

Planning Committee
22 November 2023

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

Present (Physical Participation)

Stewart Ferguson, Davina McTiernan and Chloe Robertson.

Present (Remote Participation)

Timothy Billings and Amanda Kerr.

In Attendance (Physical Participation)

A. Finlayson, Chief Planning Officer and A. Gemmell, Strategic Planning Manager (Place); R. Lynch, Senior Manager and L. Ingram, Solicitor (Legal Services), and C. Stewart and D. McCaw, Committee Services Officers (Democratic Services) (Chief Executive's Service).

Also In Attendance (Physical Participation)

R. Crolla, AAH Consultants.

Chair

Councillor Billings in the Chair.

Apologies

Robert Foster, Scott Davison, Cameron Inglis, Jim Montgomerie and Ian Murdoch.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the Meeting held on 20 September 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Local Development Plan Scheme

Submitted report by the Executive Director (Place) on the preparation of the Council's next Local Development Plan (LDP3) and seeking approval of a revised Development Plan Scheme. Appendix 1 to the report detailed the draft Development Plan Scheme 2023 including the proposed timetable for main stages of the LDP preparation, what is involved at key stages and a Participation Statement outlining the consultation process.

New legislative provisions and regulations relating to the development planning system came into force on 19 May 2023 and Local Development Planning Guidance, setting out the Scottish Ministers' expectations for implementing the new system, was also published in May. The Guidance supported a more informed timetable for the preparation of North Ayrshire's third Local Development Plan, with adoption envisaged on LDP3 on or before March 2027.

Members asked questions and were provided with information in relation to:-

- engagement with key stakeholders, including housing providers;
- the role of local place plans in the development of the LDP Evidence Report;
- the intention to increase community group awareness in relation to preparation of local place plans;
- Elected Member assistance in providing details of community groups who would have an interest in the LDP process;
- the 'Your Place' survey, seeking feedback from communities, which would remain live until April 2024; and
- further consultation opportunities following submission of the Evidence Report to the Scottish Government.

The Committee agreed to (a) note the start of the preparation of the next North Ayrshire Local Development Plan; and (b) adopt the Development Plan Scheme as set out at Appendix 1 to the report.

4. Planning Performance Framework

Submitted report by the Executive Director (Place) on the feedback from the Scottish Government on the 2022/23 Planning Performance Framework. The Performance Markers report was set out at Appendix 1 to the report.

The Chief Planning Officer advised the Planning Committee that the Scottish Government (SG) PPF audit assessed 15 performance markers through the RAG ('Red, Amber, Green') rating and provided commentary on each marker. North Ayrshire Council had been given a green rating for all but one of the relevant markers where an amber rating had been given for a reduced focus on Continuous Improvement attributable to the period where no Chief Planning Officer had been in post.

The Committee commended Officers for their continued best practice in delivering the Planning Service during a challenging time regarding leadership and the introduction of new Planning Legislation.

Noted.

Councillor Kerr, having lost her remote connection, left the meeting at this point.

5. 23/00420/PPM: Site to South West of Mossculloch Farm, Kilwinning

Keepmoat Homes Ltd. have applied for planning permission for the erection of 85 residential dwellings with associated works including access, parking, landscaping, open-space and SuDS on a site to the south west of Mossculloch Farm, Kilwinning.

The Chief Planning Officer advised the Committee on representations received and officer responses in terms of the application.

Councillor Kerr rejoined the meeting at this point.

Members asked questions and were provided with information in relation to:-

- the extension of the 30mph speed limit, on the Kilwinning side of the development, as part of the planning process;
- comprehensive detail of footpath connections and implementation dates to Blair Road and the B778 being provided by the developer;
- the retention and maintenance of hedgerows along the boundaries of the development; and
- ongoing maintenance of the common spaces and general planting areas through a factoring scheme proposed by the applicant.

Councillor McTiernan, seconded by Councillor Ferguson, moved that the application be granted, subject to the conditions set out in the officer's report, with Condition 5 amended to address footpath implementation dates. There being no amendment, the motion was declared carried.

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 submitted plans, drawings and recommendations contained in the application (inclusive of all associated supporting documentation) 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 submit a Construction Environmental Management Plan 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 to the satisfaction of North Ayrshire Council as Planning Authority.
3. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed finishing materials to be used for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.

4. That prior to the commencement of the development hereby approved, full details of the surface water drainage system for the development, including the discharge rate, basin capacity, other temporary storage capacity, water quality treatment measures and post development overland flood flow paths shall be submitted for the approval of North Ayrshire Council as Planning Authority. The scheme shall be prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the scheme as may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
5. That prior to the commencement of the development hereby approved, the developer shall provide comprehensive details, including implementation dates, of the proposed path connections to Blair Road and the B778 for the written approval of North Ayrshire Council as Planning Authority. The path connection to Blair Road shall incorporate ramped sections adjacent to the steps for the wheeling of cycles and shall be adequately edged and hard surfaced. Thereafter, the development shall progress in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
6. That no development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council and Planning Authority. Thereafter, the applicant 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 the Planning Authority in agreement with the West of Scotland Archaeology Service.
7. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner. 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 until established, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

6. 23/00731/PPM: Meiklelaught Farm, Saltcoats

GPC 1127 Ltd. have applied for planning permission for the construction and operation of a 30 MW battery energy storage system with associated infrastructure, substation, security fencing, CCTV and landscaping on a site to the north west of Meiklelaught Farm, Saltcoats.

The Applicant's Agent addressed the meeting in support of the application and highlighted endorsement of the recommendations detailed in the officer report.

The Chief Planning Officer advised the Committee on representations received and officer responses in terms of the application.

Members asked questions and were provided with information in relation to:-

- any impact of the low-level decibel electrical noise which would occur from the site;
- the landscape appraisal and conditions to be applied to any Planning Permission;
- any implications in connection with the proposed future B714 upgrade; and
- the possible extension to the duration of landscaped area maintenance within the operational lifetime of the development.

Councillor McTiernan, seconded by Councillor Billings, moved that the application be granted, subject to the conditions set out in the officer's report, with Condition 4 amended to address landscape maintenance within the operational lifetime of the development. There being no amendment, the motion was declared carried.

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

1. That prior to the commencement of the development hereby approved, the developer shall provide full details of finishing materials of the containers, buildings and other ancillary structures for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, the colour of the finishing materials shall be chosen to be sympathetic to the rural landscape. Thereafter the development shall progress in accordance with such details as may be approved.
2. That within a period of 24 weeks of the battery storage facility ceasing operation or becoming redundant for any reason, the site shall be remediated and restored to its previous condition to the satisfaction of North Ayrshire Council as Planning Authority.
3. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.
4. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within the operational lifetime of the development, 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.
5. That the rated noise level, as defined in BS 4142:2014 +A1:2019, from the operation of the proposed facility must not exceed the background noise level at the curtilage of any noise sensitive property, by 5dB or more, to the satisfaction of North Ayrshire Council as Planning Authority.

6. That no development shall take place within the development site as outlined in red on the approved plan 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, agreed by the West of Scotland Archaeology Service, and approved by the 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 the Planning Authority in agreement with the West of Scotland Archaeology Service.
7. That Visibility splays of 2.5 metres by 120 metres, in both directions, must be provided and maintained at the junction with the public road to the satisfaction of North Ayrshire Council as Planning Authority. No item with a height greater than 1.05 metre above adjacent carriageway level must be located within these sightline triangles. The first 5 metres of the access measured from the existing edge of the public road shall be hard surfaced.
8. That prior to the commencement of the development hereby approved full details of the proposed access track shall be provided for the written approval of North Ayrshire Council as Planning Authority. These shall include details of the route, surfacing material and drainage as well as details regarding the proposals for the existing field access and dirt track. Thereafter, the development shall progress in accordance with such details as may be approved.
9. That the construction of the development hereby approved shall take place outwith the main bird breeding season of March to August, otherwise, if taking place within this period, a pre-commencement nesting survey shall be undertaken by a suitably experienced ecologist and the results submitted for the written approval of North Ayrshire Council as Planning Authority. Any remediation/mitigation required shall be undertaken prior to the commencement of the development, to the satisfaction of North Ayrshire Council as Planning Authority.
10. That prior to the commencement of the development hereby approved, a Badger Survey shall be undertaken by a suitably experienced ecologist and the result submitted for the written approval of North Ayrshire Council as Planning Authority. Any remediation/mitigation required shall be undertaken prior to the commencement of the development, to the satisfaction of North Ayrshire Council as Planning Authority.
11. That measures to appropriately maintain run-off flow-paths through the site and/or reroute runoff flow-paths around the site would be provided for the written approval of North Ayrshire Council as Planning Authority and that the identified measures would be fully implemented prior to the first use of the site as an energy storage facility.

The meeting ended at 3.30 p.m.