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: 15/0871/PP

TO: KT Montgomery Environmental Ltd

per
Alan Neish
20 Montgomery Drive
Stewarton
Kilmarnock
KA3 3AP

GRANT OF PLANNING PERMISSION

With reference to your application validated on 11th December 2015 for planning permission under the above mentioned Act and Regulations for the following development:

Sand and gravel extraction and restoration of land as indicated in the plans:

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<th>Reference</th>
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<td>Location Plan</td>
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AT

The Meadows, A71 Hoodston Bridge To Barnwood Gate, Galston, East Ayrshire

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, documented as relative hereto and subject to the following conditions.

1. The development hereby permitted shall be completed within 3 years of the date of commencement of the development or by such other time as may be formally agreed in writing with the Planning Authority.

Reason: To ensure the scheme is appropriately implemented.

2. Restoration Scheme
(A) Prior to the commencement of the Development the applicant shall submit to and have written approval from the Planning Authority a restoration scheme for the development site.

(B) The proposed development shall be carried out in accordance with the restoration scheme as approved above.

Reason: To reinstate the land to an agreed topography.

3. Legal Agreement

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.

4. Restoration Bond

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 the operator of the site for any reason is unable to complete its restoration obligations for the site.

5. Date of Commencement

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 in writing.

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

6. Groundwater Monitoring Plan

(A) Prior to the commencement of the development, the applicant shall have submitted to and approved in writing by the Planning Authority, a groundwater monitoring plan developed through prior discussion and agreement with SEPA.

(B) The proposed development shall be carried out in accordance with the groundwater monitoring plan as approved above and monitoring shall continue throughout the works and during the aftercare period of the site.

Reason: In the interests of environmental protection and prevention of pollution of watercourses.

7. Surface Water Management Plan

(A) Prior to the commencement of the Development the applicant shall submit to and have written approval from the Planning Authority a Surface Water Management Plan for the development site and shall include the following details:

(i) Detailed proposals for surface water drainage arrangements for all operational areas in including soil storage and handling areas within each proposed phase of development;
(ii) Contingencies arrangements for emergency incidents, such as oil spills;
(iii) Protection of existing water courses from contaminated surface water runoff.
(iv) Operation of machinery to use pre-determined routes and tracked vehicles to avoid sharp turns to minimise creation of loose material.
(B) The proposed development shall be carried out in accordance with the Surface Water Management Plan as approved above.

Reason: To ensure that in relation to how soils will be stored and managed, there is no potential for contaminated surface water runoff and that in respect of the operation of vehicles on site there is no potential for excess materials to enter the watercourse or waterbody in the interests of environmental protection and pollution prevention.

8. Water Vole Habitat

(A) Prior to commencement of works, the location of all water vole burrows shall be marked out on the ground with an exclusion zone of 10 metres of a water vole burrow.

Reason: To ensure that the exclusion zones of 10 metres are clearly visible to machine operators and to minimise the impact of the approved development on the surrounding habitat of water voles.

9. Bird Breeding

All vegetation clearance and soil stripping shall be carried out with the bird breeding season (March to July inclusive). Where this is not possible, surveys for nesting birds shall be carried out and suitable mitigation measures put in place, as approved in writing by the Planning Authority prior to any works of this nature taking place.

Reason: In the interests of environmental protection.

10. Annual Environmental Audit

There shall be an Annual Environmental Audit report submitted to the Planning Authority for approval each year. Said Annual Environmental Audit shall consider all the operational and environmental matters which have taken place on site during the previous year and to consider the programme for the ensuing year.

Reason: To assess the ongoing operations on the site and highlight any potential changes to operation in the forthcoming period.

11. Dust Monitoring and Mitigation Scheme

(A) A mitigation scheme containing details of the proposed measures to prevent mud, dirt, dust or stones being carried onto the highway shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development and that steps shall include the provision and use of hardstanding and wheel/vehicle washing facilities as necessary for the cleaning of all vehicles leaving the site.

(B) The mitigation scheme shall be implemented as approved, prior to any construction activities commencing on site and shall be maintained for the duration of the consent, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of safeguarding the amenity of adjoining and nearby residents.

12. Noise

Except during the formation and removal of baffle mounds and the stripping and replacement of soils the noise limit during daytime (8:00 to 17:00hrs) shall not exceed 55db Laeq, 1h at noise sensitive properties.

Reason: In the interest of residential amenity.

13. Hours of Operation
Except in the case of emergency and with the prior agreement of the Planning Authority, the hours of operation for the development site shall be Monday to Friday 08.00am to 5.00pm and on Saturdays 08.00am to 1:00pm. No works shall take place outside these hours or on Sundays or recognised East Ayrshire Public Holidays with the exception of essential site maintenance works.

Reason: In the interest of residential amenity.

14. Community Liaison Group

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.

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=NY3T07GFSDK0

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

The Planning Committee on 13 May 2016 agreed that the planning application be approved with conditions subject to the conclusion of an appropriate legal agreement.

The legal agreement has been executed and the planning decision notice can be issued.

Dated this 3rd April 2017

singed..........................

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 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.

Advisory notes

1. If there is a proposal to discharge water from the site, this will require authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations (CARS).

2. The Applicant will require to contact SEPA regarding certification that imported waste material in terms of the Waste Management Licence (Scotland) Regulations 2011 is an activity which is exempt from Waste Management Licensing.

Notes to Applicant

1. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission is subject to the expiration of a period of 4 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 for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be sent to the Scottish Ministers, Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callender Business Park, Callender 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/0039/00399486.pdf](http://www.scotland.gov.uk/Resource/0039/00399486.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 peak, 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](http://www.coal.gov.uk).