

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARNIS AREA COMMITTEE COMMITTEE ROOM 1, WESTBURN ROAD, ABERDEEN, 03 MARCH 2020

- Present:** Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), George Carr, Sarah Dickinson, Alison Evison, Provost William Howatson, Jeff Hutchison, Colin Pike (Item 6 only), Dennis Robertson, Sandy Wallace (Item 8 only), Leigh Wilson (Items 4,5,7 and 8).
- Apology:** Councillor Bews.
- Officers:** Bruce Stewart (Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Corporate Services), Rachael Goldring (Learning Estates Team Leader via Skype), Fiona McCallum (Team Manager, Property & Facilities via Skype) Neil Mair (Senior Planner), Gregor Spence (Senior Planner) and Ritchie Johnson (Director of Business Services).

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct and the following declarations were intimated –

Councillor Dickinson - (Item 6D) Planning Application APP/2019/2750. Councillor Dickinson had taken on some case work for the objector in the past however having applied the objective test did not consider this significant and would therefore take part in the determination.

2A STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching its decision.

2B. RESOLUTION

The Committee **agreed** in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the class described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

Item No	Paragraph No of Schedule 7A
7	8
8	1

3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 11 FEBRUARY 2020

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 11 February 2020.

4. CONFIDENT GOVERNANCE – CHANGE OF NOMINATION TO KINCARDINE AND MEARN'S CITIZENS ADVICE BUREAU

A report by the Director of Business Services was circulated advising Members of the resignation of Councillor Evison as Aberdeenshire Council's observer to the Board meetings of the Kincardine and Mearns Citizens Advice Bureau due to other commitments.

The Committee **agreed** to nominate Councillor Robertson as the new observer to the Board meetings of Kincardine and Mearns Citizens Advice Bureau.

5. REZONE OF HILLSIDE SCHOOL

A report by the Director of Education & Children's Services was circulated asking Members to consider a proposal document with regards to the rezoning exercise of Hillside School.

Members fully discussed the report and outlined discrepancies that required to be amended and suggested that the Consultation document be re-issued before the public meeting on the 5 March.

The Committee **agreed** to:

1. Consider the Proposal Document attached regarding the rezoning of Hillside School,
2. Note that the Committee will receive a follow up report in summer 2020 on the outcomes of the statutory consultation regarding the above proposal, and

3. Suggest that the proposed consultation document be re-issued to correct points:
 - a. in the report, to remove sentence “As the new school will be located on a different site to the current establishment, there will be a requirement to close the old school in order to open the new one, once the building work has been completed.”,
 - b. 4.3 in the proposal document, “children would have to cross the A92” to reflect that children would be able to access the underpass to cross, and
 - c. to be clear that there will be no impacts on the children within the schools concerned.

6. APPLICATION FOR DETERMINATION

The following planning applications were considered along with any objections and representations received in each case and were dealt with as recorded in the **Appendix A** to this Minute.

Reference Number	Address
(A) APP/2018/0829	To agree the resolution associated with full planning permission for erection of 94 dwellinghouses and associated infrastructure at land adjacent to East Lodge, Ury Estate, Ury, Stonehaven
(B) APP/2019/2369	Full Planning Permission for Lateral Extension of Existing Hard Rock Quarry and Formation of Sump Pond at Blackhills Quarry, Blackhills of Cairnrobin, Cove
(C) APP/2019/2667	Full Planning Permission for Installation of Decking and Balustrading (Retrospective) at 5 Victoria Street, Stonehaven
(D) APP/2019/2750	Listed Building Consent for Demolition and Erection of Section of Wall at Carron Springs, Arbuthnott Place, Stonehaven
(E) APP/2019/2802	Planning Permission in Principle for Erection of 10 Dwellinghouses and Formation of Access at Land at Beattie Lodge, Garvocklea, Laurencekirk
(F) APP/2019/2841	Full Planning Permission for East Lodge Link Road Infrastructure at Land Adjacent to East Lodge, Ury, Stonehaven

7. BUSINESS SERVICES DIRECTORATE ANNUAL PROCUREMENT PLAN 2020/21

An exempt report by the Director of Business Services was circulated seeking approval for a number of items contained within the Procurement plan. The Team Manager introduced the report and outlined a number of planned maintenance works to be considered.

Members fully discussed the report and **agreed** to:

1. Approve the items on the Procurement Plan in Appendix 1,
2. To reserve approval of the Procurement Approval Form for any item with a value up to £1,000,000, and
3. Acknowledge that the Head of Property and Facilities Management has the delegated authority to award the final contracts of the items with a contract value up to £1,000,000.

8. ARRANGEMENTS FOR APPOINTMENT OF AREA MANAGER (KINCARDINESHIRE AND MEARNES)

An exempt report by the Director of Infrastructure Services was circulated to discuss arrangements to appoint the role of Area Manager.

The Committee **agreed** to:

1. Delegate the authority to appoint the Area Manager (Kincardine and Mearnes) to a sub-committee of the Area Committee,
2. Nominate a standard 5 member sub-committee consisting of 3 members from the administration and 2 from the partnership, and
3. to accelerate the proposed timetable for appointment if possible.

Councillor Presiding over meeting

Print Name

Signature

Date

**KINCARDINE AND MEARN'S AREA COMMITTEE, 3 MARCH 2020
APPENDIX A**

PLANNING APPLICATIONS FOR DETERMINATION

(A) Reference No: APP/2019/0829

A report by the Director of Infrastructure Services was circulated advising Members that the purpose of the report was to consider the resolution proposed for the delegated transport/roads matters and seek Committee's final agreement on these matters.

The Senior Planning Officer advised that application APP/2019/0829, for full planning permission for erection of 94 dwellinghouses and associated infrastructure at land adjacent to East Lodge, Ury Estate, Ury, Stonehaven was the subject of a delegated grant on 29 October 2019 at the Kincardine and Mearns Area Committee.

Members heard that the resolution proposed was not considered to be fully reflected within the previous report and therefore was before them for their consideration. Members heard that the trigger for the link road, that will connect the B979 Netherley Road with the A957 Slug Road through Ury Estate, was set at 85 housing units. The proposed resolution was to amend the housing unit allowance from 85 to 100 occupied units and allow for 2 additional show homes to be built. The previous delegated grant of consent remains in place, and all other remaining matters relating to the requirements identified in the consultation responses from Infrastructure Services' Roads Development and Transportation remain delegated to be resolved and secured as appropriate, by the Planning Service.

The Committee heard from Allan Rae, Kirkwood Homes, in support of the proposed amended resolution.

Members fully discussed the report and **agreed** to:

1. The resolution of transport/roads delegated matters for APP/2018/0829 to provide (first) no more than one hundred (100) housing units to be occupied (cumulatively with the 85 units consented/built at East Lodge) prior to the delivery and opening for public use of the Link Road and (second) no more than 102 residential units to be constructed (cumulatively with the 85 units consented/built at East Lodge under APP/2014/1970) prior to the delivery and opening for public use of the Link Road.

(B) Reference No: APP/2019/2841

Full planning Permission for East Lodge Link Road Infrastructure at Land Adjacent to East Lodge, Ury, Stonehaven, Aberdeenshire, AB39 3QA.

Applicant: Kirkwood Homes Ltd, Kirkwood Business Park, Sauchen, Inverurie, Aberdeenshire, AB51 7LE

Agent: No Agent

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and take a decision on this item in terms of the Scheme of Governance as there had been valid objections from six or more individuals or bodies with separate postal addresses or premises.

The Senior Planner introduced the report and outlined the proposal for a new junction arrangement at East Lodge and the Netherly Road B979 to serve the developments within Ury Estate.. It was stressed that the "Link" Road was not part of this application. Members were advised of the complex history surrounding the site which was outlined within the report. The new access arrangements would deliver a more direct and convenient means of access to Ury estate, with less impact on the landscape and positives in terms of air quality and sustainability. The junction arrangement would be able to continue to serve agricultural vehicles. The planning service were content that the proposal complies with all relevant planning policies set out in the LDP, and the new proposed access arrangements would be considered an improvement compared to those contained within the extant link road consent (APP/2015/2163) to serve the allocated developments within Ury Estate.

Members sought clarification on a number of issues, with regards to the Traffic Regulation Order and whether there was any right of appeal. Members queried the numbers of trees to be felled, further confirmation to be sought, however were advised that 1000 trees would be planted as compensation.

Members queried if the link road had always been in the masterplan, this was confirmed, the link road had been designed to ensure adequate parking, laybys have been put in place and bus stops have always been within the plan.

Members heard that previous traffic assessments had been carried out and that the figures fell well within the street parameters, Road Officers confirmed that this was carried out prior to the AWPR opening. Members were advised that the link road had been designed in such a way to calm traffic and reduce speeds and East Lodge Drive has been designed to accommodate traffic and function as part of the link road.

The Committee heard from Allan Rae, Kirkwood Homes, in support of the application. They had considered the environmental impacts and impacts on

neighbouring properties and felt this was the best solution moving forward. They confirmed that there was no need for any third party involvement to progress the application.

Members heard from David Strang Steel in objection to the application who raised a number of issues concerning the proposal including advising that the gradient on the proposed new access road was too steep and would cause concern for agricultural vehicles.

The Committee agreed to defer determination of the application to allow a site visit to be arranged to look at the proposal in this sitting, with regards to the landscape and trees, access to East Lodge Drive, the visibility splays and the proposed pinch point.

(C) Reference No: APP/2019/2667

Full Planning Permission for Installation of Decking and Balustrading (Retrospective) at 5 Victoria Street, Stonehaven

Applicant: Mr Gary Core, 5 Victoria Street, Stonehaven, AB39 2LH

**Agent: John Aitken, John G Aitken Architectural Services,
2 Cameron Court, Stonehaven, AB39 2FH**

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and take a decision on this item in terms of the Scheme of Governance as the application is recommended for refusal but at least two local Ward Members have requested that the application be referred to Area Committee.

The Senior Planning Officer advised that the application was deferred at the last meeting of the Kincardine and Mearns Area Committee, 11 February 2020, for a site visit, which had taken place. The application is considered to cause an adverse overlooking impact given its proximity to neighbouring properties and the scale and finish within the conservation area. As such the proposal does not comply with the relevant policies of the local Development Plan and is recommended for refusal.

Councillor Agnew, seconded by Councillor Dickinson, moved against officer recommendation and to grant full planning permission, as there was already inherent overlooking towards neighbouring dwellinghouses as a result of the topography of the garden ground where the decking is located. Furthermore, it was considered that the visual impact could be mitigated against by applying a dark stain to the decking structure to minimise the visual impact from public views within the Stonehaven Conservation Area.

Provost Howatson seconded by Councillor Hutchison, moved to refuse the application, as per officer recommendation.

The Committee voted:

For the motion (6) Councillors Agnew, Carr, Dickinson, Evison, Mollison and Robertson.

For the amendment (2) Provost Howatson and Councillor Hutchison.

Therefore the motion was carried and the Committee agreed to grant full planning permission, as there was already inherent overlooking towards neighbouring dwellinghouses as a result of the topography of the garden ground where the decking is located. Furthermore, it was considered that the visual impact could be mitigated against by applying a dark stain to the decking structure to minimise the visual impact from public views within the Stonehaven Conservation Area.'

Councillors Bews, Pike, Wallace and Wilson were absent from the vote.

(D) Reference No: APP/2019/2750

Listed Building Consent for Demolition and Erection of Section of Wall at Carron Springs, Arbuthnott Place, Stonehaven

Applicant: McLaughlin & Harvey, 15 Trench Road, Mallusk, Newtown Abbey, Northern Ireland, BT36 4TY

Agent: McLaughlin & Harvey, 15 Trench Road, Mallusk, Newtown Abbey, Northern Ireland, BT36 4TY

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and take a decision on this item in terms of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises. In addition, the application is recommended for approval and has been submitted by the Local Authority [or its appointed agents] or relates to land in the ownership of the Local Authority or land in which the Local Authority has a financial interest and there has been a valid objection.

The Senior Planner advised that this was part of the Stonehaven flood protection scheme, which required a section of boundary wall adjacent to the river Carron to be demolished and re-built. The site was within the Stonehaven Conservation Area and care would be required regarding a rebuild. Members were advised that the wall was required to be removed to enable piling work to be carried out safely. These works would be covered under the Flood Protection Act and any subsequent damage would be rectified as part of the ongoing project.

Members **agreed** to grant Listed Building Consent subject to the following conditions:-

01. No works, including demolition or removal of materials, in connection with the listed building consent hereby granted shall commence unless a method statement for the safe removal, reclamation, temporary storage and appropriate re-use of salvageable materials (including stone, pinnings and bricks) from the proposed works, has been submitted to and approved in writing by the Planning Authority. The method statement shall include full details of how the wall will be re-built to replicate the wall as existing, including the reinstatement of interesting detailing/ openings and, where appropriate, the reversal of inappropriate modern interventions. The method statement shall also cover stabilisation of any adjoining walls which may be impacted on as a result of the works. Thereafter, the works shall be carried out in complete accordance with the approved method statement.

Reason: To ensure the safe removal, reclamation and appropriate re-use of original traditional building fabric in the interests of the character and appearance of the built environment.

02. No works in connection with the listed building consent hereby granted shall commence unless the full specification of the proposed lime mortar to be applied has been submitted to, and approved in writing by, the planning authority. The specification shall include details of the proposed lime mortar mix and protective measures to be employed during the carbonation stage. Thereafter, the work shall be carried out in complete accordance with the approved details.

Reason: In order to safeguard the special architectural character and historic interest of this listed structure and in the interests of preserving or enhancing the character or appearance of the conservation area

03. No works in connection with the listed building consent hereby granted shall commence unless a sample of the proposed stone to be used has been submitted to and approved in writing by the planning authority. The specification of the new stone shall match the existing stone as closely as possible in terms of appearance, coursing, grain and durability. Thereafter, the works shall be carried out in complete accordance with the approved plans.

Reason: In order to safeguard the special architectural character and historic interest of this listed structure and in the interests of preserving or enhancing the character or appearance of the conservation area.

(E) Reference No: APP/2019/2802

Planning Permission in Principle for Erection of 10 Dwellinghouses and Formation of Access at Land At Beattie Lodge, Garvocklea, Laurencekirk

Applicant: Hadden Holdings Ltd., Westlodge, High Street, Laurencekirk, AB30 1BQ

Agent: No Agent

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and take a decision on this item in terms of the Scheme of Governance as there had been valid objections from six or more individuals or bodies with separate postal addresses and an outstanding objection from a statutory consultee.

The Senior Planner introduced the report and advised the application was for the delivery of a site allocated with in the current Local Development Plan. The number of units proposed was for the same number allocated in the plan. As such it was considered that the proposals would ensure the delivery of an allocated site, with due respect to the character and scale of the surrounding area.

Members discussed the report and **agreed** that authority to grant be delegated to the Head of Planning and Environment Service subject to:-

- i. s75 Planning Obligation relating to the provision of affordable housing on site, and contributions towards affordable housing, secondary education, sport and recreation, healthcare, and household waste/recycling; and,
- ii. The following Planning conditions :
 01. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- a) Full details of the layout and siting of the proposed development;
- b) Full details of the external appearance and finishing materials of the proposed development;
- c) A landscaping scheme including proposed landscape features, details trees to be removed, retained and planted;

- d) A detailed levels survey of the site and cross sections showing proposed finishing ground and floor levels relative to existing ground levels and a fixed datum point;
- e) Full details of any proposed boundary treatments;
- f) Full details of the proposed means of disposal of foul and surface water from the development;
- g) Full details of the proposed access, lay-by, visibility splays, turning area, car parking and bin uplift store area for the development; and,
- h) Full details of the energy statement for the proposed dwellinghouses.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. In respect of Condition 1 Part g), the dwellinghouses hereby approved shall not be occupied until the access has been constructed in accordance with the details below:

- a) Prior to occupancy of development, first 5m of driveway (measured from edge of road) to be fully paved.
- b) The maximum gradient of the first 5m of the new access must not exceed 1 in 20.
- c) Prior to occupancy of development, parking spaces surfaced in hard standing materials shall be provided within each plot in accordance with the Council's Car Parking Standards.
- d) Prior to commencement of development, Visibility Splays, measuring 2.4m by 25m shall be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
- e) Prior to the occupancy of the development, details of the refuse bin uplift store area shall be provided to the satisfaction of the Council. Once provided, the refuse bin uplift store area[s] shall thereafter be permanently retained as such.

The development hereby approved shall not be brought into use unless the access and parking areas have been provided and surfaced in hard standing materials provided within the site in accordance with the Council's Car Parking Standards and details to be submitted under condition 1 part g. Once provided, the parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion and retention of the on-site facilities to an adequate standard in the interests of road safety.

03. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority under condition 1 part h). The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy.

(F) Reference No: APP/2019/2369

Full Planning Permission for Lateral Extension of Existing Hard Rock Quarry and Formation of Sump Pond at Blackhills Quarry, Blackhills Of Cairnrobin, Cove

Applicant: Leiths (Scotland) Limited, Rigifa, Cove, AB12 3LR

Agent: Stephenson Halliday Ltd, 32 Lowther Street, Kendal, LA9 4DH

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and take a decision on this item in terms of the Scheme of Governance as the application was for major development.

The Senior Planner introduced the report and advised the application was for a proposed extension to extend the operation at Blackhills Quarry. The application had been reviewed both internally by the Council and by external consultees including, SEPA, Scottish Natural Heritage and Network Rail.

The landscape and visual impact assessment has been undertaken in accordance with the appropriate guidelines and methodologies. The quarry would be partially visible from the main road, and railway, but appropriate bunding, as suggested within the environmental statement, would help negate any major concerns, and would also assist in respect of mitigating noise, and dust impacts which could otherwise affect nearby properties. Visually this would also help to integrate the proposal into the local landscape. The proposal was considered to be an acceptable form of development subject to the conditions outlined within the report. Members noted that no representations had been received.

After discussions the Committee **agreed** to grant full planning permission subject to the following conditions, noting a change to condition 7 amending bank holidays to public holidays:-

01. That the proposed operations hereby granted permission shall cease on or before 28 November 2050 unless the written approval of the planning authority is first obtained.

Reason: in order to protect the environment and amenity of the area in general.

02. At least one (1) year prior to mineral workings ceasing on the site, a restoration and aftercare plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the said scheme. The plan must include information on any proposals for phased working and progressive restoration, as well as the effect that any restoration will have on the water environment, including groundwater quality and quantity.

Reason: To ensure the timeous and appropriate restoration and aftercare of the site in the interests of the amenity of the area

03. No works in connection with the development hereby approved shall commence unless the developer has provided to the planning authority written details of the guarantee or other financial provision that is proposed to be put in place to cover all site restoration and aftercare liabilities at the end of the period of this permission. The developer shall also provide an independent confirmation by a chartered surveyor (whose appointment for this task has been approved by the planning authority) that the amount of the guarantee or financial provision so proposed is sufficient to meet the full estimated costs of site restoration, remediation aftercare liabilities and incidental work as well as associated professional costs.

No works shall commence on site unless written confirmation has been given by the planning authority that the proposed guarantee is satisfactory and the developer has confirmed in writing to the planning authority that the guarantee has been put in place. The guarantee or other financial provision must:

- a) be granted in favour of the Council as planning authority;
- b) be from a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- c) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this permission by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by or on behalf of HM Government between the date of this permission and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities;
- d) come into effect on or before the date of commencement of development and expire no earlier than 12 months after the end of the aftercare period. In the event that the guarantee becomes invalid for any reason, no operations shall be carried out in connection with the development hereby approved unless a replacement guarantee,

completed in accordance with the terms of this condition has been submitted to and approved in writing by the planning authority.

Reason: To ensure financial security for the cost of the site reinstatement to the satisfaction of the planning authority, and in the interests of the visual amenity of the area and environmental protection.

04. That the equivalent noise level (Leq) shall not exceed 55dB(A) measured as a one hour free field Leq at the existing noise sensitive properties identified in the Environmental Impact Analysis by Stephenson Halliday dated October 2019 i.e. North Mains of Findon, Blackhills of Cairnrobin, Commercial Development Site, the details for measuring which are to be submitted to, and approved in writing by the Planning Authority.

Reason: In the interest of residential amenity.

05. For a short period of time i.e. no more than 8 weeks per year for soil and overburden stripping and the construction of bunding the above limits can be raised to 70 dB(A) measured as a one hour free field Leq at the at the existing noise sensitive properties identified in the Environmental Impact Analysis by Stephenson Halliday dated October 2019 i.e. North Mains of Findon, Blackhills of Cairnrobin, Commercial Development Site. Details of the intended soil and overburden works shall be recorded and submitted to the Planning Authority on an annual basis, or upon reasonable request.

Reason: In order to allow the undertaking of essential work, and in the interests of protecting residential amenity.

06. That the ground vibration as a result of the blasting operations shall not exceed a peak particle velocity of 6mms⁻¹ ppv for 95% of events, with no blast exceeding 12.0mms⁻¹ at existing private residential properties; with a limit of 15mms⁻¹ for 95% of events being applied at Blackhills of Cairnrobin and Braerobin and a limit of 14.8mms⁻¹ for 95% of events being applied at Haven Cottage - all which are owned by the applicant.

That the ground vibration as a result of the blasting operations shall not exceed a peak particle velocity of 15mms⁻¹ ppv for 95% of events at the Commercial Site identified in the Environmental Impact Analysis by Stephenson Halliday dated October 2019.

Reason: In the interests of residential amenity

07. That the hours of operations for extraction and processing and despatch of dry aggregates shall be restricted to:

- i) 07:00am - 07.00pm, Mondays to Fridays;
- ii) 07:00am - 1.00pm, Saturdays; and
- iii) At no time on a Sunday, public holidays, or national holidays;

Unless written consent of the planning authority is obtained.

Reason: In the interest of residential amenity

08. That prior to the commencement of any blasting operations, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used, shall be submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the planning authority.

Reason: In the interest of public safety.

09. That prior to the commencement of any blasting operations, details of the methods employed to minimise air pressure from blasting operations, shall be submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place only in accordance with the scheme as approved or such subsequent amendments as may receive the written approval of the planning authority.

Reason: In the interests of public safety.

10. That the depth of the quarry extension shall not exceed 48m above ordinance datum (AOD).

Reason: In order to protect the character of the area.

11. That within one year of this permission, a detailed landscaping scheme shall be submitted to and approved in writing by the planning authority, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting

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

12. That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

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

13. That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance

with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Reason: In the interests of protecting items of historical importance as may exist within the application site.

14. That no blasting shall take place within the site unless the prior approval of Network Rail is obtained. For the avoidance of doubt, Network Rail should be notified seven days in advance of any blasting in order to afford them an opportunity of making comment.

Reason: In the interests of public safety.

15. The level of vibration at the railway boundary shall not exceed a maximum peak particle velocity of 25mm/sec.

Reason: To maintain the integrity of the railway infrastructure.

16. That the proposal should ensure that there is no reduction in the effectiveness of any drain or watercourse belonging to Network Rail. Furthermore, there must be no interference to any existing drainage rights that Network Rail enjoys.

Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

17. Without the prior approval of Network Rail, the proposed works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway.

Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

18. Storm or surface water must not be discharged onto, or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway.

Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

19. Cranes and jibbed machines, used in connection with the works, must be positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.

Reason: To maintain the safety of railway operations.

20. All cranes, machinery and constructional plant must be positioned and used to prevent the accidental entry onto railway property of such plant or loads attached thereto, in the event of failure.

Reason: To maintain the safety of railway operations.

21. Vibration monitoring shall be carried out by the developer, or their contractors, to determine the effects of blasting on the railway, and Network Rail, in consultation with the Planning Authority, shall be supplied with a copy of the results.

Reason: To maintain the safety of railway operations and the integrity of railway infrastructure.

22. That a procedure shall be set in place between Network Rail and Leith's (Scotland) Limited on the design and operation of a "Safe System of Work" to ensure the protection of rail traffic whilst blasting is being undertaken.

Reason: To maintain the safety of railway operations and the integrity of railway infrastructure.

23. The developer shall (a) meet the costs of all reasonable protective works carried out by Network Rail, which are directly attributable to the proposed use of explosives pursuant to the foregoing conditions, and (b) indemnify Network Rail against all third party claims arising by reason or in consequence of the said use of explosives except insofar as the same are caused by the negligence of Network Rail, their servants, agents or licensees.

Reason: To maintain the safety of railway operations and the integrity of railway infrastructure.

24. Where alterations to existing ground levels are proposed within 10 metres of the boundary of railway land (including the construction of storage mounds) detailed plans of the development, including cross-sections should be forwarded to Network Rail, in consultation with the Planning Authority, for assessment and comment before development commences.

Reason: To maintain the safety of railway operations and the integrity of railway infrastructure.

25. Network Rail shall be notified of any significant alterations to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, blasting specification etc.

Reason: In the interests of safety, as Network Rail needs to be aware of all development adjacent to its property.