



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, 20 March 2019** 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 20 February 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 Three Towns

Submit reports on the following applications:

3.1 19/00125/MDPO: Busbie Muir Ardrossan

Discharge of Section 75 obligation attached to planning permission 05/01151/PP in relation to Part 2 of the development site only (copy enclosed).

4 Supplementary Planning Guidance Work Programme

Submit report by the Executive Director (Economies and Communities) seeking approval to delete current supplementary guidance that will become obsolete at the point of the adoption of the emerging Local Development Plan (copy enclosed).

5 Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee Sederunt

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:

Irvine, 20 February 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, Shaun Macaulay, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

J. Miller, Senior Manager (Planning) and T. Ledingham, Planning Officer (Economy and Communities); J. Law, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Christina Larsen.

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 5 December 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 18/00968/PPM - Middleton Depot, Lochlibo Road, Burnhouse

William Tracey Limited have applied for planning permission for the manufacture of soil from waste including treatment operations at Middleton Depot, Lochlibo Road, Burnhouse. One letter of representation was received and detailed in the report.

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

1. That only non-hazardous and inert waste, as defined by SEPA, be brought to the site for the purposes of the permitted waste treatment and soil manufacture operations.
2. That the permitted waste treatment and soil manufacture operations shall take place only on the areas identified on 'Existing Site Layout' drawing 120084/PA18/03 as Existing Concrete Slab.

3. That the operations at the site shall take place only between the following times:-
Mondays to Fridays: 0700hrs - 1900hrs (except Bank Holidays)
Saturdays: 0700hrs - 1300hrs

and at all other times, including all day on Sundays, no operations shall be carried out except routine maintenance tasks, all to the satisfaction of North Ayrshire Council as Planning Authority.

4. That the operator shall seek to ensure that no loose material is carried out onto the A736 public road and any which is deposited shall be removed to the satisfaction of North Ayrshire Council, as Roads Authority.
5. In the event of the permitted waste treatment and soil manufacture operations ceasing for a consecutive period of at least 6 months, any plant brought onto the site for the purposes of waste treatment and soil manufacture operations will be removed within 3 months of North Ayrshire Council, as Planning Authority, giving notification that the use has ceased.

4. 18/01067/ALO - Dalziel House, Beith

Mr D. Young has applied to remove a legal obligation in relation to an occupancy restriction attached to planning permission 07/01160/OPP at Dalziel House, Beith. No objections were received.

Planning permission was granted on 25 March 2008 for the erection of a dwellinghouse following the signing of a legal agreement which stipulated that the house must be occupied only by a person either currently or last employed locally in agriculture, or in forestry, or their dependants, or a widow or widower of such a person.

The Committee unanimously agreed to grant the application with no conditions.

5. Master Planning Update

The Committee received a presentation from the Planning Officer on work undertaken by the Council's Strategic Planning Team on the Local Development Plan 2 and the use of master planning.

Members were invited to visit the Planning team following the meeting for a demonstration of the new tools which are used to showcase sites, including videos and fly-throughs, which it is hoped will help attract developers.

Noted.

The meeting ended at 2.30 p.m.

NORTH AYRSHIRE COUNCIL

20th March 2019

Planning Committee

Locality	3 Towns
Reference	19/00125/MDPO
Application Registered	20th February 2019
Decision Due	20th April 2019
Ward	Dalry And West Kilbride

Recommendation	Agree to (i) modify the S75 obligation and (ii) refer to Legal Services to conclude the legal process
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Location	Busbie Muir Ardrossan
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Applicant	Mr John Ross Weir
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Proposal	Discharge of Section 75 obligation attached to planning permission 05/01151/PP in relation to Part 2 of the development site only
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1. Description

This report relates to an application in terms of Section 75A of the Town and Country Planning (Scotland) Act 1997 to modify a legal obligation that was entered in to under Section 75 of the Town and Country Planning (Scotland) Act 1997.

An application for the development of the second phase of the Busbie Muir windfarm (ref: 05/01151/PP) was approved by the Council's Planning Sub-Committee on 14th August 2006, subject to a Section 75 legal obligation and conditions. The legal obligation was in relation to the restoration of the development site (i.e. phase two of the Busbie Muir windfarm) and the undertaking of any works required to remedy interference to television/radio reception arising because of the development.

The application has been submitted by the land owner, who advises that 1 wind turbine (T14) is situated on land within his ownership within the development site. This land is part of Blackshaw Farm. The applicant now wishes to sell land at Blackshaw Farm. He therefore seeks to discharge the S75 obligation in relation to the wider land holding, where no wind turbines (or other site infrastructure) are located. This would unburden the land that he intends to sell, with the exception of the restoration of the land where wind turbine T14 is

located. A red line boundary has been drawn up in relation to wind turbine T14, including the associated crane hardstanding area. This area would remain the subject of the original legal obligation.

The application site is located within the countryside as identified in the adopted Local Development Plan (LDP) and is unaffected by any site specific policies or proposals therein. The relevant policy is PI 9 (Renewable Energy) which states that proposals for the development of wind turbines shall accord with the LDP, subject to meeting a range of criteria. The policy includes a requirement to remove any redundant apparatus and the restoration of the land. The S75 obligation provides the mechanism to secure these requirements for the whole of phase 2 of the Busbie Muir windfarm. A separate legal obligation is in place for the restoration of phase 1.

Relevant Planning History

05/01151/PP for Erection of 3 wind turbines and associated infrastructure including access tracks, extension to on-site substation, connecting cabling, temporary construction compound and borrow pits Approved subject to Conditions on 26.11.2007.

Relevant Development Plan Policies

POLICY PI 9: RENEWABLE ENERGY

Proposals for the development of wind turbines, wind farms, biomass, solar powered, thermal, wave or run-of-river renewable energy development, or microrenewables, shall accord with the LDP subject to the proposal satisfying the following criteria:

- (a) the development is appropriate in design and scale to its surroundings; AND
- (b) it can be demonstrated that there is no unacceptable adverse impact on the intrinsic landscape qualities of the area (especially for areas with a specific landscape designation, and coastal areas); AND
- (c) in the case of individual wind turbine or wind farm development, that the proposed development is not in an area designated as "high sensitivity" in the "Landscape Capacity Study for Wind Farm Development in North Ayrshire"; AND
- (d) the proposal shall not result in unacceptable intrusion, or have an unacceptable adverse effect on the natural, built, cultural or historic heritage of the locality; AND
- (e) it can be demonstrated that there are no unacceptable adverse impacts on the operation of tourism or recreation interests; AND
- (f) it can be demonstrated that any unacceptable adverse effects on telecommunications, transmitting, receiving, or radar systems for civil, broadcasting, aviation or defence interests can be effectively overcome; AND
- (g) the proposal can be satisfactorily connected to the national grid without causing any unacceptable negative environmental impacts; AND

(h) when considered in association with existing sites, sites formally engaged in the Environmental Assessment process or sites with planning permission, including those in neighbouring authorities, there are no unacceptable impacts due to the cumulative impact of development proposals; AND

(i) in the case of individual wind turbine and wind farm development, that the proposal satisfies the contents of the Ayrshire Supplementary Guidance: Wind Farm Development (October 2009); AND

(j) where appropriate, applicants will be required to demonstrate consideration of colocation with significant electricity or heat users.

The Council will require that any redundant apparatus will be removed within 6 months of it becoming non-operational and that the site will be restored, unless it can be demonstrated that said apparatus will return to productive use within a reasonable timeframe.

2. Consultations and Representations

As the land surrounding the application site is owned by the applicant, there was no requirement for neighbour notification. No consultations were undertaken.

3. Analysis

The proposal requires to be considered in terms of the adopted Local Development Plan (Policy PI 9) as well as any other material planning considerations. Policy PI 9 provides a framework for assessing applications for renewable energy developments. The application seeks to modify/discharge the terms of the legal obligation to enable the conclusion of a land sale. The modification would continue to place an obligation (or burden) on the landowner in respect of the restoration of the land around turbine T14. The surrounding farmland, which has no wind turbine infrastructure, would be unburdened.

The terms of the application set out the legal framework for the discharge and modification of the legal obligation in respect of turbine T14, which is located within the Blackshaw Farm holding at the northwestern edge of the Busbie Muir windfarm.

The proposal would satisfy the LDP policy requirement in respect of site restoration, in that the burden in the title would continue to apply to the area around turbine T14. This means that, when the windfarm is decommissioned, the obligation to remove all of the turbines and associated infrastructure at Busbie Muir Phase 2 would continue to apply. There is no need to continue to burden those parts of the Blackshaw Farm land holding where there are no wind turbines or associated infrastructure. It would therefore be reasonable to remove this burden from the title for that land.

There are no other material planning considerations in relation to proposed LDP 2, which has a similar policy in respect of windfarm restoration.

In summary, it is recommended that the application is granted, and the associated Section 75 obligation be modified as proposed.

4. Full Recommendation

Agree to (i) modify the S75 obligation and (ii) refer to Legal Services to conclude the legal process

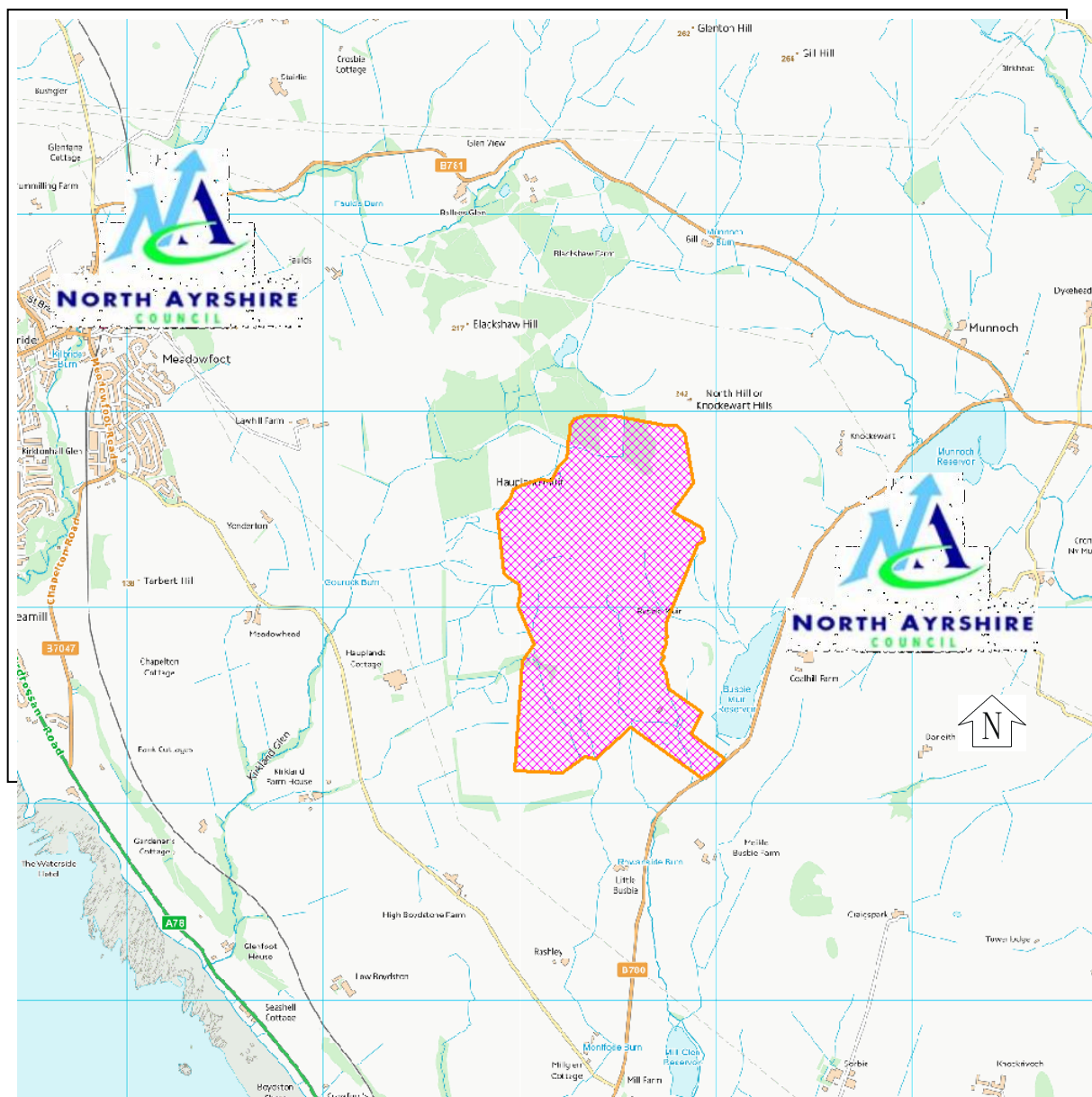
A handwritten signature in black ink, appearing to read 'Karen Yeomans', is positioned above the printed name.

Karen Yeomans
Executive Director
Economy & Communities

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL
20 March 2019**Planning Committee**

Title:	Supplementary Planning Guidance Work Programme
Purpose:	This report seeks approval to delete current supplementary guidance that will become obsolete at the point of the adoption of the emerging Local Development Plan. The report also sets out a wider work programme for reviewing planning guidance for members to note.
Recommendation:	That the Planning Committee approves the deletion of a number of supplementary guidance and design brief documents that are currently out of date, or will become obsolete at the point of adoption of the emerging Local Development Plan.

1. Executive Summary

- 1.1 As a result of the advanced status of the Council's emerging Local Development Plan (LDP), Planning Services is undertaking a comprehensive review of the existing supplementary guidance to ensure it is fit for purpose, up-to-date and aligned with the emerging LDP. This review involves deletion of guidance that is out-of-date or will no longer be appropriate to retain given the policy content of the second LDP. The review will also update the content of existing guidance as required, and consolidate existing guidance into the following themes related to the LDP: 'towns and villages', 'countryside', 'coastal' and 'infrastructure and delivery'. The review will also identify the need to create additional guidance arising from any operational details in the current LDP that will be otherwise lost, if not included in supplementary guidance.
- 1.2 Design guidance for existing development sites and conservation appraisal and management plans will also be reviewed.
- 1.3 The review process will commence now and submitted to the Planning Committee for approval as required throughout the work programme.

2. Background

- 2.1 Planning Services is undertaking a comprehensive review of the existing supplementary guidance to consolidate and refresh guidance into themes related to the LDP: 'towns and villages', 'countryside', 'coastal' and 'infrastructure and delivery'. Part of this process will require deletion of guidance that is, or will be redundant, at the point of adopting the emerging LDP. This report recommends deletion of current supplementary guidance that

is not fit for purpose. It is anticipated that further recommendations will be made to Planning Committee following the adoption of the emerging LDP.

- 2.2 It is recommended that the Council's extant guidance on wind farm developments is deleted. A new guidance note will be prepared to provide planning direction on development proposals for wind energy developments as part of the supplementary guidance programme. However, the existing guidance is over 10 years old and relates to a development plan system that was in place in 2009 and a development plan that was replaced in 2014. As a consequence, the guidance carries almost no weight in decision making on planning applications. Following deletion of this guidance, and in advance of preparation of replacement guidance, Scottish Planning Policy, the adopted and emerging LDPs and technical landscape studies on the impact of wind energy development will inform planning decisions.
- 2.3 The Council's suite of development briefs and design guidance will be reviewed and updated/replaced, because they are now out-of-date and not significantly fit for purpose. A programme of work to identify sites that would benefit from site briefs will be prepared and brought to planning committee during 2019.
- 2.5 The final strand of work related to the supporting planning guidance relates to the updating of information relating to conservation areas. Current coverage of conservation areas with conservation appraisals and management plans needs updating and could potentially undermine decision making on planning applications and project development work. A programme of review is underway to update all conservation area documents and will also be presented to the Planning Committee in 2019.

3. Proposals

- 3.1 It is recommended that the Planning Committee approves the deletion of the following planning guidance/design brief documents: -
1. Ayrshire guidance on Wind Farm Development (*with immediate effect*)
 2. Interpretation of Policy ENV3(b) (*at point of adoption of emerging Local Development Plan*)
 3. Development Brief - Cairnhouse Farm, Blackwaterfoot (*with immediate effect*)
 4. Development Brief - Eglinton Country Park, Kilwinning (*with immediate effect*)
 5. Development Brief - Stanley Primary School, Ardrossan (*with immediate effect*)

4. Implications

Financial:	The LDP and associated supplementary guidance are not funding documents and there are no direct financial implications related to the proposals. The Proposed LDP has been produced to reflect existing Council priorities as expressed through the Capital Programme 18/19 – 27/28.
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	Costs related to the ongoing preparation of the LDP and supporting guidance will continue to be met from established Planning Services budgets.
Human Resources:	None.
Legal:	The recommendations within this report are in fulfilment of the Council's statutory obligation to produce a Local Development Plan by 2019 (and associated supporting guidance). There are no other legal implications identified.
Equality/Socio-Economic Duty:	The Proposed LDP is accompanied by an equalities impact assessment (EqIA) and an assessment of impact on children and young people; which identified impacts on population characteristic groups. The Proposed LDP is predicted to have a range of positive impacts on population characteristic groups and children and young people. It is expected that the EqIA for the LDP will provide assessment of the terms of some or all of the guidance notes. However, each guidance note produced will be screened to determine if a full EqIA is required in addition to the LDP EqIA.
Children and Young People:	Relating to the above, the EQIA process incorporated assessment of impacts of LDP on children and young people and it is expected that the EqIA for the LDP will provide assessment of the terms of some or all of the guidance notes. However, each guidance note produced will be screened to determine if a further assessment is required.
Environmental & Sustainability:	The Proposed LDP is accompanied by a Strategic Environmental Assessment (SEA). A Habitats Regulations Appraisal has also been conducted on the Proposed LDP. The environmental assessment processes have played a critical role in maximising the environmental performance of the LDP. It is expected that the SEA for the LDP will provide assessment of the terms of some or all of the guidance notes. However, each guidance note produced will be screened for environmental impacts to determine if a full SEA is required in addition to the LDP SEA.
Key Priorities:	The Proposed LDP is a spatial representation of the Local Outcome Improvement Plan. Accordingly, throughout its proposals and policies the Plan explains how the LDP will deliver on the LOIP themes of a North Ayrshire that is Healthier, Working, Safer and Thriving. The LDP also seeks to deliver action on the Council Plan and Community Planning Partnership's priority to grow North Ayrshire's population. Development of guidance to support the LDP will also assist to deliver these priorities.
Community Benefits:	As above, the Proposed LDP (and supporting guidance) seeks to deliver the Local Outcome Improvement Plan, and in so doing, is delivering sustainable economic and social benefits to communities while protecting and capitalising on North Ayrshire's outstanding natural environment.

5. Consultation

- 5.1 The LDP has been prepared to exceed statutory consultation requirement throughout the preparation process, which has included extensive engagement with communities through the Locality Planning Partnerships, industry engagement and engagement with statutory technical consultees throughout all LDP stages. This establishes the strategic direction for planning policy. Supporting planning guidance in its various forms will always conform to the overarching intent of the LDP. The Council's consultation strategy for the LDP is set out in its Development Plan Scheme, which is updated annually. Additional information on the consultation measures undertaken throughout the LDP process can be viewed at <https://www.north-ayrshire.gov.uk/planning-and-building-standards/ldp/ldp2.aspx>. In relation to each bespoke supporting guidance document, targeted consultation measures will be carried out as appropriate, which would include engagement with agencies for technical input, where necessary, and may in certain circumstances, also include some public consultation.



Karen Yeomans
Executive Director – Economy and Communities

For further information please contact Neale McIlvanney, Strategic Planning Manager on **01294 324686**.

Background Papers

N/A