springs along the boulder clay interface at the bottom of the deposit

contribute to the public water supply. If the deposit is removed this supply may dry up.

Scottish Environment Protection Agency has been consulted on this proposal and have advised in their consultation response (see para 3.7 above) that operation of the site should not have a detrimental effect on controlled waters. (See also response to para 4.22). A condition can be attached to any grant of planning permission requiring the applicant to comply with the requirements of PAN 50 in order to control any environment effects of the proposed workings.

4.18 The proposal is contrary to numerous policies of the EALP: Policies IND 6 and, 8, TLR3, M4 and paras 3.2, 3.7, 5.1 and 5.7.

The relevant policies of the EALP are considered in detail in paras 5.8 to 5.17 of this report.

4.19 The proposal could cause possible harm to historical and archaeological sites and artefacts. Further archaeological investigations is required before determination of the application not before development as then anything worthwhile could only be photographed, recorded and then destroyed.

See West of Scotland Archaeology Services consultation response, para 3.12 above.

4.20 Light pollution will increase as a result of this proposal. At other extraction areas operated by Tarmac, high pressure sodium lighting is installed with no regard to the light pollution caused. None of the lights installed are in accordance with the guidelines laid down by the Institution of Lighting Engineers. The company have no policy relating to light pollution. This rural area is now ablaze with reflected orange light. Working to 6 pm in winter will involve significant lighting so conditions limiting light pollution should be imposed/enforced if the application is approved.

The applicant has advised that Tarmac do have an Environmental policy under which the company is committed to achieving world class performance in environmental practice and minimising the environmental impact of all its operations. In this respect on ISO 140001 Accredited Environmental Management System is in place at the site. With this in mind Tarmac have recently investigated whether a cost effective way of reducing any light pollution can be found, whilst maintaining good lighting for security. Consultations with qualified lighting engineers are continuing on this issue. Should the Members be minded to approve this application a condition can be attached with regard to light pollution.

4.21 Vehicles and plant already operate outwith the specified hours on a regular basis. This will only get worse if there is more development. Working times from 7 am are unacceptable. It is suggested that works should not commence before 8 am. A reduction of working hours during soil stripping is welcomed, but suggest 8 am – 5 pm would be more sociable hours.

The environmental information submitted with the planning application indicates that in the worst case scenarios, the proposed operations can be undertaken within acceptable noise limits for daytime working as indicated in PAN 50, Annex A to be normally justified for extraction operation. It is therefore considered unnecessary to restrict the hours of operation until after 8:00 am. The existing hours commence at 7:00 am; this is the norm in the industry and is important to ensure that the total extraction period is minimised.

4.22 The statement in the EIA that “surface water will be dealt with on site” is not a satisfactory explanation since it does not give any detail as to what steps will be taken to prevent the possible discharge of sediment into the River Irvine. The removal of overlying peat moorland and the considerable volume of sand and gravel already removed has produced an acceleration of water run-off containing increased sand and silt in suspension which is being carried downstream from the present workings into the river following rain. These silt suspensions are deposited further downstream to disrupt the ecosystem and result in flooding. Also, in dry periods, the exposed said deposits speed up water evaporation further reducing the water holding capacity of the strata which provide the source for the Irvine and Avon River systems. The water from the quarry working going to the River Irvine raises issues of flood risk assessment. Any hydrological alterations in the Upper Valley will impact on the Flood amelioration proposals for the whole valley.

A groundwater investigation has been undertaken and interpolated groundwater contours were derived for the site. Mineral extraction would be entirely from sand and gravel located above the water table and therefore the proposed operation would not affect local ground water because mineral extraction would only be conducted from above the water table.

Furthermore, the proposal would not require de-watering during any phase of its operation, as mineral extraction would take place above the water table. Therefore, changes in local stream flow often associated with such de-watering processes would not occur. The sand and gravel is to be processed at the existing screening and processing plant located within the permitted Loudounhill site. The processing plant complex contains appropriate silt lagoons and water re-cycling system thereby mitigating the potential impact of

released silts and sediments into local watercourses, including the River Irvine.

4.23 The EIA is flawed for the following reasons:

- (i) There appears to be no assessment of the potential effects upon the ecosystem of the Irvine and Avon River catchments;
- (ii) It is totally devoid of a comprehensive check list of animals and plants present in the area concerned;
- (iii) A survey based on a single month or year is inadequate since a considerable number of species range over a wide area, have complicated life cycles, or are migratory;
- (iv) There is no reference to Red data species under the Bern Convention, to which Britain is a signatory;
- (v) The reference to mammals on site is totally inadequate as would be proven by live trapping and there is scant reference to possible badger and bat presence by live trappings; and
- (vi) The reference to the Habitats Directive, which has been adopted by Britain, recommends that special regard should be made to conserve Wetlands and Aquatic Habitats which are acutely threatened and so essential for both fauna and flora and our future survival.

Consultations have been undertaken with a variety of bodies including RSPB, SNH, SEPA and the Scottish Wildlife Trust in terms of this application which are detailed in Section 3 of this report. With the exception of a Badger Survey, which has since been undertaken, no other survey work/assessment has been noted by any of the consultees as being required for the purposes of determination of this application.

4.24 No Traffic Impact Assessment (TIA) has been produced. There would be a trebling of traffic compared with those associated with current output levels from Loudounhill. The public road running along the southern boundary of the site is unsuitable for additional quarry related traffic. This road is also part of the newly established pathway network and therefore there would be pedestrian/vehicle conflict.

The Roads Division found no requirement for a TIA since the proposed level of production from the processing unit will remain the same as that existing. Therefore, the number of loaded HGVs travelling to and from the processing unit would remain the same.

There would be minimal external traffic required between the site and the processing area due to the use of the field conveyor and therefore limited potential for pedestrian/vehicle conflict.

4.25 There are no details regarding the field conveyor. If it is to be incised into the ground, details should be provided regarding the height of the banks of excavated soil to be left on either side of the conveyor.

Noted. A condition requiring details of the field conveyor can be attached to any grant of planning permission.

4.26 Mineral extraction is not sustainable development according to NPPG1: The Planning System. The reference to NPPG4: Land for Mineral Workings in the EIA has not been updated and is very selective as is reference to NPPG14: Natural Heritage. PAN 60: Planning for Natural Heritage contains some pertinent advice in the determination of this application and NPPG15: Rural Development has not been considered in the EIA.

The relevant Government Guidance and Planning Advice Notes are referred to in detail in Section 6 below.

4.27 The applicant has not taken cognisance of relevant policies and criteria within the Approved Ayrshire Joint Structure Plan and the Council's Local Plan.

Both the Structure and Local Plans are considered in detail in Section 5 of this report.

The following comments have been submitted in support of the application:-

4.28 The owners of Loudoun Hill Inn accept that the impact on their business will be minimal and that reinstatement of both the current works and the proposals will be carried out to acceptable standards and according to the plans/elevations provided. It is believed that the applicants have taken the necessary steps to protect the environment and minimise the effects on tourism in the valley. Tarmac have shown their willingness to comply by offering to screen the entrance of the quarry by tree planting and removing unsightly machinery from view of the road. Tarmac have also expressed a willingness to have a closer interest in the development of the Irvine Valley by meeting with the Darvel Improvement Group and hopefully by providing a representative to become a partner in the Irvine Valley Regeneration Partnership.

4.29 Allma Construction Ltd are a major user of sand and gravel in the construction industry. Should the planning application not be granted it could be detrimental to our business as sand and gravel is in short supply in the West of Scotland. The costs incurred in travelling to quarries outwith this area could be inhibitive and we are sure this applies to other companies other than ourselves.

4.30 The petition signed by local residents and/or suppliers of the quarry states that the proposed extension is very important to the community with many local people's livelihoods dependent upon continued quarrying at Loudounhill.

Noted.

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 Approved Ayrshire Joint Structure Plan (AJSP) and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan

5.2 The relevant policies within the AJSP are Policies ADS 1, 5 and 7, E1, 6, 9, 13 and 15, T8 and G2 and 5.

5.3 Policies ADS1, 5 and 7 reflect the strategic intent wherein it is recognised that economic growth must be the driving force of the AJSP. Three of the four being statements of strategic intent relate to promotion of economic growth, protection and enhancement of the countryside and the environment and the principles of sustainability.

Based on the information contained in the EIA and the consultation responses from amenity bodies, it is not considered that the proposal is contrary to ADS1, ADS5 or ADS7. The proposed mitigation and methods of working combined with the temporary period (3 years) or works are not considered to be contrary to the strategic intent of the AJSP.

5.4 Within the Environment Section Policies E1, 6 and 9 relate to the requirement of developments to have regard to the landscape, the principles of biodiversity and the likely effects of the natural heritage value of sites.

The proposed restoration scheme provides areas that can be used to restore areas of species diverse grassland and woodland. These areas would also provide host to invertebrates and small mammals. The native woodland planting would also be used to enhance the nature conservation potential of the site and reinforce the landscape character of the area. Furthermore, all these issues have been fully

considered in Section 3 of this report by a number of amenity consultees, none of whom have objected to the proposal.

5.5 Policies E13 and E15 of the AJSP relate specifically to mineral resources and aggregates. The AJSP states that the three Ayrshire Councils shall identify and agree a 10 year landbank of permitted reserves for the supply of aggregate minerals. In the interim, proposals to extend the supply of land with planning consent for the winning and working of aggregate minerals shall not conform to the Structure Plan except at existing workings or for special local needs in the Rural Diversification Area. Any proposals must be considered against the criteria in Policy E13.

It is considered that the proposal complies with Policy E15 since the application site is accepted as being an extension to existing workings. Although the extraction area itself is not located directly adjacent to the existing preparation area it is linked by means of a conveyor. The area over which the conveyor is located is considered to be an integral part of the operational area of the extended quarry.

In terms of the criteria in Policy E13 the issues of availability of alternative supplies has been fully addressed in the EIA submitted. This confirms the existence of 3 sand and gravel quarries currently operating within Ayrshire of which the existing Loudounhill Quarry is the main producer of sand and gravel within Ayrshire, both in terms of quantity and quality of product. The existing quarry produces approximately 600,000 tonnes (maximum) of sand and gravel per annum and has approximately 1.5 million tonnes remaining in the site under current planning permissions. Therefore the site currently has a life of approximately 3 years. 75% of the reserves extracted from the Loudounhill site feed the Ayrshire market.

Because of restricted reserves in the two alternative quarries in the area sand and gravel reserves at Loudounhill are of strategic importance to Ayrshire. Policy E15 advocates a landbank within Ayrshire equivalent to at least 10 years extraction at all times for an appropriate local market. The current provision clearly does not meet this.

The Laigh Newton proposal has estimated reserves of approximately 1.7m tonnes. This would have the effect of extending the landbank by a further 2.8 years. This is still short of the 10 years advocated in the AJSP.

There are no known proposals for sand and gravel extraction within the planning system (undetermined applications, draft proposals) in mainland Ayrshire.

In terms of the remaining criteria, it is considered that these have all been addressed by the consultees, in particular the potential impacts on the countryside, the environment and also impacts caused by noise, dust and contamination of ground and surface water.

Due to the short term scale of the proposal and the proposed mitigation and methods of working, it is not considered that there will be any long term effect on communities and the cumulative impact will be minimised.

The proposed restoration scheme directly addresses issues of landscape enhancement and habitats. There are no alternative rail links to the majority of the markets which are local in Ayrshire.

5.6 Policy T8 promotes the importance of maintaining and supporting the strategic road network for the wider economic benefit of Ayrshire.

The A71 Irvine to South Lanarkshire forms part of the Strategic Road Network. The proposal intends to utilise the existing exit from the processing plant area which leads directly onto the A71.

5.7 Within the AJSP's Strategic Development guidelines, Policies G2 and G5 relate to the environmental impact of development proposals in relation to the urban and rural environment and its importance to both residents and tourists. Policy G2 lists environmental criteria which proposals should be assessed against in order to seek to improve the overall quality of the environment. Policy G5 acknowledges that whilst there is a general presumption against development in the countryside there are particular developments that are considered acceptable eg development which has a demonstrated site specific locational need.

In terms of Policy G5 it is clear that the proposal complies due to the site specific locational need criteria. Minerals and aggregates can only be worked where they exist.

The criteria of Policy G2 aim to prevent development proposals which will have unacceptable visual damage/intrusion, pollution of air, water or land or nuisance, danger of flooding or erosion, prejudicing the use and enjoyment of the environment, loss of important agricultural land and unacceptable damage to existing species and habitat.

It is considered that all these issues have been adequately addressed by the consultees and the information contained in the EIA.

Adopted East Ayrshire Local Plan

5.8 The relevant policies within the EALP are Policies M2, 3, 4 and 7, ENV 12, 13, 14, 18, 19 and 20 and SD3.

5.9 Policies M2, 3, 4 and 7 aim to comply with the provisions of the Structure Plan, to direct and control minerals developments to have minimum impact on their surroundings and to cause minimum disruption. In particular, Policy M7 encourages applicants to help compensate communities adversely affected by minerals developments.

5.10 Policy M2 limits any extension to the existing supply of aggregate minerals to development at existing workings.

This policy reflects Structure Plan Policy E15. As noted in response to para 5.5 above, the proposal is accepted as being development at existing workings and therefore complies with policy.

5.11 Policies M3 and 4 set out the requirements for submission of a minerals application and the criteria by which all applications should be assessed.

It is considered that current submission meets the necessary requirements identified in Policy M3. Furthermore, a Section 75 Agreement of the Town and Country Planning (Scotland) Act 1997 will also be required in order to regulate and secure such matters as cannot be adequately regulated by the imposition of planning conditions. The criteria in Policy M4 reflect the potential impacts of the development already highlighted throughout the report ie impact on residential properties, natural and built heritage, including wildlife, operational details, restoration and after-use, cumulative impact, environmental benefits, methods of transportation and impact on tourism.

5.12 Policy M7 encourages applicants to contribute by agreement to an appropriate fund which will be used for community improvements, with contributions being set by the Council at an appropriate rate.

In this instance it is considered appropriate that the applicant contributes towards a one-off project, to be agreed in consultation with the Council and the Neighbourhood Liaison Group. The applicant has confirmed that they would be willing to enter into a

legal agreement, the sum of which would be agreed between the Council and the applicant.

5.13 Policies ENV12, 13 and 14 aim to ensure that the landscape character and quality of the countryside is maintained and enhanced and that those features and elements of the rural environment which are of prime importance to the economy and appearance of the area are safeguarded.

It is considered that the proposal does comply with Policy ENV12 since the applicant, through their restoration proposals, will reinstate or replace where appropriate those features which contribute to the intrinsic landscape value and quality of the area concerned. With regard to Policy ENV13, the mitigation measures and method of working aim to minimise the visual impact during the period of operation and the restoration scheme will aim to reverse any damage to the landscape of the area. Policy ENV14 raises concerns regarding permanent adverse impacts to the environment and watercourses. On the basis of the information contained in the EIA and the responses from the consultees, it is considered that the proposal accords with the criteria listed in Policy ENV14.

5.14 Policy ENV19 reiterates the presumption against developments which will have an adverse effect on watercourses or ground water or have a detrimental impact on water quality.

On the basis of the information provided to the consultees neither SEPA nor any of the other consultees have objected to this application. Nevertheless, conditions can be attached to any grant of planning permission regarding these issues.

5.15 Policy ENV18 relates to cases where a development is proposed on land which is known or suspected to be contaminated.

This is an issue which has been raised by objectors in relation to the location of a former Council landfill site within the boundaries of this application site. However, following consultation with the Council's Environmental Health Division, no concerns have been raised since the area of working does not impact directly on this site.

5.16 Policy ENV20 requires appropriate conditions and Section 75 Agreements in order to minimise any adverse effects as a result of air, light and noise pollution.

Appropriate conditions and reference in a Section 75 Agreement can be attached to any grant of planning permission in respect of the above issues.

5.17 Policy SD3 relates to development proposals outwith settlement boundaries and confirms that such proposals will only be acceptable in certain circumstances.

As is noted in para 5.7 above relating to Structure Plan Policy G5, this proposal can be justified in terms of site specific locational need.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are Scottish Planning Policy 1: The Planning System (SPP1), National Planning Policy Guideline 4: Land for Mineral Working (NPPG4), NPPG5: Archaeology and Planning, NPPG 14: Natural Heritage, NPPG 15: Rural Development, Planning Advice Note 60: Planning for Natural Heritage (PAN 60) and PAN 50: Controlling the Environmental Effects of Surface Mineral Workings.

Scottish Planning Policy 1: The Planning System (SPP1)

6.2 The Scottish Executive is committed to integrating the principles of sustainable development in its policy agenda. SPP1 states that “planning decisions should favour the most sustainable option, promoting development that safeguards and enhances the long-term needs of the economy, society and the environment Some types of development, such as mineral and coal workings, although raising significant environmental issues, are necessary and important in the national interest. In such situations every effort should be made to offset the negative impacts of the development”.

It is considered that based on the proposed method of working, progressive restoration, mitigation measures and final restoration and aftercare that any negative impacts of the development will be minimised. Furthermore, given the Government have recognised that there should be an adequate and steady supply of minerals to meet market demands and that there should be a landbank of permitted reserves equivalent to at least 10 years’ production, it is considered that the proposal is important in the national interest as it will assist Ayrshire in contributing towards the required landbank.

National Planning Policy Guideline 4: Land for Mineral Working (NPPG 4)

6.3 The NPPG indicates the considerations which planning authorities should take into account when preparing development plan policies and when determining applications. NPPG 4 sets out a sustainable framework for minerals extraction as it is noted that, in the context of sustainable development, the process of mineral extraction poses particular difficulties. The NPPG

emphasises that every effort should be made, both during and after extraction, to minimise the adverse effects on the overall quality of the environment in the longer term.

6.4 The Environment White Paper “Sustainable Development Strategy” indicated that enough land must be found to provide for all our needs. “The level of minerals production is a consequence of customer demand in response to these needs and is therefore essentially a matter for market forces. Successive Governments have recognised that there should be an adequate and steady supply of minerals available to respond to demand. The determination of the best means of meeting the demands of the market is not an objective of the planning system: such decisions are best left to the commercial judgement of the minerals industry. Planning decisions should be based on the planning merits of particular proposals in the context of the policies and proposals in the development plan.” (para 8)

6.5 NPPG 4, para 42 states that “policy should be based on the following principle:

- Once mineral working has ceased, the land should be made suitable for other uses at the earliest opportunity and this can be facilitated by progressive restoration over the life of the operation.”

6.6 With regard to tourism and recreation, para 31 states “given the Government’s overall policies for the countryside generally, it will be important that mineral extraction does not harm countryside interests to an unacceptable extent.”

6.7 Paras 50 and 51 refer specifically to aggregate minerals:

“50: At present the main sources of aggregates are land-won sand and gravel and crushed rock. Until such time as renewables and re-cycling reduces the need for primary aggregates, it is essential to the economic health of the country that the construction industry is provided with an adequate and steady supply of the minerals it needs. In Scotland, for the foreseeable future, construction aggregate is likely to come primarily from traditional land-won sources. Since road access and related transport costs require working in relatively close proximity to the main urban markets, workings more than 30 miles from the main markets will not generally be attractive to the industry and will conflict with Government objectives for reducing energy consumption. In considering the release of land for aggregates working, the lead times which are necessary before any mineral extraction can become fully productive should also be taken into account.

51: Planning authorities should also aim to maintain a landbank – a stock of planning permissions for the winning and working of minerals. This enables the

aggregates supply industry to respond speedily to increases in demand. The period of the landbank reflects the lead time that may be involved in obtaining planning permission and bringing a site into full production.

- Planning authorities should provide for an adequate and steady supply of aggregate for the construction industries, with a landbank in permitted reserves equivalent to at least 10 years' extraction at all times for an appropriate local market area.
- In several instances market areas overlap local authority boundaries and joint working between planning authorities will be necessary."

As noted in response to para 6.2 above, it is considered that every effort is being made to minimise any adverse effects on the environment/countryside as a result of the proposed works. In terms of early restoration, the proposal specifically provides for progressive restoration of the site. It is acknowledged in the NPPG that aggregate workings are required to be close to the main markets due to transport costs and to meet Government objectives for reducing energy consumption. The Government have recognised that there should be an adequate and steady supply of minerals to meet market demands and that planning authorities should maintain a landbank of permitted reserves equivalent to at least 10 years production. The Structure Plan Team have confirmed that a review will address the current policy towards aggregate and mineral extraction. However, at present there is no 10 year landbank identified for Ayrshire and in the interim there is policy provision for extensions to existing workings. Loudounhill Quarry is the only operational sand and gravel aggregate site in mainland Ayrshire.

Should the Committee be minded to refuse this application plus the applications to extend the time period at the existing workings, excavation would cease in November 2004. If only the time period extension applications were approved, this would allow excavations to continue for a further 4 years until 2007. It should therefore be noted that this would not meet the requirement to provide and maintain a landbank of permitted reserves equivalent to at least 10 years' production.

NPPG5: Archaeology and Planning

6.8 NPPG5 sets out the Government's planning policy on how archaeological remains and discoveries should be handled under the development control system, including the weight to be given to them in planning decisions. The conclusion of NPPG5 is that "the ultimate objective is to secure the best possible treatment of the archaeological heritage while at the same time accommodating

the need for development". It is acknowledged that "there will be occasions where a planning authority, following consultation with the Regional Archaeologist, decides that the physical preservation in situ of archaeological remains is not justified in the circumstances of the case and that development resulting in the archaeological remains should proceed. In such cases, the planning authority should satisfy itself, before granting planning permission, that the developer has made appropriate and satisfactory provision for the excavation, recording, analysis and publication of the remains, and for the notification of any finds to the appropriate authorities". "Planning authorities should achieve these objectives through the use of planning conditions"

Following extensive consultation with the West of Scotland Archaeology Service (WOSAS) it has been agreed that there is an archaeological argument in favour of excavation and recording to achieve "preservation by record" in advance of the developments (see para 3.12 above). Consequently, a negative suspensive condition as proposed by WOSAS could be attached to any grant of planning permission.

NPPG 14: Natural Heritage

6.9 SNH is the agency responsible for advising Central and Local Government on all aspects of Scotland's natural heritage. NPPG 14 notes that "conservation and development can often be fully compatible and, with careful planning, the potential for conflict can be minimised." "While in some circumstances it will be necessary to refuse planning permission on natural heritage grounds, authorities should always consider whether environmental concerns could be adequately addressed by modifying the development proposal or attaching appropriate planning conditions." "Planning authorities should not refuse planning permission if permission could be granted subject to conditions which would prevent unacceptable damage to the natural heritage, or if other material factors are sufficient to outweigh natural heritage considerations." "Planning authorities should apply the precautionary principle in circumstances where the impacts of a proposed development are uncertain, but there are good scientific grounds for believing that significant irreversible damage could occur to natural heritage interests of international or national significance." "The views of SNH should be sought and taken into account."

An EIA was submitted in respect of this proposal in consultation with SNH. The consultation response received from SNH is detailed in para 3.15 above. Subject to a number of conditions SNH conclude that although the proposal will have a short term, high visual impact on some receptors, with appropriate restoration the impact has the potential to be positive in the longer term.

NPPG 15: Rural Development

6.10 This NPPG addresses particular subject areas where land use planning can contribute to a more integrated and strategic approach to rural policy. It is noted that “mineral extraction and waste management can make a significant contribution to the local economy. Minerals can only be worked where they are found and in some locations strong conflicts of interest and controversy may arise. The Government recognises that the need to work the resource must be reconciled with care for the environment in order to attain sustainable development, particularly in relation to the natural and built heritage and existing communities.”

The site is not covered by any national designations although both SEPA and SNH were consulted on the EIA submitted as part of the application in terms of the natural heritage, the potential effects on flora, fauna and the landscape and the interaction between them and the potential for pollution. Neither of these consultees have objected to the proposed development (see Section 3 above).

Planning Advice Note 60: Planning for Natural Heritage

6.11 The PAN provides advice on how development and the planning system can contribute to conservation, enhancement, enjoyment and understanding of Scotland’s natural environment and encourages developers and planning authorities to be positive and creative in addressing natural heritage issues. It complements NPPG 14.

The impacts of the proposal on the natural heritage have been fully assessed in the EIA. In addition, SNH were consulted at length and have no objections to the proposals. In terms of biodiversity, an ecological assessment was undertaken as part of the EIA which concluded that there would be no significant loss of biodiversity. Subsequent restoration of the site will also take cognisance of this issue.

PAN 50: Controlling the Environmental Effects of Surface Mineral Workings

6.12 PAN 50 deals generally with the environmental effects of surface mineral working and provides the framework for detailed advice in a series of annexes on particular aspects (noise, dust, blasting, traffic and ground and surface water). These indicate what should be considered ‘good practice’.

The Council's Environmental Health and Waste Management Section have confirmed (see para 3.2 above) that they have no objection in principle to the application subject to compliance with the provisions

of PAN 50. Conditions relating to these issues can be attached to any grant of planning permission.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 Should approval of the application be agreed, a Legal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 will require to be prepared and recorded in the Register of Sasines. The Agreement should contain provisions covering the matters referred to in Section 8 of this report.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the proposed development is considered to be in accordance with the Development Plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As indicated in Section 6 above, there are material considerations relevant to this application but, in this regard, it is not considered that these are of significant weight as to outweigh the provisions of the Development Plan.

8.2 Although it is acknowledged that the proposed extension will be visually intrusive it is considered that subject to the imposition of appropriate conditions to ensure that the site is operated to acceptable environmental standards and suitable restoration is undertaken that, given the short timescale for the scheme, there would be no significant detrimental impacts on the surrounding area.

8.3 In respect of all relevant matters and material considerations to be taken into account, it is considered that the proposed development is consistent with policy and that there are environmental benefits which would outweigh any temporary adverse impacts. Consequently it is considered that the application should be approved.

8.4 Should the Committee agree with this view and be disposed to grant planning permission, any consent should be withheld until a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 has been satisfactorily concluded. Obligations contained within the Section 75 Legal Agreement should include:-

- (i) A restoration and aftercare bond provided and monitored in agreement with the Planning Authority.

- (ii) The establishment of a community/neighbourhood liaison group, the composition of which shall be the subject of discussion and agreement between the applicant and the Planning Authority.
- (iii) The maintenance of any private water supply or drainage services to private residential properties, which may be affected by the minerals operations, throughout the life of the site, or the provision of alternative supplies or services where appropriate.
- (iv) The establishment of noise and dust monitoring programmes for the Laigh Newton site following consultation with the Planning Authority and the Environmental Health Division, such monitoring schemes to be in place prior to the commencement of operations associated with this development.
- (v) A contribution to a local project, the level of such contribution shall be the subject of discussion and agreement between the applicant and the Planning Authority. The local project shall be agreed in consultation with the applicant, the Planning Authority and the Liaison Group.
- (vi) The establishment of a Technical Steering Group to oversee the progressive restoration of the site to ensure appropriate opportunities for habitat creation and enhancement. The Group shall include representatives from SNH, RSPB and the Planning Authority.
- (vii) The implementation in full of the mitigation and restoration recommendations contained in the Environmental Statement that accompanied the planning application. The application shall provide a Mitigation Management Plan for the site that shall be the subject of an annual audit with a monitoring report provided to the Planning Authority assessing the effectiveness of mitigation measures.
- (viii) The securing through legal agreement of the future management and preservation of the areas of enhanced habitat.
- (ix) The implementation of a phasing plan incorporating restoration of each phase to a standard acceptable to the Planning Authority prior to commencement of extraction within the next phase.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country

Planning (Scotland) Act 1997 with the applicant, in respect of the matters described in Section 8 of this report.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as this would not represent a significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

05 August 2003
(YN/MMM)

FV/AN

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Supporting Environmental Statement/Information.
4. Consultation Responses.
5. Representations.
6. Adopted East Ayrshire Local Plan.
7. Approved Ayrshire Joint Structure Plan.
8. SPP 1: The Planning System.
9. NPPG 4: Land for Mineral Working.
10. NPPG 5: Archaeology and Planning.
11. NPPG 14: Natural Heritage.
12. NPPG 15: Rural Development.
13. PAN 50, Annexes A, B and C: Controlling the Environmental Effects of Surface Mineral Workings.
14. PAN 60: Planning for Natural Heritage.

Anyone wishing to inspect the above papers please contact Yvonne Nisbet on 01563 576771.

Implementation Officer: Dave Morris

020526FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0526/FL

Site of Proposal:	Loudounhill Quarry Strathaven Road DARVEL
Nature of Proposal:	Proposed Extension of Dryworking Sand and Gravel Quarry
Name & Address of Applicant:	Tarmac Northern Ltd Technical Services Department PO Box 8723 BELLSHILL ML4 3WF
Name & Address of Agent:	Wardell Armstrong Laird Menzies 153 Constitution Street EDINBURGH EH6 7AD

DPOs Reference: YN/MMM

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

1. The development hereby permitted shall not commence until extraction has ceased in the existing site.

REASON In the interests of amenity.

2. Excavation within each phase of the development hereby permitted shall be completed within 12 months of commencement and shall be restored to the satisfaction of the Planning Authority prior to commencement of works on the next phase.

REASON To ensure that the development, which is temporary in nature, is commenced and completed within an acceptable timescale.

3. Notwithstanding Condition 2 above, the total period of extraction shall not exceed 36 months with the restoration of the entire site being complete within 12 months thereafter.

REASON To ensure that the development, which is temporary in nature, is commenced and completed within an acceptable timescale.

4. The applicant shall give notice to the Planning Authority, in writing, of the commencement of operations on the Laigh Newton site, one month prior to their commencement.

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

5. Prior to the commencement of operations on the Laigh Newton site, the applicant shall submit details of any additional 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 that minimises any potential nuisance. Operations shall not commence until the Planning Authority has approved the submitted details.

REASON In the interests of amenity.

6. No development shall take place within the application site boundary 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.

7. No drainage connection shall be made to the public road drainage system without the prior approval of the Roads Authority. No surface water shall be allowed to discharge from the development site on to any public roads.

REASON In the interests of public road safety.

8. Appropriate measures to prevent mud, dirt, sand, gravel or stones being carried onto the public roads shall be taken.

REASON In the interests of road safety.

9. The access roads and public roads adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing.

REASON In the interests of road safety.

10. Prior to any road vehicle loaded with sand and gravel or other minerals/aggregates leaving the site, the load shall be suitably covered/happed to ensure there is no escape of materials. A hard standing area shall be provided within the processing area to facilitate the happing of haulage vehicles. Vehicles returning to the site shall also be happed to minimise traffic noise associated with empty vehicles.

REASON In the interests of road safety and minimising noise impact.

11. 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 interests of public safety.

12. The developer shall make stock-proof and maintain, until the restoration of the site is completed, all 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-proofing fencing with gates or cattle grids at every opening. Where the developer has the right to do so, undisturbed, hedgerows, within or bounding the site, shall be maintained, the hedgerows to be cut and trimmed at the proper season throughout the period of working and restoration of the site.

REASON In the interests of visual amenity.

13. 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.

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

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

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.

15. Topsoil, sub-soil and overburden shall be carefully stored in separate dumps and prevented from mixing. Details of the exact locations, heights and gradient of these dumps shall be submitted to and approved by the Planning Authority prior to the commencement of any development on site.

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

16. Any peat encountered within the site shall be suitably stored for later use in the restoration of the site.

REASON To ensure proper restoration of the development site.

17. In the first available seeding season following their formation, all mounds of topsoil, sub-soil and soil making materials shall be seeded in grass and shall be so maintained until the soils are required for use in the restoration of the site except as may be otherwise agreed with the Planning Authority. The overburden mounds shall be grassed on visible faces in accordance with the mitigation proposed in the Environmental Statement to the satisfaction of the Planning Authority.

REASON In the interests of visual amenity.

18. All weeds on the site, particularly those on the topsoil and sub-soil storage mounds, shall be treated with weed killer or cut to prevent spreading within the site or onto adjoining agricultural land.

REASON To prevent weed contamination of soils in the interests of proper site restoration.

19. The sub-soil and overburden storage mounds shall be so formed as to have minimal visual intrusion on the surrounding landscape.

REASON In the interests of visual amenity.

20. Throughout the period of site working, agricultural restoration and aftercare, 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. If there are any watercourses that contain fish the culverts shall be constructed to allow the passage of fish through them. Any culverts installed shall be removed following re-instatement of the site.

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

21. 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.

22. Prior to any mineral operations being undertaken, the applicant shall consult with the Scottish Environment Protection Agency with respect to measures for the diversion of watercourses arising from the proposals. Such measures shall be undertaken to the satisfaction of SEPA and the Planning Authority.

REASON To safeguard the watercourses and in the interests of public safety.

23. 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.

24. The formation of overburden areas shall be carried out, as far as practicable, behind mounds in order to reduce noise nuisance to a minimum and, 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 interests of minimising noise impact.

25. The operational conduct of the site shall be generally as indicated in the EIA that forms part of the application.

REASON To ensure that the development is undertaken in accordance with the details approved.

26. A dust-monitoring programme shall be agreed with the Planning Authority in consultation with the Environmental Health Authority and undertaken using appropriate equipment and recording devices. The results and records shall be made available to the Planning Authority on a monthly basis during the operational life of the site.

REASON To ensure that appropriate environmental standards are maintained throughout the life of the site.

27. An appropriate noise-monitoring programme shall be undertaken during the operational life of the site, the details of which shall be agreed by the Planning Authority prior to the commencement of development using appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis.

REASON To ensure that appropriate environmental standards are maintained throughout the life of the site.

28. All machinery not in use shall be parked, as far as practicable, in an inconspicuous position and shall not be astride soil or overburden mounds.

REASON In the interests of visual amenity.

29. Any rubbish and scrap materials generated on the site shall, as far as is practicable, be kept in a screened position until disposed of in an approved manner to the satisfaction of the Planning Authority.

REASON In the interests of visual amenity.

30. The site shall be progressively restored generally in accordance with the scheme submitted with the planning application as may be amended in consultation with the Technical Steering Group to be established for the site.

REASON To ensure appropriate restoration of the site.

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

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

32. The restored site shall be progressively landscaped generally in accordance with the details provided in the EIA and shall include details of field patterns, forestry planting, shelter belt creation, hedgerows, nature habitat creation including additional wetland areas.

REASON To secure appropriate restoration features and habitat enhancement.

33. There shall be an annual formal review to consider all the operations which have taken place on the site during the previous year and to consider the programme for the ensuing year. The parties involved in the review shall include the applicant, the Operator, the owners of the land and the Planning Authority.

REASON To enable the Planning Authority to update the operation of the site in the light of any difficulties encountered and to monitor progress of site operations.

34. Two weeks prior to the annual formal review an updated plan will be forwarded to the Planning Authority indicating the year's work on the site and showing the anticipated work programme for the ensuing year.

REASON To assess the operational status of the site.

35. Except in the case of emergency, the hours of working on site will be between 07:00 hours – 18:00 hours Monday - Friday, and 07:00 hours – 13:00 hours on Saturdays. With the exception of essential site maintenance and maintenance of plant and machinery, no work shall take place on Sundays or on recognised Public Holidays in East Ayrshire.

REASON In the interests of the amenity of the area.

36. Details of the field conveyor, including colour, construction and cross-sections shall be submitted to and approved by the Planning Authority prior to commencement of any works on site.

REASON In the interests of visual amenity.

37. All workings undertaken on site shall follow the good practice criteria specified in PAN 50 and associated Annexes. During normal site operations the nominal noise daytime limit shall not exceed 45 d B(A).

REASON In the interests of residential amenity.

38. Extraction of minerals shall be carried out on a 'dry working' basis only, with no minerals being extracted below groundwater level.

REASON In the interests of public safety.

39. The closed landfill site shall not be disturbed by any activities. Extraction of minerals shall not be carried out in the direct vicinity of the former landfill site.

REASON In the interests of public safety.

40. Drainage ditches shall be installed, as appropriate, to protect surface waters during the operational phase of the site.

REASON In the interests of public safety.

41. Any minor culverting of watercourses required for movement of plant crossing points for vehicles shall only be constructed on a temporary basis.

REASON In the interests of visual amenity.

42. No operations carried out at the site shall have a detrimental effect on controlled waters.

REASON In the interests of public safety and to prevent any pollution of watercourses.

43. The settlement ponds at the existing site shall be used to retain effluent from the site hereby approved. The settlement ponds shall operate on a closed cycle whereby there is no outlet and water is re-cycled.

REASON In the interests of public safety and to prevent any pollution of watercourses.

44. All fuel, oil or other chemical storage tanks on the site shall be sited on impervious bases and surrounded by tank bund walls. All tanks shall be bunded in accordance with SEPA's requirements. All fill and draw points shall be padlocked when not in use. Waste oil from plant maintenance shall be collected and disposed of safely. Any maintenance of vehicles required to be undertaken outwith workshops shall be undertaken in a manner as to prevent any spillage of oils or fluids entering watercourses. No re-fuelling shall be carried out in the extraction area except in exceptional circumstances, where a double skinned bowser shall be utilised.

REASON In the interests of public safety and to prevent any pollution of watercourses.

45. A formal restoration and aftercare plan shall be submitted to the Planning Authority for approval within 12 months of the date of this consent. This plan shall take into account the hydrological balance of small watercourses and shall comply with BS 5837:1991 – Guide for Trees in Relation to Construction.

REASON In the interests of visual amenity and to prevent any adverse effects on watercourses.

46. The restored site shall be subsequently managed in accordance with the aftercare scheme detailed in Condition 45. The aftercare scheme shall be the subject of monitoring and review in consultation and agreement with SNH, RSPB, SEPA and the Planning Authority.

REASON In the interests of amenity.

47. Notwithstanding the plans hereby approved, the applicant shall implement in full the mitigation measures contained in the Environmental Impact Assessment. The applicant shall prepare and submit for the approval of the Planning Authority a Mitigation Plan covering all aspects of the proposed mitigation measures as detailed in the above Environmental Impact Assessment, including timescales for their implementation. This shall be lodged within 3 months of the date of this consent with the Planning and Building Control Division. Thereafter the measures as approved shall be implemented within the approved timescales.

REASON In order to protect the residential and visual amenity of the area.

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