



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A meeting of the **Planning Committee** of North Ayrshire Council will be held remotely on **Wednesday, 16 June 2021** at **14:00** to consider the undernoted business.

Arrangements in Terms of COVID-19

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>. In the event that live-streaming is not possible, a recording of the meeting will instead be available to view at this location.

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 19 May 2021 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 **Isle of Arran**

Submit reports on the following applications:

3.1 **21/00055/PP: Fir Trees, Lamlash, Brodick KA27 8JN**

Erection of 2 detached dwelling houses (copy enclosed).

4 **Policy Guidance Note: Housing in the Countryside**

Submit a report by the Chief Planning Officer on the draft Housing in the Countryside Policy Guidance Note (copy enclosed).

5 Local Place Plans – proposals for regulations

Submit a report by the Executive Director (Place) on the introduction of Local Place Plans(copy enclosed).

6 Planning Performance Framework

Submit a report by the Executive Director (Place) the 2020/2021 Planning Performance Framework report (copy enclosed).

7 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

Please note: this meeting may be recorded/live-streamed to the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being recorded/live-streamed.

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If you are participating in this meeting by invitation, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in the them live-streaming/recording or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the 'virtual meeting'. This will constitute your revocation of consent.

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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:

**Planning Committee
19 May 2021**

Agenda Item 2

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, Shaun Macaulay, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

J. Miller, Chief Planning Officer, I. Davies, Senior Development Management Officer, L. Dempster, Technician, K. Gee, Technician (Planning); A. Craig, Senior Manager (Legal Services); and A. Little, C. Stewart and H. Clancy, Committee Services Officers (Chief Executive's Service).

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 (i) 24 March, (ii) 29 March and (iii) 28 April 2021 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3.1 21/00228/PP: Ardeer Primary School, Clark Crescent, Stevenston, KA20 3LZ

North Ayrshire Council has applied for planning permission for the change of use of open space to extend school grounds at Ardeer Primary School, Clark Crescent, Stevenston. Two objections were received and summarised in the report.

Councillor Marshall, seconded by Councillor Foster, moved to grant the application subject to a condition.

There being no amendment the motion was declared carried, Councillor Reid dissenting.

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

1. That, prior to the commencement of the development, details of the boundary fence shall be submitted to the Council, as Planning Authority, for approval. Thereafter the development shall be implemented in accordance with such details as may be approved.

3.2 21/00233/PP: 16 - 18 Dockhead Street, Saltcoats, KA21 5EG

Mr Ewan McLaughlin has applied for planning permission for the change of use of rear area to beer garden with formation of external seating area and erection of 2.5m high palisade fence to rear including removal of Condition 1 of 06/00401/PP at 16 – 18 Dockhead Street, Saltcoats. One objection was received and summarised in the report.

Councillor Reid, seconded by Councillor Clarkson, moved to refuse the application on the grounds of noise pollution and disturbance to the occupiers of nearby properties.

Councillor Marshall, seconded by Councillor McNicol, moved to grant the application subject to conditions.

On a division and a roll call vote, there voted for the amendment, Councillors Barr, Foster, Larsen, Macauley, McMaster, McNicol and Marshall (7) and for the motion, Councillors Billings, Clarkson and Reid (3), and the amendment was declared carried.

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

1. That the use of the land hereby approved shall cease and all tables and chairs be removed by 20th May 2022, all to the satisfaction of North Ayrshire Council, as Planning Authority.
2. That full details of the fence and gate for the southern boundary shall be submitted to North Ayrshire Council, as Planning Authority. Any details as may be agreed shall be fully implemented within 3 months of the date of this decision, unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.

4.1 21/00159/PP: Site To South East Of Hunterston B Power Station West Kilbride

Scottish Power Energy Networks has applied for planning permission for the erection of 132kV substation, including detailed siting, design, external appearance, landscaping and means of access at site to south east of Hunterston B Power Station, West Kilbride. One objection was received and summarised in the report.

Councillor Marshall, seconded by Councillor Barr, moved to grant the application.

There being no amendment the motion was declared carried.

Accordingly, the Committee agreed to grant the application.

4.2 21/00324/PP: 45 Stuart Street, Millport, Ayrshire KA28 0AG

The Cumbrae Forum has applied for planning permission for the change of use from Class 1 (Retail) to Class 2 (Office and Professional) at 45 Stuart Street, Millport. No objections were received.

Councillor Marshall, seconded by Councillor Barr, moved to grant the application.

There being no amendment the motion was declared carried.

Accordingly, the Committee agreed to grant the application.

5. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 9, 11 And 13 Townhead Street, Stevenston, KA20 3AQ

Submitted report by the Chief Planning Officer to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proposed maintenance of land for the abatement of the adverse impact on the local area at 9, 11 and 13 Townhead Street, Stevenston.

The Chief Planning Officer advised the Committee that the property was a two-storey building with a yard at the side (east) and rear (south) which had been unoccupied since approx. 2014. Complaints about the condition of the yard and the building in general were received in February 2021. The yard to the side has again been subject to dumping of refuse with windows on the upper floor of the property smashed. The owner has not responded to contact made in February, March and April 2021 to request the removal of refuse from the yard and for the windows to be boarded or taken any action to address these matters. The committee was advised that Streetscene would be taking steps to remove refuse which appeared to be on public land outwith the site.

The Committee unanimously agreed to (a) grant authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proposed maintenance of land for the abatement of the adverse impact on the local area at 9, 11 and 13 Townhead Street, Stevenston; and (b) request North Ayrshire Council Communications publish details of Amenity Notices approved by the Planning Committee.

The meeting ended at 3.00 p.m.

NORTH AYRSHIRE COUNCIL

16th June 2021

Planning Committee

Locality	Isle of Arran
Reference	21/00055/PP
Application Registered	28th January 2021
Decision Due	28th March 2021
Ward	Ardrossan And Arran

Recommendation	Approved subject to Conditions
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Location	Fir Trees Lamlash Brodick Ayrshire KA27 8JN
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Applicant	Ms Penny Albrich
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Proposal	Erection of 2 detached dwelling houses
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1. Description

Planning permission is sought for the erection of two four-bedroom detached dwellinghouses on the c.3250m² site of a former bungalow in Lamlash. The houses would be of identical two storey design and would be arranged side by side towards the front (east) of the site with House 1 to the south set 2.5m further back than House 2. House 2 would be 13m back from the road at the front and 3.2m from the north boundary; House 2 would be 5.8m from the south site boundary at the closest point and there would be a gap of 3.8m between the two houses. The houses would be over 50m from the rear of the site.

Each house would have a footprint of 110m², and each would feature dual roof ridges, 8m and 7.4m high respectively, oriented east - west and separated by a valley gutter. The houses would have upper and lower windows to both front and rear and the south side elevation; roof lights to the 'internal' roof slope facing the valley gutter; and balconies to front and rear. Each would have three bedrooms and a family room on the ground level and one bedroom and a kitchen, dining room and sitting room on the upper level.

The houses would be externally finished in a palette of contemporary materials, including smooth white render and natural stone details to the lower walls, light grey cement weatherboard cladding to the upper levels, glass balustrades to the balconies, anthracite

grey doors and window frames and slate roofs. The north balconies to the front would be enclosed by the house walls.

Each house would have an area c.185m² of private amenity garden space to the front; access would be from the existing gate and driveway from Shore Road which also appears to have been a historic access to Blairbeg House to the rear. Parking provision would be directly to the rear of the two houses and the remaining site to the rear (c.1600m²) would also provide private garden ground for the two houses.

A detailed drainage assessment has not been submitted but the plans indicate that surface water from the dwellings would be detained in soakaways prior to discharge into the existing open drainage ditch along the north-east site boundary which is culverted under the road to the front and discharges to the beach. Foul drainage would connect to the existing private sewer.

The site is generally level but slopes upwards at its rear (northwest) end. It is adjoined by residential properties on three sides and by the A841 and shore to the south east. The rear boundary is enclosed by shrubs and the north east boundary by a hedge and a burn/ drainage ditch culverted under the A841 road to the front. The front and west boundaries are enclosed by a stone wall.

This application is a re-submission following a previous refusal of planning permission in 2020 (Ref. 20/00010/PP). A Structural Report and Design Statement were submitted with the previous application. The structural appraisal of the previous Fir Trees concluded that the costs of required remedial works and repairs throughout would outweigh the value of the property and so recommended demolition and rebuild of a property to meet current standards. A building warrant was obtained, and the building has since been demolished.

The 2020 design statement outlined the site characteristics and history of the property, believed to have originally been as part of the grounds of Blairbeg House to the rear (northwest) but a separate curtilage since the post war years.

The site is located within the settlement boundary of Lamlash, as identified within the Adopted 2019 North Ayrshire Council Local Development Plan ("the LDP") and is unaffected by any site-specific policies or proposals therein. Strategic Policy 1: (the Towns and Villages Objective) of the LDP is relevant, as are Strategic Policy 2: (Placemaking), Policy 16: Protection of our Designated Sites and Policy 29 (Energy Infrastructure Development).

The bungalow previously on the site has been demolished and the material mounded in the centre of the site which is protected by Heras fencing. The material is proposed to be re-used where possible in the construction process and the formation of parking areas.

A previous planning application (20/00010/PP) for three houses on the site, two at the front and one at the rear, was refused as being contrary to Strategic Policy 2: Placemaking of the LDP as a result of the 'backland' nature of the development and internal overlooking of the various garden spaces within the site. The refusal was subsequently upheld by the Local Review Board of the Council in September 2020. The LRB discussions found that two houses side by side at the front of the site would have been a more acceptable layout for the site rather than three houses including development towards the rear of the site.

This application was initially made for two houses on the site in a 'back and front' arrangement which would have allowed an independent outlook for the house at the rear, in an attempt to address the 'backland development' reason for the previous refusal. The house at the front in that proposal would also have featured a self-contained 'granny annexe' apartment. The application proposal was subsequently revised to the current simple layout of two houses side by side at the front of the site following discussions with Planning Services.

An extension of the determination period of the application awaiting the submission of revised layout plans was agreed with the applicant and it was advised that the application would be determined by Planning Committee rather than under delegated powers, due to the previous application and review history.

A late representation submitted direct to the case officer regarding the potential presence of protected species on the site resulted in a further delay for a walkover survey to be conducted and the advice of NatureScot to be sought.

Relevant Development Plan Policies

SP1 - Towns and Villages Objective Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.

- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
 - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
 - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

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 29 - Energy Infrastructure Development

Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise, and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;

- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Detailed Policy 16- Protection of our Designated Sites

Policy 16:

Protection of our Designated Sites

We will support development which would not have an unacceptable adverse effect on our valuable natural environment as defined by the following legislative and planning designations;

a) Nature Conservation Sites of International Importance

Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable

compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

b) Nature Conservation Sites of National Importance

Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

c) Nature Conservation Sites of Local Importance

Development adversely affecting Local Nature Reserves or Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.

d) Marine Protected Areas

Development likely to have an adverse effect on the protected features of South Arran MPA will not be supported. Proposals are also required to consult with the Clyde Marine Planning Partnership (CMPP).

e) Biodiversity Action Plan Habitats and Species

Development adversely affecting priority habitats or species set out in the North Ayrshire Local Biodiversity Action Plan will not be permitted unless it can be demonstrated the impacts are clearly outweighed by social or economic benefits of local importance.

f) Protected Species

Development likely to have an unacceptable adverse effect on;

i) European Protected Species (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.

ii) The Scottish Biodiversity List (SBL) of animals, plants and habitats that Scottish Ministers considered to be of principle importance for biodiversity conservation in Scotland.

2. Consultations and Representations

The statutory neighbour notification was carried out and there was no requirement to advertise the application. The agent supplied the details of the 7 supporters of the previous 2020 refused application who each separately confirmed to Planning that they were happy for their support for the revised development plans to be expressed.

Six objections were initially received, addressing largely similar points regarding development of the site as in the objections to the previously refused 2020 application.

It is noted that all six of these objections were received against the initially proposed 'back and front' layout of the site and that, since the layout was revised and the amended plans added to the publicly available planning file, only two comments have been received, one being further comments of one of the objectors and the other a new allegation that the site is

used by otters, a European Protected Species. The various points of the various objections can be summarised as follows:

1: Overdevelopment of the site. One of the buildings appears to contain two separate dwellings. The proposal is therefore essentially still for three properties, as previously refused, and which is out of keeping with this portion of the village.

Response: As above, the site layout was subsequently revised following the receipt of comments, to have two houses with no 'granny annexe'. Matters of siting, development density and layout are considered in the following Analysis.

2: Siting, design, layout, and amenity: (i) the houses are large in scale, out of character and the frontage would dominate surrounding properties. They are not sympathetic to an area close to the Lamlash Conservation Area; (ii) the siting of the house to the rear, right up against the raised cliff at the back of the site at Blairbeg House, would involve the excavation of the natural raised beach wall with an attendant risk of landslip; (iii) the garden ground for all would be very limited.

Response: As above, the plans were revised, and the proposal is now for two houses at the front of the site. The site is not within the Conservation Area, nor does it adjoin it. It is noted that there are a variety of house-types and scales within the CA. Matters of design and siting and compliance with the various LDP policies and supporting guidance are considered in the following Analysis.

3: Garden ground: The proposed future use of the undeveloped rear area should be confirmed. It should not be proposed for future housing. The unsightly spoil from the previous demolition should also be removed from the site.

Response: The agent has confirmed that the rear area would form amenity garden ground of the two houses and the site plans were amended to indicate this. It is also indicated that the unused spoil would be removed from the site. Whilst it is noted that planning permission would not be required for the open storage of building materials within the curtilage of a house for use within the curtilage, it is considered that details of any material to be used or retained onsite could be addressed within a planning condition requiring details of landscaping of the site.

4: Access rights. Both Blairbeg House and Blairbeg Lodge have a legal right of access through this site and this should be acknowledged in the application.

Response: Legal access rights are not a material planning consideration. Notwithstanding this, the historic access track would not be blocked by the proposals.

5: Road safety. Parking for six vehicles, in addition to those from Blairbeg House entitled to use this drive, would create serious safety issues for vehicles exiting and entering the main road close to a sharp bend.

Response: Active Travel and Transport was consulted and did not object on road safety grounds. The access up to Blairbeg House, although still available, is overgrown by moss and does not appear to have been used by significant vehicular traffic for many years.

6: Japanese Knotweed. There are local areas of JK at the rear bank of the site which have been contained by chemical treatment in past years but would be affected by the proposal.

Response: The site layout has subsequently been amended and there would be no development within 50 metres of the rear bank. Control of Japanese Knotweed is subject to regulation by SEPA rather than planning legislation. Notwithstanding this, the comments have been passed to the applicant via the agent and an informative note could be added to any planning permission advising the owner to contact SEPA regarding any JK encountered.

7: Protected Species Habitats. Evidence of otter habitats within and near the site.

Response: A Walkover Otter Survey was commissioned by the applicant in response to this point which indicated evidence of previous but no recent use of the site by otters.

The Report made recommendations for the safeguarding of protected species during any development works including that all vegetation associated with the unnamed watercourse on the site be retained wherever possible, that no artificial light be introduced and that construction works be restricted to daylight hours.

It further recommends that an update survey of a buffer or 100m from the site be conducted at least ten weeks prior to the commencement of works and that any evidence of habitat use shall require a mandatory licence be obtained from NatureScot.

Although the scale of the proposed development falls below the threshold inviting formal consultation with NatureScot, the findings were shared with them and informal advice on the findings was sought. NS indicated that the survey appeared to be fit for purpose and agreed with its recommendations. NS also agreed that it was appropriate that conditions be applied requiring compliance with the survey recommendations and that an ecological consultant should be engaged in the preparation of the landscaping scheme for the site.

NAC Active Travel and Transportation: No objection, subject to conditions regarding driveway design and visibility splays and details of a bin pickup area at the junction with the public road. A Road Opening Permit will be required.

Response: Noted. Appropriate planning conditions and an informative note could be applied to any planning permission.

West of Scotland Archaeology Service: WOSAS was consulted on the earlier 2020 application and had no objection subject to an archaeological watching brief being obtained to ensure that archaeological sensitivities in the area are protected.

Response: Noted. An appropriate condition could be applied to any planning permission.

Arran Community Council: No objection. Note the objector comments that one of the properties could conceivably be split into two properties in future and regarding the access rights and future restoration of the driveway to Blairbeg which is a matter for the respective owners to consider.

Response: Comments all noted. As above, the layout has since been revised to remove the 'granny annexe' although it is noted that its use as a separate property would have required separate planning permission in any case. Access rights are a private legal matter and not a material planning consideration.

The informal advice and guidance provided by **NatureScot** detailed in the previous section is also noted.

3. Analysis

Section 39 of the Town and Country Planning (Scotland) Act 1997, as amended, requires that, in dealing with planning applications, the planning authority shall have regard to the development plan and to any other material considerations. Pre-application advice for development of the site was initially sought in 2019. The advice provided by Planning Services was that residential development of the site would be acceptable in principle and that the site appeared to be more suitable for two houses rather than three. This application for two houses follows an application for a three-house layout which was refused in 2020.

In terms of the LDP, the site is within the settlement of Lamlash. Strategic Policy 1: Spatial Strategy: the Towns and Villages Objective indicates that residential development within the General Urban Area of settlements shall accord with the Plan in principle, subject to compliance with the other policies of the LDP.

Strategic Policy 2: Placemaking aims to safeguard and enhance environmental quality by avoidance of unacceptable adverse environmental or amenity impacts. It expects all development proposals to meet the six qualities of successful places contained within the policy.

The criteria 'distinctive' in the Placemaking Policy requires proposals to reflect characteristics of the surrounding area in terms of topography, skylines, scales, building forms and materials etc to create places with a sense of identity. The site is adjoined by a traditional hip roofed bungalow 'Briarbank' to the south and by 'Seabreeze' a house within the Kinneil Park development to the north which has a dominant gable and balcony to the roadside, although this is an extension to the rear of that property.

Sectional Survey drawings submitted with the application indicate that the roof of the seaward gable section of the proposed houses would be marginally (750mm) higher than the roofs of both adjoining properties, given differing ground levels. It is also noted that the development would respect the building line and set-back from the road dictated by these neighbouring sites.

The scale of the 110m² houses within the large site would be of a relatively low development density which would not be out of keeping with the surrounding area. It is considered that this reduction in scale and the removal of the 'backland' house to the rear results in a development which relates to the surrounding built forms.

The design reflects the traditional roof pitches and materials of the area while also reflecting the more contemporary design of Seabreeze to the north. The scale and siting of the properties would not obscure the view of the traditional Blairbeg House at a higher level to the rear or significantly detract from the visual amenity of the wider area when viewed from

coastal positions. It is considered that the design process has therefore adequately addressed the reasons for refusal of the previous 2020 layout proposal.

With regards to residential amenity, the houses would benefit from a significant level of private garden ground and residential amenity would also arise from the coastal location and sea-views. House 1 has been set back behind House 2 in order to reduce any risk of overlooking between the two from the rear balconies. This aspect accords with the criteria 'welcoming' in SP2: Placemaking.

In terms of effects of neighbouring houses, the front balconies would be enclosed to the north side and the rear 'morning balcony' of House 2 would be 10m from Seabreeze to the north across the planted common boundary and would not result in direct overlooking of windows. There would be no significant adverse overlooking or privacy impacts to Seabreeze. The rear balconies would be over 90m from the houses at the rear on the raised beach with no subsequent significant effects.

The rear 'afternoon balcony' of House 1 would be 21m from Briarbank and 16.5m from Briarbank Cottage across the intervening access roads of the respective properties. While there would be fairly significant separation between the properties, a planning condition should be applied requiring details of obscured screening to the south side of the balconies to be adequate to prevent any excessive adverse effects on the privacy of those properties. It is noted that no objections have been received on privacy grounds.

Subject to a condition requiring confirmation of landscaping proposals for the site, the overall proposals would comply with the Council's Neighbourhood Design Guidance and the requirements of SP2: Placemaking under the quality of 'Safe and Pleasant' to respect the amenity of future users in terms of privacy.

Criteria (f) of Policy 16: Protection of our Designated Sites indicates that development shall not be supported where it has an unacceptable adverse impact on European Protected Species. A representation was made late in the application process that the site may be used by otters due to the proximity to the shore.

Advice was taken from NatureScot that an initial Walkover Survey of the site should be conducted to confirm this. This was instructed by the applicant and the survey findings were discussed with NatureScot as addressed above. There are no issues conflicting with the policy, subject to conditions requiring the conclusions of the survey report to be adhered to and an ecological consultant to be engaged in the preparation of the landscaping plans.

In terms of Policy 29: Energy Infrastructure Development, proposals for new buildings require to demonstrate how the carbon emissions reductions targets set by Scottish Building Standards shall be met. This is not specifically indicated within the submission and while the delivery of the measures would be monitored by the Building Warrant process, a planning condition should be applied requiring submission of the details of the heating and power systems for approval prior to commencement of the development.

In conclusion and given the foregoing assessment, the proposed development accords with the relevant provisions of the LDP and planning guidance. There are no other material considerations and it is therefore recommended that planning permission can be granted subject to the various conditions and notes identified in this report.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That, prior to the occupation of the first of the houses hereby approved: (i) the first 2 metres of the access measured from the junction with the public road shall be hard surfaced and designed in such a way as to prevent the discharge of surface water or loose materials onto the surface of the public road; (ii) sufficient visibility splays to both sides of the access shall be provided and maintained thereafter on land within the developers control; and (iii) a Road Opening Permit shall be obtained by the developer prior to these works. All of the above shall be to the satisfaction of North Ayrshire Council as planning authority.

Reason

To meet the requirements of North Ayrshire Council as Roads Authority.

Condition

2. That, prior to the commencement of the development hereby approved, details of an appropriate storage and collection point for refuse from the development shall be submitted for the written approval of the planning authority. The development shall not commence until written approval of the details has been received and the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as planning authority.

Reason

In the interest of the amenity of the area.

Condition

3. That the developer 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. Terms of Reference for the watching brief will 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.

Reason

In recognition of the archaeological significance of the site.

Condition

4. That, prior to the commencement of the development hereby approved, details of obscured glazed screening to the north and south sides of the rear balconies and the south sides of the front balconies of both properties, which shall be adequate to protect the privacy of neighbouring properties to the south, shall be submitted for the written approval of the planning authority and that the development shall thereafter be completed and maintained, only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as planning authority.

Reason

In the interest of the amenity of the area.

Condition

5. That prior to the commencement of the development hereby approved, details of the heat and power system for the houses, which shall include low and/or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. 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

In the interests of environmental protection in accordance with Policy 29 of the adopted Local Development Plan

Condition

6. That prior to the commencement of the development hereby approved, full details of: (i) all boundary treatments; and (ii) any proposed artificial lighting to be installed on the site shall be submitted for the written approval of the planning authority. The development shall thereafter be completed only in accordance with such details as may be approved and maintained as such unless the written agreement of the planning authority is obtained, all to the satisfaction of North Ayrshire Council as planning authority.

Reason

To ensure that the development is visually appropriate to the visual amenity of the wider area.

Condition

7. That, prior to the commencement of the development hereby approved, full details of a scheme of landscaping for the site, including details of the proposed use of or removal from the site of the mounded demolition spoil in the centre of the site, shall be submitted for the written approval of North Ayrshire Council as planning authority. For the avoidance of doubt, an ecological consultant shall be engaged in the preparation of the landscaping scheme to ensure that the habitat features, including the watercourse, of the site are protected and maintained.

Reason

In the interests of visual amenity and ecological protection

Condition

8. That the details of the proposed drainage and private foul sewer arrangements for the houses, certified by an appropriately qualified person, shall be provided for the written agreement of the planning authority prior to the commencement of the development hereby approved and that the siting and outflow of sewage shall take account of advice received from SEPA and be completed to the satisfaction of North Ayrshire Council as planning authority prior to the occupation of the dwellinghouses hereby approved.

Reason

To ensure that the drainage arrangements are appropriate for the development approved.

Condition

9. That the Recommendations in Section 4.2 2 of the Otter Survey Report dated 17th May 2021 and prepared by Erik Paterson of EP Ecology Ltd shall be followed and fully adhered to in the construction phase of the development hereby approved and that the presence of any Protected Species encountered shall be reported to NatureScot for licensing or action as required, all to the satisfaction of North Ayrshire Council as planning authority.

Reason

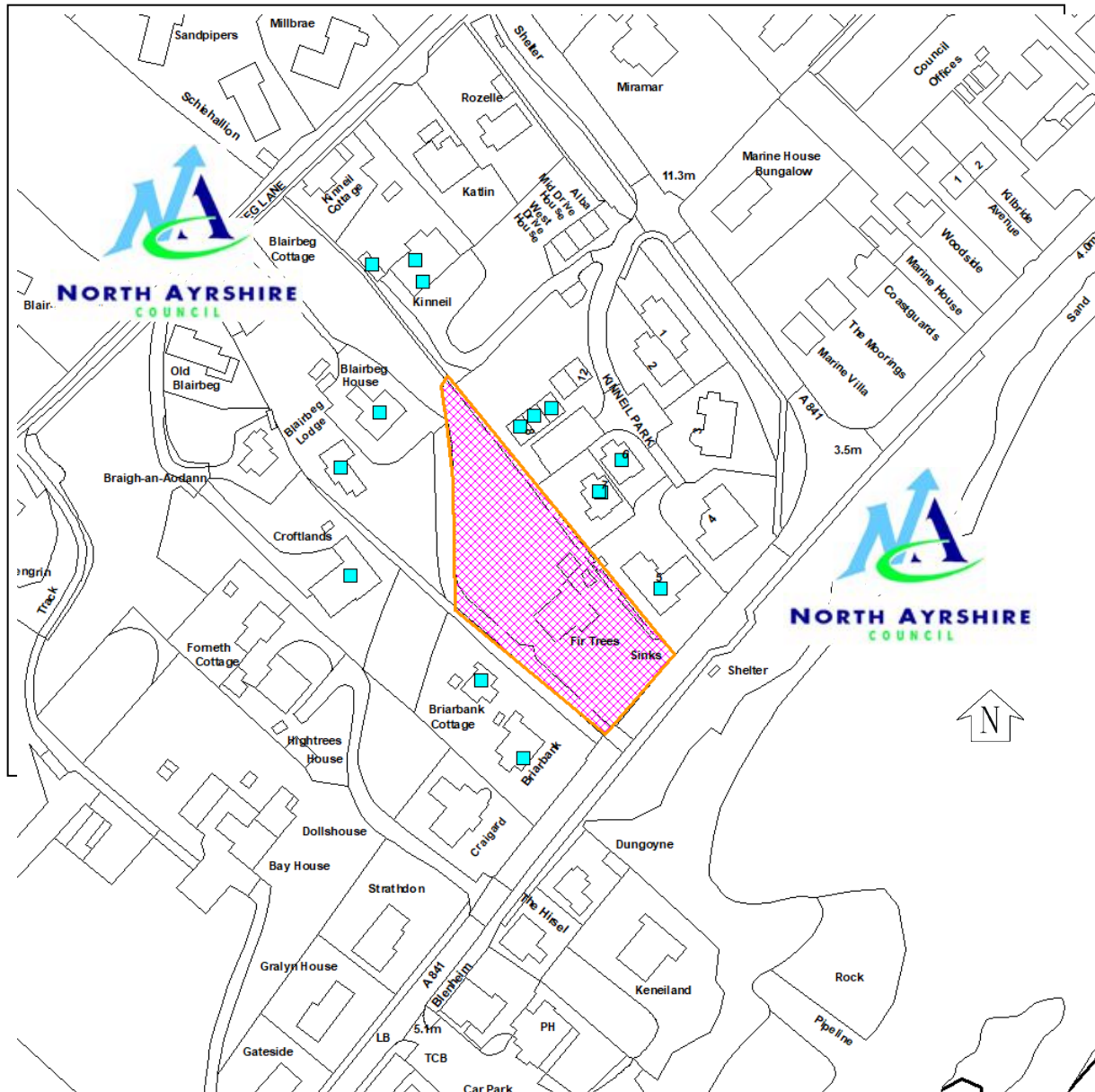
To ensure that the presence of any Protected Species on-site is adequately addressed

James Miller
Chief Planning Officer

For further information please contact Mr Neil McAteer Planning Officer on 01294 324316.

Appendix 1 – Location Plan

DO NOT SCALE Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Ayrshire Council Licence Number 100023393.



NORTH AYRSHIRE COUNCIL
16th June 2021**Planning Committee**

Title:	Policy Guidance Note: Housing in the Countryside
Purpose:	To report on the consultation on the draft Housing in the Countryside Policy Guidance Note and seek approval of the revised and final Policy Guidance Note
Recommendation:	<ol style="list-style-type: none"> 1. Note the detail of the six-week consultation undertaken on the draft Policy Guidance Note provided at Appendix 2; and 2. Approve the Housing in the Countryside policy guidance note provided at Appendix 1, which will be a material consideration in the determination of future planning applications relating to housing in the countryside

1. Executive Summary

- 1.1 This report seeks approval for the Housing in the Countryside Policy Guidance Note. The document provides guidance to developers and applicants on the relevant Local Development Plan policies and matters that should be considered when approaching an application for the development of one or more houses in the countryside. If approved, the guidance note will become a material consideration in the determination of future planning applications relating to housing in the countryside.
- 1.2 Following Committee approval in March 2021, the draft Policy Guidance Note has been subject to a six-week public consultation to inform the final guidance. Comments received have been considered and are included within Appendix 2 of this report.

2. Background

- 2.1 The need to produce guidance on Housing in the Countryside has been identified as part of a wider review of the Council's existing Planning Guidance to ensure all policies and decision-making is in line with Local Development Plan 2 following its adoption in November 2019.
- 2.2 Existing planning guidance 'Rural Design Guidance' and 'Design Guidance for Single Houses in Rural Areas', is not referred to within LDP2 and as such its weight and relevance a material consideration has been reduced as we move forwards with utilising the Placemaking Policy within decision making.

- 2.3 The importance of applicants and developers engaging with Planning Officers in pre-application discussions is emphasised throughout the new guidance note. These discussions will aid in determining both the viability of the proposed housing development and the correct application route that should be taken. It is noted that Planning Applications in Principle (PPP) will not be supported as they do not provide the level of detail or information required to assess the appropriateness of the proposal.
- 2.4 Reference is made the Scottish Government's new Permitted Development Rights for agricultural and forestry buildings which came into force on 1st April 2021. These rights permit buildings which were in agricultural or forestry use on 4th November 2019 to be converted into to a dwelling house under permitted development rights, subject to specific circumstances.
- 2.5 The policy guidance note is in alignment with national and local planning context, namely; Scottish Planning Policy, Planning Advice Note (PAN72): Housing in the Countryside and Local Development Plan 2 (LDP 2).
- 2.6 Key LDP 2 policies; Strategic Policy 1: Spatial Strategy – The Countryside Objective, Strategic Policy 2: Placemaking and Detailed Policies 15, 16, 17, 18, 22 and 19, are expanded on, in detail, within the guidance note to define how these policies should be applied to Housing in the Countryside applications.
- 2.7 Should applications accord with the policy context set out within the guidance note, core design principles are provided. These principles outline how proposed Housing in the Countryside developments should respond to their setting, siting and layout and the general approach to take when considering housing in the countryside developments. A checklist of criteria, which proposals are expected to meet, is provided:
- Thorough site analysis should be undertaken and evidenced.
 - The proposal should have a positive impact on the setting.
 - The character of the local area is not compromised.
 - The proposal does not negatively impact the existing landscape.
 - The proposed palette of materials and colours should relate to the character of the landscape.
- 2.8 Definitions for key terminology throughout the guidance note are provided alongside scenarios and clarifications depicted by diagrams. Elements that are defined include:
- Gap Sites
 - Expansion of Groupings
 - Clusters and Settlements
 - Defensible Boundary
 - Houses of Exceptional Design Quality
 - Close Proximity

- Visually Identifiable Group
- Common Feature

- 2.9 Links to all the policy documents referred to within the guidance note are provided as further reading for the applicant or developer.
- 2.10 A six-week period of public consultation on the Policy Guidance note was launched on the 13th April, with the note published on the Council's website.
- 2.11 A full summary of consultation undertaken, comments received, and the responses is included within Appendix 2. In general, respondents felt the guidance was clear and easy to use.

3. Proposals

- 3.1 It is recommended that the Committee notes the detail of the consultation undertaken on the Housing in the Countryside Policy Guidance Note, provided in Appendix 2, and approves the Housing in the Countryside policy guidance note, provided in Appendix 1, as a material consideration in the determination of future planning applications.

4. Implications / Socio-economic Duty

Financial

- 4.1 None

Human Resources

- 4.2 This will be addressed within existing staff resources.

Legal

- 4.3 The Policy Guidance Note will be a material consideration in decisions on Planning Applications for Housing in the Countryside. The policy guidance note expands on existing policies outlined within Scottish Planning Policy, Planning Advice Note (PAN72): Housing in the Countryside and North Ayrshire's Local Development Plan 2.

Equality/Socio-economic

- 4.4 The Guidance Note accords with LDP2 which was the subject of a Equalities Impact Assessment and will support our rural communities through the delivery of appropriate rural housing solutions.

Environmental and Sustainability

- 4.5 The guidance note aligns with the Council's net zero carbon policy, encouraging applicants/developers to utilise innovative and sustainable technologies that deliver low carbon homes.
- 4.6 Preference will be placed on renovation of existing structures rather than replacement.
- 4.7 The guidance note acknowledges that due to the nature of Housing in the Countryside, there are more significant challenges linking in with sustainable transport as these locations typically have poorer public transport links. Notwithstanding this, utilising available funding to install Electric Vehicle charging points for electric or hybrid cars is encouraged.
- 4.8 A Screening Report was submitted to the Scottish Government Consultation Authorities and a Strategic Environmental Assessment of the policy guidance is not required.

Key Priorities

- 4.9 The guidance note aligns with many of the Council's key priorities as set out in the Council Plan, including a sustainable environment; affordable, modern and well-designed homes; vibrant, welcoming and attractive places; and new homes constructed.

Community Wealth Building

- 4.10 New Housing in the Countryside can provide rural housing solutions and support rural communities, including through the creation of local employment opportunities in support of Community Wealth Building aspirations. The guidance will assist applicants, developers, and the Local Authority in facilitating pre-application discussions on potential Housing in the Countryside.

5. Consultation

- 5.1 As noted in paragraph 2.10, a six-week period of public consultation on the Policy Guidance note was launched on the 13th April. A full summary of comments received, and a response is included within Appendix 2.

JAMES MILLER
Chief Planning Officer

For further information please contact **Rowan Carmichael, Assistant Planning Officer** on rowancarmichael@north-ayrshire.gov.uk.

Background Papers

None

Appendix 1

Housing in the Countryside – Policy Guidance Note
North Ayrshire Council

Appendix 2

Housing in the Countryside – Consultation Responses
North Ayrshire Council



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Housing in the Countryside Policy Guidance Note

Final Version
May 2021

Housing in the Countryside

Policy Guidance Note

Purpose of this document

The need for up-to-date planning guidance on matters relating to new housing in the countryside has been identified. Following this consultation process, it is intended that this Policy Guidance Note will be a public facing document made available through North Ayrshire Council's website.

The document provides guidance to developers and applicants on the relevant Local Development Plan policies and matters that should be considered when approaching an application for the development of one or more houses in the countryside. The guidance note may be referenced by Planning Officers when assessing the merit of an application for housing in the countryside and will be a material consideration in decision making.

Reference is made to new Permitted Development Rights for agricultural and forestry buildings which came into force on 1st April 2021. These rights permit buildings which were in agricultural or forestry use on 4th November 2019 to be converted into to a dwelling house under permitted development rights, under specific circumstances.

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6.0 Further Reading

1.0 Introduction

- 1.1. This document provides guidance to developers and applicants on matters that should be considered when approaching an application for the development of one or more houses in the countryside.
- 1.2. North Ayrshire Council supports the sustainable development of rural housing, in accordance with the Local Development Plan, which empowers the local economy and communities while protecting our countryside. This guidance will inform decision making when assessing applications for dwelling houses in the countryside against the Local Development Plan (LDP2) and specifically the Countryside Objective.

2.0 Application Advice

2.1 Pre-application advice

- 2.1. It is recommended that in the first instance, developers/applicants engage in pre-application discussions to establish suitability prior to submitting an application. All applications must be supported by the criteria outlined within [Section 3](#) of this guidance document however every application will be determined on its own merit.
- 2.2. The difference between different application routes are listed below;
 - i. **Full Planning Permission:** a decision is granted based on the detailed proposal of how the site would be developed. Planning permission can be granted in full or subject to conditions set out by Planning Officers.
 - ii. **Planning Permission in Principle:** an alternative way of obtaining planning permission which separates the consideration of matters of principle for proposed development from the technical detail of the development.
 - iii. **Prior Notification:** Where a proposal falls under Permitted Development Rights. the applicant/developer must notify the Planning Authority before works can proceed. Approval for specified elements of the development may be required.

Please Note: Planning Permission in Principle (PPP) applications will not be supported. This is because PPP does not provide the level of detail or information required to assess the appropriateness of the proposal.

- 2.3. Should the developer/applicant believe their development falls under Permitted Development Rights, this should be clarified with Planning Officers prior to commencing works.
- 2.4. Agriculture or forestry buildings which have been in use since 4th November 2019 may be converted to a dwelling house under permitted development rights providing;
 - the building footprint does not extend beyond the existing external dimensions
 - the building is not listed
 - the residential floor space does not exceed 150 sqm
 - the number of separate residential units developed does not exceed 5 units

The developer must not commence with works until the relevant criteria of any permitted development, including the grant of any necessary prior approval has been met. Detailed information on Permitted Development Rights can be accessed in [Section 6.0](#) of this guidance note.

- 2.5. To establish whether either Prior Approval (for a development under Permitted Development) or Planning Permission in full is required, early discussions should be undertaken with North Ayrshire Council to determine the appropriate application route.

- 2.6. Should the developer/applicant wish to retain and convert or adapt an existing structure, it should be confirmed with North Ayrshire Council if the existing structure is listed. Adaption works to rural listed buildings are likely to require Listed Building Consent (LBC). Early pre-application discussions with North Ayrshire Council will clarify this and ensure the correct application route is followed.
- 2.7. The relevant bodies within North Ayrshire Council to contact for application advice are listed below;

Development Management | For pre-application enquiries

Planning Services | Economic Development & Regeneration | Place
North Ayrshire Council, Cunninghame House, Irvine, KA12 8EE

Email | epanning@north-ayrshire.gov.uk

Telephone | North Coast (West Kilbride, Fairlie, Largs, Cumbrae, Skelmorlie):

01294 324794 or 01294 324320

Three Towns (Ardrossan, Saltcoats, Stevenston): 01294 317285

Isle of Arran: 01294 324316

Irvine: 01294 324318

Kilwinning & Garnock Valley (Dalry, Kilbirnie, Beith): 01294 324313

Development Planning | For policy advice

Planning Services | Economic Development & Regeneration | Place
North Ayrshire Council, Cunninghame House, Irvine, KA12 8EE

Email | ldp@north-ayrshire.gov.uk

Telephone | 01294 324 763

2.2 Supporting Information

- 2.9. Where applicable, applications should be accompanied by the relevant supporting information. Pre-application discussions with Planning Officers will establish the range of information required.
- 2.8. The below table sets out by development type what supporting information may be requested by North Ayrshire Council. The list is not exhaustive and supporting information will be determined on a case by case basis.

	Design Statement	Structural Condition Report	Ecological Survey	Site Condition and History Report
Retention, Renovation or Replacement of Existing house	✓	✓	✓	
Conversion of existing structure	✓	✓	✓	
Redevelopment of Brownfield Site	✓		✓	✓

2.3 Water and Utilities

- 2.9. Early engagement with water and utilities companies to inform site strategies for energy, gas, drainage, and sewage is recommended.
- 2.10. Proposals must not impact detrimentally on existing infrastructure.
- 2.11. Applicant/developers must fully understand where the nearest public water main and sewer is located and whether there is available capacity. Developments approved under Permitted Development still need to carry out these checks and follow Scottish Water application processes.
- 2.12. Applicants/developers should be aware that they are responsible for laying water and, if applicable, drainage infrastructure from their property to the public network. This can be a considerable distance in rural areas and may involve pumping. Applicants/developers should be able to demonstrate that they fully understand what works are involved for the specific site in question before commencing construction, to ensure their development is economically viable.
- 2.13. If existing buildings are to be subdivided, a separate water and drainage connection should be put in place to serve each property to avoid any disputes over ownership in the future. An application for a new water and drainage connection, if applicable, should be made to Scottish Water to obtain permission for connecting the new property to the public network.

3.0 Policy Context

- 3.1. Links to all policies referenced can be found in [Section 6.0](#) of this guidance note.

3.1 National planning context

- 3.2. National policy for rural development is set out in the [Scottish Planning Policy](#) with additional guidance provided in the [Planning Advice Note \(PAN72\): Housing in the Countryside](#).
- 3.3. Housing in the Countryside requires a multifaceted approach. The quality of the development will be influenced by numerous factors, namely; location, siting, design and infrastructure. To achieve quality rural development, dwellings should be design-led and respond sensitively to both landscape considerations and the wider context that the house sits within to avoid looking like it has been 'placed down' on a plot rather than carefully incorporated into its setting. The appearance of the dwelling should be at an appropriate scale for its location and details should be well proportioned with careful consideration given to materials. In addition to this, services required for the dwelling should not impact on resources for the area and renewable technologies should be used where possible.

3.1.1 Scottish Planning Policy

- 3.4. The Scottish Government have a clear stance on the need to deliver quality housing within the countryside with importance placed on setting and sustainable development. Rural development should promote a pattern of development that is appropriate to the character of the area, ensure rural communities are sustained and growth is supported while protecting the existing natural environmental quality.
- 3.5. Accommodation which supports rural businesses and/or repopulates and sustains rural areas to stimulate rural economic growth and sustainability will be encouraged. Support will be provided to developments that proactively rebuild the resilience of rural communities and economies by enabling well designed, sustainable development.
- 3.5. Proposed developments that enable the development of essential infrastructure for rural areas including affordable housing will be supported.

3.1.2 PAN72 Housing in the Countryside 2005

- 3.6. The advice note cites six key design principles; incorporation within the landscape, well considered site layout, appropriate site access, the scale of the proposed building, materials used and detailing. These key considerations should be carefully thought through when approaching housing in the countryside.
- 3.7. Planning Officers will assess applications against the principles outlined within PAN72. Developers / applicants are encouraged to review this guidance prior to contacting North Ayrshire Council for pre-application advice.

3.2 Local planning context

3.2.1 Key LDP Policies

- 3.8. **Strategic Policy 1: Spatial Strategy - The Countryside Objective**
The Spatial Strategy is based on the principle that we want to direct the right development to the right place. To ensure rural communities can grow and thrive, the Countryside Objective sets out principles for development which promote a sustainable pattern of development that empowers the rural economy and communities to develop while protecting our countryside areas as a valuable asset. In principle, the LDP supports proposals (including new dwelling houses) outwith identified towns and villages for:
- 3.9. **b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.**
- i. The applicant should provide a robust business case or justification that highlights the need for the housing and the benefit it will serve.
 - ii. The dwelling must be solely occupied by workers.
 - iii. The ancillary development should support the rural economy and support local employment.
 - iv. The proposed development should not cause loss of prime agricultural or forestry land nor should the development impact on any land or features of environmental or ecological interest.
- 3.10. **f) Sensitive infilling of gap sites consolidating existing developments where it would define/ provide a defensible boundary for further expansion.**
- i. **‘Gap site’** - a site within an established developed area, for example where a house/building once stood or where two houses or other permanent buildings of equivalent residential size, occupying separate and discrete plots, front a road or access lane. A gap site is not a site between a property and a settlement boundary. This is to protect the settlement boundary.
 - ii. **‘Defensible Boundary’** - existing, well-established topographical, natural, or landscape features which provide a ‘stop’ and well-defined boundary help stop further expansion into sensitive areas or the wider countryside. A development which infills a gap and strengthens a defensible boundary may be acceptable subject to compliance with the Placemaking Policy; proposals that would protrude out with a natural building grouping or landscape feature should be discouraged to avoid encroachment into the countryside.
- 3.11. **g) Small scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required in that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.**
- i. Affordable housing aimed at locals (developed, for example by the Council, a Registered Social Landlord or community body) or led by local businesses for employee accommodation.
 - ii. Local housing supply will be assessed against the Housing Land Audit to ensure the proposal addresses a deficiency of housing within the proposed area.

3.12. h) New housing in the countryside where it is a replacement or converted building; or it is a house of exceptional design quality.

- i. In relation to **'replacement or converted building'** the main consideration is the impact of the proposed building both relative to the one being replaced / converted and as a building within the setting in its own right i.e. is it suitable for the location and local context and character. This is where assessment against the Placemaking Policy would be used at this point to help determine this.
- ii. The visual impact of the proposal must not be any more detrimental than what is currently on the site. When assessing proposed replacement building(s), scale and massing are key considerations. Building footprint and ridge height should not be dissimilar to existing conditions.
- iii. Preference will be placed on renovation of existing structures rather than replacement.
- iv. In relation to **'a house of exceptional design quality'** the development will be expected to demonstrate all six qualities of a successful place as set out within the placemaking policy. See [Section 5.5](#) for further detail.

3.13. Sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversion) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

- i. **'well-defined nucleated groups'** – when exploring the expansion of groupings, the infill of gap-sites to consolidate groupings should always be considered in the first instance. Where this is not possible the council may consider the expansion of a grouping of four or more houses at the end of a cluster. Additions are limited to 50% of dwellings in that group.
- ii. **'close proximity'** – close to established rural settlement or group. Compact form as opposed to dispersed development.
- iii. **'visually identifiable group'**- proposed and existing buildings relate to one another visually not just in terms of proximity. For example, buildings that sit well together and relate to one another in terms of proportions, massing, orientation, architectural style, relationship to the road, materials or boundary treatments, settlement pattern and not separated by a clear defensible boundary
- iv. **'common feature'** – shared access, boundary, landscape features, courtyard

3.14. **Strategic Policy 2: Placemaking**

Where new housing could be supported in principle by criteria b) and f) to i) of the **Countryside Objective** the **Placemaking Policy** should be applied to assess whether the detailed design of the development is acceptable i.e. the right development in the right place.

To safeguard and enhance the environmental quality, proposals should achieve the six qualities of a successful place; Distinctive, Welcoming, Safe and Pleasant, Resource Efficient, Adaptable, Easy to Move Around and Beyond.

Quality	Clarification	Example
Distinctive	<ul style="list-style-type: none"> Proposals must consider what is locally 'distinctive' i.e. the scale and building typologies in the surrounding area; The proposed plot sizes must relate proportionally to neighbouring plots. Proposals must respond to the topography of the site ensuring the proposed dwelling is embedded sensitively within the landscape. 	<p>Coldrach Farmhouse - Moxon Architects</p>  <p><i>Image Credit: Moxon Architects Ltd</i></p>
Welcoming	<ul style="list-style-type: none"> Proposals must enhance their environments and not detract from the landscape or local landmarks in any way. 	<p>Fir Chlis, Harris - Icosis</p>  <p><i>Image Credit: Icosis Architects</i></p>
Safe and Pleasant	<ul style="list-style-type: none"> Proposals must create a positive sense of place that clearly distinguishes between public and private space. Where applicable, proposals must consider passive surveillance. 	<p>Strone of Glenbanchor – Loader Monteith</p>  <p><i>Image Credit: Loader Monteith Architects</i></p>

Quality	Clarification	Example
Resource Efficient	<ul style="list-style-type: none"> Proposals must not detrimentally impact on existing infrastructure. Providing resource solutions that have the potential to benefit the wider community and utilise renewable energy will be favoured. Proposals should align with the Council's net zero carbon policy, utilising innovative and sustainable technologies to deliver low carbon homes. 	<p>Old Orchard Development, Kirkton of Craig – Garry Adam Architects</p>  <p><i>Image Credit: Garry Adam Architects</i></p>
Adaptable	<ul style="list-style-type: none"> Proposals must be adaptable for alternative future use. The site must be capable of adapting changes of use, density, and typologies. 	<p>Newhouse of Auchengree, North Ayrshire - Ann Nisbet</p>  <p><i>Image Credit: Ann Nisbet Architecture Studio</i></p>
Easy to Move Around and Beyond	<ul style="list-style-type: none"> Proposals should ensure that site layouts consider key desire lines, routes through. Due to the nature of Housing in the Countryside there are more significant challenges lining in with sustainable transport as these locations typically have poorer public transport links. Notwithstanding this, utilising available funding to install Electric Vehicle charging points for electric or hybrid cars is encouraged. Larger developments should improve active travel links to local amenities. Developments shouldn't impact on existing walking routes and where possible should seek to enhance core paths and rights of way. 	<p>Nedd, Loch Nedd– Mary Arnold-Foster Architects</p>  <p><i>Image Credit: Mary Arnold-Foster Architects</i></p>

3.15. Other relevant LDP policies

Should proposals be supported by Strategic Policy 1 and Strategic Policy 2, proposals will need to accord with detailed policies within the Local Development Plan, namely but not limited to;

- Policy 10 – Listed Buildings
- Policy 15 – Landscape and Seascape
- Policy 16 – Protection of our Designated Sites
- Policy 17 – Clyde Muirshiel Regional Park
- Policy 18 – Forestry, Woodland, Trees and Hedges
- Policy 22 – Water Environment Quality
- Policy 29 – Energy Infrastructure Development

3.2.2 Rural Design Guidance & Design Guidance for Single Houses in Rural Areas

- 3.16. This guidance is not referred to within LDP2. As such the weight of this guidance, as a material consideration, has reduced from LDP 1 as we move towards utilising the Placemaking Policy within decision making.
- 3.17. Notwithstanding the above, much of the content within each document is still relevant and can be used for guidance to aid officers assessing developments against the Placemaking Policy and as a reference document when liaising with developers/applicants during design and pre-app discussions.
- 3.18. In particular, the Rural Design Guidance addresses the Distinctive and Welcoming criteria in terms of siting, infill, materials and issues around character and what is locally 'distinctive'. Design Guidance for Single Houses in Rural Areas cites examples of Houses of Exceptional Design Quality and outlines the key steps that should be followed to achieve a house of this standard.

4.0 Design Principles

4.1 Setting

- 4.1. The proposed location of the dwelling must be carefully considered and positioned strategically within the wider landscape. Initial things to consider are;
- How will the site be accessed? Will this have a negative impact on the setting?
 - Is the site in a sensitive area of the countryside?
 - How close is the proposed site to an existing building or group of buildings?
 - Would the proposed location have a negative impact on existing rural community infrastructure?

4.2 Sitting and Layout

- 4.2. The positioning of the new dwelling within the boundary of the proposed site is crucial. Proposals should;
- Be optimally located on site following careful site analysis assessing the best position for maximising shelter and solar gain
 - Responding to topography
 - Safeguard our landscapes
 - New developments should respect existing settlement patterns
 - The size and layout of the building should reflect surrounding typologies
 - Maximise the use of land on site and/or allowing for future development.
 - Preference is placed on finding creative solutions for the retention of existing historic structures rather than replacement to ensure the distinctive and historic character of North Ayrshire's rural buildings is not lost.

4.3 Key Design Principles

- 4.3. Consideration should be given to the natural constraints of the site, including topography, shelter, and solar gain, as well as the proximity to local services and employment opportunities. Houses in the countryside are **expected** to meet the following criteria:

Design Principles Checklist	Achieved (✓)
Thorough site analysis should be undertaken and evidenced. The proposal must sensitively address and respond to key constraints eg. topography, natural and built heritage, trees and woodland. Developers / applicants should evidence this analysis within their Design Statement.	
The proposal should have a positive impact on the setting. Developers / applicants should evidence the impact the proposed dwelling will have on the surroundings.	
The character of the local area is not compromised. Developers / applicants should evidence how the size and shape of the proposed dwelling relates to surrounding traditional buildings.	
The proposal does not negatively impact the existing landscape. Developers / applicants should evidence how the design responds to the site's landform, climatic conditions, and existing access routes / infrastructure.	
The proposed palette of materials and colours should relate to the character of the landscape. Developers / applicants should evidence that quality, durable materials have been selected. Samples of proposed materials may be requested by Planning Officers.	

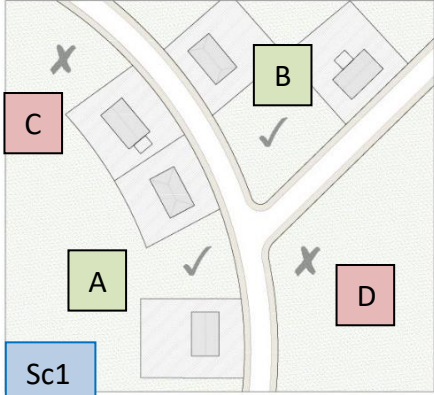
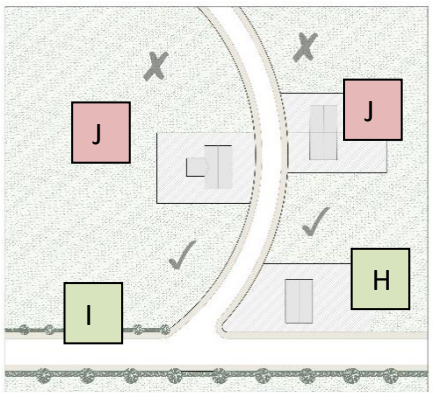
4.4 Active Travel and Transport

- 4.4 Proposals must meet the Road Design Guidance and Designing Streets requirements.
- 4.5 Where access is proposed to be taken from the trunk road (either new or existing) design standards will require to comply with Design Manual for Roads and Bridges CD123.
- 4.6 It is further highlighted within CD123, the use of a direct access is only appropriate for serving a single property. If proposals will result in more than a single dwelling being served by an access this will normally require to be constructed / upgraded to a priority junction.

5.0 Definitions

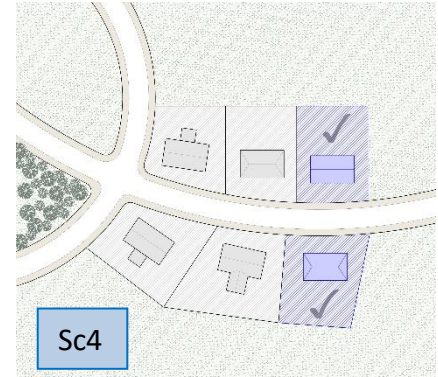
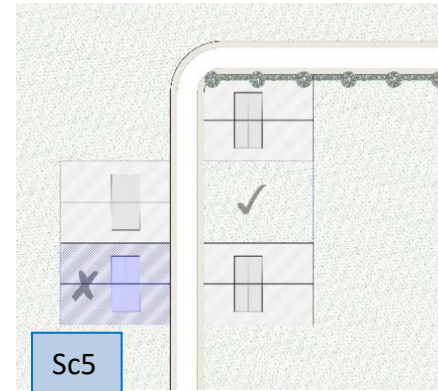
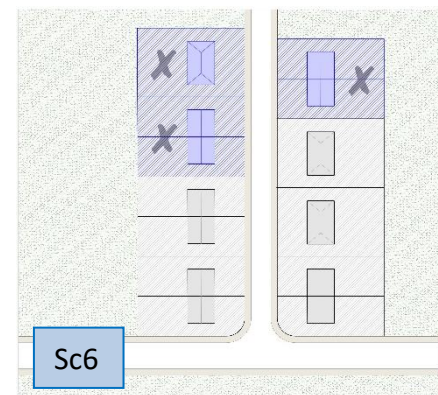
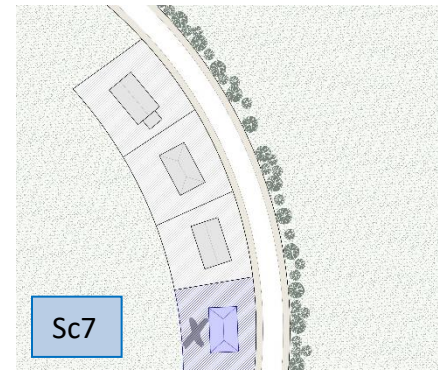
5.1 Gap sites

'Gap site' - a site within an established developed area, for example where a house/building once stood or where two houses or other permanent buildings of equivalent residential size, occupying separate and discrete plots, front a road or access lane.

Scenario	Clarification
 <p>Sc1</p>	<p>Sc1. Presumption in Favour</p> <p>A. Gap site between two existing dwelling houses. Development on this site would infill an existing gap and consolidate an existing small cluster.</p> <p>B. Corner plot bound by two existing dwellings.</p>
	<p>Sc1. Presumption Against</p> <p>C. Plot ignores the development opportunity presented by gap site A. Preference should always be to develop within a gap site situated between existing dwellings.</p> <p>D. Undeveloped greenfield site is not considered to be a gap site.</p>
	<p>Sc2. Presumption in Favour</p> <p>E. Development on both plots utilises a gap site located between two existing dwelling houses.</p> <p>F. The plot is bound by a defensible boundary preventing a sprawl of dwelling houses from occurring.</p>
	<p>Sc2. Presumption Against</p> <p>G. Plot is not bound by a defensible boundary or existing dwelling houses. Developing on this land sets precedent for sprawl to occur rather than filling in existing gaps.</p>
 <p>Sc3</p>	<p>Sc3. Presumption in Favour</p> <p>H. Development on both plots utilises a gap site located between two existing dwelling houses.</p> <p>I. The plot is bound by a defensible boundary preventing a sprawl of dwelling houses from occurring.</p>
	<p>Sc3. Presumption Against</p> <p>J. Plots ignore the opportunities to develop presented by sites H and I. The sites are not bound by a defensible boundary or existing dwelling house preventing a sprawl of new dwellings from occurring.</p>

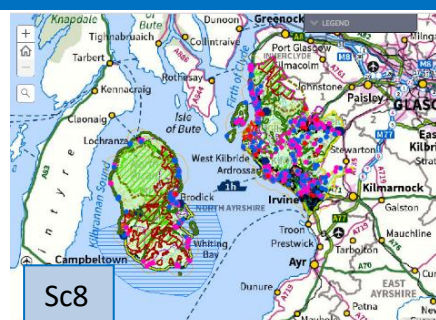
5.2 Expansion of Groupings

When exploring the ‘**expansion of groupings**’, the infill of gap-sites to consolidate groupings should always be considered in the first instance. Where this is not possible the council may consider the expansion of a grouping of four or more houses at the end of a cluster. Additions are limited to 50% of dwellings in that group.

Scenario	Clarification
 Sc4	Sc4. Presumption in Favour Infill is not possible and existing grouping is of four or more houses. Proposal to expand grouping by two dwellings, increasing the grouping by 50% complies with policy.
 Sc5	Sc5. Presumption Against Proposed expansion of grouping does not utilise an available gap site in the first instance. Only once all available gap sites are utilised can an expansion of grouping be considered.
 Sc6	Sc6. Presumption Against Proposed expansion is increasing grouping by over 50% and would therefore not be deemed acceptable.
 Sc7	Sc7. Presumption Against As there are less than four dwellings in the existing grouping, expansion would not be acceptable. Should there be available gap sites, these could be explored as viable alternatives.

5.3 Clusters and Settlements

Scenario



Clarification

Sc8. Settlements

Settlements are defined within the Local Development Plan.

More detailed mapping showing settlement boundaries is provided within our online proposals map. A link to this can be found at www.north-ayrshire.gov.uk/ldp.



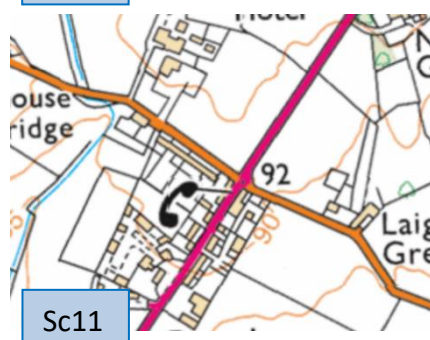
Sc9. Well-defined Nucleated Groups

Groups of four or more houses with shared and defining infrastructure are classed as well-defined nucleated groups. When considering an expansion of grouping, it should be a well-defined nucleated group.



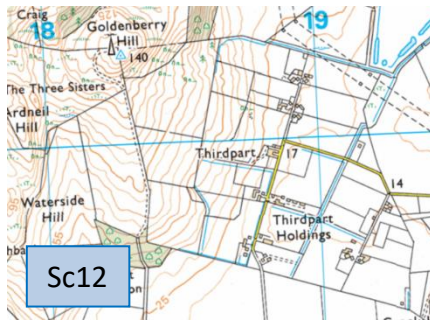
Sc10. Rural Clusters

Random rural clusters can be found scattered across the rural landscape. Typically, these clusters are agricultural holdings.



Sc11. Rural Villages

Rural villages are more established than random clusters but are not defined as settlements within the LDP. They exist as well-defined nucleated groups.



Sc12. Small Holding Cluster

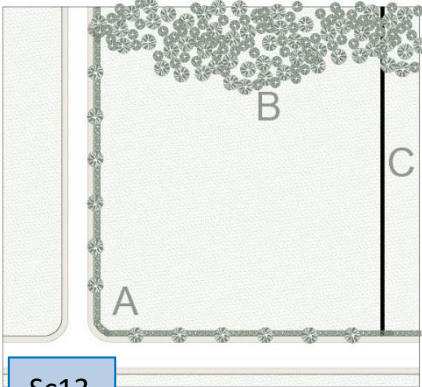

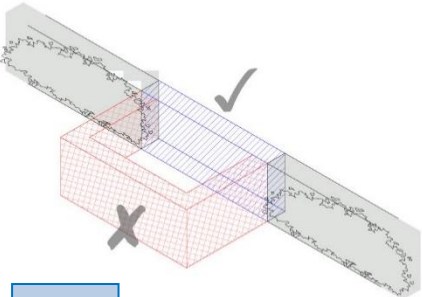
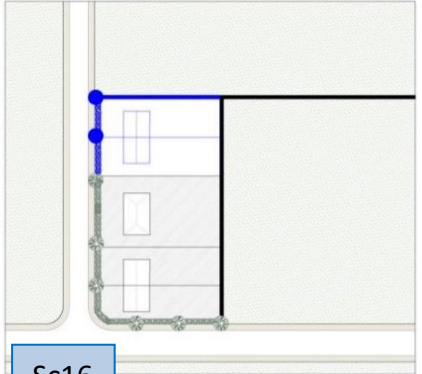
A dispersed group of rural clusters across a landscape does not constitute being classed as a rural grouping. This is due to two contributing factors;

1. There is no shared and defining infrastructure as would be found in a rural village or settlement
2. The group of clusters is not defined as a settlement within the LDP

These groups of rural clusters would be defined as small holding clusters **not** well-defined nucleated groups.


5.4 Defensible Boundary

‘Defensible Boundary’ - existing, well-established topographical, natural, or landscape features which provide a ‘stop’ and well-defined boundary help stop further expansion into sensitive areas or the wider countryside. A development which infills a gap and strengthens a defensible boundary may be acceptable subject to compliance with the Placemaking Policy; proposals that would protrude out with a natural building grouping or landscape feature should be discouraged to avoid encroachment into the countryside.

Scenario	Clarification
 <div>Sc13</div>	Sc13. Natural and Landscape Boundaries The diagram highlights three situations which are classed as defensible boundaries: two natural and one landscape form. The small forest to the rear of the plot (b) and the hedge (a) acting as the boundary between the plot of land and the pavement are both natural defensible boundaries. The agricultural wall (c) dividing the plot is a landscape defensible boundary.
 <div>Sc14</div>	Sc14. Topographical Boundaries The hill illustrated in the diagram acts as a topographical defensible boundary between two housing plots.
 <div>Sc15</div>	Sc15. Strengthening Boundaries : Favourable Developments that infill a gap and strengthen an existing defensible boundary may be deemed acceptable. Sc15. Strengthening Boundaries : Unfavourable Proposed boundaries that protrude out with a natural grouping or landscape feature will be discouraged to avoid encroachment into the countryside.
 <div>Sc16</div>	Sc16. New boundaries Proposed boundary treatments should integrate the dwelling into the landscape. Designs should take cognisance of defensible boundaries in the surrounding area to determine the most appropriate approach for the site.

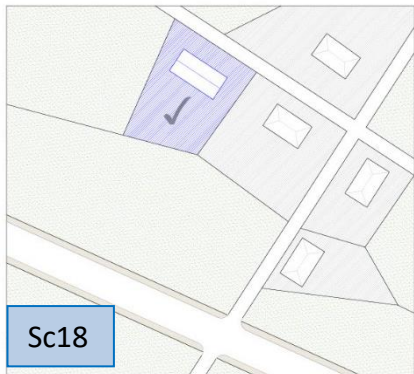
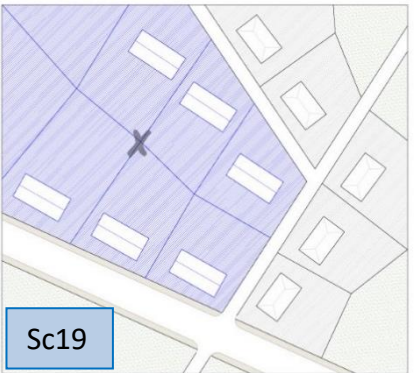
5.5 House of Exceptional Design Quality

In relation to **'a house of exceptional design quality'** the development will be expected to demonstrate all six qualities of a successful place as set out within the placemaking policy. In addition to achieving SP2 Placemaking Policy outlined in [Section 3.2.1](#), Houses of Exceptional Design Quality should display the following criteria;

Scenario	Clarification
 <p>Columbkille, Isle of Arran <i>Good example of a house of exceptional design quality. Image Credit: Ann Nisbet Architecture Studio.</i></p>	Sc17. Presumption in Favour <ul style="list-style-type: none"> ○ A design led approach that achieves bespoke, one-off homes which embrace contemporary architecture whilst being identifiable within an Ayrshire and Scottish context, potentially referencing the history and cultural setting of the site or its locality in the design. ○ High quality materials utilised throughout the proposal. ○ Site specific access, where possible formed from existing entrance points. ○ Sensitive boundary treatment which blends with existing landscape features. ○ Keep widow and door openings consistent.
	Sc17. Presumption Against <ul style="list-style-type: none"> ○ Avoid contemporary design that 'could be anywhere' – the intention of the policy is to produce exceptional design quality that is appropriate for a North Ayrshire context, whether coastal, rural or island. ○ Avoid over complicated facades, avoid excess decoration.

5.6 Close Proximity

'close proximity' – close to established rural settlement or group. Compact form as opposed to dispersed development.

Scenario	Clarification
 <p>Sc18</p>	Sc18. Presumption in Favour Proposed development is compact in form and follows existing rural development patterns close to an established settlement or group.
 <p>Sc19</p>	Sc19. Presumption Against Proposed development is dispersed and appears as a separate rural cluster – not an extension of the existing well-defined nucleated group.

5.7 Visually Identifiable Group

‘visually identifiable group’ - proposed and existing buildings relate to one another visually not just in terms of proximity. For example, buildings that sit well together and relate to one another in terms of proportions, massing, orientation, architectural style, relationship to the road, materials or boundary treatments, settlement pattern and not separated by a clear defensible boundary

Scenario



Clarification

Sc20. Presumption in Favour

Proposed dwelling and existing buildings sit well together and relate to one another in terms of proportions, massing, orientation, architectural style, relationship to the road, materials or boundary treatments, settlement pattern.

Sc20. Presumption Against

Proposed dwelling and existing buildings are separated by a clear defensible boundary and do not relate to one another. The proposal is unsympathetic to the existing buildings.

5.8 Common Feature

‘common feature’ – shared access, boundary, landscape features, courtyard

Clarification

Sc21. Presumption in Favour

Proposed development integrates features such as shared access, boundary, landscape features and a courtyard to coherently integrate the existing grouping and the proposal.

Sc22. Presumption Against

Proposed development does not share common features with existing grouping.

6.0 Further Reading

Links to all the policy documents referred to within this guidance note are listed below;

- [Permitted Development](#) – Amendment Order 2020
- [Scottish Planning Policy](#)
- [PAN 72](#) – Housing in the Countryside
- North Ayrshire Council [LDP2](#)
- [Rural Design Guidance](#)
- [Design Guidance for Single Houses in Rural Areas](#)
- [Delivering design value – The housing design quality conundrum](#)
- [Designing Streets](#)
- Standards for Highways - [DMRB CD123](#)

Ends.

Housing in the Countryside | Appendix 2

Policy Guidance Note

Summary of Consultation Process

Consultation on the Draft Housing in the Countryside Policy Guidance Note commenced on the 13th April 2021. The draft guidance was made available on the council's website on the 'Other Planning Guidance' webpage. Respondents were welcomed to submit comments on the guidance via email or online survey.

Prior to the consultation, approval to consult the guidance was sought from Members at the March 2021 Planning Committee. Approval to consult was granted with the request that Locality Partnerships were included within the list of those consulted.

The consultation process ran for six weeks until Friday 21st May 2021. In total 7 responses were received.

Those Consulted

In addition to the consultation made publicly available via the North Ayrshire Council website, a council press release reporting the consultation was issued and the consultation was picked up by Scottish Housing News and publicised on their platform.

Internal consultation occurred within North Ayrshire Council; Development Management, Flooding, Active Travel and Transport, Biodiversity Officer, Housing, Environmental Health and Regeneration were invited to provide comment on the drafted guidance.

Emails inviting key agencies to consult were issued to the following;

- Historic Environment Scotland
- Nature Scot
- SEPA
- Scottish Government
- Scottish Water
- Forestry Scotland

Locality Partnerships, Community Councils and the Planning Mailing list were emailed to inform the groups about the consultation and invite feedback on the drafted guidance. Similarly, Local Agents and Architects that regularly submit applications for Housing in the Countryside were emailed and invited to consult on the drafted guidance.

Issues & Response

Email responses were received from Historic Environment Scotland, Nature Scot, Scottish Water, Transport Scotland, West Kilbride Community Council and one member of the public. One response from NAC Housing was received via the online survey. In addition to this, feedback was received from Development Management and Active Travel and Transport within NAC.

A summary of the comments received, relevant to the content of the guidance, during the consultation process and the response from North Ayrshire council is provided in the below table.

Issue	No.	Consultation Comment	NAC Response
Section 2.0 - Application Advice	1	<i>Historic Environment Scotland:</i> It should be highlighted that any adaption works to rural listed	Paragraph 2.6 of the Policy Guidance Note has been added to include information to applicants/developers on the need

Issue	No.	Consultation Comment	NAC Response
		buildings are likely to require Listed Building Consent (LBC).	to ensure the listed status of existing structures is checked and the correct application route is followed.
Section 2.0 - Application Advice	2	<i>Nature Scot:</i> Noting supporting documentation which may be required from applicants and developers is helpful. Respondents were pleased to note design statements and ecological statements are required to support applications.	No action required.
Section 2.0 - Application Advice	3	<i>Scottish Water:</i> Early engagement with Scottish Water should be encouraged so the applicant or developer understands where the nearest public water main and sewer is located and to check whether there is sufficient capacity to support a development.	Section 2.3 of the document has been added highlighting the importance of early engagement with water and utilities companies to inform site strategies for energy, gas, drainage, and sewage.
Section 3.0 - Policy Context	4	<i>Nature Scot:</i> Include the relevant images and graphics from the Definitions section within this section of the document.	The definitions section is intended to be used as a toolkit for applicants, developers and planning officers when discussing and assessing the viability of a Planning Application. Images from the definitions section have not been included within the policy context section so as not to dilute information provided within this section.
Section 3.0 - Policy Context	5	<i>Nature Scot:</i> Restructure this section of the guidance to put more general, overarching principles (such as the Placemaking Policy and Rural Design Guidance text) at the start of the section followed by the more detailed text covering different development types.	The structure of this section has not been changed. Overarching principles such as the Placemaking Policy and Rural Design Guidance are only applicable should the proposed development meet one of the Key LDP Policies listed in paragraphs 3.8 – 3.13. The placemaking policy, other relevant LDP policies and rural design guidance aid in guiding proposals which can be supported in principle by criteria b) and f) to i) of the Countryside Objective the Placemaking Policy .
Section 3.0 - Policy Context	6	<i>Nature Scot:</i> The relevance of Loch Nedd precedent image was flagged. It was felt the precedent could be more relevant to text.	Loch Nedd is considered a relevant precedent for illustrating a development easy to move around and beyond. The development is embedded into the landscape providing minimal disruption to the

Issue	No.	Consultation Comment	NAC Response
			natural environment and does not have a garden, minimising the plot footprint and aiding retaining existing routes and rights of way.
Section 3.0 - Policy Context	7	<i>Historic Environment Scotland:</i> Reference should be made to NAC's listed building policy (Policy 10).	Reference to Policy 10 has been added to the guidance note.
Section 3.0 - Policy Context	8	<i>NAC Housing:</i> The table in section 3.14 is particularly useful.	No action required.
Section 3.0 - Policy Context	9	<i>West Kilbride Community Council:</i> Significant emphasis is made within the current LDP to reduce travel and husband resources however this does not appear in the policy guidance.	Reference to the Placemaking Policy and other relevant LDP policies has been made within the policy context section of the document. These policies link in with the ambitions to reduce travel and husband resources.
Section 4.0 - Design Principles	10	<i>Nature Scot:</i> Illustrations to help explain best practice alongside design principles would be beneficial.	Applications will be assessed on a case by case basis against the principles listed in section 4.0. As applicants/developers design solutions will be unique to each setting it is felt that illustrations will not aid these principles. Section 5.0 Definitions outlines more detailed elements with illustrations.
Section 4.0 - Design Principles	11	<i>Historic Environment Scotland:</i> The provision of any design guidance that encourages the retention and sensitive adaption of existing rural buildings which contribute to NAC's historic fabric is welcomed.	No action required.
Section 4.0 - Design Principles	12	<i>Historic Environment Scotland:</i> Greater emphasis should be given to encouraging creative solutions that promote the retention of historic building fabric and forms to ensure the distinctive and historic character of North Ayrshire's rural buildings is not lost.	Further emphasis on retaining and enhancing existing historic structures has been added to section 4.2.
Section 5.0 - Definitions	13	<i>Nature Scot:</i> It would be useful for the definitions to be integrated into the relevant text in Section 3.0.	As previously stated, the definitions section is intended to be used as a toolkit for applicants, developers and planning officers when discussing and assessing the viability of a Planning Application. Images from the definitions section have not been included within the policy context section so as not to dilute information provided within this section.
Section 5.0 - Definitions	14	<i>Nature Scot:</i> Provide definitions for terms used in Section 4.0 such as "optimally located" and "responding to topography" to ensure that there is	Further detail relating to responding to topography has been added to the clarification of the 'Distinctive' quality of a successful place on page 9. No definition for 'optimally located' will be provided as

Issue	No.	Consultation Comment	NAC Response
		no uncertainty as to what good design looks like.	solutions that provide an optimally located building will be unique to their setting and a result of undertaking thorough site analysis.
Section 5.0 - Definitions	15	<i>NAC Housing:</i> The table with illustrated examples is helpful.	No action required.
Section 6.0 - Resources	16	<i>Nature Scot:</i> 'Delivering design value: The housing design quality conundrum' provides some interesting research on housing design more generally. <i>Transport Scotland:</i> Reference should be made to DMRB CD123 for appropriate design guidance when accessing from the trunk road.	Suggested further reading from respondents has been included within Section 6.0 of the report. In addition to the two resources suggested by respondents, reference to Designing Streets has been added.
Active Travel and Transport	17	<i>NAC Active Travel & Transport:</i> It was requested that detail be added outlining the requirement for proposals to meet the Road Design Guidance and Designing Streets.	Section 4.4 – Active Travel and Transport has been added to the policy guidance note to address these issues.
Active Travel and Transport	18	<i>Transport Scotland:</i> Section 3.13 refers to shared access. Where access is proposed to be taken from the trunk road (either new or existing) design standards will require to comply with Design Manual for Roads and Bridges CD123. It is further highlighted within CD123, the use of a direct access is only appropriate for serving a single property. If proposals will result in more than a single dwelling being served by an access this will normally require to be constructed / upgraded to a priority junction.	Section 4.4 – Active Travel and Transport has been added to the policy guidance note to address these issues.
Active Travel and Transport	19	<i>Transport Scotland:</i> Section 4.3 should include text to make it clear that where access is to be taken from the trunk road this will require to be designed in accordance with DMRB CD123.	Section 4.4 – Active Travel and Transport has been added to the policy guidance note to address these issues.
Active Travel and Transport	20	<i>Transport Scotland:</i> Section 5.5 and 5.8 make reference to a preference for access from existing entrance points and shared access. Where access is proposed from the trunk road however the advice provided above with regards to design standards and the	Section 4.4 – Active Travel and Transport has been added to the policy guidance note to address these issues.

Issue	No.	Consultation Comment	NAC Response
		restriction on direct access serving only a single dwelling should be noted.	
Document Issues	21	<i>Nature Scot:</i> Legibility of some diagrams was raised as an issue suggesting clear and simple illustrations akin to those used in the East Ayrshire Housing in the Countryside Supplementary Guidance.	We will review diagrams and the document layout for the final published document to ensure the guidance is as legible as possible.
Document Issues	22	<i>Transport Scotland:</i> A specific section relating to development accessed from the trunk road and the role of Transport Scotland could be included rather than addressing similar points throughout the document.	Section 4.4 – Active Travel and Transport has been added to the policy guidance note.
Other Comments	23	<i>West Kilbride Community Council:</i> The document is presented for the use of Architects, builders, Developers and Landowners. There is little guidance in relation to the communities that may or may not be affected by any development.	The advice for applicants/developers is equally applicable for communities and does not require being altered or tailored to suit this different audience. As with any planning application, communities are welcomed to comment on applications and provide representations prior to a decision by planning officers being made.
Other Comments	24	<i>West Kilbride Community Council:</i> The document does not make reference to utilities and services.	Section 2.3 of the document has been added highlighting the importance of early engagement with water and utilities companies to inform site strategies for energy, gas, drainage, and sewage.
Other Comments	25	The consensus from all respondents was that the content of the guidance note is useful.	No action required.

NORTH AYRSHIRE COUNCIL

16 June 2021

Planning Committee

Title:	Local Place Plans – proposals for regulations
Purpose:	To update Members on the introduction of Local Place Plans and seek approval for a response to the consultation on proposed regulations for their implementation.
Recommendation:	Approve the proposed response to the consultation on proposals for Local Place Plan regulations set out in Appendix 1.

1. Executive Summary

- 1.1 The Planning (Scotland) Act 2019 introduces a new right for communities to produce Local Place Plans (LPPs). The aim of LPPs is to enhance engagement in development planning by empowering communities to play a proactive role in defining the future of their places by setting out their proposals for the use and development of land. In preparing a Local Development Plan, planning authorities must take into account registered Local Place Plans.
- 1.2 Proposals for regulations on the content, preparation, submission and registration of LPPs have been published for consultation. Following the consultation, it is expected that this secondary legislation to govern the implementation of LPPs will come into force at the end of 2021, allowing community bodies to formally begin preparation of such plans.
- 1.3 Local Place Plans will be community-led but have the potential to be supported in their development and delivery by the public and third sectors. While the consultation focuses on provisions for the detail relating to preparing LPPs, the proposed response set out in Appendix 1 outlines additional observations on the practicalities of how the preparation of Local Place Plans will be resourced and brought forward in a timeous manner to inform the next Local Development Plan.

2. Background

- 2.1 The Scottish Government is consulting on proposals for regulations on Local Place Plans (LPP) as part of an ongoing programme of planning reform and the implementation of the Planning (Scotland) Act 2019. Improving community involvement and early and effective engagement in the planning process was a key aim of planning reform from the outset. Local Place Plans are a central part of delivering this and one of the most significant changes to the planning system.

- 2.2 Local Place Plans were introduced by the Planning (Scotland) Act 2019 and are a proposal as to the development or use of land prepared by a community body. That is either a community-controlled body within the definition given in the Community Empowerment (Scotland) Act 2015 or a community council established in accordance with the Local Government (Scotland) Act 1973. Local Place Plans may also identify land and buildings that the community body considers to be of particular significance to the local area and set out reasons for considering that the LDP should be amended.
- 2.3 The proposals for regulations cover potential further requirements in relation to LPP, over and above those set out in the Planning (Scotland) Act 2019, including: any additional matters that community bodies should have regard to; the form and content of LPPs; steps to be undertaken before preparing LPPs; how to take into account the views of councillors; and steps to be undertaken when submitting LPPs. In addition, local authorities will be required to keep a register of these plans in a prescribed manner and take them into account when preparing their LDPs.
- 2.4 The proposed regulations seek to strike the balance between providing a robust framework for the development and consideration of LPPs and a light-touch approach to legislation which allows for flexibility to suit local circumstances and avoids imposing unnecessary financial and administrative burdens on community bodies, recognising that community bodies are likely to be staffed wholly, or in part by volunteers. The main proposals and questions set out in the consultation are as follows:

Other prescribed matters

- 2.5 The provisions introduced by the 2019 Act require the community body to have regard to the National Planning Framework and the Local Development Plan when preparing an LPP. However, it also provides for Ministers to set out any other matters they consider community bodies should additionally be required to have regard to.
- 2.6 It is proposed that community bodies should also have regard to any Locality Plan that is in place for the area under consideration when preparing their Local Place Plan. This would create a link between spatial and community planning at the local level; potentially create efficiencies, reduce duplication and prioritise resources; and help avoid confusion should LPPs have different priorities to Locality Plans. The question is asked whether community bodies should also have regard to Local Outcome Improvement Plans.

Form and Content of the Local Place Plan

- 2.7 The Act requires the community body to comply with any prescribed requirements as to the form and content of an LPP. It is proposed that the LPP should include two elements:
- a statement setting out the community's proposals for the future development or use of land within the area covered by the Local Place Plan; and
 - a map of the area covered by the Local Place Plan, which must be annotated to provide the boundary.

- 2.8 This is considered the minimum required to allow for the community body to express to the wider community and the planning authority what is being proposed without being overly prescriptive on community bodies. Consideration is given to additional information being submitted to support the LPP, for example to assist its registration by the planning authority.

Engagement and Consultation

- 2.9 The Act requires the community body to comply with any prescribed requirements as to steps which must be taken before preparing the plan. One such potential step is requiring consultation before a plan is made and the consultation asks whether or not there is a need to impose a legal requirement to consult before preparing an LPP and, should a legal requirement be put in place, what the minimum requirements should be.
- 2.10 The regulations are also required to set out steps which must be taken by a community body before submitting a local place plan. The proposals consider whether some form of consultation on the proposals that have been worked up into the LPP should be included at this stage and the form of any such requirement.

Views of Councillors

- 2.11 A community body must comply with any prescribed requirements as to how the views of councillors for the area to which the LPP relates are to be taken into account in the preparation of the plan. Local councillors might be able to draw on their experiences of representing people in the area or act as important intermediaries for community bodies as they seek to prepare or garner support for their LPP. It is therefore proposed that the community body should seek the views of ward councillors when preparing the LPP.

Information to submit alongside a local place plan

- 2.12 With regard to additional information that should be submitted alongside an LPP, it is proposed that, in addition to the LPP itself, the community body should submit a statement on how it has complied with the legal requirements. Consideration is given to whether there are other matters which could be included, for example, a description of the community body's evidence base gathered in preparing the plan and how its proposals are to be delivered, by whom and what timeframe however it is not proposed that these additional matters should be included in the legislation.

Register and map of Local Place Plans

- 2.13 Planning authorities are required to maintain a register of LPPs. When a valid LPP (that is, one in relation to which all statutory requirements have been complied with) is submitted to them, a planning authority must include it in their register and inform the community body that it has been registered. If the planning authority consider the LPP is not valid and therefore decide not to register it, they must give their reasons to the community body. The consultation considers the manner a register must be kept and made available; information about an LPP to include in the register; the removal of LPPs from the register and making the Local Place Plan map available.
- 2.14 A full draft response to these proposals and questions is set out at Appendix 1 for the consideration and approval of Members.

3. Proposals

- 3.1 It is proposed that the Planning Committee notes the progress on the implementation of provisions for Local Place Plans and approves the proposed response to the Scottish Government's consultation on Proposals for Regulations on Local Place Plans, set out in Appendix 1.

4. Implications/Socio-economic Duty

Financial

- 4.1 The financial implications to the Council of the introduction of Local Place Plans will largely be determined by the assistance that is made available to support their preparation as it will be for community bodies – not the Council – to prepare Local Place Plans within the regulatory framework. It is unclear on the assistance requirements that Government may specify and how this will be resourced. A Partial Business and Regulatory Impact Assessment undertaken by Scottish Government for the proposed regulations assumes that the average cost of preparing an LPP will be in the region of £15,000, however, defining the cost of preparing LPP is challenging: LPPs are likely to vary in cost depending on several factors, including their scope; the capacity of volunteers involved in preparing them; and the availability of assistance.

Human Resources

- 4.2 As above, the human resource implications of the introduction of Local Place Plans will largely be determined by the assistance that is made available to support their preparation by community bodies.

Legal

- 4.3 The regulations will give effect to a new right for communities to produce Local Place Plans (LPPs) under the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019). Included within the legislation are certain requirements for the Council as local planning authority, including the requirement to register valid Local Place Plans and to take into account any registered Local Place Plans in preparing the Local Development Plan.

Equality/Socio-economic

- 4.4 A Partial Equalities Impact Assessment (combining Child Rights and Wellbeing Impact Assessment) has been undertaken by the Scottish Government on the proposals. It has identified either positive or no policy impacts on each of the protected characteristics through enhancing the opportunities for engagement in shaping the places that people work and stay.

Environmental and Sustainability

- 4.5 The focus of the regulations is to provide the administrative provisions for the development of LPPs. It is considered the legislation would have no or minimal environmental effects once implemented.

Key Priorities

- 4.6 Local Place Plans can support the Council's priority of active and strong communities by providing community bodies with the opportunity to set out proposals for the development and use of land which in turn can support the creation of inspiring places which are vibrant, welcoming, attractive and sustainable.

Community Wealth Building

- 4.7 Local Place Plans provide an opportunity for community-led approaches to shaping the places that people work and stay. They can support our Community Wealth Building objectives and our Regeneration Delivery Plan ambitions by maximising all of our land and assets, including through alternative uses for community and business benefit.

5. Consultation

- 5.1 This paper responds to a Scottish Government consultation on proposals for secondary legislation which will cover the content, preparation, submission and registration of Local Place Plans. To inform this response, Planning Services and Connected Communities have worked together, holding a workshop with Community Planning partners on 12 May 2021. A further session with community representatives is proposed to inform a separate but aligned Community Planning Partnership response ahead of the consultation deadline on 25th June 2021.

RUSSELL McCUTCHEON
Executive Director (Place)

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

Background Papers

Proposals for Regulations on Local Place Plans: [Local place plans - proposals for regulations: consultation - gov.scot](https://www.gov.scot/publications/consultations/2021/05/local-place-plans-proposals-for-regulations/consultation-2021-05-12/consultation-2021-05-12.pdf)

Proposals for Regulations on Local Place Plans – North Ayrshire Council Response

North Ayrshire Council supports the introduction of Local Place Plans under the Planning (Scotland) Act 2019 and the principle of improving community engagement and building public trust in planning and placemaking.

Our own approach to community planning, focused on six localities within North Ayrshire, is founded in part on the Place Principle, which promotes a shared understanding of place, the need to take a more collaborative approach to a place's services and assets to achieve better outcomes for people and communities and the need to work and plan together, and with local communities, to improve the lives of people, support inclusive and sustainable economic growth and create more successful places.

Land is key asset within a place and Local Place Plans have the potential to support the Council's priority of active and strong communities by providing community bodies with the opportunity to set out proposals for the development and use of land which in turn can support the creation of inspiring places which are vibrant, welcoming, attractive and sustainable. In providing an opportunity for community-led approaches to shaping the places that people work and stay this can also feed into our Community Wealth Building objectives, supporting the wider regeneration of communities in North Ayrshire by maximising all of our land and assets, including through alternative uses for community and business benefit, addressing economic and health inequalities.

From a pragmatic point of view, however, there are potential pitfalls and a number of practical issues to be resolved. Local Place Plans must be underpinned by collaboration and potential conflict avoided, for example by avoiding unrealistic expectations of what Local Place Plans can achieve in a world of competing interests. It is important that LPPs support, rather than undermine, the Local Development Plan (LDP) as a statutory decision-making document.

Before responding to the detail of the Proposals for Regulations on Local Place Plans consultation and the questions there-in, we would wish to highlight two key, interlinked, issues that will impact on the successful implementation of LPP.

Firstly, timing. If local communities are to be able to inform Local Development Plans, they require to be prepared in advance of, at the latest, the Proposed Plan stage of LDP preparation. This immediately places a time pressure on the preparation of LPPs by community bodies, particularly in areas like North Ayrshire where we would seek to commence preparation of a new Local Development Plan as soon as the relevant regulations come into force, expected to be spring/summer 2022. There is a danger the LPP – rightfully giving communities the opportunity to prepare an LPP – may delay this process.

Secondly, and linked to the issue of timing, is resources, including financial and local authority staff resource. The partial Business and Regulatory Impact Assessment undertaken by Scottish Government for the proposed regulations assumes that the average cost of preparing an LPP will be in the region of £15,000. If there is significant uptake of the right to prepare an LPP for the reasons outlined above, may be a short period of time (2-3 years), this could amount to a significant sum of money.

It is important that all communities have the opportunity to prepare a Local Place Plan, not only those best placed to do so with regard to available skills and resources. As we seek to improve social capital, support for communities and co-production is at the heart of everything we do, however, supporting numerous communities to prepare Local Place Plans at the same time could impose significant pressures in terms of staff resources of both our Strategic Planning and Connected Communities teams.

We would therefore request that Scottish Government consider these points in addition to our response to the specific questions posed below.

1. Do you agree with the proposal that community bodies should have regard to any Locality Plan that is in place for the area under consideration when preparing their Local Place Plan?

Yes. We agree that the secondary legislation should require community bodies to have regard to published Locality Plans, where such plans are in place, when preparing an LPP. This would be in addition to the National Planning Framework and Local Development Plan, as set out in the primary legislation.

This requirement will strengthen the link between spatial and community planning at a local level, help build relationships between community bodies and other community planning partners and help avoid potentially confusing contradictions between different plans. To maximise the potential to create efficiencies, reduce duplication and prioritise resources, community planning partnerships and community bodies may wish to go further and integrate Local Place Plans and Locality Plan and this approach could usefully be covered in guidance.

2. Do you consider that community bodies should have to have regard to other additional matters beyond the Locality Plan when preparing their Local Place Plan?

While we agree that the regulations should avoid being overly prescriptive and potentially onerous, it is considered that the regulations should include the requirement for community bodies to also have regard to Local Outcome Improvement Plans (LOIP).

This recognises that not all areas have Locality Plans; that sometimes Plans may be out-of-date; would help avoid contradictory plans and encourage wider alignment and buy-in to the process. The Proposals for Regulations note that in having regard to both the NPF and LDP a wide range of national and local plans, strategies and projects will be considered and reflected in LPP and, that under the Act, Local Development Plans will be required to consider any Local Outcome Improvement Plan (LOIP) for its district going forward. However, the first generation of Local Place Plans being prepared next year will be prepared ahead of these requirements being reflected in adopted LDPs.

It is likely, for any given area, there will be other relevant policies, plans and strategies produced – or in preparation – by the local authority and community planning partners or bodies, for example community led action plans prepared by community trusts. It is acknowledged that capturing all of these within the secondary legislation would be difficult, but this shouldn't distract from the importance of encouraging Local Place Plans to fully understand the local context and to engender 'collaboration rather than conflict'.

3. Do you agree with the proposal that an LPP should contain a statement setting out the community's proposals plus a map of the area, setting out the LPP boundary?

We agree that a statement setting out the community's proposals for the future development or use of land within the area covered by the Local Place Plan and a map of the area covered by the Local Place Plan, annotated to provide the boundary should be the minimum required to allow for the community body to express to the wider community and the planning authority what is being proposed. Such statements should be clearly expressed and LPPs should be well-structured and visual, using graphics, photographs and maps. Guidance, best practice and potentially templates will be important in supporting community bodies with the form and content of LPP.

The Proposals consider the potential role of 'additional information' being submitted alongside the LPP, for example to assist its registration by the planning authority. It is considered simpler, however, if a distinction is not made between the LPP and 'other information', for community bodies, the wider community, community planning partners and the planning authority. This would avoid any potential misunderstanding over what constitutes part of an LPP and what does not.

On this basis, in line with our comments in relation to engagement and consultation below, we consider the regulations on the form and content of an LPP should also extend to the inclusion of a description of the consultation activities that have been undertaken (including with local councillors) and how this consultation has informed the LPP.

- 4. Do you think a requirement for the community body to engage and seek the views of people to assist in the preparation of an LPP should be set out in law?**
- 5. If a requirement to seek the views of people is put into law, what should any minimum requirement be?**
- 6. Do you agree with the proposal that there should be a minimum statutory requirement on the community body to consult the community once a draft LPP has been prepared and before submitting an LPP?**
- 7. If a requirement to consult across the community on the content of a draft LPP is to be put into law, what should any minimum requirement be?**
- 8. Do you agree with the proposal that the community body should seek the views of ward councillors when preparing the LPP?**

Responding to questions 4 to 8 together, we consider there should be a statutory basis which requires community bodies to undertake consultation on Local Place Plans.

This requirement would signal the clear intent that Local Place Plans are to be based on evidence of a community's views (not just the community body preparing the LPP) and, as stated in the Proposals for Regulations, the very nature of requiring engagement in the early stages of preparing an LPP will provide a clear steer to community bodies of the importance of ensuring that the LPP is based on a robust evidence base of the wider community's aspirations, including those who are not generally heard or whose voices can be ignored.

The Proposals for Regulations consider engagement in the context of potential prescribed requirements as to the steps to be taken *before* preparing the Local Place Plans (Sch. 19, Para 1(4)(c)(ii)); the steps which must be taken before *submitting* a local place plan (Sch. 19, Para 2(1)(a)) and how the views of councillors for the area to which the local place plan relates are to be taken into account (Sch. 19, Para 2(1)(c)).

Rather than specifying minimum requirements for consultation and engagement, for example (as per Q.6) that there should be a minimum statutory requirement on the community body to consult the community once a draft LPP has been prepared and before submitting an LPP, we propose that the minimum requirements of what an LPP contains should include a description of the engagement and consultation activities, including with the wider community and local councillors, that have been undertaken and how this consultation has informed the LPP. This would embed the requirement to undertake engagement and consultation into the LPP process, and consider the outputs from such activity, without being prescriptive as to what form this should take, allowing community bodies to adopt an approach that best suits local circumstances.

Additionally, we consider there should be a statutory requirement for community bodies to engage with local authorities in developing their LPP, be this through an inception meeting (or similar) at the start of the process or a more involved, collaborative approach to the preparation of an LPP, with an inception meeting at the start of the process being a minimum requirement. The local authority would have to take into account any additional resource requirements arising from such measures.

This approach would align with the collaborative spirit of the legislation and could have multiple functions, including: confirming the body preparing the LPP is a community body; avoiding the potential situation of two community bodies seeking to prepare an LPP for the same area; maximise the opportunities to create efficiencies, reduce duplication and prioritise resources; signposting the relevant policies, plans and strategies that the community body should have regard to, acknowledging it could be difficult for community groups to be aware of all relevant partner plans and community-led plans; and providing guidance on consultation and guidance and the potential support and resources available to prepare LPP. Such a meeting would also alert the planning authority to expect an LPP for a specific area.

9. Do you agree that, alongside the LPP itself, the community body should submit a statement on how it has complied with the legal requirements?

As noted in our response to Q.3, we consider all relevant information should form part of the LPP, rather than being submitted separately. The validation of LPP should be a collaborative endeavour between the community body and the local planning authority. This collaborative approach will hopefully avoid any potential conflict between both parties, which may put local Members in a difficult position. Rather than requiring the community body to submit a statement on how it has complied with the legal requirements, we would favour the development of a validation framework to support the evaluation of Local Place Plans by both community bodies and local planning authorities.

Guidance on the preparation and form and content of LPP, which could include a template, would further assist community bodies to ensure the plans they prepare and submit to local planning authorities complied with the legal requirements.

10. Do you agree the requirements planning authorities have to keep the register of local place plans should be aligned to the existing arrangements for registers?

Agreed. We envisage that a register and map of registered Local Place Plans would be held on the Council's website.

11. Do you agree that the additional information provided by the community body alongside the LPP should be kept on the register of local place plans?

As noted in our response to Q.3, we consider all relevant information should form part of the LPP, rather than there being any separate 'additional information'.

12. Please provide your views on the level and content of information to be placed on the register.

As noted in our response to Q.3, we consider all relevant information should form part of the LPP, rather than there being any separate 'additional information'.

13. Do you agree with the proposal that a planning authority may remove an LPP from the register once it has been taken into account in the LDP, and must do so when requested by the community body that prepared it?

LPP should be removed from the register if they have been superseded or if a community body is satisfied for them to be so, rather than the local planning authority making that decision. Even after they have been taken into account in the LDP, LPP may remain valid as an expression of a community body's proposals for the use and development of land. As it would be preferable if older, out-of-date LPP were removed from the register, it is proposed that at the start of each plan preparation cycle (i.e. when the Local Planning Authority, in accordance with Section 15A of the Act, publishes an invitation to local communities in their district to prepare local place plans), community bodies would be required to confirm whether an existing LPP should remain on the register. The planning authority could remove an LPP from the register if no confirmation that it should be retained is given.

14. Do you agree the requirements planning authorities have for making the map of local place plans available should be aligned to the existing arrangements for registers?

Agree

NORTH AYRSHIRE COUNCIL

16 June 2021

Planning Committee

Title:	Planning Performance Framework
Purpose:	To present the 2020/2021 Planning Performance Framework report.
Recommendation:	Note the content of the latest Planning Performance Framework report (Appendix 1) and approve its submission to Scottish Government.

1. Executive Summary

- 1.1 The performance of the Planning Service is outlined in an annual report prepared under the well-established Planning Performance Framework (PPF) and submitted to the Scottish Government in July each year. PPF captures key elements of a planning service's performance and reports on a range of qualitative and quantitative indicators.
- 1.2 Our latest PPF Report, the tenth to be prepared, covers the period April 2020 to March 2021 is included within Appendix 1. PPF10 reports on the feedback from Scottish Government on last year's PPF; outlines case studies that demonstrate we are a high-quality planning service (Part 1); provides a performance update in relation to key development management, development planning, planning enforcement and development land indicators (Part 2); and considers our service improvement actions (Part 3).

2. Background

- 2.1 The Planning Performance Framework (PPF) was introduced in 2012, developed by Heads of Planning Scotland in response to the Scottish Government's planning reform agenda. PPF captures key elements of a high-performing planning service, giving a balanced measurement of the overall quality of the service while contributing towards driving continuous improvement. PPFs also report on a set of agreed performance markers on which the Scottish Government provide feedback.
- 2.2 The Scottish Government's feedback on last year's Planning Performance Framework, which rated North Ayrshire's Planning Service 'green' against all relevant markers, was reported to Planning Committee on 27 January 2021 and is summarised on page 2 of the 2020/21 report.
- 2.3 The period covered by this PPF has seen the Planning Service operate under coronavirus restrictions, with all staff working from home. The PPF highlights how we have adapted to continue to provide exceptional application determination timescales;

implement the recently adopted Local Development and respond to the wider reform of the planning system in Scotland.

- 2.4 Part 2 of the PPF is focused around National Headline Indicators – quantitative indicators which examine all aspects of the planning process, providing data on areas such as planning decision making timescales, the progress of the Local Development Plan, and the level of the housing land supply – and Official Statistics, which together provide an accurate and reliable account of performance over time. An update in respect to the performance markers is also provided.
- 2.5 The Service processed 531 applications over the 12-month period to 31 March 2021, a reduction of just 29. Despite the challenges faced, our excellent decision-making timescales have been maintained. On average, major applications were determined in 11.1 weeks, an improvement on 13.1 weeks the previous year. There was a small increase in average timescales for local (non-householder) applications, from 5.4 to 5.9 weeks and for householder applications, from 4.3 to 5.4 weeks, but times for all three development types were quicker than the Scottish average.
- 2.6 Part 3 of the PPF reports on the delivery of service improvement actions committed in the previous year and planned service improvements for 2019/20. The focus of the Planning Service continues to be driving improved performance; positioning the Service to promote placemaking; promoting the plan-led system and the achievements of the Service, while meeting statutory requirements. Of significant importance this year will be supporting economic recovery and renewal in response to the COVID-19 crisis by contributing to a cross Council approach to economic development centred on placemaking and Community Wealth Building.

3. Proposals

- 3.1 It is recommended that Planning Committee notes the content of the latest Planning Performance Framework report (Appendix 1) and approve its submission to Scottish Government.

4. Implications/Socio-economic Duty

Financial

- 4.1 None.

Human Resources

- 4.2 None.

Legal

- 4.3 None.

Equality/Socio-economic

- 4.4 None.

Environmental and Sustainability

4.5 None.

Key Priorities

4.6 The Planning Performance Framework report contributes to increasing the levels of accountability and transparency within the planning service; promoting the role of the service and continual improvement. The service supports many of the key priorities of the Council, including around the environment, housing, the economy and health and well-being.

Community Wealth Building

4.7 Community wealth building is part of a placed-based approach which seeks to reduce inequality and improve well being. It is inherent in much of planning policy and approaches. The Planning Performance Report highlights a Community Wealth Building and Planning Skills webinar hosted by North Ayrshire Council.

5. Consultation

5.1 None.

RUSSELL McCUTCHEON
Executive Director (Place)

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

Background Papers

Appendix 1 – Planning Performance Framework – 2020/21 Report (June 2021)

June 2021

Planning Performance Framework 2020/21 Report



North Ayrshire Council
Comhairle Siorrachd Air a Tuath

Introduction

North Ayrshire Council Planning Service

It has been an unprecedented 12 months for the Planning Service but we have adapted quickly to the circumstances surrounding the coronavirus pandemic and the challenges of home working. The flexibility and dedication of the team has enabled us to continue to provide an efficient, effective, and innovative planning service. Our focus on delivering sector-leading performance has meant determination timescales for planning applications have largely been maintained and continue to be significantly quicker than the national average.

Following the adoption of the North Ayrshire Local Development Plan in November 2019, the Service's joined-up approach has supported the implementation of the new plan, including by continuing to work with the housebuilding industry to bring new development to North Ayrshire. Over 1800 new homes have been granted permission in the last two years, with development of two LDP2 release sites already underway. Implementation of LDP2 has also supported decision-making in relation to three major applications which has protected the town-centre first principle, the marine environment and landscape quality.

Implementation of the Planning (Scotland) Act 2019 has also been a key area of work over the last 12 months, with the Service responding to consultations on the National Planning Framework, short-term let controls, permitted development rights and mediation. Joint working with neighbouring authorities has been re-established to prepare an indicative Regional Spatial Strategy for Ayrshire, setting out the spatial priorities of the region and Ayrshire Growth Deal.

The coronavirus pandemic has had a severe impact on our local economy. North Ayrshire Council acted decisively to support our local businesses and communities who have been negatively affected by the economic impact. Looking ahead, the Planning Service will be a key component in our approach to recovery and renewal and the aim to build back better, fairer and greener.

In May 2020, North Ayrshire Council became Scotland's first Community Wealth Building Council, publishing a strategy setting out a new economic model focused on wellbeing and inclusion. To build on this framework and in response to the pandemic, a local economic recovery and renewal approach based around a Green New Deal was approved in September 2020. Using our capital investment to accelerate recovery and wider regeneration at the same time as tackling climate change.

To support an economic recovery that is place-based, the Planning Service will co-ordinate inclusive and green development with placemaking at its heart. We will work in partnership with communities, key stakeholders, developers and cross-Council to: support the delivery of new housing in both the private and social sectors, as part of our work to tackle depopulation; promote the town centre first principle; support the identification and delivery of regeneration and clean energy development projects that bring positive benefits to communities and the environment, including by making best use of our assets and vacant and derelict land; and explore how developers can embed Community Wealth Building principles, including local supply chains and fair employment.

Planning Performance Framework

This is the Planning Performance Framework Report for North Ayrshire Council's Planning Service for the period April 2020 to March 2021.

The planning performance framework was introduced by planning authorities in 2012. Developed by Heads of Planning Scotland and supported by the Scottish Government the framework captures key elements of a high-performing planning service, such as:

- speed of decision-making;
- certainty of timescales, process and advice;
- delivery of good quality development;
- an overall 'open for business' attitude.

The framework gives a balanced measurement of the overall quality of the planning service and contributes towards driving a culture of continuous improvement.

All planning authorities, strategic development plan authorities and seven key agencies prepare a Planning Performance Framework (PPF) report on an annual basis and receive feedback from the Scottish Government. PPF reports contain both qualitative and quantitative elements of performance and set out proposals for service improvement. They also report on a set of Performance Markers which were agreed by the High-Level Group¹ on Planning Performance in 2013.

¹ The remit of the High-Level Group on Planning Performance includes supporting improved planning performance and linking performance with planning fees. The Scottish Government and the Convention of Scottish Local Authorities (COSLA) co-chair the group with the remaining members comprising: Heads of Planning Scotland; the Society of Local Authority Chief Executives; the Society of Lawyers and Administrators in Scotland and the Royal Town Planning Institute.

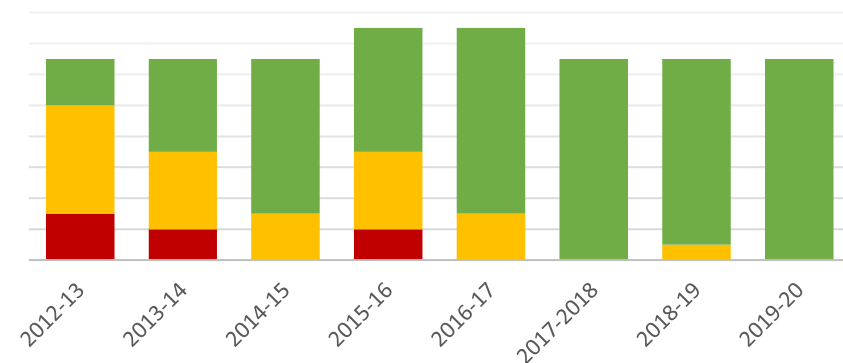
Scottish Government Feedback 2019/20

North Ayrshire Council's ninth Planning Performance Framework Report, covering the period April 2019 to March 2020, was submitted to Scottish Ministers in July 2020. In December 2020, the Minister for Local Government and Housing provided feedback on the report based around the 15 performance markers agreed by the High-Level Group on Planning Performance. Red, Amber or Green ratings were awarded based on the evidence provided, giving an indication of performance and the priority areas for improvement action.

The graphic below illustrates that, for 2019/20, the Scottish Government rated us green against all 13 performance markers applicable during the monitoring year. This represents a continuation in the high number of good ratings over the past three years.

Part 2 of this Planning Performance Framework Annual Report details the rating given for each performance marker; the feedback received from the Scottish Government; and a summary analysis of how the Council is performing 12 months on.

► Scottish Government Feedback: <https://tinyurl.com/yy6j8ng8>



Key Performance Markers Summary 2020/21

No.	Performance Marker	Evidence	Page
1	Decision-making: continuous reduction of average timescales for all development categories [Q1 - Q4]	<ul style="list-style-type: none"> Average timescales for determining major applications were improved, from 13.1 to 11.1 weeks. Timescales for determining Local (non-householder) applications returned to 5.9 weeks, a minor increase from last year's historic low of 5.4 weeks. Average householder timescales increased from 4.3 to 5.4 weeks. 	10
2	Processing agreements: <ul style="list-style-type: none"> offer to all prospective applicants for major development planning applications; and availability publicised on website 	Processing agreements continue to be offered for all major applications and for complex local applications. This is highlighted on our website at: https://www.north-ayrshire.gov.uk/planning-and-building-standards/make-a-planning-application.aspx	13
3	Early collaboration with applicants and consultees <ul style="list-style-type: none"> availability and promotion of pre-application discussions for all prospective applications; and clear and proportionate requests for supporting information 	<p>The service provides pre-application advice and guidance on development which needs approval from the Council, including: the development of business and commercial properties, or making alterations to existing premises; the development of new housing; change in the use of land or buildings; outdoor advertisements; buildings in conservation areas; listed buildings and trees covered by tree preservation orders. A total of 534 pre-application enquiries were recorded in the past year.</p> <p>https://www.north-ayrshire.gov.uk/planning-and-building-standards/do-i-need-planning-permission.aspx</p>	13
4	Legal agreements: conclude (or reconsider) applications after resolving to grant permission reducing number of live applications more than 6 months after resolution to grant (from last reporting period)	No applications were subject to a legal agreement as we continue to seek to avoid the use of such agreements where possible.	13
5	Enforcement charter updated / re-published within last 2 years	The Enforcement Charter was updated and republished in March 2021 https://www.north-ayrshire.gov.uk/planning-and-building-standards/report-planning-breach.aspx	14
6	Continuous improvement: <ul style="list-style-type: none"> progress/improvement in relation to PPF National Headline Indicators; and progress ambitious and relevant service improvement commitments identified through PPF report 	<p>All but one of the 15 key performance markers have been marked green by Scottish Government over the last three years. The 'amber' from 18/19 has been addressed with the adoption of a new local development plan.</p> <p>See Part 3 for update on Service Improvement Commitments.</p>	19

7	Local development plan less than 5 years since adoption	The North Ayrshire Local Development Plan (LDP2) was adopted on 28 November 2019. See: https://www.north-ayrshire.gov.uk/planning-and-building-standards/ldp/local-development-plan.aspx	15-16
8	Development plan scheme – next LDP: <ul style="list-style-type: none"> on course for adoption within 5 years of current plan(s) adoption; and project planned and expected to be delivered to planned timescale 	A Development Plan Scheme was published in June 2020 which sets out an indicative timetable for preparing our next LDP (LDP3). Work will formally commence on LDP3 when regulations and guidance pertaining to the Planning (Scotland) Act 2019 is published by Scottish Government. It is expected LDP3 will be adopted within 5 years of LDP2. See: https://www.north-ayrshire.gov.uk/planning-and-building-standards/ldp/development-plan-next-steps.aspx	15-16
9	Elected members engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i>	Not applicable.	
10	Cross sector stakeholders* engaged early (pre-MIR) in development plan preparation – <i>if plan has been at pre-MIR stage during reporting year</i> <i>*including industry, agencies and Scottish Government</i>	Not applicable.	
11	Regular and proportionate policy advice produced on information required to support applications.	LDP2, adopted in November 2019, forms the basis of our proportionate approach to providing policy advice. Work to update and rationalise our non-statutory supplementary planning guidance is ongoing and in March 2021 we published a draft policy guidance note on new housing development in the countryside. We also intend to develop policy advice relating to climate change in response to the Council declaring a 'Climate Change Emergency'. Other Planning Guidance: https://www.north-ayrshire.gov.uk/planning-and-building-standards/ldp/other-planning-guidance.aspx	15-16
12	Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined-up services; single contact arrangements; joint pre-application advice)	The Planning Service continues to work across the services to support, among other things, the Ayrshire Growth Deal, the Council's ambitious Strategic Housing Investment Programme (SHIP), Community Wealth Building, implementing the Regeneration Delivery Plan and with regard to school capacity. A protocol has been developed to provide support to the Housing Service in the design and development of social housing developments. This sees planning officers form part the design team for each site. Rather than full planning permission, proposed schemes are first assessed through submission of an application for a Certificate of Lawful Development.	

13	Sharing good practice, skills and knowledge between authorities	A strong emphasis within the service is placed on sharing good practice, skills and knowledge. In March 2021, the Strategic Planning Manager provided a presentation for a Planning Skills webinar on Community Wealth Building.	9
14	Stalled sites / legacy cases: conclusion or withdrawal of old planning applications and reducing number of live applications more than one year old.	One legacy case remains, with no additional live applications more than one year old recorded.	17
15	Developer contributions: clear and proportionate expectations <ul style="list-style-type: none"> • set out in development plan (and/or emerging plan); and • in pre-application discussions 	To support development and regeneration in North Ayrshire we do not routinely require developer contributions. The Local Development Plan expects the majority of new development to be directed towards sites that have infrastructure or services in place. Where further provision is required, the Supporting Development Objective: Infrastructure and Services policy within the LPD (p.16) sets out clear and proportionate expectations and the need for relevant assessments is highlighted alongside each development site where potential infrastructure deficiencies are known: https://www.north-ayrshire.gov.uk/Documents/CorporateServices/LegalProtective/LocalDevelopmentPlan/ldp2.pdf	

Part 1 – Demonstrating a high-quality planning service

The Planning Performance Framework Annual Report aims to provide both quantitative and qualitative evidence to illustrate the performance of the Planning Service over the past 12 months, with a focus on our improvement journey.

Part 1 of the Planning Performance Framework Annual Report seeks to document the qualitative story of the past year's performance, supported by case studies.

The narrative is structured around the following four themes:

A: Quality of Outcomes – Demonstrating the added value delivered by planning;

B: Quality of Service and Engagement – Demonstrating positive actions to support sustainable economic growth, initiatives to work consistently with stakeholders and deliver a positive customer experience;

C: Governance – illustrating how structures and processes are proportionate, effective and fit for purpose;

D: Culture of Continuous Engagement – improvements and changes in the last 12 months.

A. Quality of Outcomes

A1. Implementing the Local Development Plan – Delivering Private Housing Development

As reported in our 2018/19 Planning Performance Framework Report (case study B1), the Council has been proactively working with the development industry, through Homes for Scotland (HFS), to take an approach that jointly looked to stimulate the housing market in North Ayrshire. LDP2 sought to allocate proven effective sites, which were backed by builders with a track record, in order to have a transformational impact on the housing sector by stimulating demand and demonstrating that land values and sales rates in the region could prove viable, and thereby promote other interests.

The collaboration included jointly refreshing housing land audit, to truly understand the scale of the land supply that could be realistically considered deliverable; capturing market intelligence rather than the rigid defence of historic allocations; and a new approach to site assessment that focussed on deliverable sites with a clear delivery programme and site details.

Seven additional housing allocations were approved by Council in April 2018 and submitted to Examination in October 2018. Five sites, including Wood Farm in Kilwinning, were supported by the Examination which reported in July 2019. The Local Development Plan was adopted in November 2019.

Even prior to the adoption of the Local Development Plan, attention turned to supporting the developer of the Wood Farm site, Taylor Wimpey, to bring forward a planning application that would allow them to move quickly to develop the newly allocated site. Planning Permission was granted in November 2019, in accordance with the newly adopted LDP.

Throughout 2020, we have worked to discharge conditions and approve non-material variations that have enabled Taylor Wimpey to take forward the site immediately, notwithstanding the delays caused by COVID.

This case study demonstrates a whole service, plan-led approach to promoting new development in North Ayrshire. Development planning and development management processes have, as far as possible, provided certainty to the developer that has allowed them to move rapidly from proposing the site for inclusion in the Local Development Plan to building and selling new homes in little more than four years.

Timeline

Pre-application Advice – August 2018

Proposal of Application Notice – September 2018

EIA Screening Opinion – September 2018

Application submitted – June 2019

Application approved – November 2019

Approved application for variation – March 2020

Discharge of Conditions – Ongoing 2020

On site - May 2020

Non-Material Variations Agreed – December 2020

B. Quality of Service and Engagement

B1. Street Naming & Numbering

Planning Services has the responsibility for administering the Street Naming and Numbering service for North Ayrshire Council.

The administration of the service is managed through a dedicated module on the Uniform software with integration to the Idox document management system. There is also a dedicated e-mailbox for handling all incoming and outgoing correspondence.

The role of the service is to ensure that new developments are allocated numbers and names as efficiently as possible. Increasingly, developers need confirmation of addresses before they commence works on site to ensure that utilities can be organised. For private housing sites, a postal address is now essential for sales purposes to secure mortgage finance. Gone are the days of a new house simply having a temporary name such as "Plot 1 The Meadows."

Planning officers work closely with the team's planning technicians on identifying the streets and numbering pattern for each new development. The approach taken during 2020/21 was to involve case officers from the Development Management team in the mapping of the streets and numbering to enable the technicians to focus on consultation tasks with other services within the Council and external agencies such as Royal Mail. This has been useful for planning officers in that they are given more responsibility for post-processing of applications which also includes the discharge of conditions and site monitoring. It has been useful for the

planning technicians since it has created more resilience and knowledge of street naming and numbering across the team.

The Council's Locality Partnerships meet quarterly to select names for each street in new developments. The councillors have the final say on the names based on a list that is generated for each town or village, typically based on a historical theme or notable individual relevant to that locality.

The service also works with businesses to ensure that business addresses are named in conjunction with Royal Mail.

The importance of street naming and numbering cannot be underestimated. Without an address, a home or business won't be listed on the Royal Mail gazetteer. Every time you choose an online service or want to book a delivery, you need to be able to choose your address from this gazetteer. If it is not listed, then difficulties will arise. In today's world, having an address properly logged on the systems which underpin all service delivery is therefore essential.

Over the past year, cases dealt with by the service included the numbering of over 800 new houses (including several major sites each in excess of 200 dwellings), numerous corrections to inaccurate postcodes and the renaming of existing homes and businesses where issues had arisen. The service is currently free of charge to all users.

C. Governance

C1. COVID-19 Response

The Planning Service moved quickly in response to the COVID-19 emergency to ensure structures and processes are proportionate, effective and fit for purpose to enable to service to continue operating.

Early stages of the outbreak saw the number of staff working from the office reduced to a minimum. Within 24 hours of declaration of lockdown by the Prime Minister in mid-March, we moved seamlessly to all staff working from home and the digital delivery of the service, continuing our support for business and developers, the community and the Council.

All members of staff have adapted well to working from home, with 'business as usual' largely possible for both the development management and development planning functions. Key element of our response have included:

► Virtual Planning Committees and Local Review Bodies

During the last 12 months we have been able to maintain our important decision-making structures by moving Planning Committee and Local Review Bodies onto the Microsoft Teams platform. This has enabled Members, officials, applicants, objectors and the general public to engage with such meetings virtually from home. Our first virtual Planning Committee was held on 24 June 2020 and since then meetings have been scheduled as normal.

► Site Visit Protocol

A Coronavirus Site Visit Protocol was established to advise planning staff on carrying out site visits and kept up-to-date as coronavirus guidance and restrictions changed over time. The aim and purpose of the protocol is to protect staff, applicants/agents/householders, other users of the planning

system and the general public, in line with Government guidance. Staff have been encouraged only to undertake site visits if they are comfortable doing so.

► Utilising technology

Planning staff were already equipped with laptops prior to the pandemic which assisted greatly with the transition to home working. The use of Microsoft Teams and other forms of communication has enabled the Service to continue to offer the opportunity of meetings and respond to correspondence. Clear messaging has been provided on our website to advise service users how best to contact us.

► Supporting staff wellbeing

Special attention has been paid to the wellbeing of our staff in recognition that home working can provide a range of different challenges, including home schooling and isolation. Regular catch-ups have been scheduled over the period, both virtually and in person where restrictions have allowed.

Moving forward, we are well placed to support business and developers as we begin to emerge from the pandemic and adapt to new ways of working.

"Once again the Planning Service has performed very well and met and even exceeded all expectations."

This year was particularly difficult due to COVID-19 where there were no physical meetings of the Planning Committee and the Local Review Body but we soon got ourselves established and operational using Microsoft Teams which allowed Members and Officers to meet remotely and efficiently make decisions on Planning matters. We were greatly assisted in this by Committee Services and IT support "

Cllr Tom Marshall, Chair of the Planning Committee.

D. Culture of Continuous Improvement

D1. Training

In February 2021, Zero Waste Scotland and PAS delivered a training session with Elected Members. The training event provided elected members with an update on the Planning Act and NPF4 and an introduction to the Circular Economy as Scotland moves towards net zero carbon by 2045. The training highlighted the importance of the planning system in playing a key role in enabling Scotland to embrace the circular economy, reduce waste and achieve its net zero carbon targets.

The Service continues to provide a training and learning environment to support our staff, with working from home having the benefit of increasing the opportunities to ‘virtually’ attend training events online without the need to travel. Some of the training undertaken by the team this year included:

- ▶ Habitats Regulations Appraisal (June 2020)
- ▶ Public Engagement (July 2020)
- ▶ Land, Planning & Delivering Rural Affordable Housing (July 2020)
- ▶ Examinations (February 2021)
- ▶ Town Centre Regeneration (March 2021)

D2. Benchmarking

The well-established West of Scotland Planning Benchmarking Group did not convene this year but informal networks ensured exchange of views, information and knowledge on specific planning issues continued throughout the pandemic. The Knowledge Hub online forum also proved to be a valuable resource as did the Service’s engagement with the Heads of Planning Executive and Development Management and Developing Planning sub-groups.

D3. Sharing Best Practice – Community Wealth Building

North Ayrshire Council is the first Community Wealth Building Council in Scotland, publishing a Community Wealth Building Strategy in May 2020.

Community wealth building is part of a place-based approach which seeks to reduce inequality, specifically seeking to take a proactive approach to supporting local inclusive economies. It is built upon the concept of creating a fairer, more socially just economy.

In March 2021, the Strategic Planning Manager gave a presentation to a Partners in Planning / Planning Skills Webinar on Community Wealth Building and Planning which considered how the planning system can contribute to community wealth building.

The presentation highlighted that community wealth building is already inherent in much of what we are doing, particularly around 20-minute neighbourhoods, town centre first and in the NPF Position Statement; considered how housebuilding can support community wealth building and how Local Place Plans could identify opportunities; and finally the potential to develop specific Community Wealth Policies.

Webinar details ▶ <https://tinyurl.com/4pcp62yh>

Part 2 – Performance Update

Including National Headline Indicators & Official Statistics

Development Management

	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Application approval rate	97.8%	96.7%	96.2%	97.1%	96.6%	95.7%	96.5%	95.2%
Delegation rate	93.8%	96.8%	96.5%	97.0%	97.2%	96.2%	97.5%	97%
Percentage of applications valid upon receipt				58.0%	39.2%	37.5%	37.7%	52.7%
Number of applications determined	629	590	571	639	564	603	560	531

PM1 – Decision Making

Major Developments (not subject to processing agreement)

	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Number of decisions	8	5	6	0	2	4	4	4
Average number of weeks to decision	21.5	12.6	24.3	-	9.5	10.2	13.1	11.1

Local (non-householder) Developments (not subject to processing agreement)

	Number of decisions	261	247	241	259	231	234	221	234
	Average number of weeks to decision	6.8	6.2	5.8	5.9	5.9	5.9	5.4	5.9
< 2 months	Percentage of decisions	93.1%	100%	100%	100%	99.1%	99.6%	99.6%	97.4%
< 2 months	Average number of weeks to decision					5.8	5.6	5.3	5.8
> 2 months	Percentage of decisions	6.9%	4.5%	2.5%	1.5%	1.7%	7.7%	3.6%	2.6%
> 2 months	Average number of weeks to decision					9.8	9.7	9.6	10.1

Householder Developments

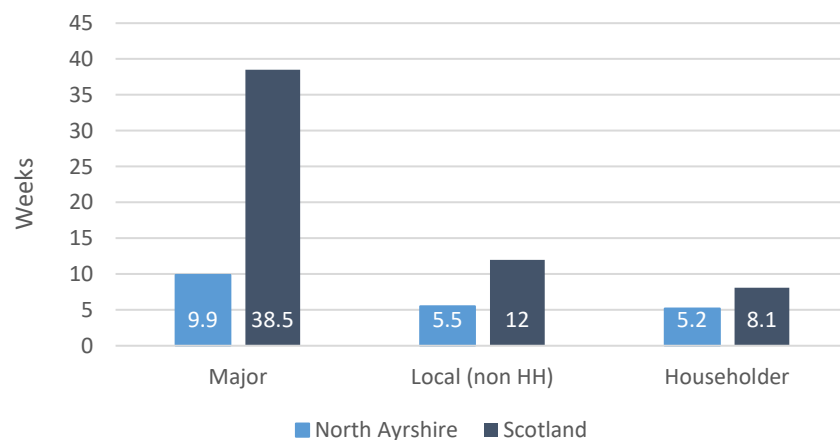
	Number of decisions	234	224	213	253	225	268	229	194
	Average number of weeks to decision	5.7	5.1	4.7	4.6	4.7	4.3	4.3	5.4
< 2 months	Percentage of decisions	99.1%	100%	100%	100%	99.1%	99.6%	99.6%	99.5%
< 2 months	Average number of weeks to decision					4.6	4.3	4.2	5.4
> 2 months	Percentage of decisions	0.9%	-	-	-	0.9%	0.4%	0.4%	0.5%
> 2 months	Average number of weeks to decision					8.6	8.7	9.9	8.7

2019/20 ● Our previous PPF Report again reported outstanding decision-making timescales. Our average timescale for determining local (non-householder) applications was faster than the previous year (5.4 vs. 5.9 weeks) while our timescales for householder applications remained at 4.3 weeks. There was small increase in timescales for major applications but the timescales for all three development types were faster than the Scottish average. The Scottish Government awarded us a green rating for Performance Maker 1 – Decision-making.

2020/21 Over the past twelve months we have largely been able to maintain our excellent decision-making timescales. We dealt with 9 major applications in total, with the four that did not have processing agreements determined in an average time of 11.1 weeks. This is an improvement on 13.1 weeks during 2019/20.

There was a small increase in average timescales for local (non-householder) applications, from 5.4 to 5.9 weeks and for householder applications, from 4.3 to 5.4 weeks. 99.5% of householder applications, however, continue to be determined within 2 months.

Figure 1: North Ayrshire average decision-making timescales vs. Scottish average, 2020/21 (Q1+Q2)



Development Management Overview

Our development management team has remained a team of six planners following an expansion from 5 to 6 planners in 2019/20. The team operates on a broadly area basis, with a 'west' team covering the north coast, Three Towns and Arran and 'east' team covering Irvine, Kilwinning, and the Garnock Valley. Each team is headed by a Senior Development Management Officer, while there is a planning officer dedicated to the Isle of Arran.

This arrangement provides senior overview of key issues within each area whilst allowing for flexibility for officers. It also reflects the distinctive nature and challenges of serving a large island within a predominantly mainland authority. This system gives the officers the chance to engage in a wide range of development management issues, increasing knowledge and skill base, whilst allowing them to focus on the ethos of providing timely decisions and first-class customer service. The Council's decision-making performance continues to be class leading with timescales in all classes of development consistently and significantly lower than the Scottish averages.

Other Development and Decision Types (not subject to processing agreement)

Housing developments – Major

	2018-19	2019-20	2020-21
Number of decisions	4	1	3
Average number of weeks to decision	10.2	21.1	9.6

Housing developments – Local

		2018-19	2019-20	2020-21
	Number of decisions	87	83	74
	Average number of weeks to decision	6.4	6.0	6.3
< 2 months	Percentage of decisions	92.0%	97.6%	97.3%
< 2 months	Average number of weeks to decision	6.1	5.9	6.2
> 2 months	Percentage of decisions	8.0%	2.4%	2.7%
> 2 months	Average number of weeks to decision	10.0	9.2	9.1

Business & Industry developments – Local

		2018-19	2019-20	2020-21
	Number of decisions	11	11	16
	Average number of weeks to decision	6.7	5.1	5.4
< 2 months	Percentage of decisions	72.7%	100%	93.8%
< 2 months	Average number of weeks to decision	5.8	5.1	5.2
> 2 months	Percentage of decisions	27.3%	-	6.3%
> 2 months	Average number of weeks to decision	9.2	-	8.9

NB: There have been 0 Business and Industry developments – Major, EIA Developments or Hazardous Substances applications in 2018-19, 2019-20 and 2020-21

Advertisements

	2018-19	2019-20	2020-21
Number of decisions	15	24	10
Average number of weeks to decision	3.8	3.8	5.9

Listed Building and Conservation Area Consent

	2018-19	2019-20	2020-21
Number of decisions	35	33	28
Average number of weeks to decision	10.2	5.9	6.0

Other Consents and Certificates

	2018-19	2019-20	2020-21
Number of decisions	45	45	55
Average number of weeks to decision	2.6	2.4	3.7

Local Reviews

	2018-19	2019-20	2020-21
Number of decisions	7	10	9
Average number of weeks to decision	71.4%	70%	77.8%

Appeals to Scottish Ministers

	2018-19	2019-20	2020-21
Number of decisions	2	1	0
Average number of weeks to decision	0%	100%	-

PM2. Processing Agreements

	2016-17	2017-18	2018-19	2019-20	2020-21
Number of major applications subject to processing agreement	6	5	2	6	5
Percentage of major applications subject to processing agreement	100%	62.5%	50%	75%	55%

PM3. Early Collaboration

	2016-17	2017-18	2018-19	2019-20	2020-21
Number of applications subject to pre-application advice	261	193	148	131	126
Percentage of applications subject to pre-application advice	41%	35%	24%	20%	28.7%

PM4. Legal Agreements

		2016-17	2017-18	2018-19	2019-20	2020-21
Major	Number	0	1	0	0	0
Major	Average number of weeks	-	13.9	-	-	-
Local	Number	0	0	0	0	0
Local	Average number of weeks	-	-	-	-	-

2019/20 ●●●

The Scottish Government's Performance Markers Report awarded us a green rating for the performance makers on processing agreements, early engagement and legal agreements for the 2019/20 reporting period. It noted that processing agreements were offered for all major applications and for complex local applications; that our report contained a number of examples of continuing positive pre-application engagement and clear and proportionate requests for supporting information; and that our website promotes both pre-application discussion and the use of processing agreements.

2020/21

We continue to encourage the use of processing agreements for all major and relevant local applications and last year five out of nine major applications were subject to such an agreement. Ensuring we use processing agreements proportionately assists us to project manage the formal application process and sets out what is expected of applicants in terms of information needed to reach a decision. The use of Processing Agreements is promoted and explained on our website ► <https://tinyurl.com/y2abqudl>

The Council offers free pre-application advice for all applications, which are recorded within Uniform ensure consistency of advice. This year we received 534 pre-application enquiries. Pre-application Advice for applicants ► <https://tinyurl.com/jmw6sw6w>

Again, no applications were determined with a legal agreement

Enforcement

PM5. Enforcement Charter

	2016-17	2017-18	2018-19	2019-20	2020-21
Time since enforcement charter published or reviewed (requirement: every 2 years)	23 months	9 months	21 months	10 months	0 months
Indicators and Statistics					
Complaints lodged and investigated	183	148	162	147	124
Cases taken up	157	146	103	105	64
Breaches identified	124	107	96	90	59
Cases Resolved	125	113	210	152	101
Notices Served	21	17	10	9	12
Direct Action	0	0	0	0	0
Reports to the Procurator Fiscal	0	2	0	0	0
Prosecutions	0	0	0	0	0

The Planning Service's Enforcement Charter was updated in March 2021 ► <https://tinyurl.com/eznyp4hs>

The overall downturn in enforcement statistics is attributable to COVID restrictions throughout the year. The periods of most sustained restrictions on movement saw only 14 cases being taken up. Even as restrictions eased, entry and inspection of particularly domestic properties was not carried out, in accordance with our Site Visit protocol and Government guidance. Notwithstanding, the Council was still able to take appropriate action where considered expedient to do so and the issue of twelve enforcement notices is consistent with previous year's enforcement work. It is anticipated there will be an upturn in enforcement workload when COVID restrictions are fully eased and the backlog of complaints lodged can be investigated fully.

Development Planning

Following the adoption of the North Ayrshire Local Development Plan, our second local development plan (LDP2) in November 2019, a draft Development Plan Scheme was published in March 2020 setting out an indicative programme for preparing and reviewing the local development plan and a statement on when, how and with whom consultation on the plan will take place.

In June 2020, the Planning Committee endorsed the Development Plan Scheme and our intention not to begin preparation of LDP3 under the 'old' legislation and regulations but to prepare our next LDP under new arrangements once they are laid in Parliament and published. It was expected that this would occur in December 2021 and an ambitious timetable was set out that would seek to see LDP3 adopted within five years of LDP2, in November 2024.

It was acknowledged that the proposed timetable for producing LDP3 would be subject to change as the full details of the system under which it will be prepared – and the implications of the coronavirus outbreak – were not yet known and understood. Subsequently, the commencement of the relevant legislative provisions has been delayed until Spring/Summer 2022.

While these implications, for example how the preparation of Local Place Plans can be facilitated, and their implications for the LDP3 timetable are considered we are progressing with audit work that will inform the Evidence Report. Audit work ongoing includes on town centres, Local Nature Conservation Sites, employment land and housing land. Our 2019/20 Housing Land Audit was the first to be agreed with Homes for Scotland in recent years as we continue to work closely with the housebuilding industry to deliver new homes in North Ayrshire.

Another key focus of the Strategic Planning team during 2020/21 has been the implementation of the Planning (Scotland) Act 2019. We have responded to consultations on the National Planning Framework, short-term let controls, permitted development rights and mediation and led on Heads of Planning Scotland's engagement with Scottish Government on Local Place Plan. Joint working with neighbouring authorities has been re-established to prepare an indicative Regional Spatial Strategy for Ayrshire, setting out the region's priorities for NPF4.

► LDP webpage: <https://tinyurl.com/yym1blen>

► Development Plan Scheme: <https://tinyurl.com/y6a2g933>

PM7. Local Development Plan	2019/20 ●
PM8. Development Plan Scheme	2019/20 ●

	2016-17	2017-18	2018-19	2019-20	2020-21
Age of local development plan at end of reporting period (requirement: < 5 years)	2 years, 10 months	3 years, 10 months	4 years, 10 months	4 months	1 year, 4 months
Will the local development plan be replaced by its fifth anniversary according to the current development plan scheme?	Y	Y	N	Y	Y
Was the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	N	N	N	N/A	N/A
Were development plan scheme engagement/ consultation commitments met during the year?	Y	Y	Y	N/A	N/A

Land Supply and Development

NB. Latest Housing Land Audit covers 2019/20. Last Employment Land Audit completed in 2017.

Indicators & Statistics	2015-16	2016-17	2017-18	2018-19	2019-20
Established housing land supply (units)	8800	9249	9110	8620	9115
5-year effective housing land supply – programming (units)	2674	2405	2443	2491	2558
5-year effective housing land supply – total capacity (units)	7012	4984	4714	5099	4888
5-year housing supply target (units)	2090	1585 ¹	1585 ¹	1585 ¹	2036²
5-year effective housing land supply (years)	6.4	7.6	7.7	7.9	6.3
Housing approvals (units)	580	451	551	378	892
Housing completions over last 5 years (units)	1491	1350	1359	1541	1510
Marketable employment land supply (ha)	-	416 ²	416 ²	416 ²	242³
Employment land take-up (ha)	-	-	-	-	-

¹ Housing Supply Target updated from Local Housing Strategy 2018-22 agreed by Cabinet 12 December 2017

² Figure from adopted Local Development Plan (November 2019)

³ Figure from draft Employment Land Audit 2021 following review of all employment sites.

PM11. Regular and Proportionate Advice

- 2019/20** ● The Scottish Government's feedback on last year's PPF acknowledged that we had commenced a review of your supplementary guidance and you intend to develop advice on climate change in response to the council's declaration of the Climate Emergency.
- 2020/21** A comprehensive review of our supplementary and other planning guidance is ongoing following the adoption of the Local Development Plan in November 2019, which forms the basis of our proportionate approach to providing policy advice. In September 2020, updated appraisals for 10 of our Conservation Areas were adopted as non-statutory supplementary guidance and in March 2021 a draft policy guidance note on new housing in the countryside was approved for consultation. Guidance on climate change and sustainability will be prepared following the publication of the Council's strategy on this important subject.
- Planning Guidance: <https://tinyurl.com/yajqprto>

PM14. Legacy Cases

	2016-17	2017-18	2018-19	2019-20	2020-21
Number of cases cleared during reporting period	3	2	0	1	0
Number remaining	4	2	2	1	1

- 2019/20** ● At the end of March 2020, the number of legacy cases (applications over 1 year old) had reduced to one. The remaining legacy case relates to a key regeneration project under development and the applicant has indicated the intention to retain the application.
- 2020/21** No change.
- Officers continue to ensure that all new applications are progressed effectively, pro-actively managing cases using a range of approaches including weekly programming meetings, time management of casework, use of processing agreements, and pre-application discussions to enable 'right first time' submissions. We continue to focus on negotiating out issues which, in the past, would have resulted in S75 obligations, which limit the likelihood of an increase in legacy cases in the future.

PM15. Developer Contributions

- 2019/20** ● The Scottish Government feedback rated us 'green' against this Performance Marker, noting where contributions are required your LDP policy sets out the requirements.
- 2020/21** As noted last year, to support development and regeneration in North Ayrshire we do not routinely require developer contributions. The LDP expects most of the new development to be directed towards sites that have infrastructure or services in place. Where further provision is required, the Supporting Development Objective: Infrastructure and Services policy within the LDP (p.16) sets out clear and proportionate expectations and the need for relevant assessments is highlighted alongside each development site where potential infrastructure deficiencies are known: [Local Development Plan](#) ► <https://tinyurl.com/y8e79jgn>

Part 3 – Service Improvements

Delivery of service improvement actions committed in previous year and planned service improvements in 2021/22

2020/21		2021/22	
2019/20 Commitment	Progress		2020/21 Commitment
Ayrshire Growth Deal: Support the Director of Growth and Investment in the implementation of the Ayrshire Growth Deal in North Ayrshire and the wider growth and investment opportunities. Progress completion of Masterplan for Ardrossan North Shore.	✓ Planning represented on Programme Boards for Growth Deal projects. ✓ Ardrossan North Shore Development Framework approved at Planning Committee in April 2021	Repositioning the Planning Service to promote Placemaking	Continued commitment for 2021/22 Progress Masterplan for Hunterston in partnership with site owners.
Support economic recovery and renewal following COVID-19 by contributing to a cross service/Council approach to economic development centred on placemaking and Community Wealth Building.	🔄 Ongoing. Planning represented on the Regeneration Sounding Board and Inward Investment Group.	Repositioning the Planning Service to promote Placemaking	Continued commitment for 2021/22 with focus on supporting business.

<p>Housing: Continue to support delivery of the Council's ambitious council house building programme, ensuring proposals contribute to good placemaking through Design Team meetings and Certificate of Lawful Development applications.</p> <p>Engage with developers, including through preparation of the Housing Land Audit, maintain increase in private housebuilding</p>	<p>✓ Certificate of Lawful Development applications now submitted by Housing Service for all Council housing schemes, following agreed protocol that means the Planning Service are involved at the Design Stage.</p> <p>✓ Housing Land Audit approved by Homes for Scotland</p>	<p>Repositioning the Planning Service to promote Placemaking</p>	<p>Continue to support delivery of the Council's ambitious council house building programme and private sector housing in North Ayrshire.</p> <p>Promote development of smaller sites to SME builders.</p>
<p>Development Management: Continue to provide an efficient and effective Development Management Service.</p>	<p>✓ Sector leading performance maintained</p>	<p>Driving Improved Performance</p>	<p>Continued commitment for 2021/22</p>
<p>Service Delivery: review changes to service delivery necessitated by COVID-19 potential opportunities to improve robustness of service delivery.</p>	<p>✓ Idox DMS upgraded to version 5.1, incorporates enhancements including, new insert email functionality, new Idox Viewer for DMS, new document viewer and new redaction features.</p>	<p>Driving Improved Performance</p>	<p>Continued commitment for 2021/22 as new ways of working are confirmed post-pandemic, including commitment to enhance digital delivery</p>
<p>Deliver the emerging provisions of the Planning Act 2019.</p>	<p>✓ Engagement in a number of workstreams, including via HOPS Executive and sub-groups, as the Scottish Government implements the new Planning Act and prepares NPF4</p>	<p>Meeting Statutory Requirements</p>	<p>Continued commitment for 2021/22 including developing an approach to support communities to prepare Local Place Plans.</p>

<p>Development Planning: Following the timetable set out in the Development Plan Scheme, develop Evidence Base to inform LDP3.</p> <p>Explore how Community Wealth Building can be embedded within the new LDP.</p>	<p>✓ Proposal to prepare a Draft Evidence Report delayed due to COVID but audits underway to inform the next LDP along with establishment of regulate cross-Service meetings to share information and promote corporate approach.</p>	<p>Promoting the Plan-led System</p>	<p>Continued commitment for 2021/22</p>
<p>Supplementary Guidance: implement work programme for the comprehensive review of supplementary and other planning guidance to provide proportionate and up-to-date guidance to support applications.</p>	<p>🔄 Ongoing during the last 12 months, including engagement with Development Management officers on the implementation of Housing in the Countryside Policy and commitment to develop policy advice relating to climate change in response to the Council declaring a 'Climate Change Emergency'.</p>	<p>Promoting the Plan-led System</p>	<p>Continued commitment for 2021/22, including preparation of Climate Change Planning Guidance.</p>
<p>Clyde Regional Marine Plan: Working as part of the Clyde Regional Marine Planning Partnership to adopt a Regional Marine Plan for the Clyde.</p>	<p>✓ Draft Clyde Regional Marine Plan submitted to Scottish Ministers</p>	<p>Promoting the Plan-led System</p>	
<p>Promotion: Continue to highlight examples of good practice and excellence within the service.</p>	<p>✓ The Service continues to highlight examples of good practice and excellence within the Service e.g. Community Wealth Building and Planning webinar</p>	<p>Promoting Planning</p>	<p>Chief Planner to continue to lead the promotion and positioning the Planning Service to promote Placemaking as an influential voice in corporate and community planning.</p>

Workforce Information

	Tier 1 <i>Chief Executive</i>	Tier 2 <i>Director</i>	Tier 3 <i>Head of Service</i>	Tier 4 <i>Manager</i>	
Head of Planning Service				✓	See Appendix 2

Headcount	Chartered RTPI	Licentiate RTPI	All
Development Management	2	3	6
Development Planning	2	2	4
Technical Support			4
Total (inc. Senior Manager)	5	5	15

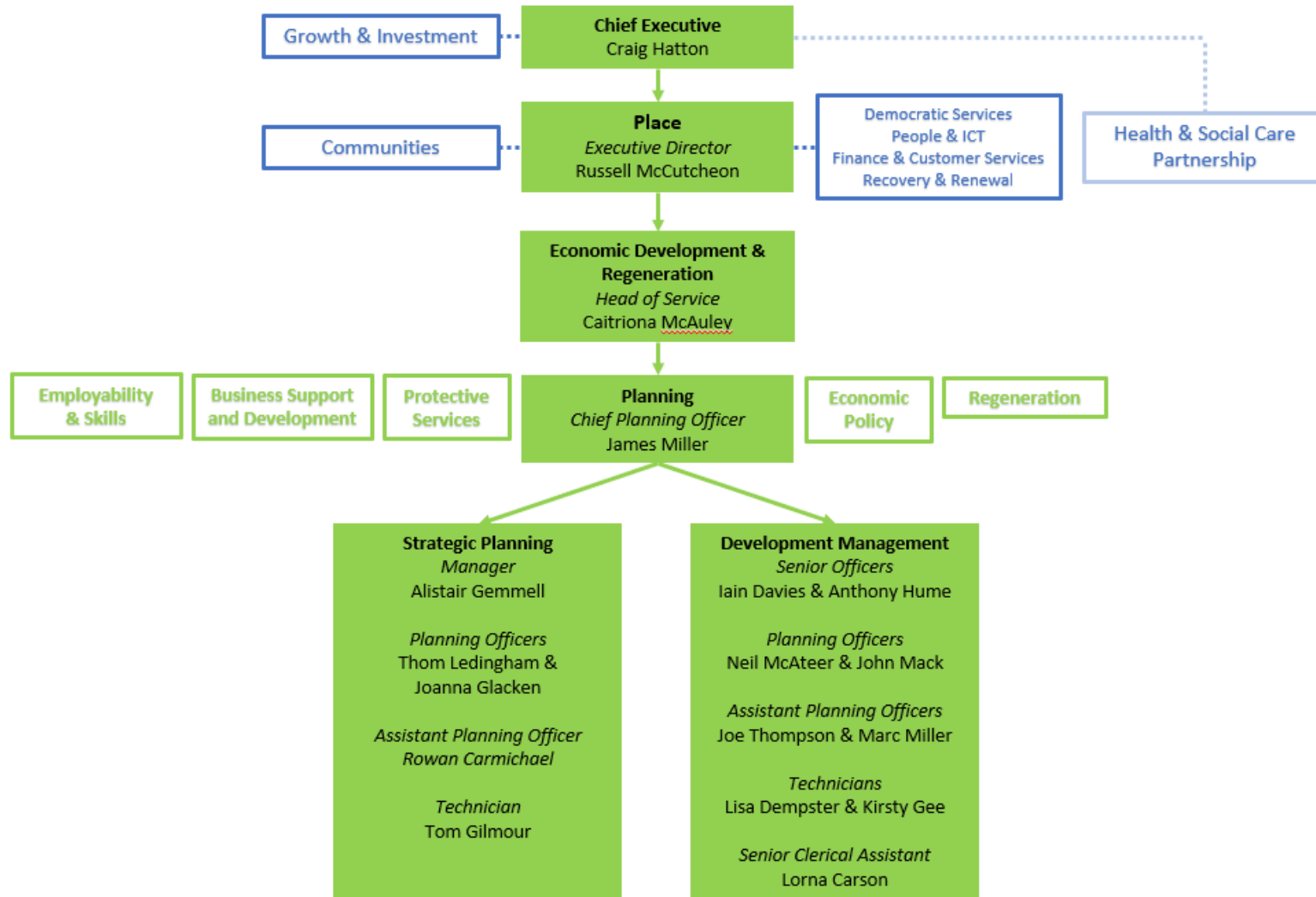
	Age Profile
Under 30	3
30-39	5
40-49	3
50 and over	4

Planning Committee Information

Committee & Site Visits	Number per year
Full Council meetings	7
Planning committees	9
Area committees	n/a
Committee site visits	0
Local Review Body	11
Local Review Body site visits	0

Appendix 1 – Corporate Structure

(at 31st May 2021)



Our Contact Details

For more information or advice, please contact:

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This Planning Performance Framework can be made available in other formats such as on audio tape, on CD, in Braille or in large print.
We can also provide it in other languages if you ask us to.