Our Ref:

Tel·

21/00695/FUL

Your Ref: Contact:

Joanne Delaney 01236 632500

E-mail: Planningenquiry@northlan.gov.uk

Date: 19 September 2021



Mr Jonathan Speed c/o Rebecca McLean

o,o nobodda molo

Sweco

Quay 2

139 Fountainbridge

Edinburgh

EH3 9QG

Enterprise And Communities

Lorna Bowden
Planning And Place Manager
Fleming House
2 Tryst Road
Cumbernauld G67 1JW

Dear Sir/Madam,

Town and Country Planning (Scotland) Act 1997

Proposal: Formation of Dual Carriageway including an Underbridge Crossing of the West Coast Main Line, Enlargement of the Roundabout of Windmillhill Street with Airbles Road, and Formation of Additional Roundabout to Upgrade Connections between Ravenscraig and Motherwell

Address: Land South West Of Regional Sports Facility At O'Donnell Way Within Ravenscraig Leading Via A Crossing To Windmillhill Street, Motherwell, North Lanarkshire

I advise you that your application was **approved subject to conditions** on 16 September 2021.

I enclose a copy of the Decision Notice together with the relevant initiation and completion notices. Please read any attached conditions and notes to applicant carefully.

If you are submitting any further information in connection with this application please do so via the eplanning portal at http://ePlanning.scot using the post submission form. This will ensure that information reached us quickly and will allow us to deal more efficiently with your submission.

This applies to revised plans, supporting reports and information in relation to planning conditions. Please click on the following link for full guidance on the use of Post Submission Additional Documentation form on the ePlanning portal, https://www.eplanning.scot/ePlanningClient/default.aspx

Yours faithfully,

Lorna Bowden

Planning And Place Manager









Town and Country Planning (Scotland) Act 1997

No: 21/00695/FUL

Date: 16 September 2021
To: Mr Jonathan Speed

c/o Rebecca McLean

Sweco Quay 2

139 Fountainbridge

Edinburgh

UK

EH3 9QG

With reference to your application dated 29 April 2021 for planning permission under the above Act for the following development:

Proposal: Formation of Dual Carriageway including an Underbridge Crossing of the West Coast Main Line, Enlargement of the Roundabout of Windmillhill Street with Airbles Road, and Formation of Additional Roundabout to Upgrade Connections between Ravenscraig and Motherwell

Address: Land South West Of Regional Sports Facility At O'Donnell Way Within Ravenscraig Leading Via A Crossing To Windmillhill Street, Motherwell, North Lanarkshire

North Lanarkshire Council, in exercise of its powers under the above Act, hereby **GRANTS** planning permission for the said development subject to the attached condition(s) and reason(s).

The proposal is in accordance with the current development plan.

The council's reasoning for arriving at the above decision is as follows:-

Reasoned Justification

The proposed development meets the criteria set out in the relevant policies contained within the North Lanarkshire Local Plan 2012. The proposed development is acceptable in terms of its impact upon the site and the surrounding area.

Lorna Bowden

Planning And Place Manager

Conditions and Reasons

1. That the development hereby permitted shall be carried out strictly in accordance with the approved details submitted as part of the application and no change to those details shall be made without prior written approval of the Planning Authority.

Reason: To clarify the drawings on which this approval of permission is founded.

2. That unless otherwise agreed in writing by the Planning Authority and notwithstanding the information contained within report titled 'Desk Study, Ground Investigation, and Remediation Strategy' by Sweco dated 16th April 2021 and associated addendum reporting, before the development hereby permitted starts, a further remediation report shall be submitted to, and for the approval of the Planning Authority, which satisfies the outstanding queries as contained within the response from Protective Services dated 30th July 2021.

Reason: To establish whether or not site decontamination is required in the interests of the amenity and wellbeing of future road users.

3. That any remediation works identified by the report agreed in terms of Condition 2 above shall be carried out in accordance with an implementation timetable. This timetable shall be agreed in writing with the Planning Authority before any works start on site. No part of the road in each phase shall be brought into use until a certificate (signed by a chartered Environmental Engineer) has been submitted to the Planning Authority confirming that any remediation works have been carried out for that phase in accordance with the agreed Remediation Strategy and timetable.

Reason: To ensure that any remediation identified has been implemented in the interests of the amenity and wellbeing of future road users.

4. That unless otherwise agreed in writing by the Planning Authority, before each phase of the development hereby permitted starts, the remediation works of drilling and grout injection to stabilise shallow mine workings shall be carried out and before each phase of the road is brought into use, a certificate (signed by a chartered Engineer) shall be submitted to the Planning Authority confirming that the remediation works have been carried out in accordance with the terms of the Coal Mining Risk Assessment held in Section 6 of report titled 'Desk Study, Ground Investigation, and Remediation Strategy' by Sweco dated 16th April 2021.

Reason: To ensure that shallow mine workings within the site are stabilised in the interests of the safety of future road users.

- 5. That unless otherwise agreed in writing by the Planning Authority and notwithstanding the information contained within report titled 'Noise and Vibration Assessment' (NVA) by Sweco dated 22nd April 2021, before the development hereby permitted starts, the following further information shall be submitted to, and approved in writing by the Planning Authority:
 - a) Covid -19 restrictions have substantially lifted baseline noise levels which were estimated with reference to strategic transportation noise maps, along with road traffic noise level predictions using the Calculation of Road Traffic Noise (CRTN) methodology and traffic flows provided by the Transport Specialist, as such these now need to be measured on site and the construction noise assessment updated if required and re-submitted;
 - b) Full details of the barriers which are proposed as part of the scheme and are detailed in Figure 3 of the NVA. These barriers must have equivalent noise reduction to that specified in Table 11 of the NVA;

- c) A full noise survey in terms of Noise Insulation (Scotland) Regulations 1975 to determine exactly which properties are eligible for sound mitigation measures. This report must prepare a statutory list and map of properties qualifying for insulation; and
- d) A detailed assessment of night-time construction noise once the plant type and works duration are further defined and following review of the Contractor's working methods.

Thereafter, all agreed mitigation works proposed in the original NVA and addendum reporting as sought above, shall be implemented contemporaneously with the development in so far as is reasonably practical. Following implementation, a certificate (signed by a chartered Engineer) shall be submitted to the Planning Authority prior to each phase of construction commencing or of the road being brought into use whichever is applicable, confirming that these works have been implemented in accordance with the agreed details.

Reason: To enable the Planning Authority to consider these aspects in detail and ensure a suitable noise environment for affected properties.

6. That unless otherwise agreed in writing by the Planning Authority, the recommendations of the Air Quality Assessment dated 14th April 2021 by Sweco shall be implemented in that there should be site-specific mitigation measures for the construction phase of the proposed development. These should be in line with current best practice guidance - the Institute of Air Quality Management (IAQM) guidance on dust management in demolition and construction, and before development starts on each phase of works, a report detailing the proposed mitigation measures shall be submitted to, and approved in writing by the Planning Authority. Thereafter, all agreed mitigation works shall be implemented contemporaneously with the development in so far as is reasonably practical. Following implementation, a certificate (signed by a chartered Engineer) shall be submitted to the Planning Authority prior to each phase of construction commencing, confirming that these works have been implemented in accordance with the agreed details.

Reason: To enable the Planning Authority to consider these aspects in detail and ensure a suitable air environment for affected properties.

7. That unless otherwise agreed in writing by the Planning Authority, the terms of the Construction Method Statement dated 16th April 2021 by Amey Consulting and the Construction Environmental Management Plan dated 27th April 2021 by Sweco, shall be in operation at all times during construction to the satisfaction of the Planning Authority, and in particular, before the development hereby permitted starts, details of the main site compound and any satellite compounds proposed, and the means of access to the site shall be submitted to, and approved in writing by the Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To enable the Planning Authority to consider these aspects in detail in the interests of amenity.

8. That unless otherwise agreed in writing by the Planning Authority, the terms of the Flood Risk Assessment (FRA) by Amey Consulting dated 26th April 2021, and the design of the surface water drainage scheme approved in terms of Condition 1 and as shown on the approved drainage drawings, and discussed in report 'Drainage Impact Assessment' by Amey Consulting dated 21st April 2021, shall be implemented contemporaneously with the development in so far as is reasonably practical. Following implementation, a certificate (signed by a Chartered Civil Engineer) shall be submitted to the Planning Authority prior to each phase of the road being brought into use confirming that these works have been constructed in accordance with the relevant CIRIA Manual, approved plans, and recommendations of the Flood Risk and Drainage Assessments.

Reason: To safeguard any adjacent watercourses and groundwater from pollution and in the interests of the amenity and wellbeing of future road users.

9. That unless otherwise agreed in writing by the Planning Authority, before the development hereby permitted starts, the applicant shall provide written confirmation to the Planning Authority that all the requirements of Scottish Water can be fully met to demonstrate that the development will not have an impact on their assets, and that suitable infrastructure can be put in place to support the development, taking cognisance of the terms of report 'Drainage Impact Assessment' dated 21st April 2021.

Reason: To ensure the provision of satisfactory drainage arrangements.

10. That unless otherwise agreed in writing by the Planning Authority, the recommendations of the Ecological Appraisal Report dated 10th March 2021 by Sweco and addendum reporting, shall be implemented in full to the satisfaction of the Planning Authority, and for each phase of construction where 12 months or more has elapsed between the timing of the ecological survey hereby approved and development commencing, further updated survey(s) shall be undertaken on the site to determine the presence of any statutorily protected species, the said survey(s) shall thereafter be submitted to and approved in writing by the Planning Authority before any development commences on the site. As a result of the studies, should any mitigation measures be required for any protected species, this shall be implemented in accordance with the species protection plan agreed in writing with the Planning Authority in consultation with Nature Scot before works commence on the site.

Reason: To ensure compliance with The Conservation (Natural Habitats & c.) Regulations 1994 (as amended); the Wildlife and Countryside Act (1981) as amended; the Protection of Badgers Act 1992 (as amended); and the Nature Conservation (Scotland) Act 2004.

11. That unless otherwise agreed in writing by the Planning Authority and notwithstanding the terms of condition 10 above, before the development hereby permitted starts, pre-start surveys shall be undertaken at each stage of construction to determine the presence of any statutorily protected species. Should species be identified, any mitigation measures for their protection or relocation shall be submitted to, and approved in writing by the Planning Authority and thereafter implemented in accordance with a timetable agreed in writing with the Planning Authority in consultation with Nature Scot before works commence on the site.

Reason: To ensure compliance with The Conservation (Natural Habitats & c.) Regulations 1994 (as amended); the Wildlife and Countryside Act (1981) as amended; the Protection of Badgers Act 1992 (as amended); and the Nature Conservation (Scotland) Act 2004.

12. That unless otherwise agreed in writing by the Planning Authority, before development starts, Species Protection Plans for Great Crested Newts, and Bats shall be submitted to, and approved in writing by the Planning Authority in consultation with Nature Scot and thereafter implemented in accordance with the details approved under this condition and an agreed timetable.

Reason: To ensure compliance with The Conservation (Natural Habitats & c.) Regulations 1994 (as amended); the Wildlife and Countryside Act (1981) as amended; the Protection of Badgers Act 1992 (as amended); and the Nature Conservation (Scotland) Act 2004.

- 13. That unless otherwise agreed in writing by the Planning Authority, before the development hereby permitted starts, a scheme of landscaping shall be submitted to, and approved in writing by the Planning Authority, and it shall include:-
 - (a) details of any earth moulding and hard landscaping, boundary treatment, grass seeding, turfing and incorporation of a wildflower area;

- (b) a scheme of tree and shrub planting including use of native trees, incorporating details of the location, number, variety and size of trees and shrubs to be planted to provide suitable compensation and avoid any net loss;
- (c) an indication of all existing trees and hedgerows, plus details of those to be retained, and measures for their protection in the course of development;
- (d) investigation into the potential to provide compensatory wetlands/ponds and planting to the SUDS ponds; and
- (e) a detailed timetable for all landscaping works which shall provide for these works being carried out contemporaneously with the development of the site.

The principles of Biodiversity Net Gain (BNG) shall be applied, encouraging the bringing forward of schemes that provide an overall increase in natural habitat and ecological features that respect the mitigation hierarchy to give priority to avoidance on irreplaceable biodiversity.

Reason: To enable the Planning Authority to consider these aspects in detail.

14. That unless otherwise agreed in writing by the Planning Authority, the landscaping scheme as approved under the terms of condition 13 above, shall be implemented to the satisfaction of the Planning Authority and any trees, or other forms of planting which die, are removed, damaged, or become diseased, within two years of the routes becoming operational, shall be replaced within the following year with others of a similar size and species.

Reason: To ensure the implementation of the landscaping scheme in the interest of amenity.

15. That unless otherwise agreed in writing by the Planning Authority, no trees or bushes outwith the site shall be lopped, topped, felled, or otherwise affected, and before the development hereby permitted starts, tree protection measures in accordance with British Standard 5837-2012 'Trees in Relation to Design, Demolition and Construction' shall be in place and shall be retained for the duration of construction works to the satisfaction of the Planning Authority.

Reason: To ensure planting to be retained is suitably protected during construction.

16. That unless otherwise agreed in writing by the Planning Authority, no development shall take place within the development area until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, agreed by the local Archaeology Service and approved by the Planning Authority. In particular, the WSI should focus on ground disturbance on the site of the engine works and Roman Road and an appropriate buffer.

Reason: To enable the Planning Authority to consider these aspects in detail and suitably protect any archaeological assets.

17. That unless otherwise agreed in writing by the Planning Authority, before the development hereby permitted starts, details of a scheme to enhance and maintain the land which will become vacant following demolition of the buildings adjacent to South Dalziel Church, until any such future date re-development of the land may be proposed, shall be submitted to, and approved in writing by the Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To enable the Planning Authority to consider these aspects in detail in the interests of the setting of the listed church.

Notes to Applicant

- The design and implementation of the proposed underbridge will have to comply with current Railway Standards and Guidelines and the applicant should contact Network Rail to agree requirements in this regard.
- Noise monitoring shall be implemented at a position representing the Manse Road receptor identified in the Noise and Vibration Assessment. This monitoring must be capable of providing real-time alerts to the Contractor should construction noise approach the SOAEL value within this report. The Contractor must then take proactive remedial action should these values be exceeded.
- 3. For vibratory compaction works near Manse Road, Blair Path and the Airbles Road Rehabilitation Centre, the Contractor must:
 - a. carry out vibration compaction only during the daytime.
 - b. inform the occupiers of the likely times and duration of works at least one week prior to works commencing.
 - c. monitor the vibration levels where these works could occur for more than 10 days: and
 - d. where feasible, carry out a building condition survey to identify any sensitive aspects of the building and to ensure the current status of the building is recorded.
- 4. Construction work associated with this development shall conform to BS-5228, Noise from Construction and Open Sites. Due to the close proximity of the development to noise sensitive dwellings during the period of construction working hours should be limited to:
 - 8.00am to 7.00pm Monday to Friday, 8.00am to 1.00pm Saturdays, and no noise to be audible from the site on Sundays or Bank Holidays. Where construction works are planned to occur in the evening after 19:00 or during the night time period 23:00-07:00 or on Sundays, the applicant shall require to seek prior written approval from Protective Services before these works are undertaken.
- 5. Clearance of the site should be undertaken out with the breeding bird season. The breeding bird season is March to September. If this is not possible, an experienced ecologist is required to inspect the site to check for nesting birds 24 hours before work commences. If any nesting birds are identified, then these habitats must not be disturbed until all of the chicks have fledged.
- 6. Several species of invasive species were recorded within the survey boundary including Giant Hogweed and Japanese Knotweed. All of these species should be correctly treated. It is recommended that a Species Control Plan is carried out for these species. Japanese Knotweed should be eradicated using an approved herbicide. Soil with any knotweed in it is classified as "controlled waste" under the Environmental Protection Act (1990). It is illegal to allow knotweed to grow in the wild under the Wildlife and Countryside Act (1981). Guidance on disposal is available from SEPA, and on its control from the Greenspace Development Unit. If soil containing a tiny fragment of this plant is spread on or off site, plants may regenerate facilitating the spread of this invasive species.

Additional Notes to Applicant:

PLEASE READ THESE NOTES CAREFULLY.

These notes do not constitute legal advice, and are not intended to be a comprehensive guide to laws which may apply to the development which you propose to carry out. If you wish to obtain advice on which you will be entitled to rely, you must consult a solicitor or other appropriate professional adviser, e.g. an architect or chartered surveyor.

- The length of the permission: This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997.
- 2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)). You can give advance notice by going online at www.northlanarkshire.gov.uk/planningnotices or by writing to us.
- 3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)). You can give notice by going online at www.northlanarkshire.gov.uk/planningnotices or by writing to us.
- 4. **Rights of aggrieved applicants to seek appeal of the decision:** If the applicant is aggrieved by this decision of the planning authority they may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act 1997 within **three months** of the date of this decision. No additional matters are to be raised unless specifically requested by the Planning and Environmental Appeals Division.

The Scottish Ministers may allow or dismiss an appeal, or may reverse or vary any part of the planning authority's decision, whether the appeal relates to that part or not, and may deal with the application as if it had been made to them in the first instance.

Information on how to appeal can be found at the Planning and Environmental Appeals Division website: https://www.dpea.scotland.gov.uk/

- 5. Application to develop site otherwise than in accordance with the conditions: Where planning permission has been granted subject to conditions which the developer wishes to have changed or removed, an application can be made for planning permission to develop the site otherwise than in accordance with the previous conditions. (See section 42 of the Town and Country Planning (Scotland) Act 1997). Such an application can be made at any time, providing that the permission has not become time-expired.
- 6. **Rights of landowners whose land has become incapable of reasonably beneficial use:** If permission to develop land is refused or granted subject to conditions, and the owner of the land considers 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, they may serve on the planning authority a purchase notice requiring the purchase of their interest in the land. (See sections 88 to 94 of the Town and Country Planning (Scotland) Act 1997). The council has the right to challenge any such notice by referring it to the Scottish Ministers.

- 7. **Requirements for other permissions and consents:** This consent does not exempt you from obtaining other types of consent such as:
 - a Building Warrant
 - permission to display certain advertisements
 - permission to carry out certain works within a council house and on land attached
 - o permission for a caravan site licence
 - o a licence for the sale of supply of alcoholic liquor
 - permission for new access from a public highway, or to alter an existing access, or to construct a new street, or to widen, extend or otherwise alter an existing street
 - o permission to use the public water supply and the public sewerage system
 - the supply of electricity and/or gas
 - o and/or any other consent for approval not mentioned in this form
- 8. **Development affecting the property of other landowners.** The granting of planning permission does not entitle applicants to carry out any work to land or buildings outwith their own ownership. It is the responsibility of the applicant to secure the agreement of all relevant owning parties, before any works take place. This includes securing the agreement of the council as landowner if any works affect council-owned land.
- 9. Coal mining legacy risks. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: http://www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: http://www.gov.uk/coalauthority

- 10. Failure to abide by the terms of this permission. If you do not abide by the terms of this permission, for example by failing to comply with conditions or by deviating from the approved plans without first agreeing this with the planning authority, this may be a breach of planning control. Where it appears to the planning authority that there has been a breach of planning control, they may pursue enforcement action under the Town and Country Planning (Scotland) Act 1997 in order to require that the breach be remedied. Potentially such action could require the demolition of buildings, with the developer being liable for the cost of carrying out any work to remedy the breach. If you wish to make changes to what this permission allows, contact the planning authority for advice.
- 11. Utility infrastructure. Utility maps for your site are now available online at www.linesearchbeforeudig.co.uk. This free site will provide you with information regarding the location of any utility companies' assets in your proposed work area (underground and overhead pipelines and cables in the electricity, gas, high pressure fuel/oil, heating, water and fibre optic networks). This should be carried out before any works are undertaken on site. Should a site search identify the presence of any utility company assets you should contact them directly to discuss what may be required to protect, move or divert their apparatus.
- 12. **Felling of Trees.** Where full planning permission authorises the felling of trees on a development site, no further consent is required under the Forestry and Land Management (Scotland) Act 2018. Any tree felling not expressly authorised by planning permission, and not otherwise exempted, may require felling permission under that Act. Any felling carried out without either a licence or other valid permission is an offence which can mean, on conviction, a fine of up to £5,000 per tree and a criminal record for all involved in the felling.

You can get information about and application forms for felling permission from the Forestry Commission website https://forestry.gov.scot/support-regulations/felling-permissions. Contact Forestry and Land Scotland if you require further guidance.



NOTICE OF INITIATION OF DEVELOPMENT

Town and Country Planning (Scotland) Act 1997

Planning Application Reference Number: 21/00695/FUL

Date of Planning Permission Iss	sued: 16 September 2021
Name & Address of Applicant:	Mr Jonathan Speed
	c/o Rebecca McLean
	Sweco
	Quay 2
	139 Fountainbridge
	Edinburgh
	UK
	EH3 9QG
Name & Address of Site Agent:	
Name and Address of Landown (if different from above):	er
Anticipated Date of Commen	cement of Works:

Note:

This Notice should be returned to us through the online portal at http://ePlanning.scot using the post submission form, quoting 21/00695/FUL and application received date 29 April 2021 as soon as practical after it has been decided when work will start on the development.

The purpose of the Notice is to allow attention to be focussed on any pre-start planning requirements. It is a breach of planning control to fail to submit the Notice but it is not a breach to fail to commence on the specified date.



NOTICE OF COMPLETION OF DEVELOPMENT

Town and Country Planning (Scotland) Act 1997

Planning Application Reference Number: 21/00695/FUL				
Date of Planning Permission Iss	ued: 16 September 2021			
Name & Address of Applicant:	Mr Jonathan Speed			
	c/o Rebecca McLean			
	Sweco			
	Quay 2			
	139 Fountainbridge			
	Edinburgh			
	UK			
	EH3 9QG			
Name & Address of Site Agent:				
Name and Address of Landown (if different from above):	er			
Anticipated Date of Completion	on of Works:			

Note:

This Notice should be returned to us through the online portal at http://ePlanning.scot using the post submission form, quoting 21/00695/FUL and application received date 29 April 2021 after either the development or an approved phase of development has been completed.

The purpose of the Notice is to allow attention to be focussed on any appropriate planning requirements. It is a breach of planning control to fail to submit the Notice but it is not a breach to fail to have completed the development or phase of development on the specified date.