

**Planning Committee**  
**4 November 2020**

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

**Present**

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

**In Attendance**

J. Miller, Chief Planning Officer (Planning), J. Law; Solicitor (Legal Services); and D. McCaw, E. Gray and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Also In Attendance**

A. Hume, Senior Development Management Officer, I. Davies, Senior Development Management Officer, K. Gee, Technician and L. Dempster, Technician (Planning).

**Apologies**

Shaun Macaulay

**Chair**

Councillor Marshall in the Chair.

**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 30 September 2020 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 20/00819/PPM: 16-20 Murdoch Place Oldhall West Industrial Estate Irvine Ayrshire KA11 5DG**

Doveyard Limited have submitted a Section 42 application to amend condition 1 of planning permission N/19/00539/PPM to facilitate changes to the layout and elevations of the buildings. No representations were received.

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

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.

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.
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.
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.
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.
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. In addition, the tree 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.

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.
8. That, following the removal of all recyclable materials within the Materials Recovery Facility within the development, the feedstock for the Energy Recovery Facility 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.
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.

#### **4.1 20/00805/PP: Hullerhill Sand Quarry Kilwinning Ayrshire KA13 7QN**

Hugh King & Co have submitted a Section 42 application to vary condition 1 of planning permission N/19/00542/PP to extend duration of consent. 2 objections were received and summarised in the report.

Councillor Marshall seconded by Councillor Foster, moved that consideration of the planning application be continued to the 2 December 2020 meeting of the committee to obtain more information on a complaint received.

As an amendment, Councillor Barr, seconded by Councillor McNicol, moved that the application be approved.

On a division there voted for the amendment two and for the motion seven, the motion was declared carried.

Accordingly, the Committee agreed to continue consideration of the planning application to the 2 December 2020 meeting of the committee.

## **5.1 20/00171/PP: Site To North Of Standingstone Hill Kilbirnie Ayrshire**

Ashrona Power Systems Limited have submitted a retrospective planning application for the formation of access tracks and associated ancillary works for Pundeavon Hydro Electric Scheme. 1 objection was received and summarised in the report.

Councillor Marshall seconded by Councillor Clarkson, moved to approve planning permission for the formation of access tracks and associated ancillary works for Pundeavon Hydro Electric Scheme subject to conditions.

As an amendment, Councillor Foster seconded by Councillor Billings, moved to refuse planning permission on the grounds that the Committee should continue with enforcement action to have the track restored as it would set an unacceptable precedent of environmental vandalism in a protected area. There is no need for the track as there is evidence of existing walkers taking access to the site. The original condition should be restored.

On a division there voted for the amendment two and for the motion seven, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

1. That, within 3 months of the date of approval, a detailed restoration plan shall be submitted for the written approval of North Ayrshire Council as Planning Authority in consultation with NatureScot and SEPA. The key objective of the plan shall be to substantially reduce the impacts on the nationally important Waterhead Moor - Muirshiel Wild Land Area to 'not significant.' The plan shall contain the details as set out in Annex 2 of NatureScot's consultation response to North Ayrshire Council dated 18th September 2020. Thereafter, the restoration works as may be approved shall be implemented in full to the satisfaction of North Ayrshire Council as Planning Authority within a period not exceeding 2 years from the date of the approval of the restoration plan, unless otherwise agreed in writing.
2. That the restoration plan as referred to in condition 1 shall be accompanied by a management and aftercare plan for the track which shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The plan shall take into account the Scottish Outdoor Access Code. Thereafter, the management and aftercare plan as may be approved shall be brought into operation upon completion of the implementation phase of the restoration plan to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.

**6. Proposed changes to pre-application consultation (PAC) requirements: consultation by Scottish Government**

Submitted report by Executive Director (Place) on the Council's response to the consultation on changes to pre-application consultation with the response set out at Appendix 1 to the report.

Members asked questions and were provided with clarification in relation to the consultation process and public event's being held remotely.

The Committee agreed, Cllr Reid dissenting, to approve the consultation response set out at Appendix 1 to the report.

Councillor Foster left the meeting at this point.

**7. The Scottish Government's Programme for Reviewing and Extending Permitted Development Rights (PDR) in Scotland–Consultation on Phase 1 Proposals**

Submitted report by Executive Director (Place) on the on the proposed changes to The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, and the Council's response to the consultation. The proposed Consultation response was set out at Appendix 1 to the report.

The Committee agreed to (a) note the detail of the consultation on proposed policy amendments to The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended; and (b) approve the response to the consultation set out at Appendix 1.

The meeting ended at 3.25 p.m.