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## NORTH AYRSHIRE COUNCIL

24th May 2023

### Planning Committee

Locality	North Coast and Cumbraes
Reference	22/00712/MSCM
Application Registered	25th October 2022
Decision Due	25th December 2022
Ward	North Coast

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Former Coal Terminal Hunterston West Kilbride Ayrshire
<b>Applicant</b>	XLCC F.A.O. Mr David Kelly
<b>Proposal</b>	Submission of details pertaining to pre-commencement conditions relating to erection of a high voltage cable manufacturing facility

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### 1. Description

This can be ascertained by reference to the attached plans and photographs.

Planning permission in principle (ref: 22/00133/PPPM) ("the PPPM") was granted 29th June 2022 for the erection of a high voltage cable manufacturing facility, with associated factories, research and testing laboratories, offices with associated stores, transport, access, parking and landscaping with on-site generation and electrical infrastructure and cable delivery system. This permission also gave detailed permission, subject to conditions, for the construction of a 185m high extrusion tower.

This application seeks approval for the details required by the PPPM. This report also sets out the details submitted for approval in relation to the relevant conditions of the detailed permission for the tower.

A separate application has been made to vary the terms of Conditions 11 and 12 of the permission (ref: 23/00131/PP).

The PPPM has various conditions which control the development. Condition 1 limits the use of the site to the very specific development sought. Conditions 2 to 5 and 7 to 10 set out the

matters for which the approval of North Ayrshire Council, as Planning Authority, is required. Permission to vary the terms of Condition 9 (and Condition 18 relating to the tower) was granted by the Planning Committee 22nd March 2023. Condition 6 sets out works to be done but requires no further submission and as such does not form part of this application.

The required details are as follows:

*2. the siting, design and external appearance of all building and external plant or machinery, including landscaping, means of access, internal roads, external lighting, sustainable travel plan and low and zero carbon technology.*

*3. an assessment of on-site heat recovery and re-use, or a heat network infrastructure plan, or demonstrable evidence that such schemes have been explored but are not feasible for technical or economic reasons.*

*4. Construction Management Plan and Code of Practice, including details for monitoring and action against non-compliance. For the avoidance of doubt this shall include an assessment of use of the rail and port connections as a first principle and the prohibition of the use of the A78 through Fairlie, the B780/B781, the C26 and all local non-classified roads by construction vehicles and details of management of impact on the core path and cycle route network.*

*5. details of an appointed Ecological Clerk of Works (ECoW). The details shall include contact details, the scope and responsibilities of the ECoW as well as confirmation of their power to halt or otherwise stop works which are not in accordance with the mitigation measures identified in the EIA or others, as may be approved.*

*7. Dust Management Plan including the measures detailed under Mitigation Measures Adopted as Part of the Project in Chapter 13 Air Quality of the submitted EIA report dated February 2022. All documentation be verified by a suitably qualified Environmental Consultant.*

*8. an assessment of the details in terms of the rated noise level, as defined in BS4142:2014+A1:2019, from the operation of the facility. The assessment must demonstrate that the noise from the operation of the facility will not exceed the background noise level at the curtilage of any existing or consented noise sensitive property at the time of application and include details of a monitoring scheme for the first 12 months of operation of the facility.*

*9. a scheme to treat surface water arising from the or otherwise affecting the site, prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C7453, published November 2015) and the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, and certified by a suitably qualified person. Any scheme approved shall include details of proposed ground levels, finished floor levels, and pre & post development overland flows that shall demonstrate that people and property would not be put at flood risk during the designed storm event (1 in 200 return period plus an allowance for climate change and urban creep) when the capacity of the proposed infrastructure is exceeded.*

*10. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a habitat survey dated not more than 1 year prior to the date of the submission of the application.*

Conditions 13 to 21 of the permission relate specifically to the tower, for which detailed permission was granted. These conditions require the following:

*13. That prior to commencement of the development of the tower, details of the external finish shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development will thereafter be undertaken in accordance with any details as may be approved and the tower maintained with those details unless otherwise agreed in writing with the Planning Authority.*

*14. That prior to the commencement of the development of the tower, a Dust Management Plan for the control of dust from the construction of the tower shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Thereafter the development shall be undertaken in accordance with any Plan as may be approved.*

*15. That prior to the commencement of the development of the tower, a Construction Management Plan and Code of Practice, including details for monitoring and action against non-compliance shall be submitted to North Ayrshire Council, as Planning Authority, for approval. Thereafter the construction shall be carried out only as approved by the Plan and Code of Practice. For the avoidance of doubt this shall include an assessment of use of the rail and port connections as a first principle and the prohibition of the use of the A78 through Fairlie, the B780/B781, the C26 and all local non-classified roads by construction vehicles and details of management of impact on the core path and cycle rout network.*

*16. That prior to the commencement of the development of the tower, details of an appointed Ecological Clerk of Works (ECoW) shall be submitted to North Ayrshire Council, as Planning Authority, for approval. The details shall include contact details, the scope and responsibilities of the ECoW as well as confirmation of their power to halt or otherwise stop works which are not in accordance with the mitigation measures identified in the EIA or others, as may be approved. The development will thereafter be undertaken only with the oversight of the appointed ECoW.*

*18. That prior to the commencement of the development of the tower, that a scheme to treat surface water arising from the or otherwise affecting the site of the tower, prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C7453, published November 2015) and the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, and certified by a suitably qualified person, shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Thereafter, the certified scheme shall be implemented prior to the completion of the development of the tower and maintained thereafter to the satisfaction of North Ayrshire Council, as Planning Authority.*

*19. Prior to the commencement of the tower, confirmation that the basement proposals are sufficiently flood resilient/resistant, including an accompanying certified flood management plan suitably addresses residual flood risk at the site from all sources of flooding, certified by a suitable qualified person, shall be submitted in writing for the written approval of North Ayrshire Council, as Planning Authority.*

*20. In the event that the works to commence the tower are not undertaken within 1 year of the date of this permission, an updated habitat survey dated not more than 1 year prior to the date of commencement shall be submitted to North Ayrshire Council, as Planning Authority, for written approval prior to the commencement.*

*21. Prior to the commencement of the development, details of omni-directional red aviation warning lights to be fitted to the tower shall be submitted to North Ayrshire Council, as Planning Authority, for approval in consultation with Prestwick Airport, Air Traffic Control and the Ministry of Defence. The lighting will thereafter be fitted and retained thereafter in accordance with any details as may be approved.*

The PPPM application was a "major" development, in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. A pre-application consultation (PAC) was carried out in accordance with the Regulations in relation to the application. The proposal was also scoped in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 on 17th December 2021 (ref: 21/01094/EIA). An EIA was submitted and considered as part of the PPPM application.

As permission in principle has been granted, and detailed permission for the tower, the principle of the development is established. The details submitted must be assessed against the requirements of each condition and where relevant the policies of the Local Development Plan adopted November 2019 (LDP) and the National Planning Framework (NPF4) adopted February 2023.

The relevant LDP policies include Strategic Policy 2: Placemaking; Policy 15: Landscape and Seascape; Policy 16: Protection of our Designated Sites; Policy 23: Flood Risk Management; Policy 27: Sustainable Transport and Active Travel; Policy 29: Energy Infrastructure Development; and Policy 31: Future Proofing for Heat Networks.

The relevant NPF4 policies include Policy 4, which states that development which affects SSSIs will be supported where the overall integrity of the area is not compromised, Policy 10, states that development in developed coastal locations will be supported where it does not result in the need for further coastal protection measures, Policy 13, which requires development to be considered in terms of sustainable travel, Policy 14, which is a reiteration of Strategic Policy 2 of the LDP, Policy 19, which requires consideration of the possibility of a heat network; Policy 22, which states that development in flood risk areas will only be supported in certain circumstances, and Policy 23, which requires developments to take account of air quality and noise impacts.

## **Relevant Development Plan Policies**

### **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 15-Landscape & Seascape

### Policy 15:

#### Landscape and Seascape

We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

- a) **National Scenic Areas**  
Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:
  - i) the objectives of the designation and the overall integrity of the area will not be compromised; or
  - ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- b) **Special Landscape Areas**  
We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.
- c) **Wild Land**  
We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.
- d) **Local Landscape Features**  
Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:
  - i) patterns of woodlands, fields, hedgerows and trees;
  - ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
  - iii) settlement setting, including approaches to settlements;
  - iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;
  - v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

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.

Detailed Policy 23-Flood Risk Management  
Policy 23:

## Flood Risk Management

We will support development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans. We will also support schemes to manage flood risk, for instance through natural flood management, managed coastal realignment, wetland or green infrastructure creation.

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

- o Clearly set out measures to protect against, and manage, flood risk.
- o Include sustainable urban drainage systems (SuDS) where surface water is proposed to be discharged to the water environment, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended.
- o Include provision of temporary/construction phase SuDS.
- o include appropriate long-term maintenance arrangements.
- o Be supported by an appropriate flood risk assessment where at risk of flooding from any source in medium to high risk areas and for developments in low to medium risk areas identified in the risk framework (schedule 7).
- o Take account of SEPA's flood risk and land use vulnerability guidance (2018) and any relevant updates to, or replacements of this guidance.

## Detailed Policy 27

### Sustainable Transport and Active Travel

We will support development that:

- o contributes to an integrated transport network that supports long term sustainability
- o reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- o provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- o reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.
- o takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.
- o considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.
- o enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of



infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.

- o considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gailes.

Proposals are expected to include an indication of how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.

We will take account of:

- o the implications of development proposals on traffic, patterns of travel and road safety.
- o Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.
- o the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
- o the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.
- o committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
- o specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
- o The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
- o The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
- o The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.  
Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

National Development:

The National Walking and Cycling Network (NWCN) was designated as a national development within the National Planning Framework (NPF3). This is an ambitious project which aims to grow Scotland's network of paths from 6,000 to 8,000 km by 2035. Key routes in North Ayrshire which will contribute to this network are detailed below. These are being developed in partnership with Sustrans and Scottish Natural Heritage as lead organisations for the delivery of the NWCN.

These include the development of an off-road alignment for:

- o National Cycle Network (NCN) Route 73 (North) between Brodick and Corrie on the Isle of Arran
- o NCN Route 753 between Skelmorlie and Ardrossan
- o While not explicitly referenced in NPF3, support will be given to development of an off-road alignment for NCN Route 7 between Kilwinning and Kilbirnie.

## 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 31 - Future Proofing for Heat Networks

##### Policy 31:

##### Future Proofing for Heat Networks

We will support proposals for the creation or enhancement of district heat networks in as many locations as possible in North Ayrshire (even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future).

We will seek to identify and safeguard existing and future heat network generation and distribution infrastructure, including piperuns and pipework within, and to the curtilage of, new developments.

Proposals for development that constitute a significant heat source or substantial development\* which would not result in the creation or enhancement of district heat networks should include:

- i) provision for on-site heat recovery and re-use infrastructure; or
- ii) a heat network generation and distribution infrastructure plan (a district heating plan), taking into account the potential to connect to future heat demand sites; or
- iii) demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical (proximity, geography, safety etc) or economic reasons.

\* 'Substantial' developments consist of urban extensions, large regeneration areas or large development sites subject to master planning or large mixed use developments and major sites (50 residential units and above). There is, however, an element of judgment that will need to be applied here and it might be that some other locations offer significant potential for heat networks due to their local context, support from the local authority, and 'buy in' from developers.

## **2. Consultations and Representations**

Neighbour notification was carried out and the application was advertised. There have been 4 objections. The objections can be summarised as follows:

1. Cladding of the tower, which was shown at the public events, has been removed. The proposal for exposed concrete is not a satisfactory solution. An alternative finish is required.

*Response: Noted. The applicant has stated they would prefer bare concrete. However, they have also proposed painting to match Hunterston B. These options are considered below.*

2. The lack of a heat network plan and renewable energy on site is disappointing.

*Response: Noted. The requirement of Condition 3, is based on Policy 29 of the LDP. This requires an assessment of heat network potential but does not require that there must be a network. It is noted there are no other developments which could combine to produce a network. However, the potential for a network remains should Hunterston be developed further.*

3. There does not appear to be any details relating to dust, a Construction Management Plan, or how the cable would be transferred along the jetty. The proposed elevated transfer system along the jetty would be visually intrusive. Not all details have been submitted. The Chief Planning Officer stated that any future applications would contain all details.

*Response: A Construction Management Plan has been submitted and is assessed below. Cable transfer details have been submitted. The transfer system would be sited at 3m or ground level when on the jetty. The details for all the necessary conditions have been submitted. Some conditions do not require details to be agreed in advance whilst others are to subject of applications to vary, as is permitted by the Planning Acts.*

4. Noise. It is not considered the noise report is adequate. The locations of the monitoring sites in Fairlie were on the shore. Monitoring should be carried out in the upper parts of the village. There is also no noise assessment from the cable tensioner/roller pathway.

*Response: NAC Environmental Health has been consulted and has no objection to the submitted report. The whole development would have to comply with any noise requirements including the any plant to transfer the cable along the jetty.*

5. The development should not be permitted. There will be no economic benefit to the area. The product will soon be obsolete as there are better methods for producing cable.

*Response: The principle of the development has already been approved. Issues such as economic benefit were considered in the previous application. Such issues are not material to this application nor is the technology for alternative products.*

### Consultations

**Transport Scotland** - No objections.

**NAC Active Travel and Transportation** - No objections. A Traffic Management Plan (TMP) should be submitted which restricts construction vehicle movements from specific unsuitable routes i.e. the C26 and local unclassified roads, the B780/B781, and the A78 through Fairlie

*Response: The applicant has submitted a Traffic Management Plan which stipulates a route which avoids those roads. A condition could be added to any permission requiring compliance with the TMP.*

**Network Rail** - No objections.

**NAC Environmental Health** - No objections. The submitted Dust Management Plan meets the requirements of Conditions 7 and 14. The submitted acoustic assessment reports, including the updated report dated 31st March 2023, which includes recent monitoring on Cumbrae, confirm that predicted rated noise level will not exceed background noise level at the curtilage of any existing or consented noise sensitive property at the time of application. Conditions should be imposed to ensure the Dust Management Plan is carried out and the development operates in accordance with the noise levels.

*Response: Noted. Such conditions could be added to any permission.*

**NAC Flooding** - It was initially noted that Conditions 9 and 18 could not be met due to the proposed Finished Floor Levels (FFLs). However, it is now noted that Conditions 9 and 18 have been varied by the Planning Committee to remove reference to a specific FFL. Some anomalies in the submitted reports are pointed out. Further information was also requested about specific parts of the development.

*Response: Noted. NAC Flooding comments have been responded to by the applicant as follows:*

The references to "very low risk" instead of "no risk" and the Society of Chief Officers of Transportation in Scotland instead of SEPA are noted. The proposed mobile water storage tank would be a lorry, with dedicated parking within the site. Details of the automatically closable outfall, to reduce risk of firefighting water entering drainage system, has been provided as has a route for the culvert diversion. Details of flow routes for flooding run off have also been provided.

NAC Flooding has confirmed that they have no objections to the overall scheme.

**Fairlie Community Council (FCC)** - FCC consider the development will make the village an undesirable place to live. The submission of the planning permission in principle and now a full application has meant the proposal has been 'salami sliced' and the Committee has not been able to assess the application in its entirety. Fairlie village existed before the port,

which was built to sustain the Ravenscraig steelworks. The steelworks no longer exist and impacts from the port have decreased as the port no longer receives coal imports. The incident of drillships breaking free from the port show that the port operator is not fit for purpose. The applicant has no experience of carrying out such a development.

No details of the structure to convey the cable from land to the jetty and vessel have been provided. The proposed use of rail transport is positive. However, the use of diesel engines has caused noise disturbance. The line into the yard should be electrified. New infrastructure is required to replace the road route through Fairlie.

The development will negatively impact on leisure and water and air quality. The FCC does not believe that the operation of the development can meet an acceptable noise level. The FCC has submitted its own appraisal by a noise consultancy. This disagrees with the report submitted by the applicant. Reference is made to previous permissions, where FCC disagreed with the noise assessments and a valid survey of background noise levels is considered to be required. They consider that the noise will be above background levels. There will also be problems with vibration. The cable laying vessel and use of the port will also cause noise nuisance.

The proposed cable is not as environmentally friendly as other technologies, it is not recyclable and requires high quantities of energy to produce. The cost of setting up the development is prohibitive and the return on investment is uncertain.

*Response: The Planning Acts allow for the submission of applications for permission in principle. It should be noted that the permission granted by the Planning Committee was for the principle of the factory but full permission for the tower. Given the current permission, the principle of the development is not a material consideration for this application. The Hunterston port and yard exist and are established industrial sites. The operator of the port is not a material consideration for this application nor the background of the applicant.*

*There are no toxic air or sea discharges proposed by the development. The effect on air quality has been considered. The applicant has confirmed that no odours etc will be emitted by the site when in operation. NAC Environmental Health has been consulted and has no objections. Noise and other potential amenity impacts are considered further below. The railway exists and the use of diesel trains or otherwise is not a material consideration for this application. It is noted the railway is used for transportation of material from Hunterston B.*

*The port exists and no planning permission is required for vessels using the port. The type of cable to be produced or the capital required to set up the development or the potential return are not material planning considerations.*

**Cumrae Community Council (CCC)** - CCC has concerns about the submitted noise report and particularly the perceived lack of information relating to Cumrae. In the experience of residents looking towards Hunterston, lighter coloured structures are considered to stand out. A bare concrete tower would make the tower more visible.

**Response: Noted. The concerns regarding noise monitoring on Cumrae were put to the applicant. Further monitoring was undertaken on Cumrae and an updated report dated 31st March 2023 submitted. This has been assessed by NAC Environmental Health as set out above. In terms of colour, the concerns over bare**

**concrete have also been put to the applicant. They are proposing either bare concrete or paint to match Hunterston B. This is analysed further below.**

**West Kilbride Community Council (WKCC) and Largs Community Council (LCC) were also consulted but no comments have been received.**

### **3. Analysis**

All planning applications require to be assessed against the relevant policies of the North Ayrshire Local Development Plan (LDP) adopted November 2019, NPF4 adopted February 2023 and all other material considerations.

Planning permission has already been granted in full for the tower and in principle for the rest of the factory. The principle of the development is not therefore a material consideration. This application requires the details submitted in respect of each application to be assessed.

*2. the siting, design and external appearance of all building and external plant or machinery, including landscaping, means of access, internal roads, external lighting, sustainable travel plan and low and zero carbon technology.*

The proposed factory buildings would be utilitarian in design and external appearance as may be expected for such a development. They would be up to approx. 27m in height and largely screened from the south, east and north by the existing topography and woodland. They would be viewed in the context of the permitted tower and the wider industrial area including the construction yard and nuclear power stations. The buildings would be finished in grey cladding. The siting, design and external appearance of the buildings are considered to be acceptable.

The external plant would comprise a system to transport cables from the factory along the jetty. This would be a cable pathway exiting the factory at a height of approx. 13.4m dropping to 10m in height to cross the railway line and then to 3m in height before the final section being partially within an existing service trench along the jetty. A moveable loading arch and loading arms would be sited on the jetty to aid loading onto any vessel. The higher parts of the plant would be viewed in the context of the factory buildings. It is noted the height would allow the railway to continue to be utilised and that the plant would drop down to 3m and then ground level on the jetty where it could be more visible.

There would be landscaping around the edges of the factory site including grass and ornamental planting, with trees in the car parks and SUDs area. The scope for landscaping is limited given the location and scale of the development. However, the proposed landscaping is considered to be acceptable, and a condition could be attached to any permission requiring it to be carried out and any planting which dies or otherwise fails to be replanted.

Vehicular access would be through the existing access from the A78 at the Southannan Roundabout. The access into the factory would be at the north-western corner and utilise an existing estate road which runs along the northern and eastern sides of the proposed factory. There would be a car park for the office staff at the north-western corner with the main service yard being in the north-eastern corner of the site. Parking for production staff

would be at the south-eastern corner. There would be a cycle route from the main access to the production parking area and a primary pedestrian route through the whole site connecting the access, car parks and buildings. There would emergency vehicular access at the southern and eastern boundary.

External lighting would be provided by a mixture of LED lights mounted on the walls of the buildings at 10m in height or pole mounted at 8m in height. Along the cable transportation route, 3m high pole mounted gantry lights would be installed. As above, the main factory area would be largely screened in views from the east, south and north given the topography and woodland. Views from Cumbrae to the west would be from a minimum of 2.5km. The gantry lighting for the cable transportation route would be more visible, particularly on the jetty. However, given the height and purpose of the lighting it is considered to be appropriate for the development. Lighting would be motion sensitive and timed. NAC Environmental Health has been consulted and has no comments in respect of lighting.

A workplace travel plan has been submitted. This sets out a commitment to support sustainable and active travel. It aims to encourage staff to switch to more sustainable travel to work and minimise the impact of the development on the road network and environment during the operation of the factory through vehicle movements. It provides a methodology for carrying out baseline studies following operation and monitoring. NAC Active Travel and Transportation has been consulted and has no comments in respect of this travel plan. A condition could be added to any permission requiring the travel plan to be implemented.

*3. an assessment of on-site heat recovery and re-use, or a heat network infrastructure plan, or demonstrable evidence that such schemes have been explored but are not feasible for technical or economic reasons.*

An assessment of the potential for low and zero carbon renewable energy has been submitted. It is not considered that renewable energy including solar power, or ground or air source heat pumps would be viable within the site given the orientation, maintenance costs or the amount of power which could be gained. Direct connection to a solar array outwith the site is being explored but would not form part of this application. LED lighting is proposed to reduce energy usage. A local heat network for the wider Hunterston area has also been considered but as this development would be the first, it is considered there is no scope at present. The applicant states they would explore a network if one became available. The details provided and the reasons for discounting specific energy types is noted. The development would have to be granted a Building Warrant and would have to meet the requirements of Building Regulations in terms of reduction of emissions.

The details submitted in respect of Condition 2 and 3 are considered to accord with Strategic Policy 2; Policy 15; Policy 27; Policy 29 and Policy 31 of the LDP and Policy 14 and Policy 19 of NPF4.

*4. Construction Management Plan and Code of Practice, including details for monitoring and action against non-compliance. For the avoidance of doubt this shall include an assessment of use of the rail and port connections as a first principle and the prohibition of the use of the A78 through Fairlie, the B780/B781, the C26 and all local non-classified roads by construction vehicles and details of management of impact on the core path and cycle rout network.*



Condition 15 is essentially a reiteration of the above condition but relates directly to the tower.

A Construction Management Plan (CMP) and Code of Practice has been submitted. This sets out how the development will be undertaken in order to minimise disruption through the construction period. The CMP confirms that the rail and port connection will be considered for each package of works. Any road traffic will avoid the specified roads. Details of how this would be managed and reported are provided including the training schedule for each level of management. Condition 15 requires the tower to be built in accordance with any management plan and a condition could be attached to any permission for the factory to also be built in accordance with the CMP. The details submitted in respect of Conditions 4 and 15 are considered to accord with Strategic Policy 2, Policy 27 of the LDP and Policy 14 of NPF4.

*5. details of an appointed Ecological Clerk of Works (ECoW). The details shall include contact details, the scope and responsibilities of the ECoW as well as confirmation of their power to halt or otherwise stop works which are not in accordance with the mitigation measures identified in the EIA or others, as may be approved.*

Condition 16 is essentially a reiteration of the above condition but relates directly to the tower.

Details of an appointed ECoW have been submitted. This includes the detail of the person with overall responsibility and the details and qualification of the appointed team. The scope and responsibilities, including power to stop works, are set out. Condition 16 requires the tower to be built only with the oversight of the ECoW and a condition could be added to any permission for the factory to also be built in accordance with this requirement. These details are considered to be acceptable in terms of Policy 16 of the LDP and Policy 4 of NPF4.

*7. Dust Management Plan including the measures detailed under Mitigation Measures Adopted as Part of the Project in Chapter 13 Air Quality of the submitted EIA report dated February 2022. All documentation be verified by a suitably qualified Environmental Consultant.*

Condition 14 is essentially a reiteration of the above condition but relates directly to the tower.

The submitted CMP includes a Dust Management Plan which relates to both the factory and the tower. NAC Environmental Health has been consulted on the plan and has no objection. Condition 14 requires the tower to be built in accordance with any management plan and a condition could be added to any permission for the factory to also be built in accordance with this plan. The details submitted in respect of Conditions 7 and 14 are considered to accord with Strategic Policy 2: Placemaking of the LDP and Policy 14 and Policy 23 of NPF4.

*8. an assessment of the details in terms of the rated noise level, as defined in BS4142:2014+A1:2019, from the operation of the facility. The assessment must demonstrate that the noise from the operation of the facility will not exceed the background noise level at the curtilage of any existing or consented noise sensitive property at the time of application and include details of a monitoring scheme for the first 12 months of operation of the facility.*

An assessment of the rated noise level has been submitted. FCC's objection to the assessment is noted. However, the submitted report has been assessed by NAC Environmental Health and has no objection. The assessment demonstrates that the noise from the operation will not exceed the background noise level at the curtilage of a noise sensitive property. A scheme of monitoring could be a condition of any permission. An assessment in respect of the operation of the tower was already approved under Condition 17 of permission 22/00133/PPM. A condition could be added to any permission for the factory to ensure that the development operates at a level which does not exceed the background noise level. Subject to such a condition, the details submitted in respect of Condition 8 are considered to accord with Strategic Policy 2 of the LDP and Policy 14 and Policy 23 of NPF4.

*9. a scheme to treat surface water arising from the or otherwise affecting the site, prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C7453, published November 2015) and the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, and certified by a suitably qualified person. Any scheme approved shall include details of proposed ground levels, finished floor levels, and pre & post development overland flows that shall demonstrate that people and property would not be put at flood risk during the designed storm event (1 in 200 return period plus an allowance for climate change and urban creep) when the capacity of the proposed infrastructure is exceeded.*

Condition 18 is essentially a reiteration of the above condition but relates directly to the tower. Condition 19 also relates to the flooding at the tower and requires confirmation that the basement is sufficiently flood resilient/resistant.

A scheme to treat surface water and drainage details have been provided. The information submitted demonstrates that any flood risk would be within the application site itself. Details of how to mitigate such risk within the site have been provided. No external people or property would be at risk during a storm event. No further coastal protection measures are required. NAC Flooding has been consulted and offer no objection. Condition 18 requires the tower to be built in accordance with any details as may be approved and a condition could be added to any permission for the factory to also be built in accordance with these details. The details submitted in respect of Conditions 9, 18 and 19 are considered to accord with Strategic Policy 2: Placemaking and Policy 23: Flood Risk Management of the LDP and Policy 10 Policy 14 and Policy 22 of NPF4.

*10. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a habitat survey dated not more than 1 year prior to the date of the submission of the application.*

Condition 20 is a reiteration of the above condition but requires an updated survey if work on the tower does not commence within 1 year of the permission i.e. before June 2023.

A habitat survey dated September 2022 has been submitted. This confirms that the site has habitats of low-moderate ecological importance being a former coal yard primarily bare ground. No protected species were identified on site and there is little scope for the use of the site by such species. The submission of the survey meets the requirements of Conditions 10 and 20 and accords with Policy 16 of the LDP and Policy 4 of NPF4.

The following conditions relate to the Tower only and have no equivalent in relation to the factory.

*13. The prior to commencement of the development of the tower, details of the external finish shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development will thereafter be undertaken in accordance with any details as may be approved and the tower maintained with those details unless otherwise agreed in writing with the Planning Authority.*

The applicant has submitted two proposals for the external finish of the tower. The original submission with this application was for the tower to be bare concrete. This was proposed as they considered that the initially considered cladding was not viable. Following comments from the public and CCC, the applicant has submitted a second proposal of painting the tower to match Hunterston B power station. This would be a matt blue grey colour RAL 7031. The applicant states that they would prefer not to paint the tower due to a wish to avoid introducing paint particles in the marine environment.

The applicant's comments in respect of painting are noted. However, it is considered that a bare concrete finish may make the development more prominent. CCC's comments about the Hunterston power stations and the lighter colours being more noticeable are noted. It is considered that the tower painted to match Hunterston B would present a more recessive building and be more in keeping with the area. It is therefore recommended that the tower be painted. The information the applicant has provided in respect of paint states that such particles are significantly enhanced by erosion on coastal structures, boats and ships. Land-based sources of paint include deteriorating coatings on buildings. The tower would be some 400m from the shore and whilst the painting would constitute a large undertaking, it is considered that the height and mass of the tower require it to be painted to mitigate the visual impact. The condition already requires any finish to be maintained. Properly maintained painting will ensure the finish does not impact on the marine environment.

*21. Prior to the commencement of the development, details of omni-directional red aviation warning lights to be fitted to the tower shall be submitted to North Ayrshire Council, as Planning Authority, for approval in consultation with Prestwick Airport Air Traffic Control and the Ministry of Defence. The lighting will thereafter be fitted and retained thereafter in accordance with any details as may be approved.*

Details of the proposed lighting has been submitted. This is currently being reviewed by Prestwick Airport and the MOD. It is recommended that any lighting agreed by those bodies is accepted by the Council.

Given all of the above, the proposal accords with the relevant policies of the LDP and NPF4.

Accordingly, the application in respect of the factory should be approved subject to the conditions referred to in this report. The details submitted in respect of the tower i.e. Conditions 13, 14, 15, 16, 18, 19, 20 and 21, should be accepted as set out above.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

**Condition**

1. The development shall be undertaken only in accordance with the approved Dust Management Plan.

**Reason**

To ensure proper management of dust throughout the construction period.

**Condition**

2. The development shall be carried out only in accordance with the approved Construction Management Plan and Code of Practice.

**Reason**

To ensure proper management of the construction process, including impact on the road network

**Condition**

3. The development shall be carried out only with oversight of the appointed Ecological Clerk of Works (ECoW) with the responsibilities and powers as approved.

**Reason**

To ensure proper oversight during the construction process

**Condition**

4. The development shall be carried out only in accordance with the approved drainage details.

**Reason**

To ensure the proper treatment of surface water.

**Condition**

5. That the landscaping approved shall be carried out in the first planting season following the operation of the factory or erection of the buildings whichever is soonest. Any landscaping which is removed, dies, becomes diseased or otherwise fails shall be replaced within 5 years of planting.

**Reason**

To ensure appropriate landscaping in the interest of the visual amenity of the area.

**Condition**

6. The rated noise level, as defined in `BS4142:2014+A1:2019, from the operation of the development must not exceed the background noise level at the curtilage of any existing or consented noise sensitive property at the time of application.

**Reason**

To ensure the operation of the development does not cause undue noise disturbance or sterilise the wider area for further development.

**Condition**

7. The operation of the development shall be carried out only in accordance with the approved sustainable travel plan.

**Reason**

To ensure to minimise the impact of the operation of the development on the road network.

Yvonne Baulk  
Head of Service

For further information please contact Mr Iain Davies on 01294 324320.

## Appendix 1 – Location Plan

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