TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(as amended by The Planning etc. (Scotland) Act 2006)

Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013

Application Reference Number: 03/0836/FL

TO: Breedon Aggregates South West Limited
Ethiebeaton Quarry
Kingennie
Angus
DD5 3RB

GRANT OF PLANNING PERMISSION

With reference to your application validated on 9th September 2003 for planning permission under the above mentioned Act and Regulations for the following development:

Proposed Development Of A Quarry For The Extraction And Processing Of Hard Rock as indicated in the plans:

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<td>Proposed Priority Access Improvement Preliminary Layout</td>
<td>FIGURE 1</td>
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<td>Double Handling Current Topographic Survey</td>
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AT

Land At North Drumboy, Glasgow Road, Kilmarnock, East Ayrshire, KA3 6EU

East Ayrshire Council in exercise of their powers under the above mentioned Act and Regulations hereby GRANT planning permission for the said development in accordance with the above listed plans, docquettered as relative hereto and subject to the following conditions:
1. The extraction of rock shall proceed only in accordance with the submitted details of phasing, direction and depth of working as shown in the environmental statement document and submitted plans except as may otherwise be agreed in writing by the planning authority through the provision and prior written approval of quarry progress plans required by Condition 4 and any other subsequent approvals relating to this planning permission.

Reason: To provide appropriate control over the extraction operations.

2. The winning and working of minerals and restoration of the site to be completed within a period of 16 years starting from the date that the development starts on site as notified by Condition 3.

Reason: To limit the duration of the entire development, including the site restoration works.

3. At least one month prior to the development starting, the intended date of commencement of the development date shall be notified to the planning authority.

Reason: To ensure that the planning authority has sufficient notice to enable it to put in place the appropriate monitoring mechanisms.

4. At least one month prior to the development starting, and at 12 monthly intervals thereafter, the applicant shall submit a quarry progress plan to the planning authority accompanied by the annual Geotechnical Survey. The quarry progress plan shall:

a) Provide an up-to-date topographical survey of the site in an appropriate format and appropriate scale.

b) Identify areas of the site that have been subject to mineral extraction in the previous 12 months and/or will be subject to mineral extraction in the forthcoming 12 months, including the locations, design and formation of the proposed surface working areas, the plant site, internal access road, screening landform, any temporary tracks.

c) Identify areas of the site that have been subject to restoration in the previous 12 months and/or will be subject to restoration in the forthcoming 12 months.

d) Identify areas where aftercare will have been completed, areas of the site that have been subject to aftercare and/or will be subject to aftercare in the forthcoming 12 months.

e) Identify areas of the site that have been subject to soil stripping in the previous 12 months and/or will be subject to soil stripping in the forthcoming 12 months.

f) Quantify the soils and overburden to be encountered in the forthcoming 12 months and provide details of their intended placement and storage over that period.

g) Set out any necessary adjustment to the approved restoration plans to be approved under Condition 9 to take account of the Technical Working Group’s recommendations and site circumstances over the previous 12 months.

A copy of the quarry progress plans shall be kept on site and made available for inspection by the planning authority during the approved working hours.

Reason: To enable monitor of progress and compliance by the planning authority, and to provide appropriate flexibility to ensure that, within the limitations of the permitted development, ongoing extraction and site restoration works can take account of any changes in circumstances.

5. No materials other than rock and crushed rock sands and gravels shall be exported from the site and no materials shall be imported into the site unless otherwise approved in writing by the planning authority and subject to any licensing provisions required by the Scottish Environment Protection Agency (SEPA).

Reason: To ensure that the operations on the site are restricted to those for which planning permission was sought.

6. The site shall be progressively restored in accordance with the details approved, except as may be
updated by the progressive restoration plans to be approved under Condition 9 and through the quarry progress plans submitted under Condition 4.

Reason: To ensure that ongoing site restoration is secured.

7. No fixed plant or machinery shall exceed 15 metres in height and all plant equipment shall be removed from site within 12 months of the permanent cessation of mineral extraction, unless otherwise agreed in writing by the planning authority.

Reason: To minimise the visual impact of the development.

8. The only means of access for the export of mineral from site shall be via the internal access road (as identified in the environmental statement).

Reason: To ensure safe access for vehicles leaving and entering the site.

9. Following the restoration of any part of the site in accordance with the approved restoration plans, as updated by quarry progress plans, the restored land shall be treated and managed over 5 years in accordance with the approved aftercare scheme.

Reason: To ensure the restoration works are properly established and thus able to provide the mitigation proposed by the application.

10. Within 12 months of formation, the cut slopes and batters along the access road and plant site shall be seeded in accordance with the approved restoration plans provided for under Condition 9 and as identified in the environmental statement.

Reason: To secure early site restoration along the access road.

11. All vegetation clearance, tree felling and soil stripping shall be carried on outwith the bird breeding season (March to August inclusive). Where this is not possible, surveys for nesting birds shall be carried out and suitable mitigation measures put in place, as approved by the planning authority.

Reason: To avoid disturbance to, or loss of, breeding birds.

12. No development shall commence until the applicant and the Planning Authority have concluded a legal agreement requiring the applicant to fund the provision of an Independent Compliance Assessor to monitor the development.

Reason: To ensure the development is carried out in accordance with the approved plans.

13. The site operator shall maintain a log of heavy goods vehicle trips into and out of the site and this shall be made available to the planning authority on a three monthly basis.

Reason: To enable monitoring of the frequency of vehicle movements to and from the site.

14. The operator shall at all times be responsible for the removal of mud or other materials deposited on the public road by vehicles entering or leaving the site; and road cleaning shall be carried out regularly to ensure that any residual site material that may be deposited on the A77 is removed as quickly as possible.

Reason: To minimise risks to road safety and protect local amenity.

15. Prior to the export of materials from the site, the access to and from the site off the A77 road shall be formed with visibility sightline spays of 4.5 metres by 215 metres with no obstructions greater than 1 metre in height within the splay areas. These visibility sightline spays shall be maintained for the lifetime of the development.

Reason: To minimise risks to road safety.

16. Prior to the export of materials from the site, a wheelwash shall be installed on the internal access road into the site. This wheelwash shall be maintained in an effective condition during the export of material
from the site.

Reason: To minimise risks to road safety.

17. Prior to the development commencing, a scheme for sampling the private water supply for the surrounding properties identified in the Environmental Statement both in terms of sufficiency and quality shall be submitted to and be approved in writing by the planning authority. Thereafter, that applicant shall maintain the integrity of these supplies, or provide an alternative supply.

Reason: To safeguard the quality and supply of water to surrounding residential units.

18. Prior to the development starting, a dust monitoring scheme shall be submitted to the planning authority. The scheme shall include provision for dust monitoring in the event of a complaint and shall include details of the location, frequency and duration for dust monitoring and reporting procedures to the planning authority, and of the mitigation and remedial measures to be undertaken in the event of any complaint being found to be justified. Thereafter, the scheme as approved shall be fully operational prior to the commencement of any work on site and a record of dust emissions shall be kept and submitted to the Planning Authority every 4 weeks in arrears.

Reason: To minimise the potential effects of dust arising from the extraction operations.

19. Throughout the duration of the development working practices shall follow dust minimisation measures set out within the environmental statement with the deployment of dust suppression measures as and when required.

Reason: To minimise the potential effects of dust arising from the extraction operations.

20. With the exception of road going vehicles, all quarry operational vehicles on site shall be installed with alternative reversing warning systems. These shall include a red stroboscopic warning light and/or white noise reversing systems and be maintained at all times.

Reason: To minimise the potential effects of noise arising from the extraction operations.

21. Prior to the development starting, the applicant shall provide a water management plan and method statement for the areas of the site to be subject to operations as identified in the environmental statement. Updated water management plans shall thereafter be submitted at least one month prior to the commencement of operations within Phases 2 and 3. The water management plans and method statements shall be submitted for the prior written approval of the planning authority, in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency, and include the following details:

(a) detailed proposals for surface water drainage arrangements for all operational areas within the proposed phase of development;
(b) including the provision for the development and routine maintenance of sustainable urban drainage systems (SUDS);
(c) contingencies arrangements for emergency incidents, such as oil spills;
(d) protection of existing man-made ditches from surface water drainage;
(e) details of at least the first 20 metres of the internal access road to be hard surfaced draining to sustainable urban drainage systems (SUDS) with measures to prevent water discharging from the site onto the A77.

Reason: To minimise the risks of pollution of water.

22. Except in the case of emergency, or of essential site maintenance, the extraction, processing and internal movement of materials from the extraction area to the plant site, export of materials shall be restricted to 07:00-19:00 hours Monday to Friday. No such operations shall take place outwith these hours on a Saturday or Sunday or recognised East Ayrshire public holidays.

Reason: To minimise the potential for adverse impacts from the operations to arise outwith normal working hours.

23. Extractive waste must be managed in accordance with the waste management plan contained in
the environmental statement and submitted for approval in conjunction with the planning application. The waste management plan must be reviewed by the operator and updated as appropriate at least every 5 years from the date of consent, and no later than every fifth year following the date of the last review. Any amendments made to the waste management plan should be notified to the planning authority. A review of the waste management plan must be undertaken in the event of substantial changes to the area of deposition or waste and a copy of the revised plan sent to the planning authority.

Reason: To ensure that waste arising from the development is dealt with in accordance with the waste management plan which was submitted in conjunction with the planning application.

24. No development shall commence within the application site until such time as the restoration bond has been lodged with the Planning Authority and funds relative to the restoration liability for the development have been deposited in the ring-fenced ESCROW account.

Reason: In order to ensure that there is a fully guaranteed system of funding the restoration programme in the event that the operator of the site for any reason is unable to complete its restoration obligations for the site.

25. No development shall commence until a schedule of the mitigation measures specified in the Environmental Statement document and submitted plans required to mitigate against the impact of the proposal shall be prepared and submitted to the Planning Authority for written approval with clear a timetable of implementation.

Reason: In the interests of protecting the residential and environmental amenity.

26. In the event that any property in the area suffers from an interruption to its water supply or there are qualitative or quantitative problems with the supply attributable to operations at the North Drumboy Quarry then the appellant or site operator shall make good that water supply by whatever means are agreeable to Council's Environmental Health Service, and those details shall be agreed in writing with the Planning Authority.

Reason: In order to ensure the continuity of a satisfactory supply of potable water to local residents and businesses.

27. The regular monitoring of water quality and flow rates shall be carried out during operations to ensure that there will be no detrimental impact upon groundwater and surface water quality in the long-term.

Reason: To protect the quality of the water environment.

28. All plant and machinery shall operate only during the permitted hours of operation and shall, at all times, be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. The Planning Authority reserves the right to insist on additional measures to minimise noise emissions at the site should it prove expedient to do so.

Reason: In the interests of protecting residential amenity.

29. Prior to development commencing all occupiers of dwellinghouses within 1km of the boundary of the extraction area and the relevant Community Council ie. Fenwick (East Ayrshire) and Broom, Kirkhill and Mearnskirk (East Renfrewshire) shall receive printed information relating to the proposals approved. The information shall include details of the duration of work, an indication of the direction of working across the site, height of soil mounds, screening of site, a contact name and telephone number to deal with any complaints or emergencies arising, operational hours of the site, lorry routing. An example of the information shall be submitted for the written approval of the planning authority along with details of the dwellinghouses on which notice will be served.

Reason: In the interests of safeguarding residential amenity.

30. Annually from the date of commencement of the site, until completion of the aftercare period, the operator shall submit an Annual Environmental Audit from a suitably qualified person to the planning authority setting out the operations that have been carried out in the previous 12 months, indicating the effects of the development on the environment, including noise, dust and water monitoring and the measures
taken to implement the restoration and aftercare provisions and the intended operations for the next 12 months. The environmental audit must specify the degree of compliance with the environmental conditions and obligations relative to this planning consent and, thereafter, specify if remedial measures are necessary in order to safeguard the environment of the site and the surrounding area. The operator shall carry out any remedial measures specified as necessary in the environmental audit within such timescale as may be specified by the Planning Authority.

Reason: To monitor the impact of the site on its local environment and on neighbouring land uses.

31. Prior to the commencement of the development, a detailed Lighting scheme shall be submitted to the Planning Authority, said scheme shall include the lux levels anticipated at the site boundary as well as a details of a monitoring regime.

Reason: To ensure the development does not have a detrimental impact on residential amenity.

32. Prior to vegetation clearance and soil stripping within 100 metres of any element of the development, the environmental clerk of works shall undertake protected species walkover surveys within each progressive phase of development and shall, in consultation with the planning authority and Scottish Natural Heritage, advise the operator of any necessary mitigation measures.

Reason: To avoid disturbance to, or loss of, protected species.

33. The proposed development shall be carried out in accordance with the Council's Minerals Transportation Protocol.

Reason: In the interest of road safety.

34. Prior to the commencement of the Development a Technical Working Group shall be established, in line with the Planning Authority's protocol of Technical Working Groups. Said Technical Working Group shall be held once year, or at a frequency agreed by the Planning Authority if required.

Reason: To ensure the development is delivered in accordance with the approved development.

35. Prior to the commencement of the Development a Community Liaison Group shall be established, in line with the Planning Authority's protocol Community Liaison Groups. Said Community Liaison Group shall be held once a year, or at a frequency agreed by the Planning Authority if required.

Reason: To ensure the development is delivered in accordance with the approved development.

36. Except in cases of emergency or as otherwise may be agreed with the Planning Authority, blasting operations shall be carried out between 10:00am, and 16:00pm Mondays to Fridays. No Blasting operations shall take place on Saturdays or Sundays or recognised East Ayrshire Public Holidays.

Reason: In the interest of residential amenity.

37. Blasting operations shall be carried out in such a manner that no component of the peak particle velocity attributable to any blast, measured at any point immediately adjacent to any building outside the boundaries of the site, exceeds a vibration criterion of 6mm/second at a 95% confidence level.

Reason: In the interest of residential amenity.

38. Except with the written approval of the Planning Authority, blasting operations on the site shall be restricted to once every four weeks.

Reason: In the interest of residential amenity and to ensure the applicant accords with the information submitted to justify the planning application.

39. Prior to the commencement of the development, a scheme showing the details of peat/soil stripping at the Site and the storage and proposed use and replacement of peat, topsoil and subsoil, shall be submitted to East Ayrshire Council for approval. All soil stored on site shall be stored in accordance with BS3882: 2013 - Specification for Topsoils. Thereafter, all soil stripping and storage and replacement
operations shall accord with the details as approved.

In particular the scheme shall incorporate a method statement setting out the measures to protect and store peat.

Reason: To ensure appropriate treatment of peat on site.

40. Prior to the commencement of the first blasting operation, independent structural surveys shall be carried out by a qualified structural engineer, commissioned by the site operator in respect of those properties 325 metres from the development site boundary, namely Marramead and North Drumboy, insofar as the owner/occupiers have given their permission as owners for such surveys to be carried out. Within 1 month of any surveys being carried out, the Planning Service shall be notified in writing that the surveys have been carried out and be provided with a copy of the survey reports.

Reason: To establish a baseline structural survey for residential properties 330 metres from the development site in the interests of amenity of the area.

Please note that the Planning Authority will not issue stamped paper drawings relating to any decision notice resulting from this application. Any stamped drawings relating to a decision notice will be available on the Online Planning Information System (OPIS) to be downloaded or to be printed through the following web link.

http://eplanning.east-ayrshire.gov.uk/online/applicationDetails.do?activeTab=summary&keyVal=ZZZZTRGFXC240

The Council has granted consent for this development for the following reason(s):

The Planning Committee on 23 May 2014 agreed that the application be approved subject to planning conditions and to amended/additional conditions and that the issue of any decision notice be withheld until such time as the Section 75 legal agreement had been concluded. The Section 75 Legal Agreement has been executed and the decision notice can be issued.

Dated this 28th February 2017

Signed..............................................

Michael Keane
Head of Planning and Economic Development

This planning application is the subject of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, the details of which can be viewed on request having contacted the Planning and Economic Development Service offices at the addresses listed at the top of this decision notice.

Notes to Applicant

1. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.

2. It should be understood that this permission DOES NOT carry with it any building warrant which may be required under the building regulations currently in force, or any necessary consent or approval to the proposed development under other statutory enactments.

3. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act, 1997, within 3 months of the date of this notice. The Scottish Ministers have power to allow a longer period for the giving of a notice of appeal, but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. Any notice of appeal should be sent to the Scottish Ministers, Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. If you wish to discuss or obtain more information on how to request a review you can contact the Scottish Government on 01324 696 400 or view the following page on the Scottish Government's website: http://www.scotland.gov.uk/Resource/00398/00399466.pdf
4. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act, 1997.

5. Applicants should have early contact with the appropriate bodies that provide Water, Sewerage and Roads infrastructure otherwise the availability of services might be delayed.

6. The proposed development may lie / lies within a coal mining area. Applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.