

	<h1>Report</h1>	Agenda Item <h1>10</h1>
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Report to:	Planning Committee
Date of Meeting:	28 April 2009
Report by:	Executive Director (Enterprise Resources)

Application No	EK/09/0011
Planning Proposal:	Residential Development (in Outline)

1 Summary Application Information

- Application Type : Outline Planning Application
- Applicant : Taylor Wimpey Developments Ltd
- Location : Land at Shields Road
East Kilbride

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Refuse Outline Planning Permission – For the reasons stated

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: James Barr
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **Glasgow and Clyde Valley Structure Plan 2006**
Strategic Policy 1 – 'Strategic Development Locations'
Strategic Policy 6 – 'Quality of Life and Health of Local Communities'
Strategic Policy 9 – 'Assessment of Development Proposals'
Strategic Policy 10 – 'Departures from the Structure Plan'
- South Lanarkshire Local Plan 2009**
Policy STRAT2 – 'Proposed Community Growth Areas'
Policy STRAT3 – 'The Green Belt and Urban Settlements In The Green Belt Policy'
Policy RES2 – 'Proposed Housing Sites'

- ◆ Representation(s):

◆ Consultation(s):

Environmental Services

Lindsay, Auldhouse & Chapelton Community Council

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

Power Systems

British Telecom

S.E.P.A. (West Region)

TRANSCO (Plant Location)

Scottish Natural Heritage

Roads and Transportation Services (East Kilbride)

Planning Application Report

1 Application Site

- 1.1 The site comprises grazing land over 23.9 hectares at the southern side of Shields Road on the southern periphery of East Kilbride. It is bounded by an area of raised bog along its north-western and northern edge, by irregular field boundaries on its south-western and southern edge and by Auldhouse Road on its eastern edge. The site falls from north-east down to the south-west and is generally undulating. South Shields farm, which is a working unit, sits within the site and the land is essentially used for grazing. Mature trees sit around the farm steading and a number of field boundaries are well defined by hedgerows.

2 Proposal(s)

- 2.1 The applicant has applied for outline planning permission for residential development over the entire 23.9 hectare site. The planning statement submitted with the application advises that approximately 250 residential units are planned, with some provision for affordable housing. As the proposal is in outline, there have been no details submitted relating to infrastructure, although the applicant's transportation statement has put forward possible solutions relating to road capacity issues in the vicinity and lack of public transport links.

3 Background

3.1 Local Plan Background

Policies STRAT2 - 'Proposed Community Growth Areas', STRAT3 – 'The Green Belt and Urban Settlements In The Green Belt Policy' and RES2 – 'Proposed Housing Sites' in the Adopted South Lanarkshire Local Plan 2009 are all relevant to the assessment of the proposal.

3.2 Structure Plan Background

The proposal is covered by the Glasgow and Clyde Valley Structure Plan 2006. Strategic Policy 1 – 'Strategic Development Locations', Strategic Policy 6 – 'Quality of Life and Health of Local Communities', Strategic Policy 9 – 'Assessment of Development Proposals', Strategic Policy 10 – 'Departures from the Structure Plan' are relevant.

3.3 Relevant Government Advice/Policy

SPP21 – Green Belts confirms that development plans should make it clear and with certainty where development should and should not take place and be part of a long term settlement strategy with a timeframe of at least 20 years. Green Belt boundaries should be drawn to 'ensure that settlements are able to accommodate planned long term growth' which will avoid cumulative erosion through the grant of individual planning consents. Where sites are identified to meet long term needs, planning authorities should engage widely with stakeholders to agree masterplans which can inform how development can be phased and co-ordinated appropriately.

SPP3 – Planning for Housing highlights that the planning system should seek to:

- Create quality residential environments;
- Guide development to the right place; and
- Deliver an adequate supply of land.

PAN67 – Housing Quality advises that new housing proposals should take account of the wider context and be integrated with their wider neighbourhood.

4 Consultation(s)

- 4.1 **Environmental Services** – no objections subject to conditions relating to refuse storage and dust.
Response: Noted.
- 4.2 **Lindsay, Auldhouse & Chapelton Community Council** – object for the following reasons:
- the site is not within the current 10 year housing plan;
 - Shields Road forms a natural edge to the Settlement Boundary;
 - the proposal would increase traffic congestion;
 - what are the community facilities proposed?;
 - there is already more houses than needed being built between Lindsayfield and Jackton;
 - the existing developments proposed will put an additional strain on infrastructure;
 - SLC are already struggling to maintain the condition of the rural roads at present;
 - several housing sites in EK are currently laying idle because of the current economic downturn;
 - the development could increase crime rates given that there has already been instances of houses burgled;
 - would the proposal require extra policing?
- Response:** The proposal is contrary to the Glasgow and Clyde Valley Structure Plan and the South Lanarkshire Local Plan in terms of Green Belt designation and housing land supply (refer to section 6.0 Assessment and Conclusions). The Council's Roads and Transportation Service have advised that they would have no objections to the proposal, subject to satisfactory road improvements and provision of improved public transport links. They advise that the site is not their preferred site in terms of accessibility. The proposal is in outline and does not have details of housing mix or community facilities. Any issues with crime or policing are matters for Strathclyde Police to address.
- 4.3 **Roads & Transportation Services H.Q. (Flooding)** – no objections subject to the SLC SUDs criteria being met.
Response: Noted
- 4.4 **Scottish Water** – no objections.
Response: Noted.
- 4.5 **Power Systems** – given that they have apparatus in the area, Power Systems have submitted a holding objection as it is unclear how any housing layout will affect this.
Response: Noted.
- 4.6 **British Telecom** – advise applicant to contact BT prior to any work commencing.
Response: Noted. These details have been passed to the applicant.
- 4.7 **S.E.P.A. (West Region)** – advise that contact should be made with SLC Flood Unit and make comments relating to culverting, surface water drainage and pollution prevention.
Response: Noted. These details have been passed to the applicant.
- 4.8 **TRANSCO (Plant Location)** - advise applicant to contact Scottish Gas prior to any work commencing.
Response: Noted. These details have been passed to the applicant.

- 4.9 **Scottish Natural Heritage** – make comments on Green Belt Policy, European Protected Species and international/national heritage interests.

Response: Noted.

- 4.10 **Roads and Transportation Services (East Kilbride)** - have advised that they would have no objections to the proposal, subject to satisfactory road improvements and provision of improved public transport links. They advise, though, that the site is not their preferred site in terms of accessibility.

Response: Noted.

5 Representation(s)

- 5.1 Following the statutory neighbour notification and advertisement in the East Kilbride News, 17 letters of objection have been received including a petition with 34 signatures. The points raised are summarised as follows:

- a) **The proposal would further erode the ever dwindling green belt at a time when there is insufficient need or demand for housing. Maintaining a green belt is a key objective of SPP3. The applicants should look to develop brownfield land instead.**

Response: Noted. There is no need for the site to be developed within the current local plan period as the Council has provided sufficient housing land supply elsewhere through the local plan process.

- b) **The habitat survey is currently insufficient as there has been no consideration given for the presence of field mice, butterflies, moths or amphibians.**

Response: Noted. SNH have confirmed that the site should be further surveyed for the presence of otters and water voles and that there should be a further of the existing badger sett. Given that the principle of the proposal in planning terms has not been accepted, these surveys have not been requested by the Planning Service and the applicant has not supplied such information to date.

- c) **The proposal contravenes the Glasgow and Clyde Valley Structure Plan and the South Lanarkshire Local Plan which has designated the site as green belt as has been endorsed by the Reporter at the South Lanarkshire Local Plan Inquiry and the Council's Planning Committee.**

Response: Agreed. The Reporter, whilst acknowledging that the site may be suitable for development at a later stage, advised that the site should not be developed until 2013 at the earliest and only if certain tests were met. This matter will be discussed further in Section 6.

- d) **There is no logical part of the site where a natural green belt boundary could be established once the proposal is developed.**

Response: This issue is accepted at this point in time, however as discussed in section 6.0 these issues may be addressed through appropriate landscaping works and the passage of time.

- e) **Shields Road is a designated cycle, riding and walking route enjoyed by many families. Any development would greatly increase traffic round these routes. The transportation report currently suggests that traffic congestion is virtually non-existent. The survey was carried out in June which is unrepresentative of the real situation due to the school holidays. Furthermore, the report fails to take due cognisance of problems on the A725 and M77 and the lack of appropriate links to public transport.**

Response: The Roads and Transportation Service have advised that they would have no objections to the proposal, subject to satisfactory road improvements and

provision of improved public transport links. They advise, though, that the site is not their preferred site in terms of accessibility.

- f) **There are insufficient community facilities in Lindsayfield and the wider East Kilbride area. The construction of further housing should incorporate the necessary facilities.**

Response: Should the application be approved, or any subsequent reserved matters planning application, the applicant will be required to enter into discussions with the Council for the provision of appropriate community facilities and any other appropriate infrastructure works, and/or financial contributions.

- g) **The development would result in increased noise and dust to the residents currently overlooking the site.**

Response: Given that the proposal is for residential development, there is unlikely to be a significantly detrimental impact upon existing residents. Environmental Services have not asked for a noise assessment to be submitted, however they have asked for dust to be monitored during the construction period.

- h) **During construction, the site would encourage fly tippers.**

Response: This is a matter for any developer and/or Environmental Services and is not in itself a reason for refusing any consent.

- i) **Neighbour notification was carried out during the Christmas period, giving only limited time for residents to respond.**

Response: The neighbour notification period began on the day the application was validated by the Planning Service (15 January 2009). This 3 week period expired on 2 February 2009, giving ample time for any letter to be submitted. The application was also advertised in the local press.

- j) **The application site has previously had drainage problems. Furthermore water pressure would be significantly reduced by further housing/increased demand.**

Response: The Council's Flood Unit has advised that they have no objections to the proposal subject to it meeting the appropriate Sustainable Urban Drainage System (SUDs) legislation. This would involve the developer accepting liability for any issues and rectifying them accordingly. Scottish Water has not objected to the proposal.

- k) **The proposal would require to provide appropriate children play areas which are notorious for attracting anti-social behaviour.**

Response: Potential rise in anti-social behaviour is not a valid reason for refusal in itself. Any issues with crime or policing are matters for Strathclyde Police to address.

- l) **The plans submitted are not detailed enough.**

Response: The application is in outline and the applicant is only required to provide a site plan and location plan. In addition to the plans, the applicant has provided a planning statement, a landscaping survey, drainage information, a habitat survey and a transport statement.

- m) **James Barr state in their supporting document that 250 units are proposed, however the transport report states that 350 units are proposed.**

Response: As the proposal is in outline, details of the number of units proposed are not necessary for determination of the application.

- n) **James Barr states that the site is an infill site. This is not the case.**

Response: This issue is discussed in Section 6 below.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

6.1 Under the terms of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Glasgow and Clyde Valley Joint Structure Plan and South Lanarkshire Local Plan (Adopted). In assessing the application it is also necessary to evaluate the proposal against the most up to date policies and criteria contained in the relevant Scottish Planning Policies and Planning Advice Notes. In this regard the assessment of the proposal will be considered under three broad headings; South Lanarkshire Local Plan, Glasgow and Clyde Valley Structure Plan and National Planning Policy/Advice.

South Lanarkshire Council Local Plan

6.2 Prior to assessing the proposal against local plan policies it is considered appropriate to set out briefly the background to this site in relation to the local plan process. The application site was considered through the preparation of the South Lanarkshire Local Plan when it was promoted by the applicants as a proposed housing site. Through the local plan process, the proposal was assessed in comparison to other potential development sites (including sites now identified for the East Kilbride Community Growth Area), and it was concluded that the site was not appropriate for development. The Council defended this position at the Local Plan Public Inquiry. In the Reporters Report into the Local Plan Inquiry the Reporter recommended that this site be identified as a housing site subject to two tests in relation to housing land supply and establishment of a robust Green Belt boundary. Specifically the Reporter stated that:

“Shields Road provides appropriate opportunities for significant settlement extension in the longer term, but the further release of greenfield land is not currently justified by the structure plan, the assessments of housing need, or any shortfall in the effective housing land supply. Consent should not be granted before 2013, and only if:

- an effective new green belt boundary has already been established; and,
- the rate of house completions in the relevant housing market area, or across South Lanarkshire, has failed to match the anticipated rate.”

6.3 In considering the Reporter’s recommendation the Council was concerned about this approach given the recent and fundamental changes in the housing sector. Rates of development have abruptly slowed, meaning that the existing supply of land for housing will stretch further than had been assumed to be the case during the Local Plan Inquiry. It is considered that identifying this site for a long term development site, outwith a justification in terms of Structure Plan, will serve no purpose in achieving the objectives of the Local Plan, in particular, directing development to the preferred East Kilbride Community Growth Area. On this basis, the Council took the view that it was not appropriate to accept the Reporter’s recommendation and the site remained within the Greenbelt.

6.4 Following on from the above, given the timescales suggested by the Reporter, there will be an opportunity to review housing land requirements at or around 2013 with the preparation of a new Local Development Plan for South Lanarkshire during which the development potential of the site can be re-considered. At this point in time, however, the site is not required and it would therefore be premature to identify it as a housing site through this planning application. In essence this is where the Council

differs from the applicant's consideration of the issue and in turn the assessment of the planning application against local plan policies.

- 6.5 In terms of Local Plan policy, the relevant Policies STRAT2 - 'Proposed Community Growth Areas', STRAT3 - 'The Green Belt and Urban Settlements In The Green Belt Policy' and Policy RES2 - 'Proposed Housing Sites'.
- 6.6 The local plan identifies the boundaries of Community Growth Areas (CGA) in East Kilbride following a thorough assessment process reflecting that set out in the Structure Plan. Policy STRAT2 states that, in order to satisfy strategic housing land requirements required by the Structure Plan, areas should be released from the Green Belt. Sufficient land shall be released in East Kilbride to satisfy longer term requirements. As a result of this long term provision, there is no need for any further sites to be released, particularly sites lacking in sufficient, defensible physical boundaries such as the application site. The CGA which was subsequently chosen was particularly suitable as it was the most appropriate and least sensitive part of the green belt around EK and because the site is located between two areas currently being developed - Bogton Farm and the Southern Development Area 2 at Lindsayfield.
- 6.7 Policy STRAT3 states that any encroachment into the Green Belt will be strongly resisted unless it is for the furtherance of agriculture, horticulture, forestry or recreation. Development which is isolated and sporadic will not be supported. The applicant has put no such business case forward and the proposal cannot, currently, provide a defensible physical boundary. The proposal is therefore contrary to STRAT3. Policy RES2 identifies sites within South Lanarkshire where the development for housing will be supported. For the reasons stated above and given that the application site was not included in those sites chosen, the proposal would not comply with Policy RES2.

Structure Plan Policy Assessment

- 6.8 The Glasgow and Clyde Valley Joint Structure Plan (GCVJSP) sets the strategic vision for housing land supply. Strategic Policy 1 - Strategic Development Locations sets out the need to make provision of new areas of urban expansion, such as Community Growth Areas (CGA), which could be best achieved through a focus on larger, longer term development areas. East Kilbride was identified as a suitable location with such potential through a strategic assessment of areas for urban expansion. This expansion will occur to the south west of East Kilbride, around the village of Jackton. As the applicant's site has not been identified by the Structure Plan, the proposal would fail Strategic Policy 1.
- 6.9 Strategic Policy 6 Quality of Life and Health of Local Communities relates to housing land supply and demand. The Structure Plan has identified a shortfall in land supply across the conurbation to 2018 and beyond. The Community Growth Areas, which need to be provided by the Planning Authorities, will contribute in meeting this shortfall. Outwith the CGAs there will be a presumption against major housing development. The application site would fall into this category and is, therefore, contrary to Strategic Policy 6.
- 6.10 Strategic Policy 9 - Assessment of Development Proposals sets out criteria which development proposals require to satisfy in order to accord with the Structure Plan. The following considerations must be made:
- Assessment of the supply and demand for development land
 - A presumption in favour of sustainable locations.

- Adequacy of measures to offset direct environmental and infrastructure implications

Through the criterion above, the CGA at East Kilbride was identified as having 'Longer Term Potential for Development'. This potential required to be confirmed and phased as part of the masterplanning work which is currently being undertaken. The release of all land identified by the Structure Plan for residential development will be controlled through updated assessments of housing land supply and demand. East Kilbride currently has capacity for 1500 units to 2018, and a 1000 units post 2018. As a result of this, there is no justification for allowing additional development in the established green belt at this point in time. Therefore the application is contrary to Strategic Policy 9. In turn the application needs to be assessed against Strategic Policy 10.

6.11 Strategic Policy 10 - Departures from the Structure Plan covers any proposal which fails to meet the relevant criteria set out in Strategic Policy 9 and is, therefore regarded as a departure from the Development Plan. It sets out further considerations that may justify the departure from the Structure Plan Policy having regard for the development in terms of:

- an updated assessment agreed by the Joint Committee of the supply and demand estimates used in the Plan;
- clear evidence of a shortfall in the existing and planned supply of land for:
- housing development within the appropriate Market Area; taking account of the need to provide for choice in terms of size and type of housing, or:
- requirements for affordable (including social rented housing) identified in a Strategic Housing Agreements or
- Local Housing Strategy;
- the capacity of the settlement and surrounding area to absorb further development.

Given that it has been established that there is clearly no shortfall in housing land supply at present, the proposal cannot be justified as an acceptable departure from the Structure Plan. It is worth noting that the proposed East Kilbride CGA has been supported by the Reporter's findings in the South Lanarkshire Local Plan Inquiry.

National Planning Policy Assessment

6.12 As regards national policy, release of the applicant's site for housing is inconsistent with SPP21. The detailed assessment undertaken in terms of finding suitable land to be released, carried out through the local plan process, has shown that the site has no strategic requirement and in physical terms it does not, at this point in time have a strong edge comparable with the boundaries of the East Kilbride Community Growth Area (refer to paragraph 6.4 above).

6.13 In summary, it has been demonstrated that the proposal is not in conformity with the national planning policy for housing, the structure plan or the local plan and it cannot be regarded as an appropriate departure from the Development Plan at this time. It is concluded that the application is contrary to Strategic Policies 1, 6 and 9 of the Structure Plan and is therefore a development plan departure. The proposal cannot be justified in terms of any of the relevant criteria in Strategic Policy 10. It is therefore considered that there are strong strategic policy grounds for refusal of this application. Furthermore, given this, the proposal fails Policies STRAT2, STRAT3 and RES2 of the South Lanarkshire Local Plan and is therefore recommended for refusal.

- 6.14 The newly adopted local plan will be in place for 5 years. During that time the Council will monitor progress on development of committed housing sites and, if a need arises, to look at other opportunities, either because of the non-effectiveness of sites and/or the need to increase availability of housing land. This site would fall into that category, given the Reporter's conclusions that it provides an opportunity for settlement expansion, but there is clearly no justification for release at this time.

7 Reasons for Decision

- 7.1 The proposal is contrary to Strategic Policies 1, 6, 9 and 10 of the Glasgow and Clyde Valley Structure Plan and Policies STRAT2, STRAT3 and RES2 of the South Lanarkshire Local Plan.

Iain Urquhart
Executive Director (Enterprise Resources)

21 April 2009

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan 2009
- ▶ Consultations
 - Education Resources 04/02/2009
 - Environmental Services 06/02/2009
 - S.E.P.A. (West Region) 06/02/2009
 - Roads & Transportation Services H.Q. (Flooding) 13/02/2009
 - TRANSCO (Plant Location) 22/01/2009
 - British Telecom 23/01/2009
 - Scottish Water 02/02/2009
 - Power Systems 05/02/2009
 - Scottish Natural Heritage 18/02/2009
 - Roads and Transportation Services (East Kilbride) 20/02/2009
- ▶ Representations
 - Representation from : Gerald & Katherine Marshall, 17 Pirnmill Avenue, East Kilbride, G75 9NN, DATED 31/12/2008
 - Representation from : Mr W & Mrs C McPhee, 17 Moorfoot Gardens, Lindsayfield, East Kilbride, G75 9GD, DATED 06/01/2009

- Representation from : Mr PR Mitchell-Knight & Mrs FC Mitchell-Knight, 15 Moorfoot Gardens, Lindsayfield, East Kilbride, G75 9GD, DATED 06/01/2009
- Representation from : Denis McNeill, 14 Machrie Green, Lindsayfield, East Kilbride, G75 9NJ, DATED 06/01/2009
- Representation from : Alastair Brockett, 11 Pirnmill Avenue, Lindsayfield, East Kilbride, G75 9NN, DATED 06/01/2009
- Representation from : Mr N & Mrs J Dalziel, 11 Moorfoot Gardens, Lindsayfield, East Kilbride, G75 9GD, DATED 06/01/2009
- Representation from : Mr R Fraser & Mrs F Fraser, 19 Moorfoot Gardens, Lindsayfield, East Kilbride, G75 9GD, DATED 08/01/2009
- Representation from : Lindsay, Chapelton & Auldhouse Community Council, 27 Brendon Avenue, Lindsayfield, East Kilbride, G75 9GT, DATED 30/01/2009
- Representation from : Valerie Duffy, 54 Campsie Road, East Kilbride, G75 9GE, DATED 02/02/2009
- Representation from : Mr S and Mrs A Harrow, 20 Langlands Road, Auldhouse, G75 9DW, DATED 28/01/2009
- Representation from : Mrs D Service, 27 Brendon Avenue, Lindsayfield, East Kilbride, G75 9GT, DATED 27/01/2009
- Representation from : J.E. Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS, DATED 10/03/2009
- Representation from : Mrs L McCulloch, 38 Langlands Road, Auldhouse, East Kilbride, DATED 19/02/2009
- Representation from : Miss Jasmine Rasul, 4 Douglas Drive, Gardenhall, East Kilbride, G75 8JS, DATED 16/01/2009
- Representation from : Gillian Thomson, 6 Kilpatrick Drive, Lindsayfield, East Kilbride, G75 9GH, DATED 11/02/2009
- Representation from : Mr and Mrs Miller, 4 Kilpatrick Drive, Lindsayfield, East Kilbride, G75 9GH, DATED 11/02/2009
- Representation from : Mr G Rae, 12 Kilpatrick Drive, East Kilbride, G75 9GH, DATED 11/02/2009

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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E-mail: Enterprise.ek@southlanarkshire.gov.uk

Outline Planning Application

PAPER APART – APPLICATION NUMBER : EK/09/0011

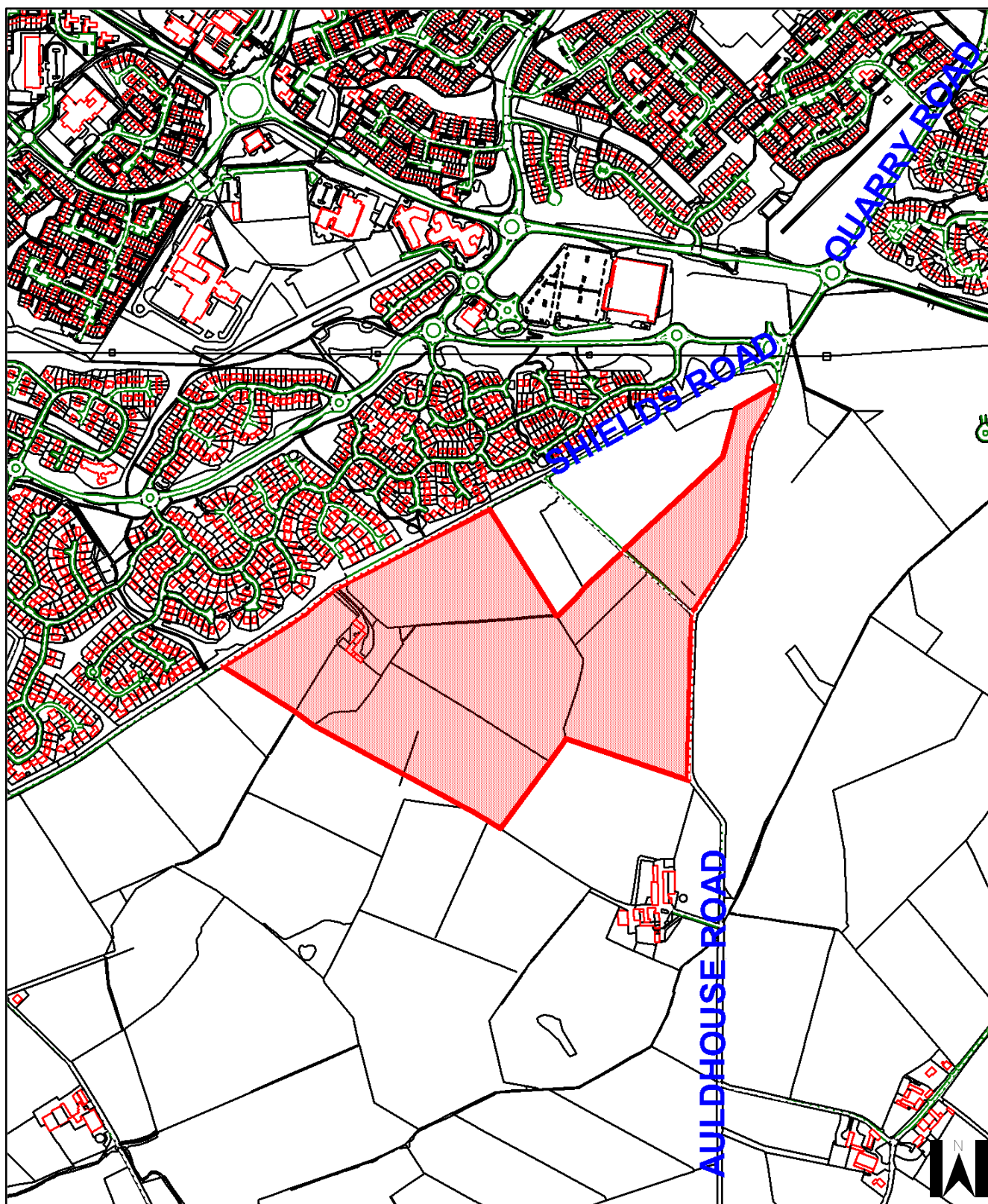
REASONS FOR REFUSAL

- 1 The proposal is contrary to Strategic Policy 1 Glasgow and Clyde Valley Structure Plan as the applicant's site is not an identified area for housing land supply.
- 2 The proposal is contrary to Strategic Policy 6 Glasgow and Clyde Valley Structure Plan as there is no housing shortfall in East Kilbride which cannot be met by the current provision.
- 3 The proposal is contrary to Strategic Policy 9 of the Glasgow and Clyde Valley Structure Plan as there is no justification shown for allowing residential development in this part of the green belt.
- 4 The proposal is contrary to Strategic Policy 10 Glasgow and Clyde Valley Structure Plan as it does not constitute an acceptable departure from approved policy.

- 5 The proposal is contrary to Policy STRAT2 of the South Lanarkshire Local Plan there is no housing shortfall in East Kilbride which cannot be met by the current provision.
- 6 The proposal is contrary to Policy STRAT 3 of the South Lanarkshire Local Plan as it would constitute new residential development in the Greenbelt without appropriate justification.
- 7 The proposal is contrary to Policy RES2 of the South Lanarkshire Local Plan as the site has not been identified as proposed housing site.
- 8 The application is premature due to the scale of the proposal.

For information only

For information only



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