

Planning Committee
19 June 2019

Irvine, 19 June 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, Shaun Macaulay, Ellen McMaster, Ronnie McNicol and Donald Reid.

Also Present

Alan Hill and Ian Murdoch.

In Attendance

J. Miller, Senior Manager (Planning) (Economies and Communities); A. Craig, Senior Manager (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

None.

1. Declarations of Interest

Councillor Barr queried if his membership of the Hunterston Liaison Committee required him to declare an interest in respect of agenda item 3. Following the receipt of advice from the Senior Manager (Legal) he decided that it was not a material interest which required him to withdraw from proceedings.

Accordingly, subject to the above, 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 22 May 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Hunterston Master Plan

Submitted a report by the Executive Director (Economy and Communities) on the proposed response to the consultation by Peel Ports Group on their draft Master Plan for the Hunterston Port and Resource Centre. The report recommended that both the Committee report and the consultation response, set out at Appendix 1 to the report, be submitted to Peel Ports Group following approval.

The Chair advised that he had accepted a request from Councillor Ian Murdoch to address the Committee in terms of his concerns around the Hunterston Master Plan. It was also noted that deputations have historically only been permitted in relation to planning applications; however, in this case, given the high level of public interest and, in the interest of transparency, the Chair agreed to make an exception.

Councillor Murdoch began by raising concerns around Peel Port's refusal to hold public consultation events in Largs and West Kilbride, the two highest populated towns in close proximity to the site, during the consultation period despite requests from residents. The Scottish Government's National Planning Framework 3 was referenced as well as the fact that Hunterston was not one of the three sites identified as potentially suitable for thermal energy generation. Councillor Murdoch then discussed the possible impacts of the proposed plans which had not been raised in the Master Plan including on tourism, HGV road use and future development of the site for other uses.

Concerns were also raised by Councillor Murdoch around the impact on public and environmental safety which a Liquefied Natural Gas (LNG) site located so close to a populated area would have. The lack of consultation with the Office of Nuclear Regulation despite the site being located within the consultation zone and the risk to the SSSI site from oil rig recommissioning were highlighted. He also made reference to the consultation response from a local resident, who has specialist experience in this area, which highlighted numerous errors in the Master Plan.

Councillor Murdoch requested that a number of amendments be made to the response around engagement with local residents and elected members, clarification of the impact of an LNG station on Hunterston C Nuclear Power Station and a query around the headline figure for job creation. He summarised by requesting that the Committee treat this document as a consultation rather than a master plan and refuse to endorse it in its current form.

The Chair then referenced correspondence which had been submitted by Friends of the Clyde to members of the Committee prior to the meeting which highlighted their concerns around the draft Master Plan.

The Senior Manager (Planning) then highlighted that officers normally respond to consultations under delegated powers; however, due to the high level of public interest in Hunterston it was appropriate that this matter be considered by the Planning Committee. He went on to summarise the report and confirmed that the Committee was not being asked to endorse the draft Hunterston Master Plan but to approve a consultation response.

Councillor Foster circulated a document which quoted paragraph 11 of the consultation response (Appendix 1 to the report) with an additional sentence added in bold as set out below:

“A long-list of potential development and operational activities are introduced at paragraph 3.10, including: bulk handling facilities for importing, processing and distributing dry and bulk liquid cargoes, including liquified natural gas (LNG); offshore wind energy; construction for marine and offsite manufacturing; decommissioning vessels and oil and gas structures; materials management; heat and power generation, from LNG and renewable sources. The key concern for the Council as planning authority is whether these proposals conform with the Development Plan. While many of these uses are compliant with the direction and general strategic approach of LDP2 (and the existing LDP), we would require further detail to consider the merits of others, namely power generation, LNG storage, the decommissioning of vessels and, noted elsewhere within the Master Plan, land-based aquaculture. **However, at this early stage the Planning Committee wishes to outline our opposition to LNG storage and would encourage a renewable energy activity as a suitable replacement to accord with our commitment to a low-carbon circular economy.** In this regard, the Master Plan is a legitimate means of Peel promoting overarching strategic proposals and a means of discussing the future development of Hunterston, including with the Council; it should be noted, however, the Master Plan is not Council endorsed, at least in its current form.”

The Chair also made reference to a request from Councillor Hill to make grammatical adjustments to line eight of paragraph 11 in the consultation response to change the words “many” and “are” to “some” and “may be” respectively.

Councillor Marshall, seconded by Councillor Billings, moved that the Committee approve the response to Peel Ports Group on the Hunterston Master Plan Consultation Draft subject to (i) the grammatical changes at line 8 of paragraph 11 as mentioned above; and (ii) the addition of comments which reiterated that:

- a) North Ayrshire Council supports the re-development of Hunterston PARC, which is recognised as having the enabling capability to bring international levels of investment to Scotland and Ayrshire, via the Proposed Local Development Plan and Ayrshire Growth Deal;
- b) the Master Plan could be more concise, more engaging in its presentation and clearer in its message of the overarching strategy and opportunities for Hunterston PARC;
- c) concerns with the socio-economic study, which should be a more positive and aspirational about the potential that Hunterston possesses to transform the regional economy;
- d) at this early stage the Planning Committee wishes to outline our opposition to LNG storage and would encourage a renewable energy activity as a suitable replacement to accord with our commitment to a low-carbon circular economy; and
- e) the Committee strongly recommends robust community engagement and that any developments seek to enhance the environment where appropriate.

There being no amendment the motion was declared carried with Councillor Barr requesting that his dissent be recorded.

Councillor Larsen left the meeting at this point.

4. Planning Performance Framework

Submitted report by the Executive Director (Economy and Communities) on the draft 2018/19 Planning Performance Framework report which is due to be published on the Council's website and submitted to the Scottish Government. The draft framework was appended to the report.

The Senior Manager (Planning) summarised the report and framework, highlighting a number of points including the fact that North Ayrshire were finalists in the Local Authority Team of the Year category at the RTPI Awards for Planning Excellence; the proposed LDP2 which was approved, published for representations and submitted to Scottish Ministers in just five months; a reduction in determination times for householder planning applications; and their role in stimulating the housing market in North Ayrshire through collaboration with the housing building industry.

The Chair, on behalf of the Committee, thanked the Planning Team for their efforts throughout the previous year and commended the excellent standards which have been set.

The Committee unanimously agreed to approve (i) content of the latest Planning Performance Framework report, (ii) its submission to the Scottish Government; and (iii) its publication on the Council's website.

Councillor Reid left the meeting at this point.

5. 19/00164/PP: Glaxosmithkline, Shewalton Road, Riverside, Business Park, Irvine

GlaxoSmithKline Plc. have applied for planning permission for the erection of two wind turbines each measuring 86m to hub and 149m to blade tip, to include associated infrastructure. No letters of representations were received in respect of the application.

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

1. No turbine blade shall be fixed to either turbine until:
 - (i) The developer has agreed radar mitigation schemes with Glasgow Prestwick Airport and the National Air Traffic Services and those schemes have been approved in writing by North Ayrshire Council as Planning Authority; and
 - (ii) The approved mitigation measures have been implemented to the satisfaction of North Ayrshire Council as Planning Authority.

Thereafter, the development shall operate fully in accordance with the approved schemes and shall not operate should the radar mitigation measures not be achieved because the developer or the operator does not comply with the Scheme.

2. At wind speeds not exceeding 12ms⁻¹, as measured or calculated at a height of 10m above ground level at the wind turbine, the noise immission level at any noise sensitive premises, including those dwellings listed in Table 5 of the applicant's Noise Report 'Proposed extension to wind energy development - GSK Irvine, Noise Impact Assessment, KSG Acoustics, Prepared for Stephenson Halliday, 27 February 2019', shall comply with the following:
 - (i) During night hours, defined in The Assessment and Rating of Noise from Wind Farms, 1996 ETSU-R-97 as 23:00 to 07:00 on all days, the cumulative noise immission level of the two wind turbines associated with this permission and the two existing wind turbines (built under permissions 09/00878/PP and 12/00629/PP) shall not exceed 43dB LA90,10min or the ETSU-R-97 derived night hours noise limit based on the measured LA90,10min noise level plus 5dB(A), whichever is the greater. The night hours noise limits shall be taken from Table 5 of the applicant's noise report.
 - (ii) During Daytime Hours, defined as 07:00 to 23:00 on all days, the cumulative noise immission level of the two wind turbines associated with this permission and the two existing wind turbines (built under permissions 09/00878/PP and 12/00629/PP) shall not exceed 35dB LA90,10min or the ETSU-R-97 derived quiet waking hours noise limit based on the measured LA90,10min noise level plus 5dB(A), whichever is the greater. The quiet waking hours noise limits shall be taken from Table 5 of the applicant's noise report.
3. When assessed at any noise sensitive premises the operation of the wind turbine shall not result in any audible tones as defined in The Assessment and Rating of Noise from Wind Farms, 1996 (ETSU-R-97).
4. The presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Environmental Health Service of North Ayrshire Council. Thereafter, a suitable investigation strategy, agreed with the Environmental Health Service of North Ayrshire Council, shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site.
5. That the applicant shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, and agreed by the West of Scotland Archaeology Service, and approved in writing by north Ayrshire Council as Planning Authority prior to the commencement of the watching brief. 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.

6. That the applicant shall construct and operate the development in accordance with the Protected Species Survey Report (ref. SHA05.19.1833) and, where necessary, shall implement recommended mitigation measures contained in the Protected Species Survey Report to the satisfaction of North Ayrshire Council as Planning Authority.
7. By the end of a period of 25 years from the completion of the development, all of the above ground elements of the development hereby approved shall be removed within 24 weeks. Thereafter, the site shall be restored in accordance with an appropriate scheme of restoration to be approved in writing by North Ayrshire Council as Planning Authority.
8. If any turbine ceases to be operational for a continuous period of 6 months all of its above ground elements shall be removed within 24 weeks and the ground reinstated to the satisfaction of North Ayrshire Council as Planning Authority.
9. No development shall commence on the site until a Construction Method Statement, including details of all on-site construction works, detailed timescales for the various stages of site clearance, construction and commencement of operation and environmental mitigation measures has been submitted to, and agreed in writing by North Ayrshire Council as Planning Authority. The development shall then progress in accordance with the approved Construction Method Statement.
10. That prior to the commencement of the development hereby approved, the applicant shall complete all relevant Abnormal load movement application and notification forms and submit all relevant forms to North Ayrshire Structures Team. Unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, all HGV traffic associated with the construction of the wind turbines shall enter and leave the site from the A78 trunk road via the Newhouse Interchange, the B7080 (moss Drive) and Oldhall Roundabout.

The Meeting ended at 2.55 p.m.