



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

## **Planning Committee**

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 22 January 2020** at **14:00** to consider the undernoted business.

**1      Declarations of Interest**

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

**2      Minutes**

The accuracy of the Minutes of meeting of the Committee held on 4 December 2019 and will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

**3      Call In Request: Crompton Way, North Newmoor, Irvine**

Submit report by the Chief Executive on a call in request in relation to an application for planning permission which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers (copy enclosed).

**4      Call In Request: Sorbie Farm, Ardrossan.**

Submit report by the Chief Executive on a call in request in relation to an application for planning permission which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers (copy enclosed).

**5      Irvine**

Submit reports on the following applications:

**5.1 19/00539/PPM: 16-20 Murdoch Place Oldhall West Industrial Estate Irvine Ayrshire KA11 5DG**

Development of Energy Recovery Facility (ERF) to include (1) the erection of materials recycling/fuel preparation building; (2) the erection of energy recovery building for the production of electricity and heat with associated (60m high) exhaust flue; and (3) the provision of associated site facilities to include silos, access roads, parking, attenuation pond, landscaping and security fencing (copy enclosed).

**6 Garnock Valley**

Submit reports on the following applications:

**6.1 19/00864/PPM: Loanhead Quarry Beith Ayrshire KA15 2JN**

The operation of a materials recycling and wash plant (copy enclosed).

**7 Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX**

Submit report by Executive Director (Place) to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in the height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX (copy enclosed).

**8 The Planning (Scotland) Act 2019 Commencement Regulations**

Submit report by Executive Director (Place) on the implementation of the Planning (Scotland) Act 2019 (copy enclosed).

**9 Scottish Government Consultation on Planning Performance and Fees**

Submit report by Executive Director (Place) on the Scottish Government's consultation on the proposed introduction of Planning Performance and amendments to Planning fees (copy enclosed).

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## Planning Committee Sederunt

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Tom Marshall (Chair)  
Timothy Billings (Vice-Chair)  
Robert Barr  
Ian Clarkson  
Robert Foster  
Christina Larsen  
Shaun Macaulay  
Ellen McMaster  
Ronnie McNicol  
Donald Reid

Chair:

Apologies:

Attending:



**Planning Committee  
4 December 2019**

Agenda Item 2

**Irvine, 4 December 2019** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Ronnie McNicol and Donald Reid.

**In Attendance**

J. Miller, Senior Manager (Planning), J. Law, Solicitor (Legal Services); and H. Clancy, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Marshall in the Chair.

**Apologies for Absence**

Ellen McMaster.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The Minutes of the meeting of the Planning Committee held on 2 October 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Chair Remarks**

The Chair advised that the LDP 2 was formally adopted on 28 November 2019 and reminded Members that the policy required to be considered by the Planning Committee when determining applications.

The Chair advised that if any Member had a financial or non-financial interest in any contract or any other matter as defined by section 5 of the Code of Conduct for Councillors and was present at the meeting at which the matter was to be considered, the Member must disclose an interest and the nature of that interest. Members should also not be involved in any form of lobbying as defined by section 6 of the Councillors Code of Conduct.

The Chair also advised of the recent ruling by the Supreme Court that community benefits were not a planning material consideration and could not be taken in to account when deciding whether to grant planning permission.

In terms of Standing Order 5.7, the Chair adjourned the meeting for a short recess due to IT issues.

The meeting reconvened with the same Members and officers present and in attendance.

### **3.1 19/00748/PPM: Dundonald Links, Ayr Road, Irvine**

Darwin Leisure Development Properties (Guernsey) Ltd have applied for Planning permission for a tourism development at Dundonald Links golf course to the south of Irvine. The proposal involves the erection of a replacement clubhouse and 97 holiday lodges (which would provide 124 individual units) as well as other improvements and upgrades to maintenance facilities, removal of the existing pre-fabricated clubhouse building and the formation of a new road access onto Ayr Road. In addition to changing facilities for golfers, the proposed clubhouse would provide a bar, lounge and catering for use by guests staying at Dundonald Links and the general public. No representations were received.

The Committee unanimously agreed to grant the application subject to the following conditions:

1. That no development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant in consultation with the West of Scotland Archaeology Service and approved in writing by North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority in consultation with the West of Scotland Archaeology Service.
2. That the development hereby approved shall be implemented in accordance with the recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That, prior to the commencement of the development, the habitat management plan (HMP) shall be updated to include measures that would contribute to the Irvine to Girvan Nectar Network (IGNN) that aims to establish connected nectar and pollen-rich sites along the Ayrshire coast to ensure long-term survival of pollinating insects in the area. The updated HMP shall be then submitted for the written approval of North Ayrshire Council. Thereafter, all of the measures contained in the updated HMP shall be implemented during the course of the development.

4. That prior to the commencement of the development of the replacement club house, the applicant shall undertake a targeted intrusive site investigation to confirm ground conditions for geotechnical purposes, with selected soil and groundwater samples to confirm the absence of any significant environmental impact. A UXO assessment should also be undertaken prior to any earth moving operations. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted for the written confirmation of North Ayrshire Council as Planning Authority.
5. That the foul drainage arrangements for the development shall be connected to the public sewer. For the avoidance of doubt, surface water shall not be drained to the public sewer.
6. That, prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
7. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes, boundary treatments ground surface treatments to be used in the development. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
8. That, prior to the commencement of the any landscaping works on the site, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of plant/shrub species, planting densities, soil treatment and aftercare. The designer of the scheme shall incorporate measures to minimise the attractiveness of the landscaping to birds. Since any type of landscaping or planting of any new trees/shrubs may attract birds by providing feeding, nesting and roosting habitat, large quantities of berry-bearing species should be avoided wherever possible in close proximity to Glasgow Prestwick Airport. Thereafter, the landscaping scheme as may be approved shall be implemented prior the completion of each phase of the development to the satisfaction of North Ayrshire Council as Planning Authority.

9. That details of any treeworks, inclusive of tree protection measures, to be undertaken during the development shall be submitted for the prior written approval of North Ayrshire Council as Planning Authority. The details shall comply with the principles and practices contained in "BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations." For the avoidance of doubt: - there shall be no treeworks undertaken during the main bird breeding season (March - September); - all tree protection measures to be erected shall be maintained in a satisfactory condition for the duration of all engineering and construction operations until the completion of the relevant phase of the development. The development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
10. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of North Ayrshire Council Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
11. That visibility splays of 4.5m x 215m shall be provided and maintained on land within the applicant's control at the access junctions with Ayr Road such that there is no obstruction to visibility above a height of 1.05 metre measured above the adjacent carriageway level to the satisfaction of North Ayrshire Council as Planning Authority.
12. That a 3 metre wide all abilities path connection shall be formed between the north bound bus stop on Ayr Road and the central area of the development site prior to the replacement club house coming into operation.
13. That, prior to the commencement of phase 2 of the development, an appendix to the transport statement shall be prepared to consider the need for a ghost island right turn lane on Ayr Road at the main site access and submitted for the written approval of North Ayrshire Council as Planning Authority. The scope of the transport statement shall be agreed in writing with the planning authority beforehand. In the event that a ghost island right turn lane on Ayr Road is required, the facility shall be provided prior to the completion of phase 2 of the development to the satisfaction of North Ayrshire Council as Planning Authority, or, with the mutual agreement of both parties, by an earlier date as may be deemed necessary in the interests of the safe and efficient movement of traffic on Ayr Road. For the avoidance of doubt, phase 1 shall comprise the clubhouse and the first 40 lodges. Phase 2 shall comprise the remaining 84 lodges.
14. That no holiday lodges shall be occupied until the replacement clubhouse, hereby approved, is completed and operational to the satisfaction of North Ayrshire Council as Planning Authority.



15. That the occupation of the lodges hereby approved shall be limited to persons visiting Dundonald Links for holiday purposes only. The maximum letting period to any individual or group shall be limited to 30 days and shall not be re-let to the same person(s) for consecutive periods or for more than 30 days in any 12 month period. In addition, the lodges shall not be sold, let, or sub-let for any other purpose without the prior written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, none of the lodges shall be occupied as a permanent residence.

Councillor Larsen left the meeting at this point.

#### **4.1 19/00443/PPM: Site To South Of Wood Farm, Kilwinning, Ayrshire**

Taylor Wimpey West Scotland have applied for planning permission for the erection of 198 dwellinghouses including formation of site access onto A737, footpaths, landscaping, open space and ancillary infrastructure. 1 representation was received and summarised in the report.

The Committee unanimously agreed to grant the application subject to the following conditions:

1. That prior to the commencement of the development, a written scheme of investigation for a programme of archaeological works shall be submitted to the Council, as Planning Authority, for written approval and agreement of the West of Scotland Archaeological Service. Thereafter any programme of works as agreed will be carried out in accordance with the written scheme to the satisfaction of the Council, as Planning Authority.
2. That prior to the commencement of the development, the results of soil samples taken from the route of water supply pipes, as recommended in the Site Investigation Report by Mason Evans dated April 2019 Project Reference P16/608, and details of proposed water supply pipe shall be submitted to the Council, as Planning Authority, for written approval. Thereafter the pipes shall be installed in accordance with any details agreed.
3. That prior to the commencement of the development, details of the effect increased road traffic will have on local air quality shall be submitted to the Council, as Planning Authority, for written approval. Any details shall include an assessment of whether there would be any detrimental effect on local air quality or increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure. If there would be any detrimental effect on local air quality or increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure, then the details must also include details of remediation measures. Thereafter, the development will be carried out in accordance with any details as may be approved.

4. On the basis works do not commence prior to 7th March 2020, that prior to the commencement of the development a Preliminary Ecological Appraisal, dated not less than 6 months before the proposed date of commencement, shall be submitted to the Council, as Planning Authority, for written approval. Thereafter the development will be carried out in accordance with the details of any Appraisal as may be approved.
5. Prior to the construction of any other part of the development, the new priority junction with the A737 and the widening of the footpath on the eastern side of the A737 shall be constructed to the satisfaction of North Ayrshire Council as Planning Authority, in consultation with Transport Scotland, unless otherwise agreed in writing.
6. Prior to the commencement of the development, the bus stops adjacent to the site, on both sides of the A737, shall be upgraded to the satisfaction of North Ayrshire Council, as Planning Authority, in consultation with Transport Scotland.
7. That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority, a scheme of landscaping including measures for separation of the site from Wood Farm, boundary details for the western boundary onto the A737, details of hedgerows/trees to be retained, plant/shrub species, planting densities, soil treatment and aftercare.
8. That any landscaping scheme as may be approved under Condition 7 shall be carried out in the first planting season following completion or occupation of the houses, whichever is soonest, or unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. Any trees or plants which, within a period of five 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 similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
9. That prior to commencement of the development, details of drainage proposals including;
  - i) a maintenance plan and schedule showing the party or parties responsible for the upkeep of all surface water infrastructure assets;
  - ii) full design details of the exceedance flow-path including appropriate mitigation;
  - iii) a strategy for dealing with land drainage and/or any existing field drains;
  - iv) drawings showing the overflow device and access arrangements for the proposed SuDS Basin;
  - v) material to demonstrate that the discharge of surface water to the water environment accords with the principles of the SuDS Manual (C753), published by CIRIA in November 2015, and complies with the terms of The Water Environment (Controlled Activities) (Scotland) Regulation 2011 (as amended); and
  - vi) confirmation of discharge rates and locations along with details of appropriate water quality treatment measures.

10. That within 6 months of the date of the completion of the houses on Plots 163 and Plots 181 respectively, footpath links to the core path network to the south of the site will be completed to the satisfaction of North Ayrshire Council, as Planning Authority, unless otherwise agreed in writing.

#### **4.2 19/00542/PP: Hullerhill Sand Quarry, Kilwinning**

Hugh King & Co have applied under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the to vary conditions 8 (hours of working) and 14 (noise limits) of planning permission N/14/00656/DCMS in order to enable increased working hours for the operation of the drying and mortar plants at Hullerhill Quarry, near Kilwinning.

The Committee unanimously agreed to grant the application subject to the following conditions:

1. That no extraction, aggregate processing or despatch work shall be undertaken at the site outwith the hours of 06.00 to 19.00 Monday to Friday and 06.00 to 12.00 noon on Saturdays. The operation of the drying plant and mortar plant is permitted during the hours of 06.00 to 21.00 Monday to Friday, 06.00 to 20.00 on Saturdays and 07.00 to 20.00 on Sundays. Outwith these hours, activities shall be limited to maintenance, emergency works, dust suppression, pumping and testing of plant and equipment, all to the satisfaction of North Ayrshire Council as Planning Authority. **This condition shall have effect for a temporary period of 1 year and shall expire on 4<sup>th</sup> December 2020, unless otherwise agreed in writing.**
2. That noise from the development during the hours 06.00 to 19.00 Monday to Friday and 06.00 to 16.00 on Saturdays shall not exceed 55dB LAeq, 1hour (free field) at any noise-sensitive premises, except noise from soil stripping or landscape operations. Noise from the development during the hours 19.00 to 21.00 on Mondays to Fridays, 12.00 - 20.00 on Saturdays and 07.00 to 20.00 on Sundays shall not exceed 45dB LAeq, 1hour (free field) at any noise-sensitive premises, all to the satisfaction of North Ayrshire Council as Planning Authority. **This condition shall have effect for a temporary period of 1 year and shall expire on 4<sup>th</sup> December 2020, unless otherwise agreed in writing.**

#### **5.1 19/00523/PPM: Site To West Of Mayfield Farm, Mayfield Road, Stevenston**

Persimmon Homes have applied for Planning permission for a major residential development on an area of agricultural land at Mayfield Farm between Stevenston and Saltcoats. The site lies to the north of Priest Hill View/Gooding Crescent, Stevenston; east of Ailsa Road/Middlepart Crescent/Fleck Avenue, Saltcoats; to the north of A378 High Road/Mayfield Filling Station and south of James Reid School, Saltcoats. 9 objections and 2 representations were received and summarised in the report.

The Committee unanimously agreed to grant the application subject to the following conditions:

1. That, prior to the commencement of the development hereby approved, a scheme of further intrusive site investigations for mine entries and adits shall be undertaken by appropriately qualified persons, the scope of which shall be adequate to fully assess the ground conditions below the site and inform any required remedial works. Thereafter, the applicant or their representative shall prepare and submit a report of findings arising from the intrusive site investigations, including the following:
  - the submission of a layout plan which plots the precise location and zones of influence for the mine entries on site;
  - the submission of a scheme of treatment for mine entries for approval as well as any necessary mitigation measures required;
  - the submission of a scheme of remedial works for shallow workings for approval; and thereafter
  - the implementation of all remedial, treatment and mitigation works prior to the commencement of the development,all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That the development hereby approved shall be implemented in accordance with all of the recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That the developer shall secure the implementation of an archaeological watching brief for the site, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority. The first stage of the watching brief shall be an intrusive archaeological evaluation of an 8% sample of the undisturbed parts of the application area to illuminate the possibilities for buried remains surviving on site. This will serve to investigate the nature and significance of any surviving buried archaeology. Thereafter, the retained archaeological organisation shall be afforded access at all reasonable times during the groundworks phase of the development and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief shall be supplied by West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing not less than 14 days before the development commences.
4. That, prior to the commencement of the development, the findings of the submitted/updated flooding and drainage studies shall be incorporated into the final design stages for the drainage system for the development, certified by an appropriately qualified person and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved.

5. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes, boundary treatments and in-curtilage ground surface treatments to be used in the development (i.e. driveways, gardens and any incidental open space). Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
6. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the children's play area(s) to be provided within the development, inclusive of a summary of their future management and maintenance arrangements. Thereafter, the play area(s) as may be approved shall be implemented prior the completion of each phase within the development to the satisfaction of North Ayrshire Council as Planning Authority.
7. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of hedgerows/trees to be retained, plant/shrub species, planting densities, soil treatment and aftercare. Thereafter, the landscaping scheme as may be approved shall be implemented prior the completion of each phase within the development to the satisfaction of North Ayrshire Council as Planning Authority.
8. That, prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
9. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of North Ayrshire Council Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
10. That:
  - a) During the construction of Area 2, a hard surfaced 2m wide temporary footpath link (to include lighting) shall be provided between the northwest corner of Area 2 and the main access route into the site from High Road (within Areas 1 and 2) until such times as a permanent footpath connection is formed via Area 4 and to the satisfaction of North Ayrshire Council as Planning Authority;

- b) Within 6 months of the date of the completion of the houses within Area 2, a footpath link to all abilities standard into Priest Hill View to the south of the site shall be completed to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.
11. That, notwithstanding the plans hereby approved, the approval of North Ayrshire Council as Planning Authority shall be obtained before the commencement of building operations to erect any housing within Area 4 as indicated in drawing PH-MFS-BR-01, with regard to the siting, design and external appearance of the dwellinghouses, landscaping and means of access. For the avoidance of doubt, there shall be no vehicular access to the development via Fleck Avenue.

#### **6.1 19/00787/MSCM: Site To East Of 7 - 9 Beith Road, Glengarnock, Beith**

JR Construction Scotland Ltd have applied for planning permission for the approval of matters specified in conditions relating to the construction of 83 dwellings for social rent. The application relates to a number of the conditions attached to the planning permission in principle. The approval of this application would enable the development to proceed, subject to the approval of the outstanding conditions. 3 letters of representation were received and summarised in the report.

The Committee unanimously agreed to grant the application subject to the following conditions:

1. That, prior to the commencement of the development hereby approved, the matters specified in criterion (c) and (d) of condition 1 of the associated planning permission in principle (ref. 17/00389/PPPM) shall to be submitted for the written approval of North Ayrshire Council as Planning Authority.
2. That condition 5 of planning permission in principle (ref. 17/00389/PPPM) is hereby modified as follows: "A 3m wide footway/cycleway shall be provided along the frontage of the site to the satisfaction of North Ayrshire Council as Planning Authority."
3. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes, boundary treatments ground surface treatments to be used in the development. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

#### **7. The Planning (Scotland) Act 2019 Commencement Regulations**

The committee agreed to continue consideration of this item to the next meeting.

The Meeting ended at 3.55 p.m.

## **NORTH AYRSHIRE COUNCIL**

**22 January 2020**

### **Planning Committee**

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<b>Title:</b>	<b>Call In Request: Crompton Way, North Newmoor, Irvine</b>
<b>Purpose:</b>	To advise the Planning Committee of a call in request in relation to an application for planning permission which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.
<b>Recommendation:</b>	The Planning Committee consider whether it wishes to determine the application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

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#### **1. Executive Summary**

- 1.1 In terms of Section 43(6)A of the Town and Country Planning (Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers, for determination by the Planning Committee.

#### **2. Background**

- 2.1 A request has been made by Councillors Easdale, Burns and Donald L Reid that an application for the erection of a foodstore should be determined by the Planning Committee and not by an officer under the Council' Scheme of Delegation to Officers.
- 2.2 The planning application was validated on 4 October 2019 and the call in request has been submitted within the 3 week deadline in accordance with the approved procedure (Appendix 1).
- 2.3 The stated reason for the call in request is as follows: -
- Creation of upto 40 local employment opportunities;
  - No other suitable or available sites to accommodate this development;
  - Retail Impact Assessment has shown there will be minimal impact on the designated town centre;
  - Strong community support;
  - Reuse of vacant and derelict site; and
  - Demand for retail foodstore.

### **3. Proposals**

- 3.1 The Planning Committee consider whether it wishes to determine the application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

### **4. Implications/Socio-economic Duty**

#### **Financial**

- 4.1 None

#### **Human Resources**

- 4.2 None

#### **Legal**

- 4.3 Section 43(6)A of the Town and Country Planning (Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers, for determination by the Planning Committee.

#### **Equality/Socio-economic**

- 4.4 None

#### **Environmental and Sustainability**

- 4.5 None

#### **Key Priorities**

- 4.6 None

#### **Community Wealth Building**

- 4.7 None

### **5. Consultation**

- 5.1 No consultations were required.

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

#### **Background Papers**

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### Planning Committee Call-in

In terms of Section 43(6)A of the Town and Country Planning(Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers, for determination by the Planning Committee.

The following steps should be followed when submitting a call in request:

- Requests must be signed by three Elected Members and delivered to the Chief Executive, or submitted electronically, via an individual email to the Chief Executive from each of the three Elected Members in question.
- Requests must be received no later than 12 noon on the twenty first calendar day (all days inclusive) following validation of the application.
- Requests must state the reasons for the call-in, which must relate to the provisions of the Local Development Plan and any material planning considerations which are relevant to the application. The reasons will be shared with the applicant.

On receipt of a call-in, the Chief Executive will consult with the Chair of the Planning Committee and if the Chief Executive is satisfied that the call-in complies with the terms of Standing Order 26.3.1, the application shall be referred to the Planning Committee for determination of the application. No Member of the Planning Committee who has signed a call-in request may take part in consideration of the call in request.

At least one of the Members who has requested the call in will be asked to attend the Planning Committee to explain the request. The Committee may either determine the application or decide not to determine the application, leaving officers to determine the application under delegated powers.



## **NORTH AYRSHIRE COUNCIL**

**22 January 2020**

### **Planning Committee**

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**Title:** **Call In Request: Sorbie Farm, Ardrossan.**

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**Purpose:** To advise the Planning Committee of a call in request in relation to an application for planning permission which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

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**Recommendation:** The Planning Committee consider whether it wishes to determine the application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

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#### **1. Executive Summary**

- 1.1 In terms of Section 43(6)A of the Town and Country Planning (Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers, for determination by the Planning Committee.

#### **2. Background**

- 2.1 A request has been made by Councillors McClung, Gurnery and Montgomerie that an section 42 application to vary condition 2 of planning permission 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m, should be determined by the Planning Committee and not by an officer under the Council' Scheme of Delegation to Officers.
- 2.2 The planning application was validated on 27 November 2019 and the call in request has been submitted within the 3 week deadline in accordance with the approved procedure (Appendix 1).
- 2.3 The stated reason for the call in request is as follows: -
- “The applicant has taken steps to mitigate the landscape and visual impacts of the proposal, namely through the provision of woodland planting on the southern boundary of the site to screen the closest views of the turbine and the deletion of the 65m high permanent anemometer mast from the scheme”.

### **3. Proposals**

- 3.1 The Planning Committee consider whether it wishes to determine the application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

### **4. Implications/Socio-economic Duty**

#### **Financial**

- 4.1 None

#### **Human Resources**

- 4.2 None

#### **Legal**

- 4.3 Section 43(6)A of the Town and Country Planning (Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers, for determination by the Planning Committee.

#### **Equality/Socio-economic**

- 4.4 None

#### **Environmental and Sustainability**

- 4.5 None

#### **Key Priorities**

- 4.6 None

#### **Community Wealth Building**

- 4.7 None

### **5. Consultation**

- 5.1 No consultations were required.

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

#### **Background Papers**

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### Planning Committee Call-in

In terms of Section 43(6)A of the Town and Country Planning(Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers, for determination by the Planning Committee.

The following steps should be followed when submitting a call in request:

- Requests must be signed by three Elected Members and delivered to the Chief Executive, or submitted electronically, via an individual email to the Chief Executive from each of the three Elected Members in question.
- Requests must be received no later than 12 noon on the twenty first calendar day (all days inclusive) following validation of the application.
- Requests must state the reasons for the call-in, which must relate to the provisions of the Local Development Plan and any material planning considerations which are relevant to the application. The reasons will be shared with the applicant.

On receipt of a call-in, the Chief Executive will consult with the Chair of the Planning Committee and if the Chief Executive is satisfied that the call-in complies with the terms of Standing Order 26.3.1, the application shall be referred to the Planning Committee for determination of the application. No Member of the Planning Committee who has signed a call-in request may take part in consideration of the call in request.

At least one of the Members who has requested the call in will be asked to attend the Planning Committee to explain the request. The Committee may either determine the application or decide not to determine the application, leaving officers to determine the application under delegated powers.



## NORTH AYRSHIRE COUNCIL

22nd January 2020

### Planning Committee

Locality	Irvine
Reference	19/00539/PPM
Application Registered	29th July 2019
Decision Due	29th November 2019
Ward	Irvine South

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	16-20 Murdoch Place Oldhall West Industrial Estate Irvine Ayrshire KA11 5DG
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<b>Applicant</b>	Doveryard Ltd Fao Simon Brown
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<b>Proposal</b>	Development of Energy Recovery Facility (ERF) to include (1) the erection of materials recycling/fuel preparation building; (2) the erection of energy recovery building for the production of electricity and heat with associated (60m high) exhaust flue; and (3) the provision of associated site facilities to include silos, access roads, parking, attenuation pond, landscaping and security fencing
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### 1. Description

Planning permission is sought for the development of an energy recovery facility (ERF) on vacant brownfield land at Oldhall West Industrial Estate, Irvine. The site is around 1.5 hectares in area, and is bounded by Murdoch Place to the north, industrial land to the west and open ground associated with the Oldhall Ponds Wildlife Site to the east and south. The site, which has been levelled, contains three industrial buildings which have been used in the past for waste management purposes. The rest of the site is largely hard surfaced and is clear of vegetation other than several small areas of (unmaintained) amenity grassland. Several spoil heaps, consisting of bricks and rubble, have been tipped around the site.

The proposed development involves the clearance of the site (including the demolition of 3 existing industrial buildings) in order to erect an industrial facility to sort, separate and

process up to 180,000 tonnes of residual commercial and industrial waste as well as municipal solid waste per annum.

The purpose of the development would be the recovery of the energy from waste materials that cannot be recycled, thus avoiding these waste materials going to landfill. Energy recovery would be achieved through incineration. The heat would then be used to produce steam, from which turbines would generate electricity that would both power the plant (3MW) and supply the national grid (12MW). The proposed ERF has also been designed to allow for a "heat offtake" should a suitable end user be identified, most likely be businesses in the surrounding industrial estate and nearby business parks. Heat (either in the form of steam or hot water) would be exported from the plant using insulated pipes buried underground. In terms of employment, the applicants have estimated that, during the 3-year construction phase, around 200 people would be employed. Once complete, the plant would provide between 25 and 30 jobs.

The applicant has already agreed terms with the operator of the adjacent waste management facility (Lowmac Alloys) to make use of the refuse derived fuel (RDF) from their recycling process. In line with the legislative requirements, all feedstock would have undergone pre-treatment to remove economically viable recyclable materials. The feedstock would be classed as non-hazardous and be derived from municipal, commercial and industrial sources. The majority of the feedstock for the plant would be Refuse Derived Fuel (RDF) which will include non-recyclable plastics, card, paper, and other combustible materials which remain after normal recycling processes extract materials that can be reused or recycled.

The rest of the feedstock would be obtained from contracts with other waste companies who would supply the site with materials that would otherwise go to landfill. Any materials which could be recycled would be removed at the first stage of the process in a recovery facility. No hazardous or clinical waste would be accepted or processed at the proposed facility.

Once any recyclable materials are removed, the feedstock would then be incinerated to recover the energy embedded in the waste materials. This would involve a process known as CFB (circulating fluidised bed) combustor technology. The heat produced in the process would be applied to water and used to produce high temperature steam (500 degrees Celsius) in a boiler.

The high temperature steam would then be used for generating an estimated 15MW of electricity per annum, of which 3MW would be used by the facility itself. Electricity would then be supplied to the national grid and/or directly to nearby local businesses or residential areas.

The heat generated by the process would also be available for distribution to local businesses or residential areas (e.g. via a district heating system or equivalent). A heat plan has been prepared in this respect.

The main solid by-product of the incineration process is known as bottom ash, which can be used to create secondary aggregates for use in concrete production. Any remaining metal left from the recovery process would be removed during the bottom ash recycling process through magnetic sorting and would be taken for reuse. The plant would also produce Air Pollution Control Residues (APCR) from the cleaning of the process gases emitted through



the flue stack. The APCR would need to be collected and taken to a specialist treatment facility.

The proposed development involves three main elements. Firstly, the site access from Murdoch Place would lead to a weighbridge, staff parking area and hard-surfaced yard. Surface water (i.e. rainwater) from the yard would be collected and treated in a SuDS pond before being discharged to a nearby watercourse.

Secondly, a materials recovery facility (MRF) building, finished using grey coloured metal cladding and translucent GRP panels, measuring 64m x 33m on plan (giving a footprint area of 2,112 square metres) and approximately 17.5m in height. The MRF building would have the appearance of a flat-roofed industrial shed (a parapet would conceal a portal framed pitched roof system). It would be used for the pre-treatment of waste arriving at the site. Provision has also been made in the project for other sources of segregated non-hazardous waste to be accepted and processed in the MRF: this would remove any remaining recyclable material and then shred the waste prior to transfer by conveyor to the next stage. Odour control measures would be employed in this process.

Thirdly, the MRF building would be linked by a conveyor to an Energy Recovery Facility (ERF) building. The ERF building would resemble a modern power station, clad using different shades of grey in 15m horizontal bands to provide visual relief. It would measure 55.5m x 63m on plan (giving a footprint of 2,960 square metres) and would vary in height from approx. 12.5m through several 'stepped' stages up to a maximum of 47m. This building would contain a boiler hall, turbine hall, electrical room and all associated ancillary facilities necessary to the process of incineration, heat recovery, electricity generation and condensing. The ERF building would link to a flue gas treatment area which would treat the emissions from the incineration process before passing through a free-standing flue gas stack, which would have a maximum height of 60m (and could potentially be lower, depending on the detailed design process post-planning) and 2.5m in diameter. The flue stack would be sited adjacent to the ERF building.

A variety of other tanks, plant and equipment would be installed adjacent to the ERF building to ensure the processes operate safely and in accordance with the submitted environmental reports. An electricity sub-station to connect the site to the national grid would also be developed.

The site would also provide yard areas for vehicle movements and parking. The SuDS attenuation pond is proposed to the west of the site, and areas of tree planting would take place near the southeast boundary of the site. Tree species would be selected to minimise their attraction to birds (for aviation safety reasons).

The application is classed as a major development in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Public pre-application consultation (PAC) was required and a proposal of application notice was received on 26th April 2019, giving details of publicity for a public event (details below).

Due to the potential for significant environmental effects, proposals of this type are included within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. As such, the preparation of an EIA Report is a mandatory requirement. Prior to the submission of the planning application, a Scoping Opinion was requested by the applicant (ref. 18/00986/EIA) and issued by the Council on 10th December

2018. The planning application is accompanied by an EIA Report which has been prepared following the scoping exercise.

Planning permission was granted in January 2009 for a gasification plant on the site (ref. 07/00072/PP), the purpose of which would have been to generate 7MW of electricity per year from waste materials. However, this plant was not built, and the planning consent has now lapsed. The associated legal obligation, which would have required 90% of the waste materials to be sourced from North Ayrshire, was discharged during 2017 in order to unburden the title deeds for the land.

In support of the application the following documents have been submitted:

### **Pre-application consultation (PAC) Report**

The PAC report notes the publicity measures undertaken and a public event was held at The Gailes Hotel on 4th June 2019. Elected representatives were invited to attend, as were local residents, businesses and both the Irvine and Dundonald Community Councils. The event attracted 12 visitors, including eight members of the public and representatives from GSK. The main issues raised by those attending was in relation to air quality, the source of the feedstock and the export process for the energy.

### **Design and Access Statement**

The document appraises the site in terms of the proposed use of the site, amount of development, layout, scale, landscape/topography, appearance and access. It explains that the proposed layout would be as compact as possible, in order to minimise the amount of land used, in a location that has a well-established industrial context beside existing recycling facilities that would reduce traffic generation to and from the facility. The building design aims to enclose and screen the functional requirements of the process using external materials chosen to limit visual impact whilst having an obvious industrial character, not dissimilar to many of the large buildings nearby, such as the paper mill and GSK.

### **EIA Report**

The report comprises a series of chapters, as follows:

1. Planning Statement
2. Site description
3. Development and Alternatives
4. Approach to EIA
5. Planning Policy
6. Air Quality
7. Landscape and Visual Impact
8. Traffic and Highways
9. Noise and Vibration
10. Water Environment
11. Ecology
12. Climate Change
13. Cumulative Effects

### **Non-technical summary of EIA Report**

This document provides, in non-technical language, a brief summary of the likely significant effects that the proposed development would have on the environment.

### **Air Quality Assessment/Health Impact Assessment**

The above assessments were undertaken using detailed atmospheric dispersion modelling, which enables a series of inputs and variables to be processed by a computer model, taking the location and characteristics of the site and its surroundings into account. The results of the model predicted that pollutants, such as nitrogen dioxide, sulphur dioxide, hydrogen chloride, hydrogen fluoride and dioxins would be well below the limits defined within Scottish Air Quality Regulations or relevant levels recommended by SEPA. The authors state that the overall conclusion from the detailed modelling is that the potential impact on local air quality is likely to be small, and that the levels of pollutants emitted by the chimney flue are unlikely to have a significant impact on the health of people living and working nearby. (Note: The regulation of emissions is a matter for SEPA in line with the EU Industrial Emissions Directive. The applicant would require a separate Pollution Prevention and Control (PPC) licence from SEPA to operate the proposed facility in the event of planning permission being granted).

### **Flood Risk and Drainage Assessment**

In this document, consideration is given to all potential sources of flooding. No history of flooding has been identified. The risk assessment concludes that the site is overall at negligible risk of flooding, which is consistent with its geographic location, topography and ground levels. An outline surface water management strategy has been developed, indicating that runoff can be managed via SuDS in the form of an attenuation pond for all storm events up to a 1 in 30 year event. More severe flood events will be contained on hardstandings within the site, with water levels predicted not to exceed 4cm in depth. Discharge from the SuDS pond would be controlled to greenfield equivalent run-off rates, which would reduce flood risks to the surrounding land. Further design work would be required to finalise the drainage arrangements in the event of planning permission being granted.

### **Preliminary Ecological Appraisal Report**

This report notes that a survey was undertaken during October 2018 in accordance with best practice methodology. An associated desk survey was also undertaken. The appraisal identified the potential for a number of protected species within the survey area, which included both the site and the surrounding area, up to 250m away. The study notes that further surveys would be required (as the validity of such a survey is around 18 months) in the development proceeding. There is a potential need for licences from Scottish Natural Heritage to address any potential habitat disturbance arising from the proposed development.

### **Preliminary Land Quality Risk Assessment**

The study highlights past and present potentially contaminative land uses at and adjacent to the site. Potential pollutant linkages may be present in relation to human health from soils, water supply and ground gases; property risks from ground stability and to the water environment from sources of contamination within soils and groundwater. Intrusive site investigations and the preparation of risk assessments are therefore recommended by the authors to confirm any outstanding pollution linkages and to inform the more detailed design stage for the development in the event of planning permission being granted.

### **Traffic Emissions Assessment**

The purpose of this report is to consider the impacts of road traffic emissions on the surrounding environment. The report estimates that the development, once complete, would generate 68 HGV movements (defined as a vehicle greater than 3.5 tonnes in weight)

and a total of 118 vehicle movements per day on the nearby B7080. Traffic is estimated to be split 65% between the northern approach (i.e. from the A71 and B7080) and 35% from the southern approach (ie. from the A78 and B7080). The effects on air quality associated with vehicle movements to/from the proposed development is estimated to have an insignificant effect at the receptor locations which were studied.

### **Heat Plan**

The Heat Plan identifies a number of potential users of the heat output from the proposed plant. These include existing nearby industrial and business premises, as well as potential future industrial developments within i3 (formerly Riverside Business Park). The applicant is proposing to use a heat recovery system to provide hot water in the form of a district heating loop via a 'private' insulated pipeline. Although precise routes are likely to be subject to change, an indicative design for the heating loop has been indicated. Consideration is also being given to the supply of 200 degree steam and electricity direct to GSK.

The application site is located at the southern edge of the Oldhall Industrial Estate to the southeast of Irvine. Oldhall was established during the 1970s by Irvine Development Corporation as a purpose-built location for certain types of incoming industry to Irvine New Town.

There are a variety of industries nearby, including a large recycling plant (Lowmac), a precast concrete block making factory (Hillhouse) and the Council's waste pulverisation plant. Nearby is the large pharmaceutical works of GSK and the UPM paper mill. There are a variety of other small and medium sized businesses in the surrounding area.

The site is accessed from the strategic road network via Moss Drive/Long Drive (B7080) which links to the A78 to the south at Newhouse Interchange and the A71 to the north at Greenwood Interchange.

Oldhall has tended to attract waste processing and yard type business uses. It adjoins a more modern industrial estate to the north, originally known as Riverside and now known as i3. Riverside was designed on 'business park' principles containing office pavilions with parking and high amenity landscaped areas. Oldhall and i3 are separated by mature woodland. It is relatively remote from residential areas.

There is a local nature reserve known as Oldhall Ponds to the south and east of the site. This area covers 13.72 hectares and comprises native woodland with several ponds. There is a pedestrian path around the reserve, the route of which passes relatively close to the southern boundary of the site.

In terms of the adopted Local Development Plan, the site is allocated for business and industry. The following policies are applicable to the consideration of the proposal:

Strategic Policy 1 - The Towns and Villages Objective  
Strategic Policy 2 - Placemaking  
Policy 7 - Business and Industry Employment Locations  
Policy 15 - Landscape and Seascape  
Policy 16 - Protection of designated sites  
Policy 18 - Forestry, Woodland, Trees and Hedgerows  
Policy 23 - Flood Risk Management  
Policy 29 - Energy Infrastructure Development

## 2. Consultations and Representations

Neighbour notification was carried out and the application was advertised in a local newspaper in accordance with statutory procedures. No representations have been received.

### Consultations

**Glasgow Prestwick Airport** - no objection to this proposed development on statutory safeguarding grounds. GPA understand from the application submitted that there is no proposal to process food waste through this site. Should this condition change then further communication and agreement must be sought from Glasgow Prestwick Airport. Buildings do not provide a food source in themselves; however, buildings may be used by birds depending upon the design and use of the building and the availability of food in the nearby environment, therefore wherever possible measures to minimise their attractiveness should be taken such as self-closing doors to prevent access by birds or openings should have plastic strip curtains fitted. As advised in the application, GPA agree that due to the height and position of the flue stack, there is a requirement for an omni-direction red warning light to be fitted at the top of the flue. It should also be noted that if the warning lights becomes unserviceable it should be reported immediately to Glasgow Prestwick Airport (GPA), Air Traffic Control (ATC) so that notification can be advised to pilots through the appropriate channels.

*Response: A condition can be attached in relation to the points raised by Glasgow Prestwick Airport in relation to the need for an omni-direction red warning light on top of the flue stack in the interests of aviation safety. There would be no food waste processed at the site, a matter which would be confirmed by condition.*

**SEPA** - no objection, following a review of the proposal and a meeting with the applicant to discuss matters which were of concern. The development would be subject to the need for a Pollution Prevention and Control (PPC) licence, which SEPA administer and regulate. The applicant has confirmed the use of a high-massing attenuation solution within the main hall structure to enclose these elements of the plant and will mandate this design feature within their engineers' requirements as part of the tendering process. This would mean that the turbine and generators are mounted on a solid concrete raft and are enclosed within a concrete walled structure. SEPA is satisfied that this design approach addresses such concerns and can therefore remove an objection regarding this issue. In addition, on the basis of the example plants highlighted (Lostock Gralam and Parc Adfer) and the summary calculations of expected plant performance, SEPA believe that applicant has demonstrated that it can achieve 20% energy efficiency target on start-up, in line with Annex 1 of the Thermal Treatment of Waste Guidelines (2014). The applicant has confirmed a SuDS solution for the site. SEPA recommends that the drainage proposals meet with the Council's policy for drainage, SuDS, and flooding.

*Response: Noted. This outcome follows two previous objections which have now been resolved to SEPA's satisfaction. As noted above, the operation of the plant would primarily be regulated by SEPA under a PPC licence. However, conditions could be attached regarding the matters raised by SEPA which fall within the remit of planning.*

**NAC Environmental Health** - no objections to the development subject to a range of recommendations in relation to site investigation/risk assessment, air quality studies and the mitigation of construction impacts.

*Response: A condition could be attached in respect of the recommended site investigation condition. Air quality has been addressed in the supporting EIA Report and appropriate measures incorporated into the design of the flue to remove harmful pollutants, as discussed above. Air Pollution Control Residues would be removed, condensed, stored in silos and taken off site by road tanker. The other matters have been raised directly with the applicants by Environmental Health for their consideration under other legislation.*

**NAC Active Travel and Transport** - no objections to the development subject to the condition that the first 5 metres of the private access shall be hard surfaced in order to prevent loose material from being deposited onto the public road.

*Response: Noted. The access to the site is already formed and is fully hard surfaced with asphalt. As such, there is no need for such a condition.*

**Scottish Natural Heritage** - no objections. SNH has considered the conclusions of the Environmental Statement and with respect to the potential impacts on the natural heritage, concurs with the findings reached.

*Response: Noted.*

**Scottish Water** - no objection to the proposal. There is adequate capacity within the public water and public sewers to serve the development. Surface water should be treated using SuDS and will not be accepted to the sewer network via a combined sewer. Records indicate that the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact the SW Asset Impact Team directly.

*Response: Noted. A condition could be attached with regards the proposed SuDS drainage arrangements. An informative could be attached with respect to potential impacts on Scottish Water assets.*

**South Ayrshire Council** - no objection. Although the proposal includes the construction of a chimney structure of some 60 metres in height, which will, doubtless, be visible from South Ayrshire, given the location of the site within an existing industrial area, the presence of large scale industrial development intervening between it and the South Ayrshire boundary (e.g. the paper mill), the site is approximately 2.5km north of the nearest residential property in South Ayrshire and the prevailing wind comes from the southwest, South Ayrshire Council has no objection to the proposed development.

*Response: Noted.*

No comments have been received from Irvine Community Council, East Ayrshire Council, the Health & Safety Executive, Historic Environment Scotland or the Scottish Wildlife Trust.

### 3. Analysis

In accordance with statute, planning applications require to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

As noted above, there are ten relevant development plan policies, the first of which is Strategic Policy 1 - The Towns and Villages Objective. This strategic policy states that, in principle, the Council will support development proposals within towns and villages which generate new employment opportunities to meet market demands, with priority given to the re-use of brownfield land. As noted above, the proposed development has the potential to generate around 30 jobs, once the site is operational. The site is also brownfield land, having previously been used for waste management purposes. The proposal is therefore considered to accord with Strategic Policy 1.

The assessment of the proposal against Strategic Policy 2 – Placemaking will take place after consideration of the detailed topic-based policies.

Policy 7 – Business and Industry Employment Locations indicates that proposals for waste recycling and power generation plants are considered to be suitable land uses within the areas of North Ayrshire that have been identified in Schedule 5 of the LDP. The site is within the i3 area of Irvine, which is listed in Schedule 5. Subject to assessment against the other policies below, the proposal would therefore be acceptable in terms of its location within an established industrial site.

In terms of Policy 15 – Landscape and Seascape, the application is supported by a comprehensive landscape and visual impact assessment, which considers the vertical scale of the development and its effects on the surrounding area. The assessment notes the presence of existing industrial buildings and flue stacks nearby, such as UPM and GSK, as well as the relative distance from residential areas. The landscape character type (LCT) of the countryside near the site is defined in the Ayrshire Landscape Character Assessment (1998) as part of the Ayrshire Lowlands. It is considered that the approach taken in the application to mitigate the apparent height and scale of the buildings through the use of grey coloured banding, and to break-up the massing of the various elements using a series of cuboid shaped 'boxes' is appropriate. In terms of the surrounding land, which is heavily wooded to the immediate south, the proposed buildings and flue would rise above the tops of the trees. However, when viewed from a close distance, such as the nearby footpaths, the trees would filter and obscure direct views of the development. Only when the development is viewed at a greater distance from the site would the true extent of its vertical scale be evident. Nonetheless, the relatively low-lying and flat character of the surrounding landscape would tend to diminish the visual impact of the development, as evidenced by the photomontages which demonstrate that the overall effects would be localised, with the building and flue heights not appearing especially significant from many viewpoints. In essence, the development would appear as a relatively small feature within a wide, flat lowland landscape that is already developed with various forms of industry with tall flue stacks and large scale wind turbines. Additionally, as the extent of the site is small, at just over 1 hectare, the development would not give rise to the more significant impacts created by the much more extensive industrial complexes nearby, such as GSK and UPM. In terms of impacts on settlements and residential properties, the relatively long separation distances and buffering effects created by woodland belts, hedgerows, other established landscape features and existing buildings would tend to reduce, rather than intensify, the vertical scale

of the proposed development. The proposal also includes some woodland planting at the southeastern corner of the site, which would reinforce existing woodland and strengthen the landscaped buffer between the site and the wider countryside beyond the edge of Irvine. The proposal does not involve development within, nor close to, a national scenic area, special landscape area, wild land area, local landscape feature, conservation area nor would it result in adverse effects on the landscape setting of Irvine. As such, it is considered that the proposal is acceptable in terms of Policy 15.

With regard to Policy 16 – Protection of our designated sites, the application site adjoins (but does not directly affect) a local nature conservation site, the Oldhall Ponds, which is managed by Scottish Wildlife Trust and is described as “a mosaic of willow carr, semi-mature planted woodland and tussocky grassland. The ponds have open water and emergent vegetation that is attractive to breeding and wintering ducks. Paths around the ponds provide opportunities for viewing waterfowl and other pond life.” In addition to the chapters in the EIA Report which address the water environment and ecology, the application is supported by a Preliminary Ecological Appraisal Report. The appraisal identified the potential for a number of protected species within the survey area, which included both the site and the surrounding area, up to 250m away. Subject to the implementation of the measures identified in the ecology report, it is considered that the proposed development would be acceptable in terms of Policy 16.

Policy 18 relates to Forestry, Woodland, Trees and Hedgerows. The proposals do not involve the clearance of any woodland. Although within close proximity to woodland at Oldhall Ponds, there is sufficient distance between the site and root systems for avoiding any damage to the existing trees. The proposal also involves a small area of tree planting at the southeast of the site. Glasgow Prestwick Airport has requested that any planting which takes place within the development is not attractive to birds, in order to reduce the risk of bird strike to planes overhead. As such, trees with berries or fruits would be avoided in the planting scheme, which would most likely be based on similar tree species as found at Oldhall Ponds. Nonetheless, it has been noted that the existing recycling and waste processing facilities nearby attract considerable numbers of birds, especially gulls. In view of this, a condition could be attached in relation to bird control measures for the proposed development (e.g. to reduce the attractiveness of the buildings within the development to birds, rather than the tree planting within the site). The proposal would therefore be acceptable in terms of Policy 18.

Policy 23 relates to Flood Risk Management. As noted above, the proposal is supported by a Flood Risk and Drainage Assessment and would feature a SuDS detention basin for the management and treatment of surface water. Foul water, which would be of limited quantity due to the anticipated number of staff and the nature of the industrial processes, would be drained to the public sewer. SEPA has no objection to the application, and neither does Scottish Water. The proposal is therefore acceptable in respect of Policy 23.

Policy 29 addresses the topic of Energy Infrastructure Development and highlights the Council's support for proposals which would contribute positively to our transition to a low carbon economy. Account is required to be taken of environmental impacts, public safety and zero/low carbon technologies. Many environmental impacts have already been discussed above. In terms of public safety impacts, the development would be subject to the need for a PPC licence from SEPA in order to operate. This would cover numerous pollution control measures, with SEPA being the regulatory body once the plant is operational. Discussions with SEPA have taken place and the development is potentially



consentable in terms of PPC. Transportation of materials to and from the site would be by road. As noted above, the site is well located for access from the strategic road network within an established, purpose built industrial estate. In relation to zero and low carbon technologies for new buildings, policy 29 also requires that proposals demonstrate that at least 10% of the current carbon emissions reduction set by the Scottish Building Standards will be met through the installation of low and zero carbon measures. As the proposal has been developed both as a recycling facility and to recover the energy embedded in previously manufactured materials as an alternative to landfill, the heat and power requirements of the entire site would be met from the on-site energy recovery processes. In the above ways, the development would contribute to the requirements of Policy 29.

Policy 30 on Waste Management Facilities requires that proposals align with Scotland's Zero Waste Plan and the Council's Waste Management Strategy. The proposal would provide a facility for recovering energy (power and heat) from waste which has been screened for recycling but is unable to be processed in this way. As such, the development would contribute to the wider Zero Waste agenda by dealing with what is termed residual waste. The Scottish Government is to ban all forms of biodegradable municipal waste, including residual wastes, from landfill from 2025. The scale of the proposed development would serve the regional market (i.e. west of Scotland). The choice of location for the development is compatible with the surrounding land uses and the proposal includes satisfactory mitigation of adverse impacts, such as odour. In respect of odour control, the applicant's agent has advised as follows:

- Combustion processes attenuate odour and so there will be no odour emitted associated with the combustion process. In this context process air is drawn through the plant from the bunker, through the combustion plant and then passes through the air pollution control plant.
- The flue would emit a visible plume on occasion (depending upon climatic conditions such as the air temperature and humidity) in the form of a steam (water vapour) plume similar to that associated with the nearby paper mill. Typically, plumes occur with low air temperatures, and so frequently occur at night. The extent of the plume will vary (due to climatic conditions) but normally is not large. It should be noted that the flue would not emit smoke.
- Flue gases are treated by passing the gas released by combustion through chemicals (such as sodium bicarbonate) to neutralise the acidity of the gas (i.e. reduce NO<sub>x</sub>/SO<sub>2</sub>). Activated carbon is then injected to absorb dioxins, furans and gaseous mercury. The gas is then passed through a bag filter to remove particulates and reaction reagents. The residues are automatically collected from the bag filters and collected via a sealed transfer system into storage tanks/silos within the site, which are then emptied when required, again via a sealed pipework system to the exporting vehicle. The complete process is enclosed to avoid the escape of gases to the atmosphere. The bag filters are enclosed units and housed within the building. Road tankers similar to those which transport cement or flour would be used to transport the residues off-site.

It is considered that the site is appropriately sited within an industrial area that is relatively remote from sensitive receptors, such as housing, and that the various pollution control measures embedded in the development would be adequate. As noted above, SEPA would regulate the operation of the site through a PPC permit, which would be sought separately. The proposal meets the requirements of Policy 30.

Turning to Policy 31 – Future Proofing for Heat Networks, a comprehensive heat plan has been prepared for the proposed development. Heat would be available for use in nearby industrial plants and the applicant is negotiating with various companies on the potential supply of heat (either as hot water or high pressure steam). Heat would be supplied using insulated pipework. The main planning issues in this regard are that (a) the technology within the plant would provide both heat and power and (b) the location of the site, within a large industrial complex, means that a district heating system is a possibility both for existing industrial users and future businesses within i3. The proposal can therefore be supported in terms of Policy 31.

Finally, turning to Strategic Policy 2 - Placemaking, the proposal has been assessed in terms of the relevant criteria as follows:

In terms of distinctiveness, the design of the proposed plant has taken into account the vertical scale of the building that would house the ERF processes, as discussed above. The building would be broken up into a series of boxes with a colour scheme involving various shades of grey, the purpose of which is to help reduce its apparent scale and bulk. A similar approach was taken at the UPM paper mill, which is 1km to the south of the application site. The taller buildings at UPM, developed during the late 1980s, are graded in a series of blues, greys and white. Within this flat landscape, where there can be longer views from a variety of visual receptors (such as road and rail corridors, footpaths, open spaces and settlements) this approach has worked successfully. Applying similar principles to the proposed development at Oldhall, which is relatively remote from any housing or residential areas, would offer an appropriate design solution to buildings of this scale.

It is considered that the development would be resource efficient through the use of sustainable water management, recovery of energy from waste materials and the provision of heat and power to nearby industrial sites.

The development is not designed to be adaptable, as it would serve as a dedicated energy generation/waste management use for an estimated 25-year period. However, the site is brownfield in nature and the development would re-use previously developed industrial land in productive manner.

In conclusion, the application is considered to accord with the LDP, and the development would provide facilities that would enable up to 180,000 tonnes of materials to be diverted away from landfill each year, with electricity, heat and ash (for aggregate manufacture) produced as a result of the process. The development would also lead to the recycling of salvageable materials, thus contributing to the circular economy and Scotland's Zero Waste Plan. The applicant estimates that the development would generate around 200 construction jobs and around 30 permanent jobs once the facility is commissioned. Accordingly, the application should be approved subject to the conditions referred to in this report.

#### **4. Full Recommendation**

Approved subject to Conditions

##### **Condition**

1. That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To secure the implementation of the development in accordance with the supporting information.

**Condition**

2. That prior to the commencement of the development, hereby approved, the applicant shall carry out a programme of site investigations at the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and to inform any subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority. Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.

**Reason**

In the interests of environmental protection.

**Condition**

3. That, for the avoidance of doubt, surface water arising from the development of the site shall be treated and managed using a SuDS system. Prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

In the interests of securing a sustainable drainage scheme for the development.

**Condition**

4. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes (inclusive of colour scheme), boundary treatments and ground surface treatments to be used in the development. For the avoidance of doubt, there shall be no natural lighting panels on the external walls of the turbine hall. Thereafter, the development shall be implemented only in accordance with

such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

**Reason**

To mitigate landscape and visual impacts and in the interests of amenity.

**Condition**

5. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Acoustics' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

**Reason**

To ensure that an appropriate strategy is implemented during the construction of the development for the attenuation of low frequency noise generated by the Energy Recovery Facility.

**Condition**

6. That, prior to the commencement of any landscaping of the site, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of tree planting, which shall include details of species, planting densities, soil treatment and aftercare. For the avoidance of doubt, the area for tree planting shall be limited to the southeast corner of the site only. In addition, the species to be selected for the scheme shall be similar to the trees within the adjacent woodland at Oldhall Ponds. Trees which produce berries or fruits attractive to birds shall be excluded from the scheme. Thereafter, the tree planting scheme as may be approved shall be implemented prior the development becoming operational and retained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To mitigate landscape and visual impacts and in the interests of amenity.

**Condition**

7. That the flue stack shall be fitted within an omni-directional red warning light which requires to be commissioned immediately upon erection of the stack. The warning light shall be operated continuously during hours of darkness and permanently retained in working condition thereafter unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

**Reason**

In the interests of aviation safety.

**Condition**

8. That, following the removal of all recyclable materials within the Materials Recovery Facility hereby approved, the feedstock for the Energy Recovery Facility hereby approved shall be limited to non-hazardous materials derived from municipal, commercial and industrial sources. The plant shall be designed to operate up to a maximum tonnage of 180,000 tonnes of refuse derived fuel per annum. For the avoidance of doubt, there shall be no food waste, medical waste or hazardous waste accepted at the site.

**Reason**

To define the terms and limitations of the consent in relation to the scope of the application.

**Condition**

9. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Efficiency' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

**Reason**

To ensure that an appropriate strategy is implemented for utilising the heat generated by the Energy Recovery Facility.

Russell McCutcheon  
Executive Director (Place)

For further information please contact Mr A Hume Planning Officer on 01294 324318.

## Appendix 1 – Location Plan

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## NORTH AYRSHIRE COUNCIL

22nd January 2020

### Planning Committee

Locality	Garnock Valley
Reference	19/00864/PPM
Application Registered	21st November 2019
Decision Due	21st March 2020
Ward	Dalry And West Kilbride

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Loanhead Quarry Beith Ayrshire KA15 2JN
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<b>Applicant</b>	W H Malcolm Ltd
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<b>Proposal</b>	Materials recycling and wash plant
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### 1. Description

Planning permission is sought for the operation of a materials recycling and wash plant at Loanhead Quarry, Beith. The site is some 3.95 hectares in area. The site is within the floor of the quarry with permitted quarrying operations (ref: 15/00264/DCMS) ongoing to the east, permitted infilling operations (ref: 02/00111/PP, a variation of the original N/01/97/0174) ongoing in a former quarry cut to the south and the access, facilities and car park of the quarry to the north-west. The proposed use would share the access etc. with the permitted quarrying and infilling uses.

The site is identified in the Local Development Plan (LDP) as Countryside. The nearest residential properties are some 355m to the west, beyond the permitted infilling area, and 320m to the north-east, beyond the permitted quarry.

The materials recycling and wash plant would comprise 5 vehicle wash bays, an area for road sweepings, stockpile areas for the materials brought to site and machinery for sorting, cleaning and crushing the material. The machinery would be approx. 10.6m in height. It is proposed that 300,000 tonnes of imported material per annum would be processed through the plant, with 60% likely capable of producing a product for sale. The remaining 40% being suitable either for infill or engineering operations. The infill material would likely be used at

the adjoining permitted infilling operations. The imported material would be inert waste, as governed by the Scottish Environment Protection Agency (SEPA.)

The application falls within the category of "major" development, in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required and a PAC notice was received 4th June 2019 (ref: 19/00439/PREAPM).

The proposal was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 on the 26th September 2019 (ref: 19/00708/EIA). The Council, as Planning Authority, adopted the screening opinion that given the nature, scale and location of the proposed development, an Environmental Impact Assessment (EIA) would not be required.

In support of the application the following documents have been submitted:

### **PAC report**

The PAC report notes the publicity measures undertaken, meetings with the Beith Community Council and the Knowes Farm Liaison Committee. This liaison committee is operated by the applicant in relation to their landfill site at Knowes Farm, Beith. The committee is required by the planning permission which allows the operation of that landfill and is a forum for discussions between the applicant, residents, Councillors and members of the Community Council. Members of the Community Council have toured Loanhead and a similar facility operated by the applicant at Shewalton in Irvine.

A public event was also held on the 1st August 2019 at Beith Community Centre. The report notes there were 36 attendees at the event. Comments raised related to; welcoming new employment opportunities and supporting existing employment at the site; welcoming the recycling and waste reduction opportunities; potential traffic impacts; noise and dust concerns; water management and clarification of the type of waste.

In relation to the comments raised, the applicant has provided information relating to the issues, including mitigation measures relating to potential impacts.

### **Planning Statement**

The planning statement summarises the planning background, including the LDP allocation and policy context. The statement sets out the context of the site within the area and within the business operation of the applicant. The report states that the use would complement and support the quarrying operation. It would allow different aggregate products to be sold and divert waste soils from landfill. This is considered to support the Scottish Government's waste reduction objectives.

The planning statement highlights that there would be no change in the type of waste material currently approved for importation and no change in the annual level of waste material currently anticipated to be imported. It is anticipated 500,000 tonnes of inert waste would be brought to the site. 200,000 tonnes, comprising material that cannot be recycled, would be used in infilling immediately, whilst 300,000 tonnes would be processed. About 180,000 tonnes of processed material would be re-sold and removed from the site with the



remaining 120,000 tonnes used to infill the site or used in engineering operations in other locations as required.

The types of inert waste material that would be brought to the site are controlled by SEPA. Currently this comprises; waste glass fibrous material; glass packaging; concrete; bricks; tiles and ceramics; glass; soil and stones including gravel, crushed rock, sand, clay, road base, planings and track ballast.

The statement sets out the proposed methodology for the operation of the recycling and wash plant. Permission is sought until 4th May 2058, in accordance with the permitted period for the quarrying operations.

The statement also demonstrates how the proposal would meet the requirements of the planning conditions attached to the quarrying permission (ref: 15/00264/DCMS), including water treatment and management, noise management and mitigation, dust management and mitigation, and impacts on ecology. The proposal is not considered to effect protected bird species known to be nesting on site and confirmation of the applicant's continued liaison with the South Strathclyde Raptor Study Group.

The planning statement also sets out the impact of the proposal on employment. The proposal is considered to support the applicant's wider business which employs over 1,600 people in central Scotland. In terms of Loanhead, there approx. 40 people on site, the majority of whom are local. The proposal is considered to provide continued opportunity for work for those on site and it is considered that 4/5 additional jobs could be created. The proposal would also support allied businesses and suppliers.

## **Noise Impact Assessment**

This provides further information in respect of potential noise and mitigation. The assessment was carried out in the context of the relevant noise planning conditions from 15/00264/DCMS. These conditions limit the hours of operation of the quarry, except for essential maintenance, and limit most noise from the quarry to 55dB during working hours. The hours of operation for the quarry, and proposed for the recycling plant, are 07.00 to 19.00 Monday to Friday and 07.00 to 13.00 on Saturday.

The assessment states that proposed plant would meet the requirements of those conditions and no further noise controls should be required.

The Town and Country Planning (Scotland) Act 1997 states that when determining planning applications regard shall be had to the provisions of the development plan, so far as material to the application, and to any other material considerations.

The relevant policies of the Local Development Plan adopted November 2019 (LDP) are Strategic Policy 1: Spatial Strategy; Strategic Policy 2: Placemaking, Policy 27: Sustainable Transport and Active Travel and Policy 30 Waste Management Facilities. The Scottish Government's Zero Waste Plan is also considered to be relevant.

## **Relevant Development Plan Policies**

Strategic Policy 1  
Spatial Strategy

Our spatial strategy is based on the principle that we want to direct the right development to the right place. This means we want to direct most development to our towns, villages and developed coastline where we have infrastructure capacity to support new development, where there is access to existing services and where we have opportunities to re-use and redevelop brownfield land.

We recognise that for island and rural communities we have to be more flexible to ensure they can grow and thrive too so we have set out a distinct approach for them which continues to promote a sustainable pattern of development but that also empowers our rural economy and communities to develop while protecting our countryside areas as a valuable natural asset. We have indicated what this means on our Spatial Strategy Map and in the mini maps included throughout this Local Development Plan.

Strategic Policy 1 includes objectives and policies for how development can enhance and protect our Towns and Villages, our Countryside and our Coast.

We will assess development proposals against the principles set out in the spatial strategy. All development proposals must also comply with Policy 2: Placemaking and any relevant policies of this Plan. We will resist development outwith the boundaries of towns and villages, except where the development would positively contribute to the vision or priorities identified in the spatial strategy or where detailed policies of the LDP provide support. We will refer to Scottish Planning Policy's presumption in favour of development that contributes to sustainable development in considering proposals that are not supported by the spatial strategy.

## Strategic Policy 2

### Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

### Six qualities of a successful place

#### Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

#### Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

#### Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

#### Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

#### Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

#### Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

#### Detailed Policy 30

##### Waste Management Facilities

Proposals for the development of waste management facilities that align with Scotland's Zero Waste Plan and the Council's Waste Management Strategy, including any ancillary operations, will be supported subject to meeting the following criteria:

- i) Compatibility with surrounding existing and allocated land uses; and
- ii) Satisfactory provision for the mitigation of adverse impacts is secured in relation to the environment, transport, public health and safety; including site restoration, after care plans, buffers of a satisfactory distance between dwellings or other sensitive receptors and screening where appropriate.

Proposals for development that would compromise the operation of waste management facilities would be resisted.

As a general guide, appropriate buffer distances may be:

- o 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;

- o 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant;
- o >250m between sensitive receptors and landfill sites.

#### Detailed Policy 27

##### Sustainable Transport and Active Travel

We will support development that:

contributes to an integrated transport network that supports long term sustainability

- o reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- o provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- o reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.
- o takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.
- o considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.
- o enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.
- o considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gables.

Proposals are expected to include an indication of how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.

We will take account of:

- o the implications of development proposals on traffic, patterns of travel and road safety.
- o Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.
- o the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
- o the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.

- o committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
  - o specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
  - o The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
  - o The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
  - o The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.
- Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

#### National Development:

The National Walking and Cycling Network (NWCN) was designated as a national development within the National Planning Framework (NPF3). This is an ambitious project which aims to grow Scotland's network of paths from 6,000 to 8,000 km by 2035. Key routes in North Ayrshire which will contribute to this network are detailed below. These are being developed in partnership with Sustrans and Scottish Natural Heritage as lead organisations for the delivery of the NWCN.

These include the development of an off-road alignment for:

- o National Cycle Network (NCN) Route 73 (North) between Brodick and Corrie on the Isle of Arran
- o NCN Route 753 between Skelmorlie and Ardrossan
- o While not explicitly referenced in NPF3, support will be given to development of an off-road alignment for NCN Route 7 between Kilwinning and Kilbirnie.

## 2. Consultations and Representations

Neighbour notification was carried out and the application was advertised. There have been 7 objections received which can be summarised as follows;

1. The site is within a residential area. The area should not become industrial. The operation will run 24hrs a day and all year. This will cause noise and dust disturbance. Continual monitoring of these issues should be carried out. The monitoring should be fit purpose. The plant should be completely enclosed. Crushing of stone at the quarry was previously carried out within a building.

*Response: The site is not within a residential area. Although it is within the Countryside, as identified by the LDP, the quarry itself is a long established industrial site. The proposed plant is within the floor of the existing quarry. The use could create noise and dust. Control*

*and monitoring of noise and dust could be governed by conditions attached to any planning permission. NAC Environmental Health and SEPA offer no objections and can investigate and act against any nuisances under their powers. Plant is already operated within the site as part of the permitted operations. This quarrying plant can be placed anywhere within the site required for quarrying operations.*

2. There will be extra impact on the roads with vehicles running 24hrs a day. The importation of material to the quarry will increase traffic despite what the applicant states. The condition of the roads will deteriorate.

*Response: There is no limit, in planning terms, on how much material can be imported to the infill annually or exported from the quarry, other than the limits of the excavation, and as such, vehicle movement could reflect the operation of those uses. The applicant has stated that there will be no change to the annual level of waste material anticipated to be imported but that most of it will be processed at the recycling plant. The use would complement the existing use, as vehicles which may have otherwise entered or exited empty would now potentially carry material to/from the recycling plant. NAC Active Travel and Transport and Renfrewshire Council offer no objection.*

3. There will be light pollution from the operation of the site.

*Response: The hours of operation of the use could be controlled by condition and be the same as the permitted hours of the quarry. It is not considered that the proposed use would give rise to any significant levels of light pollution. NAC Environmental Health can investigate any statutory nuisance from light pollution under their powers.*

4. There will be sludge/liquid waste produced by the process. The operation of the site will impact on people's health. There will be asbestos within any waste brought to site.

*Response: The waste processed would be inert, and this could be governed by condition attached to any permission. The types of waste proposed are unlikely to produce sludge or liquid, however, control over the specific types of waste would be a matter for SEPA.*

5. It is questioned if there is a local need for the site with a similar facility in Irvine. The Council should investigate that site to see what incidents there have been in the last 3 years. Most of the waste is likely to come from Renfrewshire or Glasgow.

*Response: The operator currently has a similar facility in Irvine, at Shewalton Road (planning permission ref: 14/00337/PPM). Whether the operator requires an additional facility is not a material planning consideration. That the applicant has applied suggests it is their consideration that this site would be additional or an alternative to the existing site. There have been no complaints to the Council, as Planning Authority, regarding the Irvine site in the last 3 years.*

The type of waste proposed to be recycled is likely to come from construction/demolition which is likely to come from more urban areas. However, there is no restriction on the location from which infill material can be sourced and such matters would not be for the Council, as Planning Authority, to control.

6. There have been many complaints to SEPA and North Ayrshire Council about the operation of the existing quarry. Noise, dust, blasting and road safety are all issues that

have arisen from the existing operations. The applicant has not demonstrated compliance with regulations. No permission should be granted until compliance with the existing permissions.

*Response: Concerns regarding the operation of the existing permitted quarry can be investigated should they be reported to the appropriate regulatory body.*

*With regards the permitted quarry operations, the Council, as Planning Authority, has received one complaint regarding noise and dust since the planning conditions were reviewed in 2015. The investigation, with Environmental Health, in May to July 2018 uncovered no evidence of a breach of planning conditions regarding noise. The planning condition relating to dust management had been in breach. However, additional measures for dampening dust were introduced by the operator and the breach ceased.*

*Environmental Health have advised of one additional complaint about noise in August 2017. No breach of planning conditions was identified nor any statutory nuisance. SEPA, NAC Active Travel and Transport and Renfrewshire Council have offered no objection to the proposal.*

7. The applicant has not contacted local residents regarding the proposal. Neighbour notification and press advertisements are not sufficient publicity.

*Response: It is considered the pre-application consultation carried out by the applicant meets the regularity requirements. The Council carried out notification of the application in accordance with the statutory regulations.*

## **Consultations**

**SEPA** - No objection. Further information is provided regarding the details required in order to assess the proposal in terms of SEPA's regulatory responsibilities

*Response: Noted. The granting of planning permission does not negate the need to gain the necessary approvals of other regulatory bodies.*

**NAC Regeneration (Active Travel and Transport)** - No objection. It is understood that no additional traffic is envisaged. This will not impact on the adjacent road network within the boundary of North Ayrshire.

*Response: Noted.*

**NAC Environmental Health** - No objection. Conditions relating to noise and dust monitoring and mitigation should be imposed. The conditions should be the same as those controlling the quarry use.

*Response: Noted. Such condition can be added to any permission.*

**Renfrewshire Council** -No objection.

*Response: Noted.*

**Beith Community Council** - No objection to the application. The site should be monitored to ensure no hazardous substances are imported. The use should not lead to an increase in vehicle movements.

*Response: Noted. The type of material imported to the infill site is controlled by SEPA. The application relates to inert material, and a condition could be attached to any permission to limit the types of material. The permitted infilling and quarrying operations generate traffic movement and the proposed use would utilise empty vehicles entering/exiting the site in connection with those uses.*

### **3. Analysis**

Strategic Policy 1 states that the Council wants to direct the right development to the right place. The Countryside Objective of Strategic Policy 1 states that expansions to existing rural businesses, ancillary development for existing rural businesses and developments with a demonstrable specific locational need will be supported in principle by the LDP.

The proposal is for a use considered complimentary and supportive of an existing rural business i.e. the quarrying and infilling works. The colocation of the proposal with those uses minimises traffic movements and makes use of existing infrastructure. As the proposal relates to development associated with existing rural businesses and there is a demonstrable specific locational need, the proposal is considered to accord with Strategic Policy 1 of the LDP and the principle of the development is therefore acceptable. A condition limiting the use to the permitted period of quarrying works could be attached to any permission.

Policy 30 of the LDP states that proposals for the development of waste management facilities that align with Scotland's Zero Waste Plan will be supported subject to an assessment of compatibility of surrounding uses and satisfactory provision for the mitigation of adverse impacts including transport, site restoration, after care plans, buffers to a satisfactory distance to sensitive receptors and screening where appropriate. Policy 30 gives a general guide of 100m buffer between recycling facilities and receptors.

The Zero Waste Plan seeks to achieve a zero waste Scotland by maximising the reuse, recycling and recovery of resources. This will be done by supporting the development of infrastructure and resource streams; encouraging business investment in resource management; encouraging all to reuse or refurbish materials or use recycle; and using the land-use planning system to support the delivery.

Strategic Policy 2 of the LDP sets out the six qualities of a successful place of which, resource efficient and adaptable are considered to be relevant in this proposal. Policy 27 of the LDP relates to sustainable transport and active travel. This states that the Council will support development which meets criteria including contributing to an integrated transport network that supports long term sustainability.

The surrounding uses of the site, as set out above, are ongoing quarrying operations and infilling of a former quarry cut. The proposed materials recycling and wash plant would be within the operational area of the quarry and share the access and facilities of those uses. The nearest residential properties to the site are some 300m distant. The applicant has provided section drawings which demonstrate that the plant will not be readily visible from most nearby receptors given existing trees and topography. Where the plant may be more



visible this will be at distances of over 400m and would be in the context of the ongoing quarrying and infilling operations. The plant itself and any associated stockpiles would be similar in appearance to plant already in use at the quarry and stockpiles associated with that use.

It is proposed that the recycling operations would take place in the hours 07.00 to 19.00 Monday to Friday and 07.00 to 13.00 on Saturday. These are the permitted hours of the quarry. The permitted noise level of the quarry works is 55db, measured at least 3.5m in front of the most exposed façade of any existing noise sensitive property. The applicant's Noise Impact Assessment states that the cumulative noise from the proposed plant and the quarry is unlikely to exceed these levels and NAC Environmental Health offer no objection. Conditions controlling the hours of operation and noise levels from the recycling and wash plant could be attached to any permission.

The position of the recycling plant would be within the quarry bowl. The permitted quarrying operations are progressively towards the edge of the site. The applicant has also stated that any dust arising from the use could be mitigated and the use would be operated in accordance with the conditions relating to dust, attached to the quarry planning permission. Conditions relating to the suppression and monitoring of dust could be attached to any permission, as per the quarrying permission. As such it is not considered that any dust caused by the recycling operation, or cumulatively, would cause any significant dust impact. NAC Environmental Health again offered no objection.

The quarry operation is also subject to conditions relating to stockpile management and safeguarding of groundwater and watercourses. Any permission relating to the recycling operations could also be subject to such conditions in order to prevent surface water ponding and ensure proper water management.

Although the site is in ongoing industrial use, it is known to have been home to protected species namely nesting peregrine falcons, barn owls and ravens. The quarry permission requires prevention of employees visiting the nests and retaining access for the South Strathclyde Raptor Study Group (SSRSG) to monitor the birds. The SSRSG has confirmed that access is provided and wish to continue the successful raptor breeding which has occurred on site. It is not considered, given the existing works, that the proposed use is likely to impact on the nesting birds. Conditions could be attached to any permission requiring prevention of employees visiting the nests and maintaining access for the SSRSG.

The proposed use is considered to complement the existing permitted uses. The colocation of the proposal with those uses minimises traffic movements. Vehicles can currently enter the site to deposit material for the infill and exit with aggregate from the quarry. The same vehicles can be utilised for the proposed use i.e. the material brought for infill can be recycled with the aggregates from recycling and/or the quarry removed. Given the existing permitted infill and extraction it is not considered that the proposed use would significantly impact on the road network. NAC Active Travel and Transportation and Renfrewshire Council, in whose area the access road to the quarry is sited, offer no objection. The proposal is not considered to generate significant traffic generation and supports long term sustainability. The quarry permission is subject to conditions controlling vehicle operations and clearance of detritus from the road. Any permission could be subject to similar conditions. The proposal therefore accords with Policy 27.

The quarry operations area is required to be restored, following the cessation of the works on or before 4th May 2058. The infill operations, by their very nature, will result in a restored area of that part of the site. The proposed use would be undertaken in the bowl of the quarry cut. As such it is also considered necessary to require restoration of that area, should any permitted recycling use cease. This can also be governed by condition.

Given the buffers of over 100m, appropriate conditions controlling operations and restoration, the proposal accords with Policy 30, the Zero Waste Plan, and Strategic Policy 2.

Given the above considerations and subject to appropriate conditions, it is considered that the proposal accords with Strategic Policy 1, Strategic Policy 2, Policy 30 and Policy 27 of the LDP. The proposal is also considered to accord with the Scottish Government's Zero Waste Plan. Planning permission can therefore be granted.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That the use hereby permitted shall cease on 4th May 2058, or an earlier date to be agreed in writing with North Ayrshire Council, as Planning Authority. All plant and machinery shall be removed from the site and the land restored within twelve months of the expiration of the permission or twelve months of the earlier date agreed by North Ayrshire Council, as Planning Authority.

##### **Reason**

In recognition of the permitted operation of the associated quarry and to ensure proper restoration of the site.

##### **Condition**

2. That, within 3 months of the date of the permission, a scheme of restoration for the area of the permitted use shall be submitted to North Ayrshire Council, as Planning Authority, for written approval.

##### **Reason**

To secure the proper restoration of the site in the interest of amenity.

##### **Condition**

3. The types of material to be processed will be restricted to those permitted by SEPA in any permit for the site, or any future regulatory permit by the authorised environmental protection body. Any changes to the types of material permitted by SEPA will be forwarded to North Ayrshire Council, as Planning Authority, within 7 days of the change being agreed by SEPA.

##### **Reason**

To provide clarity over the material types to be processed on site in the interest of the amenity of the area.

**Condition**

4. That the public road adjacent to the site shall be kept clear of mud or other deposited material arising from the site at all times, to the satisfaction of North Ayrshire Council, as Planning and Roads Authority.

**Reason**

To ensure no material is deposited on the road in the interests of traffic safety.

**Condition**

5. That adequate vehicle washing facilities shall be maintained to ensure that vehicles leaving the site shall not deposit deleterious material on public roads

**Reason**

To ensure no material is deposited on the road in the interests of traffic safety.

**Condition**

6. That all loaded vehicles carrying aggregate materials 75mm and under in open containers shall be sheeted or otherwise covered.

**Reason**

In recognition of the requirements of the operation of the associated quarry and to ensure no material is deposited on the road in the interests of traffic safety.

**Condition**

7. That the hours of operation shall be restricted to 0700-1900 Monday to Friday and 0700-1300 Saturday, except for essential maintenance work, and no work shall be undertaken on Sundays or Public Holidays.

**Reason**

To protect occupants of nearby housing and the wider area from noise/disturbance at night and in the afternoon/evenings are weekends.

**Condition**

8. That the noise from the use shall not exceed 55dBL<sub>aeq</sub>, 1h(60mins) during the agreed working hours measured at least 3.5m in front of the most exposed façade of any existing noise sensitive property.

**Reason**

To protect the area from excessive noise disturbance during the day.

**Condition**

9. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.

**Reason**

To protect the area from excessive noise during the day

**Condition**

10. That the development shall monitor noise from the site and to record the finding in accordance with the approved monitoring scheme associated with planning permission 15/00264/DCMS

**Reason**

In recognition of the permitted operation of the associated quarry and to ensure proper monitoring of the noise from operations is undertaken in the interest of amenity.

**Condition**

11. At all times during the carrying out of operations authorised or required under this permission, water bowsers and sprayers, mobile or fixed, shall be used at all times as it is necessary to minimise the emission of dust from the site.

**Reason**

To mitigate the impact of dust arising from the operation of the site.

**Condition**

12. That the development shall monitor dust from the site and to record the finding in accordance with the approved monitoring scheme associated with planning permission 15/00264/DCMS

**Reason**

In recognition of the permitted operation of the associated quarry and to ensure proper monitoring of the dust from operations is undertaken in the interest of amenity.

**Condition**

13. The developer shall undertake all works to ensure that there are safeguards against pollution of groundwater or any watercourse from all construction and ongoing activities.

**Reason**

To ensure proper water management.

**Condition**

14. All storage mounds shall be evenly graded, shaped and drained to prevent water ponding on or around them.

**Reason**

To ensure proper water management.

**Condition**

15. That during the life of the operations the applicant shall retain the services of the South Strathclyde Raptor Study Group whose recommendations shall be followed unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.

**Reason**

To monitor protected bird species activity within the site in the interests of nature conservation.

**Condition**

16. The appropriate measures shall be adopted to ensure that no employee from the site visits the nests of either Peregrines, or Ravens or Barn Owls at any time.

**Reason**

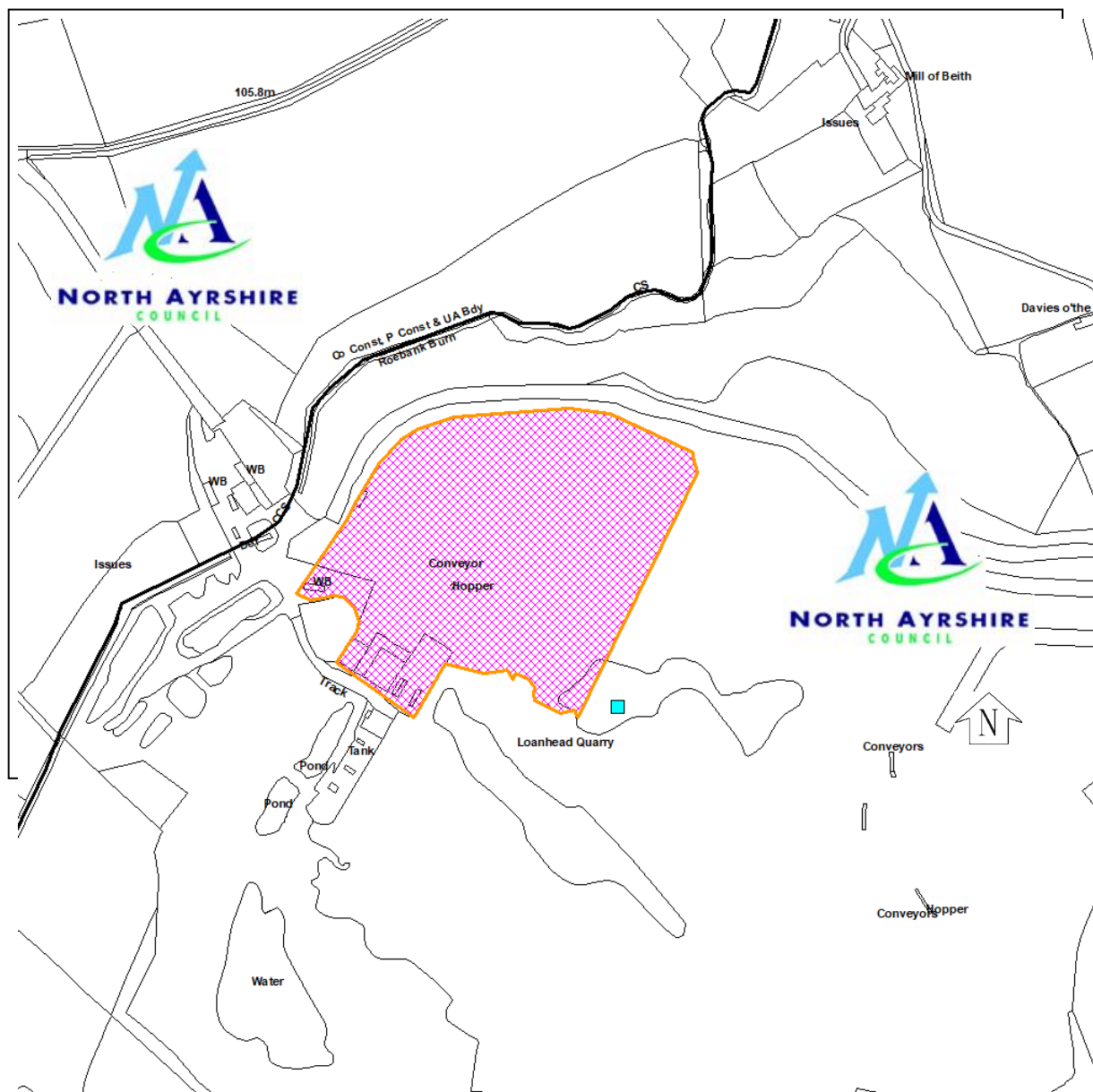
To prevent disturbance of protected species known to resident within the sites in the interests of nature conservation.

Russell McCutcheon  
Executive Director (Place)

For further information please contact Mr Iain Davies on 01294 324320.

## Appendix 1 – Location Plan

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## **NORTH AYRSHIRE COUNCIL**

**22 January 2019**

### **Planning Committee**

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**Title:** Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.

**Purpose:** To seek authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in the height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.

**Recommendation:** Agree that authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX be granted.

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#### **1. Executive Summary**

- 1.1 To seek authority to serve an Enforcement Notice requiring the reduction in the height of an unauthorised fence at 20 Dubbs Road, Stevenston.
- 1.2 It is considered that the erected fence on this land has an adverse impact on the visual amenity of the area.

#### **2. Background**

- 2.1 Works comprising the erection of a fence exceeding one metre in height where it fronts a road and extends beyond the line of the wall of the side elevation that is nearest a road at 20 Dubbs Road, Stevenston. The total height of the fence is 1.9m. The works were undertaken in 2018. Planning permission has not been granted for the works and which are therefore unauthorised. The owner of the land has been advised that the works are unauthorised and requested to reduce the height of the fence. A response has not been received from the owner.
- 2.2 The site is located within an area identified as general urban area in the Adopted Local Development Plan (LDP). The existing building is a one and a half semi-detached dwellinghouse. The site is bounded to the south by Highfield Drive and Dubbs Road to the east.
- 2.3 Strategic Policy 2 (Placemaking) of the LDP aims to safeguard and where possible enhance environmental quality through the avoidance of unacceptable adverse

environmental or amenity impacts. This policy encourages proposals to create a pleasant, positive sense of place by promoting visual quality. It is not considered that the works comply with Strategic Policy 2 (Placemaking) and is therefore contrary to the LDP.

- 2.4 The development has been undertaken within the last 4 years without the necessary planning permission. The development harms the visual amenity of the area. As such, the fence is considered to be contrary to the LDP.
- 2.5 The unauthorised fence was brought to the Council's attention through a complaint and upon investigation it was decided necessary to take action as it would be in the public interest.
- 2.6 Given the above, it is recommended that authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, as amended, (an "Enforcement Notice") be approved. An Enforcement Notice would require the reduction in height of the fence so that it does not exceed one metre. The Enforcement Notice would take effect not less than 35 days from the date on which it is served, unless an appeal is lodged before it takes effect. The Enforcement Notice would require to be in full compliance within 6 weeks of the date that it takes effect. There is a right of appeal against an Enforcement Notice, but not on the grounds that planning permission ought to be granted.

### **3. Proposals**

- 3.1 In the interest of the visual amenity and residential character of the area, it is recommended that Committee approved the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the following: -
  - i) Reduction in the height of the fence so that it does not exceed 1 metre in height.

### **4. Implications/Socio-economic Duty**

#### **Financial**

- 4.1 The Council can take direct action against non-compliance with an enforcement notice and seek any costs incurred from the land owner or lessee.

#### **Human Resources**

- 4.2 None.

#### **Legal**

- 4.3 The proposed Enforcement Notice is in accordance with Statutory Regulations. Non-compliance with such a Notice is an offence and the Council, as Planning Authority, could report such an offence to the Procurator Fiscal.

#### **Equality/Socio-economic**

- 4.4 None.



### **Environmental and Sustainability**

4.5 None.

### **Key Priorities**

4.6 The proposed Enforcement Notice supports the Council Plan priority – “Vibrant, welcoming and attractive places.”

### **Community Benefits**

4.7 None.

## **5. Consultation**

5.1 N/A.

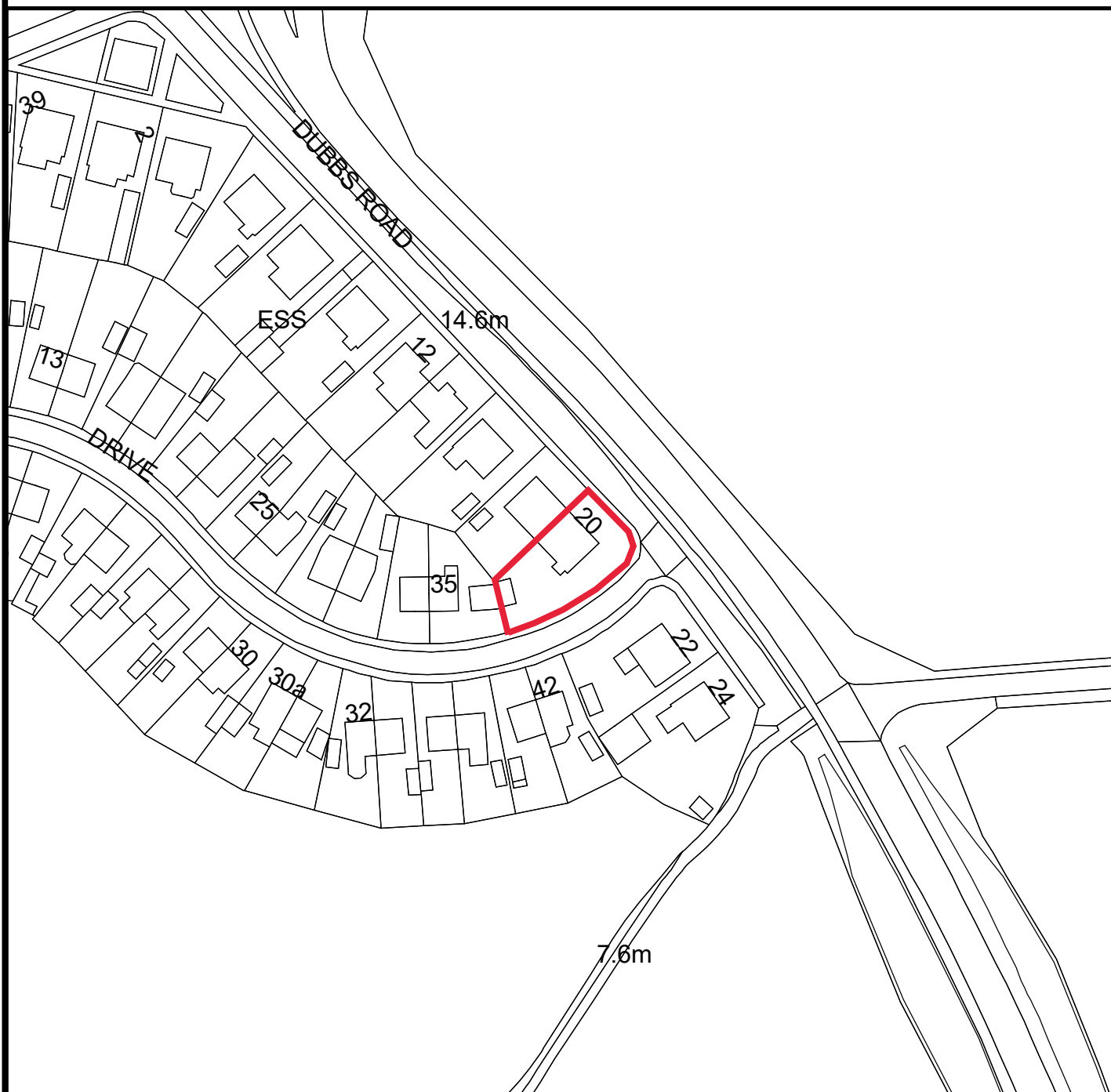
Russell McCutcheon  
Executive Director Place

For further information please contact **Joseph Thompson, Planning Assistant**, on **01294 324313**.

### **Background Papers**

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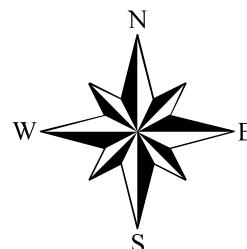
Notice under Section 127 of the Town and Country Planning  
(Scotland) Act 1997: 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

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## NORTH AYRSHIRE COUNCIL

22 January 2020

### Planning Committee

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<b>Title:</b>	<b>The Planning (Scotland) Act 2019 Commencement Regulations</b>
<b>Purpose:</b>	To update the Planning Committee on the implementation of the Planning (Scotland) Act 2019.
<b>Recommendation:</b>	It is recommended that the Planning Committee notes the content of the report.

---

#### 1. Executive Summary

- 1.1 Following the enactment of the Planning (Scotland) Bill 2019 in July 2019, the Scottish Government is progressing with its post-bill work programme to implement the new Act. Each section of the Act will be brought into force by commencement regulations. Four commencement regulations have been laid in Parliament to date, giving effect to provisions for a new purpose for planning; the content and procedures for preparing the National Planning Framework; the 'Agent of Change' Principle, among others.

#### 2. Background

- 2.1 On 4 September 2019, the enactment of the Planning Bill was reported to the Planning Committee. At the end of September 2019, the Scottish Government published a post-bill work programme, 'Transforming Planning in Practice', setting out how it will move forward with implementing the legislation, which introduces a number of changes to the overall framework under which planning operates.
- 2.2 Each section of the Act will be brought into force by commencement regulations, the first of which came into force on 8 November 2019. Three further commencement regulations have been laid in Parliament. Where relevant, the commencement regulations incorporate saving and transitional provisions and only affect new applications or notices from a specified date.
- 2.3 The following provisions have been brought into force and are identified as directly relevant to local planning authorities:
- All decision notices issued on or after 1 March 2020 must include a statement as to whether the authority consider the development is in accordance with the development plan, and their reasons for taking that view. (Section 30).

- A requirement to take account of the impact of noise from existing activities on new noise-sensitive developments – known as the Agent of Change principle – will have effect in relation to applications received from 20 December 2019 (Section 25). The planning authority must take particular account of whether the new development includes sufficient measures to “mitigate, minimise or manage” the effect of noise between the development and any existing cultural venues or facilities, dwellings or businesses in the vicinity.
- Requirement to notify Councillors, MSPs and MPs of applications for major development will apply to applications received from 1 March 2020 (Section 23).
- Removal of the requirement for full Council decisions on applications requiring a pre-determination hearing, for decisions taken from 1 March 2020 (Section 27).
- Section 53 brings into force, from 1 December 2019, the requirement for all planning authorities to prepare a forestry and woodland strategy.
- Increased fines for failure to comply with various types of planning control notices will apply to offences committed in relation to notices served from 20 December 2019 (Section 42).

### 2.3 Other notable sections of the Planning (Scotland) Act 2019 which have come into force include:

- Purpose of Planning – introduction of a purpose of planning: ‘to manage the development and use of land in the long-term public interest’, defined as contributing to sustainable development or achieving national outcomes (Section 1). This purpose applies in the context of preparing the National Planning Framework and local development plans but not development management.
- National Planning Framework – amendments to the content and procedures for preparing the National Planning Framework (Section 2). Early work has already begun on preparing the fourth National Planning Framework (NPF4), the long-term spatial strategy for Scotland to 2050. Scottish Government plans to publish a draft of NPF4 for public consultation in Q3 2020, following a period of extensive engagement earlier in the year.
- Sections on open space strategies, regional spatial strategies, local development plans, delivery programmes and local place plans have partially come into force for the limited purposes of enabling Scottish Ministers to make regulations and guidance to be issued, varied, published and revoked.
- From 1 December 2019, Scottish Ministers have the power to: appoint a National Planning Improvement Co-ordinator; make regulations to amend the requirements for certain large developments to include Changing Places Toilets (to align with those set out in the Building Standards Technical Guidance); plus amended powers to make regulations about planning fees, including the ability to introduce more discretionary charging, discounts, and a surcharge for retrospective applications.

## 3. Proposals

- 3.1 It is recommended that the Planning Committee notes the contents of the report. Further updates will be provided to inform Committee throughout the programme of implementation of the Planning (Scotland) Act 2019, which is expected to take two years.

#### **4. Implications/Socio-economic Duty**

##### **Financial**

- 4.1 None.

##### **Human Resources**

- 4.2 None.

##### **Legal**

- 4.3 New provisions relating to the processing and determination of planning applications are introduced by the Planning (Scotland) Act 2019, which the Council must adhere to.

##### **Equality/Socio-economic**

- 4.4 None.

##### **Environmental and Sustainability**

- 4.5 None.

##### **Key Priorities**

- 4.6 None.

##### **Community Wealth Building**

- 4.7 None.

#### **5. Consultation**

- 5.1 None.

RUSSELL McCUTCHEON  
Executive Director (Place)

For further information please contact **Alistair Gemmell, Planning Officer**, on **01294 324021**.

#### **Background Papers**

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## NORTH AYRSHIRE COUNCIL

22<sup>nd</sup> January 2020

### Planning Committee

**Title:** **Scottish Government Consultation on Planning Performance and Fees**

**Purpose:** To advise the Planning Committee of the Scottish Government's consultation on the proposed introduction of Planning Performance and amendments to Planning fees.

**Recommendation:** It is recommended that the Planning Committee approves the content of the report, which will form the basis of the response to the Consultation.

#### 1. Executive Summary

- 1.1 The Scottish Government enacted the Planning (Scotland) Bill, as the Planning (Scotland) Act 2019 ("the Act"), on the 20<sup>th</sup> June 2019. The Act contains provisions requiring annual reporting of performance by Planning Authorities and in relation to the charging of fees for planning applications and similar work by Planning Authorities. A consultation paper has been produced in preparation of the regulations for those provisions and in respect of a vision for the Planning Service in Scotland. The consultation period ends on the 14<sup>th</sup> February 2020.

#### 2. Background

- 2.1 The Convention of Scottish Local Authorities (COSLA) and Heads of Planning Scotland (HOPS) have been in dialogue with the Scottish Government, for some time, in respect of fully resourcing the planning system, referencing a CiPFA based survey on 'Costing the Planning Service', which has revealed significant underfunding through the current fee regime. There is no indication that the consultation has been informed by the findings of this survey. However, the proposals to increase fees for planning applications and the opportunity to comment are both welcomed.
- 2.1 The consultation comprises a series of questions split into separate parts. The key parts include: Planning Performance, Planning Fees, Other Fees, Discretionary Charging, Other Issues, and Impact Assessments.
- 2.2 Section 1 of the Act sets out the 'Purpose of Planning.' It states that the purpose of planning is "to manage development and use of land in the long term public interest." The consultation asks if an accompanying vision should be set out. A proposed vision is:

*The Planning System must provide certainty, consistency and clarity to all those who participate in it, through effective engagement, policy, decision making and communication.*

- 2.3 The consultation paper also proposes that performance be measured against the contribution of the Planning System to;
- 1.meeting the housing needs of people living in Scotland including, in particular, the housing needs
  - 2.improving the health and wellbeing of people living in Scotland,
  - 3.increasing the population of rural areas of Scotland,
  - 4.improving equality and eliminating discrimination,
  - 5.meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act, and
  - 6.securing positive effects for biodiversity.
- 2.4 Planning Authorities would be required to produce a Planning Performance Report on statistics, customer service, engagement, case studies, outcomes, improvement and resources.
- 2.5 The consultation paper proposes changes to the scale of fees for planning applications. The proposals include increasing the fee for a house from £401 to £600. Some householder application fees would increase from £202 to £300 whilst some would decrease to £150. Planning fees for small (c. 5000sqm or less) buildings would decrease whilst larger buildings would see a fee increase. Single wind turbines would be charged according to height. Multiple wind turbines would be charged based on site area.
- 2.6 The consultation paper seeks views on altering the way in which fees relating to conditions are calculated, increasing the fees for Hazardous Substance Consent, Certificates of Lawful Development and introducing a fee for Listed Building Consent.
- 2.7 The consultation paper acknowledges that that some Planning Authorities charge for pre-application advice. Views are sought on whether such charges should be allowed, how they should be set and whether charges should be extended to processing agreements and non-material variation applications. Views are also sought on whether charges should be introduced for monitoring planning conditions, preparing planning agreements, development within Masterplan Consent Areas (MCA), appeals, maintaining registers of interested developers and discretion to waive fees. It is considered that pre-application charges and preparing planning agreements, could be counter-productive, with the submission of resultant poorer formal applications, which could be avoided at the pre-application stage. Further investigation is required on the basis of evidence from other authorities who already use this practice. For monitoring conditions, a charging regime may be appropriate for larger scale applications, given the resourcing issues and ongoing complexities. For MCA and appeals (and Local Reviews), charges would be appropriate, given the resourcing issues of these processes. Finally for maintaining registers of interested developers and discretion to waive fees, neither should be subject of charges as it would create uncertainty and is already addressed for certain types of applications.
- 2.8 The other Issues raised by the consultation includes; proposals for a 100% surcharge on retrospective applications; surcharges for submitting paper applications; surcharges



for submitting electronic applications; and additional fees for submissions with Environmental Impact Assessments.

- 2.9 The section relating to Impact Assessments seeks views on the consultation process and its impacts, or otherwise, on the assessments the Scottish Government has carried out.

### **3. Proposals**

- 3.1 It is proposed that the Council, as Planning Authority, respond in the following;

- i) Agrees with the proposed vision for the Planning System;
- ii) Agrees with the proposed performance measurements and content for Planning Performance Reports.

The Council, as Planning Authority, currently prepares an annual Planning Performance Framework (PPF) and the proposed Planning Performance Report would essentially be a continuation of work already undertaken in relation to the PPF.

- 3.2 iii) Agrees with the proposed changes to the current Development Management fee schedule, subject to clarification of certain details;

The definition of what works would benefit from the varied householder fees is not clear. Some of the proposed decreases in fee for smaller buildings would appear inconsistent with the aim of making the planning system cost neutral.

- 3.3 iv) Agrees with the proposed changes to other fees subject to the following:

Listed Buildings have been designated for their special architectural or historic interest. The introduction of fees for listed building consent applications could be a disincentive and discourage building owners from seeking the necessary consent. However, such applications can be time consuming and complex. The roll back of the guidance service offered by Historic Environment Scotland has added to the pressure on Planning Authorities when dealing with such applications.

- 3.4 v) Agrees with discretionary charging, with the except of processing agreements, maintaining registers of interested developers and any discretion to waive fees.

The Council, as Planning Authority, does not charge for pre-application advice and guidance from the Government would be welcomed. Processing agreements are a useful tool which give the Planning Authority and applicant clarity over timescales for processing applications. They allow complex matters to be dealt with in longer periods by the agreement of both parties with the Planning Authority meeting performance targets and avoiding unnecessary appeals. Registers of interested developers allow the Council to maintain links with those interested in taking on development sites. This supports the Council's regeneration of our area. Discretionary powers to waive fees would bring uncertainty to the fee structure and would appear inconsistent with the aim of making the planning system cost neutral.

- 3.5 vi) Does not agree with 100% surcharge on all retrospective applications or surcharges for electronic applications. Paper applications and EIA submissions should incur additional fees.

Most retrospective applications arise from enforcement investigations and retrospective applications are invited where the development is likely to be generally acceptable. 100% surcharges would likely result in fewer applications and as enforcement is a discretionary power, only to be used where expedient to do so, it is unlikely that further action would be taken. The Scottish Government's advice in respect of enforcement is that it is to remedy any harm being caused and not to punish. A sliding scale of surcharges, dependent on the type and size of development, would appear more appropriate e.g. none or minimal surcharge for householder development to a larger surcharge for industrial development.

Applicants should be encouraged to make electronic submission and the cost of an application should reflect the cost of maintaining the electronic databases. Paper applications require more administration processes than electronic submissions e.g. scanning and postal charges. EIA submissions usually include significant extra work for the Planning Authority.

#### 4. Implications/Socio-economic Duty

<b>Financial:</b>	None in terms of responding to the consultation. Long term potential implications for Planning Authority budgets
<b>Human Resources:</b>	None in terms of responding to the consultation
<b>Legal:</b>	The consultation relates to regulatory requirements in the Planning Acts
<b>Equality/Socio-economic Duty:</b>	The consultation has been subject to impact assessments by the Scottish Government
<b>Children and Young People:</b>	The consultation has been subject to impact assessments by the Scottish Government
<b>Environmental &amp; Sustainability:</b>	Any amendments to fees would have implications for the carrying out of the functions of the Council, as Planning Authority.
<b>Key Priorities:</b>	The functions of the Planning Authority contribute towards Key Priorities including 'Vibrant, welcoming and attractive places and 'A Sustainable Environment.'
<b>Community Benefits:</b>	No direct community benefits

#### 5. Consultation

##### 5.1 None

Executive Director (Place)

For further information please contact **Iain Davies, Senior Development Management Officer**, on **01294 324 320**.

**Background Papers**

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