



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Cunninghame House,
Irvine.

12 March 2015

Planning Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 18 MARCH 2015** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

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 4 February 2015 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. Suspension of Standing Orders

Resolve, in terms of Standing Order 21, to suspend Standing Order 23, to allow consideration of the recommendation within Agenda Item 4 (14/00626/PPPM: Site to north of Arran View Nursing Home and west of Dalry Road, Saltcoats)

4. Ardrossan, Saltcoats and Stevenston

Submit report on the following application:

14/00626/PPPM : Site to north of Arran View Nursing Home and west of Dalry Road, Saltcoats.

Erection of housing, offices, manufacturing, production, warehousing facilities, construction of new roundabouts with associated roads and landscaping (copy enclosed).

5. Irvine/Kilwinning

Submit report on the following application:

15/00040/PP : Site to the north west of 1 McLuckie Drive, Kilwinning

Erection of single storey detached dwelling house with attached double garage (copy enclosed).

6. Enforcement Charter: Town and Country Planning (Scotland) Act 1997, as Amended by the Planning Etc. (Scotland) Act 2006

Submit report by the Executive Director (Economy & Communities) on the amendments to the Planning Enforcement Charter (copy enclosed).

7. Land at Willowyard, Beith, Tree Preservation Order

Submit report by the Chief Executive on the Tree Preservation Order at Willowyard, Beith (copy enclosed).

8. Commencement of the next North Ayrshire Local Development Plan

Submit report by Executive Director (Economy & Communities) on an overview of the Development Plan Scheme (copy enclosed).

Planning Committee

Sederunt: Matthew Brown (Chair)
John Ferguson (Vice-Chair)
Robert Barr
John Bell
John Bruce
Ian Clarkson
Joe Cullinane
Ronnie McNicol
Tom Marshall
Robert Steel

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
4 February 2015

IRVINE, 4 February 2015 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, Robert Barr, John Bell, John Bruce, Joe Cullinane, Tom Marshall and Ronnie McNicol

In Attendance

J. Miller, Senior Manager (Planning, Transportation and Regeneration) (Economy and Communities); and J. Law, Solicitor (Contracts and Licensing) and M. Anderson, Acting Committee and Member Services Manager (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Ferguson and Robert Steel.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the Committee held on 14 January 2015 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Ardrossan, Saltcoats and Stevenston

14/00626/PPPM: Site to North of Arran View Nursing Home and West of Dalry Road, Saltcoats.

Robert Ryan/Land Partners, c/o McNally Associated Limited, 6 Newton Place, Glasgow have applied for planning permission in principle for a mixed use development for the erection of housing, offices, manufacturing, production, warehousing facilities and construction of new roundabouts with associated roads and landscaping, on a site to the north of Arran View Nursing Home and west of Dalry Road, Saltcoats. Three letters of objection have been received, as detailed in the report.

The Committee, having considered the terms of the objections, agreed to grant the application, subject to (a) the applicants entering into a Section 75 Agreement (i) to specify the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan and (ii) to secure an appropriate, affordable housing contribution at a rate of 10%; and (b) the following conditions:-

1. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development shall be obtained before the development is commenced.
2. That, prior to the commencement of the development hereby approved, the applicant shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.
3. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
4. That the proposed development shall be designed in accordance with the principles of the Scottish Government's "Designing Streets" and "Designing Places" policy documents and shall provide a minimum of 2 points of vehicular access from existing road network and multiple points of pedestrian access to the satisfaction of North Ayrshire Council as Planning Authority.
5. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by (i) A Transportation Assessment; (ii) detailed proposals for the provision of structure planting along the northern boundary of the RES(17) residential part of the site and (iii) a Noise Impact Assessment and Air Quality Assessment to assess the potential impact of the proposed manufacturing/production/warehousing facilities and road traffic on existing and proposed residential properties.
6. That no development shall take place within the application site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.

4. Enforcement Notice - Farmfoods, Lamont Drive, Irvine

Submitted report by the Executive Director (Economies and Communities) which proposed the service of an Enforcement Notice under the Town and Country Planning (Scotland) Act 1997 to require the removal of an unauthorised second hand clothes collection facility, 'Cash 4 Clothes', and all associated apparatus within the car park of Farmfoods, Lamont Drive, Irvine.

The clothes cabin has been in situ for approximately 6 months and it is considered that the facility constitutes an out of centre development where there has been neither a sequential assessment nor any demonstration of an unmet local need. In addition, suitable sites/premises for such a development are likely to be available within the town centre which would meet both local needs and Irvine more generally. It is considered that the facility would also set an undesirable precedent for similar proposals, the result of which would be an adverse impact on the vitality and viability of the town centre. Furthermore, the cabin is not in keeping with the built environment in the locality, and detracts from the character and appearance of the area. Finally, the report notes that three car parking spaces have been removed to accommodate the cabin.

The Committee agreed, in the interests of the amenity of the area and the vitality and viability of the town centre, to approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require (i) the cessation of use of the clothes recycling facility within Farmfoods car park, Lamont Drive, Irvine and removal of the cabin and associated apparatus and (ii) the reinstatement of the ground to its former condition as part of the Farmfoods car park.

5. Scottish Government Consultation on the land use planning aspects of the Seveso III Directive on the Control of Major-Accident Hazards

Submitted report by the Executive Director (Economies and Communities) on proposed changes set out in the Scottish Government Consultation on the land use planning aspects of European Directive 2012/18/EU (the Directive) on the control of major-accident hazards involving dangerous substances (referred to as hazardous substances in domestic legislation), also known as the Seveso III Directive. Appendix 1 to the report set out the proposed consultation response.

Section 3 of the report outlined the main changes being made in implementing the Directive. The draft Regulations, which update the wording of the current regulations, also include requirements for national planning policy documents to take account of the aims of the Directive, procedures on appeals and called-in applications in relation to relevant planning permission cases (not included in consultation draft), generic public participation requirements for the various means for granting planning permission for developments which are in scope, and generic requirements for public participation in the preparation of plans and programmes for developments within scope of the Directive.

The Senior Manager (Planning, Transportation and Regeneration) advised of the receipt of a comment from a local business which expressed the view that Question 16 within the consultation document presented an ideal opportunity to provide a full explanation of the issues in relation to the potential for regeneration at and around Ardeer. Accordingly, the Committee was invited to consider an alternative response to Question 16.

The Committee agreed to approve the consultation response set out at Appendix 1 to the report, subject to the Question 16 response being amended to read "Whilst noting that this matter is outwith the scope of the Seveso III consultation, North Ayrshire Council would support, in principle, changes to the primary legislation in order to address redundant hazardous substances consents. There are strategic planning and regeneration issues within North Ayrshire which suitable amendments could resolve."

The Meeting ended at 2.15 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 4

Planning Committee

18 March 2015

Planning Area

**Ardrossan Saltcoats and
Stevenston**

Reference

14/00626/PPPM

Application

23rd October 2014

Registered

Decision Due

23rd February 2015

Ward

Saltcoats and Stevenston

Recommendation

Agree (a) subject to the terms outlined in the letter dated 24 February 2015; and (b) to grant subject to the conditions contained in Appendix 1.

Location

Site to north of Arran View Nursing Home and west of Dalry Road, Saltcoats.

Applicant

Robert Ryan/Land Partners c/o McNally Associates Limited, 6 Newton Place, Glasgow.

Proposal

Planning Permission in Principle for a mixed use development for the erection of housing, offices, manufacturing, production, warehousing facilities, construction of new roundabouts with associated roads and landscaping.

1. Introduction

At the meeting on the 4 February 2015, the Committee agreed to grant this application subject to the applicants entering into a Section 75 Agreement (i) to specify the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan; and (ii) to secure an appropriate, affordable housing contribution at a rate of 10%; and (b) to grant subject to the conditions contained in Appendix 1. Following discussion with the applicants, a letter dated 4 March 2015 has been received from Nellany & Co., the solicitors for the applicants, with a letter dated 24 February 2015 (set out at the Annex to Appendix 1) signed by the joint applicants, which confirms that pre-conditions would address the

following matters in the subsequent application(s) for Matters Specified in Conditions (MSC):

- to procure an access road connecting Dalry Road to Burns Avenue to a specification to be agreed;
- to make an appropriate agreed contribution to the provision of Affordable Housing;
- to implement appropriate structural planting to the north of the site
- to provide a Masterplan to consider integration with existing development and to include open space;
- to provide an access road to Sharphill West; and
- to secure an enabling link to new employment provision through phasing and business plan.

It is considered that in these circumstances the proposed Section 75 Agreement is not required as these matters are fully addressed in the above noted correspondence and can be implemented within the subsequent application(s) for MSC.

2. Description

This application relates to a site of some 13.5 hectares in area located at the northern end of Saltcoats (see attached location plan).

The application site comprises the existing, partially developed Sharphill Industrial Estate, undeveloped land allocated for industrial use immediately to the north and south of the existing industrial units, and agricultural land to the west of the recent Cunninghame Housing Association development of Windmill Wynd, and to north of Meiklelaught Place and Barga Gardens within Dykesmains housing area. The north and north eastern boundary of the site adjoins landscaped mounding on the southern side of the Ardrossan/Saltcoats/Stevenston bypass and to the south west of the Sharphill roundabout bounding the residential property of Sharphill Cottage on two sides. The staggered southern boundary of the site adjoins the existing residential properties of Keeper Place, Farmhill Place, Windmill Wynd, Meiklelaught Place and Barga Gardens; with agricultural land to the western and north western boundaries .

The site would be accessed from both Dalry Road, by way of a proposed new roundabout at the existing vehicular access into Sharphill Industrial Estate and also from a point on Burns Avenue directly opposite the Arran View Nursing Home. The intention is that an alternative vehicular route between Dalry Road and the Dykesmains housing area would be provided as part of the proposed development and which would reduce vehicular movement on Burns Avenue.

The application site slopes gradually upwards from its boundary with Barga Gardens to the north east corner of the site with a difference in level of some 25 metres between these points.

The application seeks Planning Permission in Principle and is considered to be a "major" development as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the site exceeds two hectares in size. Being a "major" development, the planning application was accompanied by a Pre-Application Consultation (PAC) report which outlines the steps taken by the applicant to inform the community of the proposed development. The PAC provides details of (i) the parties and individuals who were consulted, (ii) the method of publicity, (iii) the public event, and (iv) the issues raised during the publicity period and the applicant's response to these issues.

In the adopted Local Development Plan (LDP) the application site lies partly within a Housing allocation which is subject to Policies RES2 (16) and RES2 (17); part business and industry covered by Policy IND3; and a mixed use employment area covered by IND5.

Policy RES2 (16) identifies part of the site, that part immediately north of the recent Cunninghame Housing Association development and south of the existing access road to the Sharphill Industrial Estate, as one of a number of additional housing sites within the Plan, with an indicative capacity of 50 residential units. The area immediately west of this part of the site is covered by RES2 (17) which forms part of a larger housing allocation with a total capacity of some 200 units. Policy RES2 also requires that the development of the site mitigates against unacceptable adverse impacts on infrastructure which may arise as a result of the development and as indicated in the related Action Programme. The Action Programme lists the indicative requirements as:-

- Providing structure planting along the northern boundary;
- Providing an access road connecting Dalry Road and Burns Avenue;
- Providing interconnection and integration with the adjacent RES2 housing land by way of a Masterplan; and
- Securing of contribution towards affordable housing.

Policy IND3 identifies opportunities to meet the need for a wide range of general business, industrial and warehousing uses while Policy IND5 states that proposals for development within sites allocated as mixed use employment areas must demonstrate an element of retained employment use, the nature of which should be negotiated on a site by site basis, with reference to a business plan, and progressed through development briefs to be produced in consultation with the land owner/developer. Policy RES4 (affordable housing) is also relevant and requires all proposals for residential development to make a contribution to affordable housing provision. For the Three Towns sub-market housing area, a contribution of 10% is required and should be provided in line with the Council's supplementary guidance.

The General Policy of the LDP is also relevant and requires all development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision.

3. Consultations and Representations

The statutory neighbour notification procedure was carried out and the application was also advertised in the local press on 5 November 2014 for neighbour notification purposes. Three letters of objection were received which can be summarised as follows:

- 1 Traffic concerns. Burns Avenue is unsuitable for any further traffic volumes.

Response - One of the aims of this proposal however is to provide a new access road linking Burns Avenue, opposite the Arran View Nursing Home, to Dalry Road, at the location of the existing site access to the Sharphill Industrial Estate. It is anticipated that this route would reduce the volume of traffic on Burns Avenue and therefore make a positive contribution to road safety and the free flow of traffic.

- 2 Concerns regarding overlooking of objectors' properties by development in adjacent fields and which would be at a higher ground level.

Response - The issues of privacy and overlooking are matters, which would be taken into account in the submission of any subsequent detailed planning application.

- 3 Object to being adjacent to offices, manufacturing and warehousing development.

Response - Part of the site has been allocated for industrial use since at least 1995 when it was incorporated in the Ardrossan/Saltcoats/Stevenston Local Plan and has been retained as an industrial allocation in subsequent Development Plans. Siting and design are matters, which would be taken into account in the submission of any subsequent detailed planning application.

- 4 Poor notification to neighbours of the proposed development and the pre-application stage of this major development.

Response - The standard neighbour notification procedure, including press advertisement, was undertaken by the Council, on receipt of the planning application, and included notification to the objector's property. In relation to pre-application, the responsibility for notification rests with the applicant. In this particular case, the applicant advises that there was a staffed public exhibition at Saltcoats Library, which was advertised in the Ardrossan and Saltcoats Herald. Publicity posters were also displayed on notice boards in local shops and public buildings, which was acceptable.

Consultations

North Ayrshire Council Transportation - No objection to the principle to the installation of road infrastructure to service the proposed development. Agreement over junction layouts and general road geometry cannot be determined until the submission of a subsequent full application, which should be accompanied by a transportation assessment. The proposed development should also be designed in accordance with the principles of Scottish Governments "designing streets and designing places" policy documents.

Response - Appropriate conditions are attached with regard to the above matters.

North Ayrshire Council Environmental Health - No objections subject to conditions being attached to require (i) a noise impact assessment to be submitted to assess the potential impact of both the manufacturing/production/warehousing facilities and road traffic on both existing and proposed residential properties, (ii) to secure information from the applicant to demonstrate that the increased road traffic generated by the proposed development would not adversely impact on statutory air quality objectives and (iii) to secure details of boiler plant to be installed at the proposed manufacturing/production/warehousing facilities in order to assess emissions from the plant on air quality objectives.

Response - Appropriate conditions can be attached with regard to the above matters.

West of Scotland Archaeological Service - No objection to the proposed development, however as the application site is situated in an area of recognised archaeological potential and surrounded by recorded archaeological sites and finds, it is possible that significant archaeological remains may survive with the site and accordingly a condition should be attached to require the applicant to submit a written scheme of investigation to secure the implementation of a programme of archaeological works for approval prior to the commencement of the development.

Response - An appropriate condition is attached.

4. Analysis

This application seeks Planning Permission in Principle for a mixed use development including the erection of housing, offices, manufacturing, production warehousing facilities, the construction of new roundabouts with associated roads and landscaping at a site to the north of Arran View Nursing Home and to the west of Dalry Road, Saltcoats.

The principle of the proposed development accords with the land use allocation of the Local Development Plan (LDP), with the proposed residential area immediately north of Barga Gardens and Meiklelaught Place, and to the west of Windmill Wynd identified for residential development as part of a much larger additional housing site under Policy RES2 (17) of the LDP. Policy RES2 states that development of such sites would require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the development with indicative requirements for each site being set out in the related Action Programme.

LDP Action Programme lists the following as indicative requirements;

- (a) Providing structure planting along the northern boundary of the site;
- (b) Provision of an access road connecting Dalry Road and Burns Avenue;
- (c) Preparation of a masterplan to demonstrate integration with existing development;
- (d) Securing of contribution towards affordable housing.

In terms of (a) structure planting along the northern boundary of the site can be secured by a condition attached to the permission. For (b), conditions requiring a phasing plan to be submitted for approval with any subsequent application for detail permission would ensure the provision and timing of the required road link. In respect of (c) it is not considered that a detailed masterplan is required, given that conditions require (i) the phasing of the development and (ii) that subsequent

detailed applications incorporate the principles of the Scottish Governments "designing streets and designing places" policy documents, which would ensure integration with surrounding developments.

Finally, the level of detailed information required to assess the appropriate level of contribution towards affordable housing as required by (d) would be addressed in the MSC as confirmed by the applicant in the letter dated 24th February 2015. The affordable housing requirement as detailed in the Action Plan is also required by Policy RES4 (affordable housing) with developments within the Three Towns sub-market housing area required to make a contribution of 10% towards affordable housing provision as indicated within the Council's supplementary guidance.

The remaining part of the site, immediately adjacent to Dalry Road, is subject to Policy IND5 (mixed use employment areas) where a mix of uses are included, in this case residential and employment in terms of Policies RES2 (16) and IND3. The proposal accords with Policy IND5 due to the proposed industrial/employment development on the northern part of the site, extending to some 3.4 hectares as the first phase of the development. Policy IND5 requires that the employment use retention be demonstrated by reference to a business plan, and possibly through a legal agreement, which would be addressed in the MSC as confirmed by the applicant in the letter dated 24th February 2015.

The criteria of the General Policy of the LDP would be addressed at the subsequent detailed planning stage.

In view of the above it is considered that, subject to the submission of the matters detailed by the applicant in the letter dated 24 February 2015, and the conditions within Appendix 1, the proposed development would comply with policies RES2, RES4, IND3, IND5 of the Adopted Local Development Plan. It is recommended that Planning Permission in Principle be granted.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
6 March 2015

For further information please contact James Miller , on telephone number 01294 324315.

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00626/PPPM

Grant (a) subject to the terms outlined in the letter from the applicants dated 24th February 2015; and (b) to the following conditions:-

1. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping, means of access to the proposed development, affordable housing contribution, and a business plan to demonstrate employment provision or improvements to existing employment space, shall be obtained before the development is commenced.
2. That prior to the commencement of the development hereby approved, the applicant shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.
3. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
4. The proposed development shall be designed in accordance with the principles of the Scottish Government's "Designing Streets" and "Designing Places" policy documents and shall provide a minimum of 2 points of vehicular access from existing road network and multiple points of pedestrian access to the satisfaction of North Ayrshire Council as Planning Authority.
5. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by (i) A Transportation Assessment; (ii) detailed proposals for the provision of structure planting along the northern boundary of the RES(17) residential part of the site; and (iii) a Noise Impact Assessment and Air Quality Assessment to assess the potential impact of the proposed manufacturing/production/warehousing facilities and road traffic on existing and proposed residential properties.
6. No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.

The reason(s) for the above condition(s) are:-

1. In order that these matters can be considered in detail.
2. To maintain control over the development in the interest of amenity.

3. To meet the requirements of Scottish Water.
4. To meet the requirements of North Ayrshire Council as Roads Authority.
5. To maintain control over the development in the interest of amenity.
6. In recognition of the archaeological significance of the site.

Reason(s) for approval:

1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

your ref

our ref MJN/CF

date 4th March 2015

*Ayrshire Court Lawyers
Ayrshire Road Traffic Lawyers*

35 Chapelwell Street, Saltcoats
Ayrshire KA21 5EB
Telephone: 01294 464175
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www.ayrshireroadtrafficlawyers.com

For the attention of James Miller
Head of Planning
North Ayrshire Council
Cunninghame House
Irvine KA12 8EE

Nellany & Co. LLP
SOLICITORS

Dear Mr Miller,

RobertRyan Timber Engineering Limited
Planning Application for Sharphill, saltcoats

I refer to the above and now enclose herewith signed document, as previously requested by you.
Perhaps you could acknowledge safe receipt.

Yours sincerely,

Partner
Michael J. Nellany Solicitor & Notary Public
e: michael@nellany.sols.co.uk
Partner
Gordon A. Ghee Solicitor & Notary Public
e: gordon@nellany.sols.co.uk

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24 hr Emergency Number 07711 655 671



24th February 2015

North Ayrshire Council
Planning Department
Cunninghame House
Irvine KA12 8EE

Dear Sirs,

Re: Planning Application for Sharphill, Saltcoats.

I refer to our application for Planning Permission for the sites Sharphill West and Sharphill East, submitted to you under reference 14/00626/PPPM: Site to north of Arran View Nursing Home and west of Dalry Road, Saltcoats. We hereby confirm that the following pre-conditions will be acknowledged and dealt with as part of our various detailed planning applications to follow. The pre-conditions are as follows:-

Sharphill West, Saltcoats (land to west of existing Industrial Estate)

1. We undertake to procure an access road connecting Dalry Road/Burns Avenue to a specification to be agreed and make an appropriate agreed contribution towards Affordable Housing.
2. We will implement appropriate structural planting to the north of the site.
3. The site Masterplan to consider integration with existing development and the proposal to the east, and to include central open space.

Sharphill East, Saltcoats (existing Industrial Estate and Industrial allocation to the north)

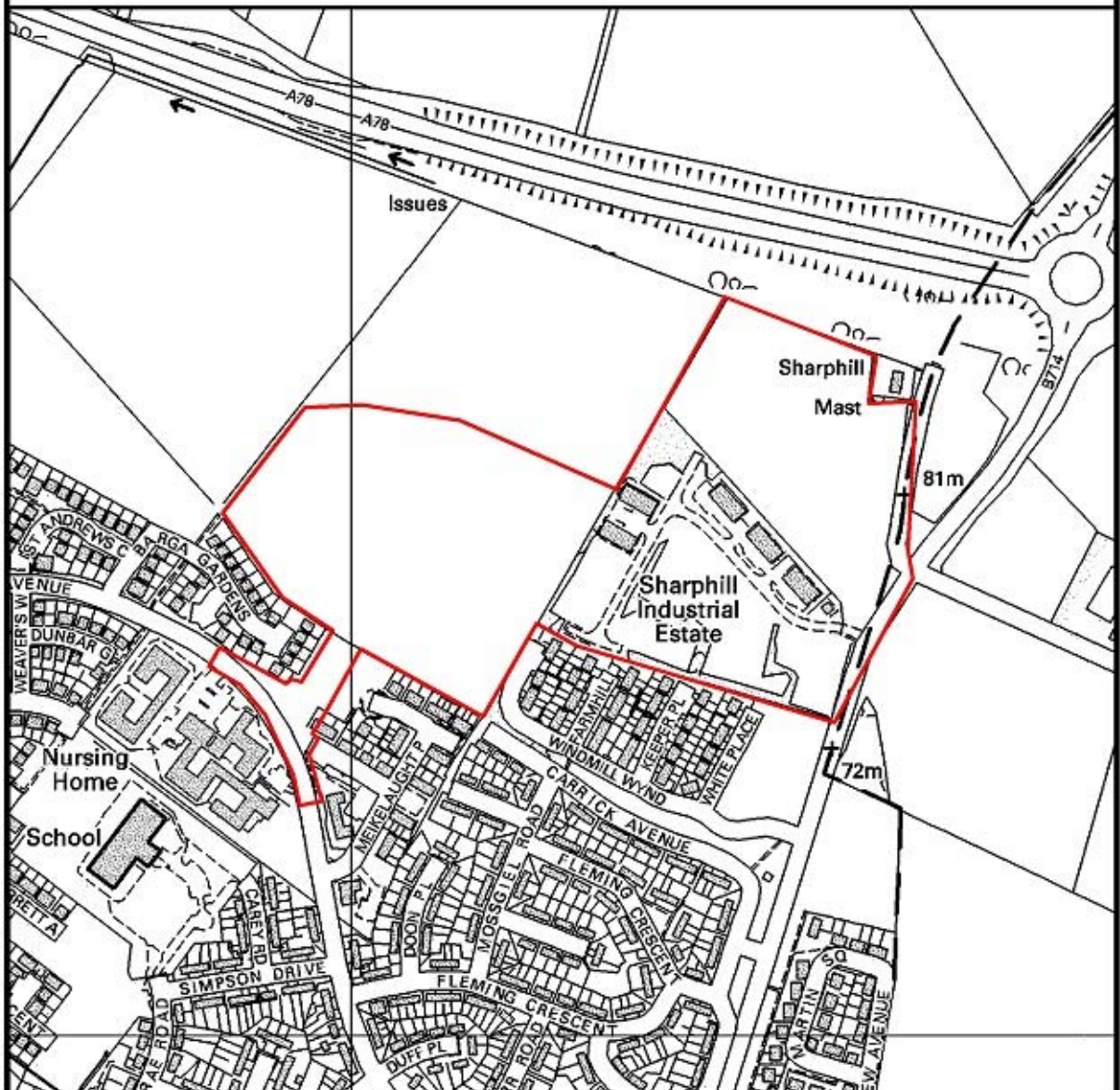
1. Procure an access road to Sharphill West to a specification to be agreed.
2. Secure an enabling link to new employment provision through phasing and business plan.
3. Provide an appropriate agreed contribution towards Affordable Housing.

Signed on behalf of Robert Ryan Timber Engineering Ltd:

Signed on behalf of Land Partners (Scotland) Ltd:

Committee Plans

14/00626/PPPM



North Ayrshire Council
Comhairle Siorrachd Air a Tuath

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NORTH AYRSHIRE COUNCIL

Agenda Item 5

Planning Committee

18 March 2015

Planning Area

Irvine/Kilwinning

Reference

15/00040/PP

Application

2nd February 2015

Registered

Decision Due

2nd April 2015

Ward

Kilwinning

Recommendation**Grant with Conditions contained in
Appendix 1**

LocationSite to the north west of 1 McLuckie Drive,
Kilwinning**Applicant**Mr Edward McLaughlin
8A McLuckie Drive
Kilwinning
KA13 6DL**Proposal**Erection of single storey detached dwelling house
with attached double garage

1. Description

Planning permission is sought to erect a detached single storey dwellinghouse and double garage on vacant land to the rear (north west) of 1 McLuckie Drive. The proposed dwellinghouse would be L-shaped on plan and would have a large window facing eastwards along the driveway towards McLuckie Drive. The proposed house would have three bedrooms. External finishes would consist of grey coloured roof tiles, light coloured dry dash roughcast, stained timber cladding and timber windows, painted grey. The principal elevation would face south east and would feature several large windows. Rear and side windows would be smaller in size. A block paved parking area would be provided to the front of the house. The site would be landscaped with shrubs on an earth mound along the south east boundary, and grass to the side and rear. A number of the existing trees and boundary hedgerows would be retained in order to enclose the site.

The site, which has a backland character, is surrounded by existing housing which dates from the mid 1970s and the late 1980s. There are a variety of detached houses in the immediate vicinity. The site itself was, until recently, heavily overgrown. The ground has recently been cleared to enable a site inspection, although several mature trees, a shipping container, scrap metal and a disused van have been retained. Site boundaries are defined by 1.8m high timber fencing and hedgerows.

The site is within a residential area in terms of the adopted Local Development Plan (LDP). Policy RES 1 states that proposals for residential development in areas allocated for housing on the LDP maps shall accord with the LDP. There are no site specific policies or proposals. The application must also be considered against the relevant criteria of the General Policy of the LDP.

In support of the application, a design statement has been prepared which explains the siting, design and amenity issues associated with the proposal.

The planning history of the site is as follows:

05/00686/PP - Erection of one and a half storey detached dwelling house and detached double garage - refused on 26 September 2005.

06/00003/PP - Erection of office block with associated car parking - refused on 20th March 2006. Subsequent appeal dismissed.

2. Consultations and Representations

The application was subject to statutory neighbour notification procedures. One letter of representation was received which questioned the details of the address of the application site. This matter has been clarified with the representee.

Strategic Planning & Infrastructure (Transportation) - no objections . A dropped kerb exists for the proposed access. The drawings indicate permeable block paviors will be used for the surface of the driveway access with associated drainage arrangements. Ample parking is available within the curtilage of the site.

Response: Noted.

3. Analysis

The application requires to be assessed in terms of the relevant provisions of the adopted Local Development Plan, together with any other material considerations relevant to the proposed development. In this case, the relevant LDP policy is RES 1, which states that residential development in areas allocated for housing shall accord with the LDP. The erection of a dwellinghouse is therefore acceptable in principle. The application also requires to be considered in terms of the General Policy of the LDP.

The criteria of the General Policy relevant to this proposal are as follows:

(a) Siting, Design and External Appearance

The proposed dwellinghouse would have its principal elevation facing towards McLuckie Drive. The house would be positioned on the site to enable the retention of several mature trees and boundary landscaping. There would be a sufficient area of usable private garden ground to the rear and south side of the house. The front garden area would also provide an appropriate setting, with a landscaped mound screening the proposed house and its driveway from the rear garden and elevation of the house at 1 McLuckie Drive, which is situated immediately to the south east.

A projecting gable feature in front of the house would have a large window facing onto the driveway which connects the site to McLuckie Drive, which would help to establish a presence when viewed from the street, reducing the sense that the site has a backland character.

The external finishes would consist of materials and colours which are consistent with the palette of finishes which have been used in the existing housing nearby. In summary, the proposal is acceptable in terms of criterion (a).

(b) Amenity

The distance between the front of the proposed house and the rear elevation of 1 McLuckie Drive would vary from 17.25m to 18.4m. Taking into account the proposed landscaped mound, this distance would be acceptable to retain an adequate amount of privacy in terms of window to window relationships. A side facing window within a store room on the north east elevation would be glazed with obscure glass in order to safeguard the privacy of the rear garden to the north east of the site. For the avoidance of doubt, this issue can be addressed by condition. Whilst the distance between the rear bedroom windows of the proposed house and the rear elevation of the house to the rear would be 17.3m, an existing hedgerow along the rear boundary would be retained in order to safeguard the privacy of the development from the house to the rear, which is uphill of the application site.

Existing boundary treatments are adequate and no replacement boundary enclosures have been proposed. For amenity reasons, conditions regarding the submission and implementation of a landscaping scheme could be imposed. Such conditions would take into account existing trees and shrubs to be retained as well as new planting, the overall purpose of which would be to safeguard the privacy of existing houses adjacent to the site. In summary, the proposal is acceptable in terms of criterion (b).

(d) Access, Road Layout, Parking Provision

The consultation response received from Strategic Planning and Infrastructure (Transportation) offered no objection to the proposal. The site is already served with an access driveway which connects to McLuckie Drive via a dropped kerb. In addition to the proposed double garage, the site plan indicates a parking and turning area at the end of the driveway, which would be paved either using a porous material or drained within the curtilage of the site. In summary, the proposal is acceptable in terms of criterion (d).

In terms of other material planning considerations, the planning history of the site is relevant. In 2005, permission was refused for the development of a one and half storey dwellinghouse and detached double garage on the grounds that this would constitute backland development with an unsatisfactory standard of outlook, resulting in the presence of a dominant structure close to the east boundary of the site. The current proposal differs from the 2005 application in a number of ways. Firstly, the 2005 application indicated a house with its front elevation orientated towards the north east, and largely hidden from McLuckie Drive. Such siting and orientation would have resulted in an unsatisfactory relationship with the established pattern of development around the site. In contrast, the current proposal would have its front elevation facing towards McLuckie Drive, with a significant glazed gable feature facing onto the driveway in order to establish a presence when viewed from the street. Secondly, the 2005 application would have resulted in a much taller house than the current proposal, since there would have been attic rooms. In contrast, the proposed house would be less dominant when viewed from the surrounding housing due to the proposed lowering of the existing ground level by 400mm and the single storey design with shallow roof pitch. There would be no future opportunity to add an upper floor arising from this design without substantial re-building.

In 2006, permission was refused for the erection of an office block with associated car parking on the site. The decision to refuse the application was the subject of an appeal to the Scottish Ministers, which was dismissed. The reasons for refusal were based on an inappropriate commercial use within a predominantly residential character of the area, that the development would be out of scale and character, and that the development would be detrimental to traffic safety in the area. The current proposal differs from the 2006 application in several ways. Firstly, an office development is materially different from a single dwellinghouse, and would have resulted in greater impacts on the character and amenity of the area, as well as much greater traffic generation. Secondly, as per the 2005 proposal for a dwelling, the siting and orientation of the office building would have failed to create any relationship with McLuckie Drive. Although the building was illustrated on the drawings as single storey, the height of the roof would have been extremely dominant within the plot. In contrast, the current proposal for a single storey dwelling would not result in such impacts.

A final material consideration is the unmaintained and unkempt character of the site. Without redevelopment and a permanent use, it is probable that the site - the very existence of which is a consequence of the original housing layout for McLuckie Drive - will continue to detract from the amenity of what is an otherwise well-maintained housing estate. Previous applications for development on the site were unsatisfactory in a number of respects, and were therefore refused. However, it is considered that the current proposal addresses all of the relevant siting, design, amenity, use and access considerations in a satisfactory manner. For these reasons, it is considered that the application should be granted, subject to the conditions noted above.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
4 March 2015

For further information please contact Anthony Hume, Senior Development Management Officer , on telephone number 01294 324318

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00040/PP

Grant subject to the following conditions:-

1. That, notwithstanding the permission granted by Classes 1A, 1B and 3A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development in association with the erection of the dwellinghouse with attached garage, hereby approved.
2. That the side window on the north east elevation of the dwellinghouse hereby approved shall be fitted with obscure glass and permanently retained thereafter, to the satisfaction of North Ayrshire Council as Planning Authority.
3. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.
4. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

The reason(s) for the above condition(s) are:-

1. In the interest of the amenity of the area.
2. In the interest of the amenity of the area.
3. In the interest of the amenity of the area.
4. In the interest of the amenity of the area.

Reason(s) for approval:

1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

Committee Plans

15/00040/PP



North Ayrshire Council
Comhairle Siorrachd Air a Tuath

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1:1250 SCALE



NORTH AYRSHIRE COUNCIL

Agenda Item 6

18 March 2015

Planning Committee

Subject: **Enforcement Charter: Town and Country Planning (Scotland) Act 1997, as Amended by the Planning Etc. (Scotland) Act 2006**

Purpose: To advise the Committee of the amendments to the Planning Enforcement Charter, which requires to be reviewed and republished by the Council under the terms of Section 27 of the Planning Etc. (Scotland) Act 2006.

Recommendation: That the Committee agrees to (a) approve the adoption of the revised version of the Planning Enforcement Charter, and (a) submit the Charter to the Scottish Government.

1. Introduction

1.1 The Planning Etc (Scotland) Act 2006 (the Act) came into force on 1st April 2007. Section 27 of the Act introduced a requirement that all Planning Authorities prepare and publish an Enforcement Charter. The Act requires all Planning Authorities Enforcement Charters to set out:

- A statement of the authority's policies as regards their taking of enforcement action;
- An account of how members of the public can bring any ostensible breach of planning control to the attention of the authority;
- How any complaint about how the authority takes enforcement action can be made; and
- The authority's procedures for dealing with any such complaint.

1.2 The Charter must be published on the Council's website and made available through public libraries in the Planning Authority's area. A copy should also be sent to the Scottish Government. Authorities are required to review, update and republish the Charter on a regular basis. The Council first approved and adopted the existing Planning Enforcement Charter in 2007, and subsequently revised the Charter in 2010.

2. Current Position

- 2.1 The Council approved and adopted the existing Planning Enforcement Charter in 2007. The Charter has been revised to incorporate a number of updates and additions in respect of advertisement and treework controls. The Charter takes account of Scottish Government guidance on the form and content of Enforcement Charters. Appendix 1 to the report contains the revised Charter.

3. Proposals

- 3.1 A revised version of the Planning Enforcement Charter has been prepared (see Appendix 1). The Committee is requested to adopt the revised Charter.

4. Implications

Financial Implications

- 4.1 The cost of carrying out enforcement action will be met from existing budgets.

Human Resource Implications

- 4.2 Existing staff will implement the Charter.

Legal Implications

- 4.3 The production and review of an Enforcement Charter is a requirement of Section 27 of the Planning Etc (Scotland) Act 2006. The Charter is in accordance with the Town and Country Planning (Scotland) Act 1997, as amended by the Planning Etc (Scotland) Act 2006.

Equality Implications

- 4.4 None arising from this report.

Environmental and Sustainability Implications

- 4.5 None arising from this report.

Implications for Key Priorities

- 4.6 The proposed Charter supports draft Strategic Priority "protecting and enhancing environment for future generations".

Community Benefit Implications

- 4.7 None arising from this report.

5. Consultations

- 5.1 Consultations have taken place with Legal Services and Customer Services.

6. Conclusion

- 6.1 Once adopted the revised Charter will be published and otherwise made available as required.



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Anthony Hume, Senior Development Management Officer on telephone number 01294 324318

Background Papers

None



North Ayrshire Council

Comhairle Siorrachd Àir a Tuath

Planning Enforcement Charter

A Guide to Enforcing Planning Controls in North Ayrshire

Contents

1. Introduction (page 2)
2. Key points on planning enforcement (page 3)
3. Identifying possible breaches of planning control (pages 4-5)
4. Investigating alleged breaches of planning control (page 6)
5. Acting on alleged breaches of planning control (page 7)
6. Making a suggestion or complaint (page 10)
7. Enforcement powers (pages 11-14)
8. Enforcement and advertising (page 15)
9. Enforcement contacts (page 16)
10. Summary of the Planning Enforcement Charter (page 17)

1. Introduction

The Scottish Government places a strong emphasis on the role of planning enforcement in delivering key policy objectives and maintaining public confidence in the planning system. The Planning etc. (Scotland) Act 2006 introduced the requirement for Councils to produce enforcement charters, as a means of clarifying the purpose, powers and raising the overall profile of planning enforcement.

This Charter, which was revised in 2015, explains what enforcement means, what the Council can and cannot do, the service standards and what happens at each stage of what can be a lengthy process.

Planning permission is required for most development that takes place in Scotland, with the exception of a wide range of “permitted developments” and some changes of use.

Sometimes, development is undertaken without the necessary consents or without complying with conditions of a permission which has been granted. In such cases, the Council has powers to take action in order to remedy the issues which can occur.

The Council routinely monitors high profile and other developments of public interest to ensure planning regulations and conditions are being adhered to.

There is also a role for members of the public to alert the Council to any potential breaches of planning control they become aware of, whether large or small.

It should be noted that enforcement action is a discretionary power: even when a breach of planning control has occurred, it may be determined by the Council that it would not be in the public interest to take formal action. The planning system does not exist to protect the interests of private individuals against each other, but must work in the public interest.

Enforcement is one of the most complex parts of the planning system. The aim of this Charter is to ensure that the adopted procedures are applied fairly and reasonably, and that interested parties are kept informed and are made aware of the process.

It is understood that planning enforcement is an issue that interests many people and it is hoped that this Charter is useful. It should also be noted that we regularly review the Charter and that comments on its content are welcomed.

This Charter sets out the current powers available to Planning Authorities. These powers are set out in the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. Key points on planning enforcement

- A breach of planning control is **not** of itself a criminal offence
- A breach of listed building control can be a criminal offence

It is important to remember that the primary purpose of planning enforcement is to remedy any breach which has occurred, rather than to apply punitive measures to those responsible. In addition, any action taken has to be appropriate to the breach. The Council has statutory powers to:

- investigate alleged breaches of planning (such as unauthorised developments and changes of use);
- investigate alleged unauthorised works to listed buildings;
- investigate alleged displays of unauthorised advertisements;
- investigate alleged unauthorised treeworks;
- investigate the conditions attached to permissions/consents;
- initiate formal action where a satisfactory outcome cannot be achieved by negotiation.

The Council is not required to take any particular action on a specific breach, and indeed can decide that no action is necessary.

Fuller information on the use of enforcement powers can be found in the Scottish Governments Planning Circular 10/2009: *Planning Enforcement* which can be viewed online at www.scotland.gov.uk/Publications/2009/09/16092848/0

SERVICE STANDARD

By publishing our standards and targets, we aim to improve our enforcement service and make it responsive to the needs of our customers. We will monitor the contents of this Charter to ensure that standards and targets are being met.

The Charter will be made available on the Council's website, in local libraries and at Planning Services, Cunninghame House, Irvine KA12 8EE.

3. Identifying possible breaches of planning control

Planning enforcement has two main issues –

1. To establish whether a breach has taken place, and
2. Whether it is expedient or appropriate to take enforcement action.

The decision to take enforcement action is at the sole discretion of the Council.

Possible breaches of planning and listed building control can include:

- Development being undertaken without planning permission;
- Alterations to or demolition of a listed building without listed building consent;
- the change of use of a building or land without planning permission;
- the failure of a developer, owner or occupier of land/buildings to comply with conditions attached to planning permission or listed building consent and
- departures from approved plans or consents.

Members of the public have a vital role in reporting breaches of control. Any concern should be raised with the Council either via a local councillor or directly to Planning Services (see below). You can make preliminary enquiries by telephone or in person at the Council offices but these must be followed up in writing or email in order for an alleged breach to be investigated.

Suspected planning breaches should be reported to the Council as follows:

Using the North Ayrshire Council website:

https://www.onlineservices.north-ayrshire.gov.uk:8443/Ef3/General.jsp?form=RO_BreachOfPlanning&page=pg_EnterDetails

By telephone:

01294 324320 (24 hour voicemail facility available)
01294 324319 (during Monday – Friday office hours only)

By email:

eplanning@north-ayrshire.gov.uk

By post or in person:

Planning Services
North Ayrshire Council
Cunninghame House, Irvine KA12 8EE

The following information is essential when reporting a suspected breach:

- Details of the alleged breach, with times and dates if relevant;
- The address or location of the breach;
- Your name, telephone number, postal and email address;
- Whether the enquiry is to be treated confidentially.

The Council is subject to the requirements of the Freedom of Information (Scotland) Act 2002. Requests for total confidentiality may limit the ability of the Council to take formal action and cannot be guaranteed if the case leads to court proceedings.

In relation to development with planning permission, monitoring is undertaken by the Council's Planning Services. It is not a statutory requirement that the Council monitors all planning conditions at all times. Public involvement is therefore invaluable in providing information where it is believed that conditions attached to consents are not being complied with or have not been discharged in a satisfactory way.

Information received by Planning Services is checked to ensure that it involves a possible breach of control and includes all the details required for a possible investigation. After preliminary checking and compliance with the requirements for investigation, the complaint will be registered. Once registered, a written or email acknowledgment will be sent to the person who has made the complaint.

Some complaints, such as neighbour disputes over boundaries, relate to matters over which the Planning Service has no control and cannot therefore be pursued.

SERVICE STANDARD

If preliminary checking of a complaint suggests a breach of planning control, the complaint will be registered. Once registered, an acknowledgement will be sent to the person who made the complaint, if a postal address or email address has been provided, within 5 working days. The acknowledgement will include a reference number and contact details for the Planning Officer.

4. Investigating alleged breaches of planning control

A priority system is used for investigating complaints based on matters such as the significance of the alleged breach on amenity or other relevant planning considerations.

SERVICE STANDARD

Priority will be given to significant alleged breaches of planning control including, but not limited to:

- Significant detrimental impact on amenity;
- Alleged breaches of condition for major developments;
- Irreversible damage to listed buildings; and
- Unauthorised felling of trees and matters affecting trees protected by Tree Preservation Orders

An investigation begins with the Planning Officer visiting the site. Following this visit, the individual who has made the complaint will be informed of what action, if any, is proposed.

In some cases, additional investigation may be needed. A record will be maintained of all contact, both verbal and written.

SERVICE STANDARD

Where contact details have been provided, a person who provides information by letter or email to Planning Services will receive a formal response within 20 working days of receipt. The person will also be advised of the proposed action to be taken. The action may include the need for additional investigation prior to deciding on the course of action. The person will be advised if the matter does not involve a breach of planning control.

The length of time required to resolve the case or take action can be affected by a number of factors. Progress can be delayed by the gathering of further evidence, to allow negotiations to take place or for formal procedures to be concluded. Similarly, an application to remedy the alleged breach or an appeal against a decision of the Council can also delay resolution of the case.

The Council can also grant planning permission retrospectively. Conditions may be attached to planning permission in order to remedy a breach.

The Council recognises that delays can be a source of considerable frustration to persons submitting information, particularly if they consider their amenity is affected by the alleged breach. Consequently, interested parties may wish to contact the Planning Inspector for more regular updates.

5. Acting on alleged breaches of planning control

The Council has to consider each case on its merits and decide on the most appropriate solution.

In the first instance, an investigation will be undertaken by the Planning Inspector to establish whether or not a breach has occurred and decide on whether to take any further action.

In some cases, enforcement action may not be considered appropriate, even although planning regulations may have been breached.

The Council is unlikely to take formal enforcement action over developments which, in planning terms, are considered acceptable had an application been made beforehand. In such cases, a retrospective planning application is normally sought. In granting planning permission retrospectively, the Council can impose conditions to regulate a wide range of planning matters in order to make a retrospective development acceptable. It is not always necessary to impose conditions.

Only a relatively small number of cases lead to formal enforcement action. Where formal action is required, a report may be prepared for consideration by the Council's Planning Committee. Formal enforcement action can include the issue of a Notice to the land owner or developer. Various options are available, including a Notice requiring a retrospective planning application to be made, an Enforcement Notice, or a Breach of Condition Notice.

The Council also has the power to serve an Amenity Notice, the purpose of which is to require improvements to land or buildings which have become detrimental to the amenity of an area.

Enforcement Notices served by the Council are placed on the Enforcement Register. You can view the Register at Planning Services, Cunninghame House, Irvine between 9am and 4.45pm Monday – Thursday (9am and 4pm on Fridays).

Enforcement Notices and Breach of Condition Notices include the following information:

- A description of the breach of control that has taken place;
- The steps that should be taken to remedy the breach;
- The timescale for taking these steps;
- The consequences of failure to comply with the Notice; and
- Where appropriate, any rights of appeal the recipient has and how to lodge such an appeal.

Appeals against Enforcement Notices and Amenity Notices are considered by Scottish Ministers and dealt with by a Scottish Government's Directorate for Planning and Environmental Appeals (DPEA).

There is no right of appeal against a Breach of Condition Notice.

SERVICE STANDARD

Where a planning breach cannot be resolved and action is justified, formal enforcement action will be taken. Authorisation from the Planning Committee is required for the service of a Notice, or to take any other formal action that is appropriate to the breach. The Notice will explain to the recipients what is required, the timescales involved and the available options to resolve the issue.

Failure to comply with a Notice may result in the Planning Authority taking further action. There are a range of possible options, such as:

- Referring the case to the Procurator Fiscal for possible prosecution;
- The Council may carry out work and charge the person for the costs involved;
- Seeking a court interdict to stop or prevent a breach of planning control.

For more details, see the Enforcement Powers section at page 11.

SERVICE STANDARD

Where the terms of any formal Notice are not complied with, every effort will be made to resolve the case to the satisfaction of the Council. Options include:

- In the case of an Enforcement Notice, direct action by the Council;
- For either an Enforcement Notice or a Breach of Condition Notice, the matter being referred to the Procurator Fiscal for possible prosecution or alternatively offering the opportunity to pay a fixed penalty (issue of a Fixed Penalty Notice).

The Council has powers to enter land to:

- Establish if there has been a breach of planning regulations;
- Check if there has been compliance with a formal Notice; and
- Check if a breach has been satisfactorily resolved.

Powers of entry apply to any land and may also involve officials entering land adjacent to the site of the alleged breach.

Enforcement Action has to be taken within strict time limits:

A four year limit applies to “unauthorised operational development” (the carrying out of building, engineering, mining or other operations in, on, over or under land) and the change of use of a building to a dwellinghouse. After 4 years, such developments become lawful for planning purposes, and enforcement action cannot be taken.

A ten year limit applies to all other development including change of use (other than to a single dwellinghouse) and breaches of condition. After 10 years the development becomes lawful if no enforcement action has begun; and

There is no time limit for breaches of listed building control.

Breaches of listed building control can be a criminal offence. Persons responsible can be reported to the Procurator Fiscal without the prior issue of a Listed Building enforcement notice.

6. Making a suggestion or complaint

The Council makes every effort to deliver a satisfactory planning enforcement service. However, if you have any suggestions, concerns or difficulties, we want to hear from you.

The Council is committed to improving our Planning service. We will consider all complaints about the way an Enforcement Inquiry has been dealt with.

Dissatisfaction with the outcome of an investigation is not sufficient grounds for complaint.

In the first instance, complaints should be discussed with the member of staff involved. If you are still dissatisfied, please request a discussion with the Senior Planning Officer (see list of contacts). If they are unable to help, you will be given the name of a more Senior Manager who will investigate the matter.

Written complaints will be acknowledged within 10 working days and then fully and promptly investigated. The complainant will be given a written response explaining the outcome of the investigation and any action that the Council proposes to take. If no action is proposed, the reasons for this will be explained.

SERVICE STANDARD

Where contact details are provided, we will get in touch with you within 5 working days of receiving a complaint or suggestion to let you know what is happening. We will monitor all complaints and suggestions made and use them to review and improve the service we provide.

If you are not happy with the level of service provided (but not the decision reached on planning merits), you can make a complaint. You can submit the details via the Council's Complaints and Feedback section on the website:

<http://www.north-ayrshire.gov.uk/council/complaints-and-feedback/complaints-and-feedback.aspx>

The various stages of the complaints procedure are set out on the complaints form and on the website.

Lastly, if you are dissatisfied with the Council's complaints process, you have the right to take your complaint to the Scottish Public Services Ombudsman, at:

SPSO, FREEPOST EX641, EDINBURGH EH3 0BR

Telephone: **0800 377 7330**

Email: ask@spsso.org.uk

Generally, you must contact the Ombudsman within 12 months following the conclusion of the Council's complaints procedures.

7. Enforcement Powers

The planning enforcement powers available to the Council are set out in the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006. Listed Building Enforcement Notices are covered by the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The Planning Acts can be viewed on line at www.legislation.gov.uk

Scottish Government policy on planning enforcement is set out in planning Circular 10/2009: *Planning Enforcement*. The Circular is published on the Scottish Government website - www.scotland.gov.uk/Publications/2009/09/16092848/0

Types of Notice

Breach of Condition Notice (BCN) – used to enforce the conditions applied to any planning permission. It comes into effect 28 days after being served. It may be used as an alternative to an Enforcement Notice (see below), and is served on any person carrying out the development and/or any person having control of the land. There is no right of appeal. Contravening a BCN can result in the Council deciding to prosecute. On conviction, a fine of up to £1,000 can be imposed.

Enforcement Notice (EN) – generally used to deal with unauthorised development. There are similar notices and powers to deal with listed buildings (see below), and advertisements. An EN will specify a time period to take effect (a minimum of 28 days – but see section below on advertisements); the steps that must be taken to remedy the breach and the time for this to be completed. There is a right of appeal to Scottish Ministers against an EN. In the event of an appeal, the terms of the EN are suspended until a decision is reached.

Failure to comply with an EN within the time specified is an offence. On conviction, this can result in a fine of up to £20,000. Failure to comply may also result in the Council taking direct action to remedy the breach (see other powers below). The Council will then seek to recover costs from the owner of the building or land.

Listed Building Enforcement Notice (LBEN) – in the event of unauthorised works to a listed building, including demolition, an LBEN can be served on the owner, occupier and anyone else with an interest in the property. The procedures are similar to those outlined above. The LBEN must specify the steps to be taken to remedy the breach and a date for compliance. Failure to meet the terms of an LBEN by the specified date is an offence. There is the right of appeal to Scottish Ministers against the LBEN.

Breaches of listed building control are considered a serious matter. The legislation makes it clear that it is a criminal offence to undertake works to demolish, significantly alter, or extend a listed building without the proper authorisation from the Council and, in some circumstances, Historic Scotland. On conviction, this can lead either to an unlimited fine or imprisonment.

Stop Notice – used in urgent or serious cases where unauthorised activity must be stopped, usually on grounds of public safety. When a Stop Notice is served, the

planning authority must also issue an Enforcement Notice. There is no right of appeal against a Stop Notice and failure to comply is an offence. An appeal can be made against the accompanying Enforcement Notice. If a Stop Notice is served without an adequate reason, or an appeal against the Enforcement Notice is successful, the Stop Notice may be quashed and the Council may face claims for compensation.

The use of Stop Notices therefore needs to be carefully assessed by the Council.

Temporary Stop Notice (TSN) – used to require the *immediate* halt of an activity which breaches planning control. There is an exception that a Temporary Stop Notice cannot prohibit the use of building or a caravan as a dwellinghouse. Temporary Stop Notices are enforceable for 28 days, after which time they expire. They may, however, be followed by further enforcement action such as an Enforcement Notice and Stop Notice. There is no provision to appeal against a Temporary Stop Notice.

Fixed Penalty Notice (FPN) – used to address situations where a person has failed to comply with the requirements of an Enforcement Notice (EN) or a Breach of Condition Notice (BCN). By paying the penalty imposed by the Fixed Penalty Notice, the person will discharge any liability for prosecution for the offence. It will not, however, discharge the obligation to comply with the terms of the Enforcement Notice or Breach of Condition Notice and the planning authority will retain the power to take direct action to remedy the breach and recover the costs of such work from that person. The Council is not required to offer the option of paying a fixed penalty. Any decision to do so would depend on specific considerations, such as the scale of the breach and its impact on local amenity.

Notice Requiring Application for Planning Permission for Development Already Carried Out – where the Council considers that a development which does not have planning permission may be acceptable they may issue a Notice requiring the land owner or development to submit a retrospective planning application. Such an application would be considered on its planning merits and handled in the same way as any other planning application. Issuing such a Notice does **not** guarantee that permission will be granted – the Council may decide instead to refuse permission, or to grant permission subject to conditions or amendments to make the development acceptable.

Other Powers

Planning Contravention Notice (PCN) - used to obtain information about activities on land where a breach of planning control is suspected. It is served on the owner or occupier, or a person with any other interest on the land or who is carrying out operations on the land. Such a notice may be a precursor to further investigation. Failure to comply with a PCN is an offence and, on conviction, can result in a fine.

Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 – S.179 allows planning authorities to serve a Notice on the owner, lessee or occupier of land which is adversely affecting the amenity of the area. This is also known as an “Amenity Notice” and sets out the action that needs to be taken

to improve the condition of the land or building within a specified period. There is a right of appeal against a Section 179 notice. Whilst non-compliance cannot result in prosecution, the Council may undertake the specified work at its expense and re-charge the owner, occupier or lessee, as appropriate, to recover the costs.

Notice under Section 272 of the Town and Country Planning (Scotland) Act 1997 – S.272 provides limited powers to obtain information on interests on land and the use of land. Failure to provide the information required is an offence.

Interdict and Interim Interdict – an interdict is imposed by the courts and is used to stop or prevent a breach of planning control. Court proceedings can prove costly and Councils normally only seek Interdicts in serious cases or where Enforcement Notices have been ignored in the past. However, a Council can seek an interdict in relation to any breach without having to use other powers first. Breaching an interdict is treated as a contempt of court and carries heavy penalties.

Direct Action – failure to comply with the terms of an Enforcement Notice within the time specified can result in the Council carrying out the specified work. The Council may recover any costs it incurs from the land owner.

Notification of Initiation of Development (NID); Notification of Completion of Development (NCD) and Display of Notices while Development is Carried Out – while not in themselves planning enforcement powers, these Notices are intended to improve delivery the monitoring of planning enforcement by requiring confirmation that development has commenced and been completed. For example, this enables planning conditions to be checked for compliance. Site Notices, which apply to major developments, may help to raise awareness of developments in a locality.

Starting a development without submitting an NID is a breach of planning control and the Council may consider enforcement action. The NCD requires a developer to submit a further Notice after development has been completed.

Site notices contain basic information about the site and the development. Notices also provide contact details where members of the public may find out more information or report alleged breaches of planning control. It is a breach of planning control to fail to display a site notice when required to do so.

Certificates of Lawful Use or Development (CLUD) – may determine whether any enforcement action could be taken by providing a mechanism for establishing the planning status of land ie. whether an existing or proposed use or development is considered lawful for planning purposes. In addition, the procedure provides a mechanism for obtaining from the Council (or the Scottish Ministers on appeal) a statutory document certifying the lawfulness, for planning purposes, of existing operational development or use as a single dwellinghouse. Anyone can apply to the Council for a decision on whether a specified existing use, operational development, or failure to comply with a planning condition or limitation is lawful for planning purposes.

There are similar provisions for establishing whether a proposed use or operational development would be lawful for planning purposes. In both cases, the onus of proof lies with the applicant. Certificates can be revoked if it subsequently appears that false or misleading information has been submitted with an application.

It should be noted that a CLUD does not mean that planning permission has been granted, but that the use or development is lawful and immune from enforcement action.

8. Enforcement and advertising

The display of advertisements is covered by the Town and Country Planning (Control of Advertisements (Scotland) Regulations 1984 (as amended). Many advertisements are displayed with what is called “deemed consent” which means they do not require advertisement consent from the Council if they meet the criteria and conditions set out in the Regulations.

One of these conditions is that the land owner has given permission for the advertisement to be displayed on their land.

Displaying an advertisement in contravention of the Regulations is an offence. On conviction, an offender can be fined. The Court can impose further fines for each day the breach of the Regulations continues.

The Council also has the power to serve an Enforcement Notice against unauthorised advertisements, requiring their removal. Such a notice specifies the time period (normally 28 days) for compliance. However, the compliance period can be reduced to seven days if the Council believes there is an urgent need for the advertisement to be removed or altered in the interests of public safety, or if the advertisement can be removed without any other work being required.

An Enforcement Notice can also require that a particular piece of land should not be used to display advertisements. A notice remains in force even once the original advertisement is removed. Any subsequent advertising on this site would amount to a breach of the Notice.

The Council can also take action against advertising being displayed with “deemed consent” where it is held that the advert is either a danger to public safety or substantially injures local amenity.

A Discontinuance Notice, requiring removal of an advert, can be served on the owner or occupier of the land as well as the person who displays the advertisement.

There is a right of appeal against both an Enforcement Notice and Discontinuance Notice.

The Council also has powers to remove or destroy placards and posters that do not benefit from either advertisement consent or deemed consent. If the person or company who put up the poster can be identified, they have to be given at least two days notice that the Council intends to take the poster down. If the person or company cannot readily be identified, then the advert can be removed immediately.

If necessary, Council planning officers can enter unoccupied land to remove an advertisement. However, planning officers have no powers to remove advertisement displays within a building to which there is no public access.

9. Enforcement contacts

Suspected breaches of planning control should be reported to Planning Services in the first instance. There are various ways to do this:

Using the North Ayrshire Council website:

https://www.onlineservices.north-ayrshire.gov.uk:8443/Ef3/General.jsp?form=RO_BreachOfPlanning&page=pg_EnterDetails

By telephone:

01294 324320 (24 hour voicemail facility available)
01294 324319 (during Monday – Friday office hours only)

By email:

eplanning@north-ayrshire.gov.uk

By post or in person:

Planning Services
North Ayrshire Council
Cunninghame House, Irvine KA12 8EE

If the initial complaint has not been resolved to your satisfaction, you may report the matter to the Senior Development Management Officers on either 01294 324318 (East Team) or 01294 324379 (West Team). Both numbers have voicemail should you be unable to speak to somebody in person.

General enquiries on planning issues in North Ayrshire should be made either by phone to 01294 324319 or email to eplanning@north-ayrshire.gov.uk

The postal address for making a complaint regarding the handling of a planning enforcement matter is:

Contact Us
North Ayrshire Council
Chief Executive Office
Freepost SCO162
Cunninghame House, Irvine KA12 8EE

For enquiries about the Planning and Enforcement system in Scotland, please contact the Scottish Government Planning Helpline on 0845 774 1741 (Monday – Friday, 9.00 am to 5.00 pm). You can also telephone 0131 244 7543, email planningmailbox@scotland.gsi.gov.uk or write to The Scottish Government at 2H, Victoria Quay, Edinburgh EH6 6QQ. The Scottish Government website also has an extensive planning section at www.scotland.gov.uk/topics/planning

Free, impartial and professional planning advice can be obtained from Planning Aid for Scotland on 0845 603 7602 and via www.planningaidscotland.org.uk

Complaints regarding the **content** of advertisements should be made to the Advertising Standards Authority via its website www.asa.org.uk

10. Summary of the Planning Enforcement Charter

This Charter does not comprise an authoritative interpretation of the Planning Acts in Scotland.

- It is important to remember that the primary purpose of planning enforcement is to remedy any breach which has occurred rather than to apply punitive measures to those responsible
- The Council is not required to take any particular action on a specific breach, and indeed can decide that no action is necessary
- A priority system is used for investigating complaints based on matters such as the significance of the alleged breach on amenity or other relevant planning considerations
- The Council routinely monitors high profile and other developments of public interest to ensure planning regulations and conditions are being adhered to
- There is a role for members of the public to alert the Council to any potential breaches of planning control they become aware of, whether large or small
- Some complaints, such as neighbour disputes over boundaries, relate to matters over which the Planning Service has no control and cannot therefore be pursued
- The planning system does not exist to protect the interests of private individuals against each other, but must work in the public interest
- The resolution of enforcement cases can be lengthy
- The Council can also grant planning permission retrospectively. Conditions may be attached to planning permission in order to remedy a breach

Planning legislation is complex, and if you are in receipt of any correspondence or formal notice from the Council relating to planning enforcement, you are advised to seek legal or independent professional planning advice.

Updated March 2015

NORTH AYRSHIRE COUNCIL

Agenda Item 7

18 March 2015

Planning Committee

Subject: **Land at Willowyard, Beith, Tree Preservation Order**

Purpose: To seek approval for the confirmation of the Tree Preservation Order at the above location

Recommendation: It is recommended that the Committee confirm, without modification the Tree Preservation Order in respect of land at Willowyard, Beith

1. Introduction

- 1.1 A proposal to serve a Tree Preservation Order in respect of trees and woodland on land at Willowyard, Beith was considered at the Planning Committee on 22 October 2014. The Committee consider that, as a group, the trees served an amenity purpose and were of cultural and historical significance and should therefore be protected against any felling. The Committee agreed to serve a Tree Preservation Order.

2. Current Position

- 2.1 A Tree Preservation Order was served on the owner of the affected property with effective date of 5 November 2014 and remains in force for a period of 6 months after which it will expire unless confirmed. A Public Notice was made concurrently through a newspaper advertisement and the statutory period for receipt of objections lapsed on 4 December 2014.
- 2.2 Chivas Brothers were granted planning permission (Ref 14/00467/PPM) subject to condition on 12 November 2014 to erect 14 warehouse comprising 4 triple units and a double unit, together with new access roads and associated landscaping works on the site.
- 2.3 No objections have been received. Six letters of support have been received. The main representations made in support of the Order were as follows:-
1. the habitat provided by the trees is irreplaceable;
 2. the group of trees provide a visual amenity and have been in situ for a considerable period and are accordingly of historic and cultural value;

3. the trees provide natural screening lessening the visual impact of the Willowyard site;
4. the trees provide a potential barrier against airborne "whisky fungus";
5. the trees provide a haven for a variety of wildlife and there is no similar care in the immediate vicinity.

3. Proposals

- 3.1 It is proposed that the Tree preservation order is confirmed in order to protect the existing trees and woodland in the interests of amenity and their cultural and historic significance.

4. Implications

Financial Implications

- 4.1 There will be registration fees involved in registration of the Order if confirmed. These costs are likely to be less than £100.

Human Resource Implications

- 4.2 There are Human Resources implications. There are unlikely to be any significant resource issues with the TPO if confirmed.

Legal Implications

- 4.3 If confirmed the owners will be served with Notice of the confirmation by Legal Services meaning that any work to lop, chop or fell the trees or woodland will require permission from the Council.

Equality Implications

- 4.4 None.

Environmental and Sustainability Implications

- 4.5 The confirmation of a TPO on the area of tree and woodland cover will help to ensure that the trees continue to provide an important contribution to the character and amenity of the local area and its nearby resident population as well as helping to retain the cultural and historic link with the former Mains House.

Implications for Key Priorities

- 4.6 TPOs can be declared for instance if it is expedient in the interest of amenity and/or the trees, group of trees or woodlands or of cultural or historical significance. The TPO objectives will assist in achieving SOA outcome of a "Working North Ayrshire" whilst also addressing the needs of the local community to ensure an attractive and unique local environment is preserved and enhanced.

5. Consultations

- 5.1 Strategy Consultation has taken place on the proposed TPO. After considering the letters of support received, the Tree Preservation Order should be confirmed.

6. Conclusion

- 6.1 The Committee is invited to confirm the order as a permanent Tree Preservation Order. If not confirmed the TPO will expire on 5th May 2015.
- 6.2 The group of trees included in the Order provide an important contribution to the character and amenity of the local area. If confirmed the Order would ensure that any work to lop, chop or fell the trees or woodland will require permission from the Council.



ELMA MURRAY
Chief Executive

Reference : 14/12729/JHL/JW

For further information please contact Jean Law, Solicitor, on telephone number 01294 324325.

Background Papers

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NORTH AYRSHIRE COUNCIL

Agenda Item 8

18 March 2015

Planning Committee

Subject:	Commencement of the next North Ayrshire Local Development Plan
Purpose:	To provide an overview of the Development Plan Scheme and obtain Committee approval for its publication.
Recommendation:	That the Committee agrees to (a) note the start of the preparation of the next North Ayrshire Local Development Plan; (b) authorise publication of the Development Plan Scheme at Appendix 1.

1. Introduction

- 1.1 This report introduces the Development Plan Scheme (DPS) for the next North Ayrshire Local Development Plan (LDP), which marks the start of preparing this new plan. The DPS is a short, statutory document which outlines the key stages in preparing the new LDP and when people can get involved.

2. Current Position

- 2.1 The planning system in Scotland is led by development plans, which together with national planning policies, form the basis for making planning decisions. The North Ayrshire LDP is the current development plan for North Ayrshire and translates the Council's aspirations for regeneration and economic growth into detailed planning policies and proposals to guide future development across the area.
- 2.2 Although the North Ayrshire LDP was only adopted in May 2014, legislation requires it to be replaced every five years. Scottish Government advice is that it should normally take around three years to prepare a new LDP from start to finish. While much of the current North Ayrshire LDP remains relevant, it will need updated to help meet the future development needs of North Ayrshire and to respond to changed or new strategic priorities as they emerge.

- 2.3 Work on the next LDP formally starts with publication of the Development Plan Scheme (DPS). The DPS at Appendix 1 sets out a timetable for preparing the new plan and what is likely to be involved at each stage. On page 5, the timetable advises of the intention to undertake 'evidence gathering' until the end of this year. The purpose of this stage is to identify and review the main planning issues in the area and other issues that have arisen. As part of initial pre-engagement on the plan, officers will be inviting a range of stakeholders to submit issues within North Ayrshire and to suggest potential sites for development. The product of evidence gathering is publication of the Main Issues Report (MIR), anticipated March 2016, and subsequent public consultation.
- 2.4 The MIR is the first formal stage of plan preparation and is intended to stimulate public discussion and feedback on the Council's big ideas for future development. The document will set out the Council's general proposals for key planning policies and where development should happen, giving options as to how the main planning issues might be addressed by the new plan. Other key milestones to note from the timetable include publication and consultation of the Proposed Plan in January 2017, followed by the plan's examination and adoption a year later.
- 2.5 The DPS also includes a Participation Statement stating how and when the Council intends to engage on the new plan. Officers aim to employ a range of consultation methods, going well beyond the statutory minimum, to obtain the views of as many people, businesses and organisations as possible.
- 2.6 It is vital that all Elected Members are involved in the plan-making process to provide ownership, leadership and commitment. Officers will make arrangements to involve Elected Members in key areas of work either through the LDP Committee or less formal means e.g. workshops. Full details on consultation activity will be announced and well publicised in due course.

3. Proposals

- 3.1 The Committee is invited to (i) note the start of the second North Ayrshire Local Development Plan; and (ii) authorise publication of Development Plan Scheme at Appendix 1.
- 3.2 Following approval, the design and layout of the DPS will be further refined before copies of the document are placed on the internet and in every public library in North Ayrshire. Copies will be distributed to Scottish Ministers and to all Elected Members for their information. Other key stakeholders will also be notified of publication of the DPS.

4. Implications

Financial Implications

- 4.1 The costs of preparing the new plan will be met from existing budgets.

Human Resource Implications

- 4.2 There are none from this report.

Legal Implications

- 4.3 There are none from this report.

Equality Implications

- 4.4 There are none from this report.

Environmental and Sustainability Implications

- 4.5 The new LDP will undergo a statutory Strategic Environmental Assessment (SEA). This is a means to judge the likely impact of the plan on the environment and to seek ways to minimise that impact, if it is significant. It contributes toward sustainable development by ensuring the environment is considered within decision-making.

Implications for Key Priorities

- 4.6 The new LDP will assist with the implementation of several Single Outcome Agreement 2013-17 priorities, specifically:- (i) the current business base is encouraged to move up the value chain and high-level activities; (ii) jobs are attracted to North Ayrshire; (iii) support is given to the creation of distinctive and vibrant town centres; and (iv) connections to neighbouring areas, the West of Scotland, Scotland, the UK and internationally are improved.

5. Consultations

- 5.1 No consultations were required for this report.

6. Conclusion

- 6.1 The DPS is a key document to coordinate public involvement on the future development of the area and to ensure the plan-making process is fully project managed. It will be updated at least annually to keep track of significant progress on the new plan.



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Andrew McNair, Planning Officer, on telephone number 01294 324769

Background Papers

The North Ayrshire Local Development Plan - Adopted 20 May 2014

NORTH AYRSHIRE COUNCIL

**DEVELOPMENT
PLAN SCHEME**

March 2015





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1. **INTRODUCTION**

2. **LOCAL DEVELOPMENT PLAN**

3. **PREPARING THE NEW LOCAL DEVELOPMENT PLAN**

4. **THE PARTICIPATION STATEMENT**

5. **OUR CONTACT DETAILS**



1. Introduction

1.1. What is a development plan scheme?

The Development Plan Scheme (DPS) is an important document, providing information about North Ayrshire's second Local Development Plan. It sets out how we will involve communities, businesses and other interested groups in the plan's preparation and when. The DPS:

- explains what the North Ayrshire Local Development Plan (LDP) is
- outlines the key stages in preparing the second LDP
- sets out the timetable for this new plan
- contains a Participation Statement, outlining when, how and with whom consultation will happen on the plan.

This DPS is the first edition for the new plan. We review and update the DPS every year. If there are any important changes to report, we will publish earlier updates to the scheme.

You can view the DPS at any public library in North Ayrshire and on our website (www.north-ayrshire.gov.uk/localplans).

2. Local Development Plan

2.1. What is the North Ayrshire Local Development Plan?

Local authorities are required to prepare Local Development Plans to guide the future development and use of land in their areas. North Ayrshire Council adopted its first Local Development Plan on 20 May 2014. The North Ayrshire Local Development Plan (LDP) replaced old style 'local plans' and was one of the first of its kind to be prepared in Scotland.

The LDP identifies opportunities for new homes, shops, business and industry and community facilities while protecting places of value to people and wildlife. It provides guidance on what, where and how development should take place in an area. The plan also guides decisions on planning applications throughout North Ayrshire.

2.2. Why do we need a new LDP?

The current LDP covers a 10 year period up to 2025 and requires to be replaced every five years. The LDP needs to be regularly updated to help meet the future development needs of North Ayrshire. We need to review the LDP to look ahead beyond 2025, and work out the best places for new homes, businesses and other forms of development. That is why we are working toward a new LDP.

2.3. How does the new LDP affect me and why should I get involved in its preparation?

Planning affects our lives in many ways. The new LDP will affect the places we live in, and the way our surroundings look, from regenerating our towns and villages to building new schools, houses, shops, offices etc.

North Ayrshire faces significant challenges to increase employment and reduce inequality. The new LDP has key role to play in creating jobs and better prosperity for all. The plan will set out the best locations for new employment development and detail planning policies which provide the framework for businesses to expand and locate in North Ayrshire.

We need your involvement to help us make the best plan for North Ayrshire and to ensure the area continues to be the place where communities and businesses can flourish.

3. Preparing the new Local Development Plan

3.1. What are the main stages in preparing the new LDP?

The main stages are:

- 1) **Evidence Gathering** - At this stage, we gather and review various sources of information to identify the main planning issues in the area. We will invite people to submit issues and suggest potential sites for development as part of a 'call for sites exercise'. A monitoring statement will also be prepared, identifying the key changes to the area and the impacts of the current LDP.
- 2) **Main Issues Report** - Information collected from Evidence Gathering will inform the content of the Main Issues Report (MIR). The MIR is intended to stimulate public discussion and feedback on the Council's big ideas for future development and on what should be included in the new plan. It will set out general proposals for planning policies and where development should and should not occur, giving options as to how the main planning issues might be addressed in the new plan. There will be an eight-week consultation period, during which you can make comments on the MIR.
- 3) **Proposed Plan** - After reviewing the comments, we will prepare a Proposed Plan. This will set out our view on what the final LDP should contain. Another eight-week consultation period will take place. We will consider if any changes are needed to the Proposed Plan as a result of the comments received. Any significant changes to the plan in response to the comments made would require further consultation.
- 4) **Examination** - If comments raise issues on the Proposed Plan that are not resolved, we submit the plan to Scottish Ministers for 'examination'. This is an external review which considers whether the plan's content is appropriate and in the best interests of the area. The review is overseen by a Reporter, appointed by Scottish Ministers. The Reporter will prepare and publish a report, making recommendations. The recommendations may direct a change or no change to resolve a particular issue, and the recommendations are binding upon the Council except in very limited circumstances.
- 5) **Adoption** - We can adopt the plan after we have addressed the recommendations and received Scottish Ministers' approval. On adoption, the Proposed Plan becomes the Local Development Plan and the legal land-use strategy for consideration of all planning applications in North Ayrshire.

Please also see the Local Development Plan Timetable on page 5 of this document. This provides further information on what each stage involves, including when it will likely start and end.

3.2. What will be in the new plan?

A Vision Statement - The Vision Statement is the land use expression of the Council's strategic priorities. It is a clear view of what kind of North Ayrshire we are trying to achieve and what the area might look like in the future. It also sets the high level aims and objectives for the new plan.

The Spatial Strategy - This comprises policies and proposals that specify where and how certain forms of development should happen (e.g. housing, retail, business and industry) and the main factors for considering planning applications.

Proposal Maps - These are maps showing the specific locations of the policies and proposals.

Supplementary Guidance - This provides additional guidance on certain policies and proposals such as the design and siting of new development. Some supplementary guidance will be published and consulted separately from the new plan.

3.3. What will inform the content of the new plan?

Consultation

Consultation is when we engage in a variety of ways with the public, organisations, developers or anyone who has an interest in North Ayrshire. This is important as it makes us aware of:

- The views of communities, businesses and other interested groups
- The sites which are under pressure for development
- The sites that need protected from development

Involving you will help us gain a greater understanding of potential issues. This will ensure that the decisions taken in the plan are well informed.

Other Strategies

The Scottish Government has produced strategies and policies which will be taken into account while we prepare the new plan. In addition, the content of the plan will reflect and support the aspirations of the Council and its partners in the Single Outcome Agreement and the Council Plan, along with other council strategies such as the Local Housing Strategy and Economic Development and Regeneration Strategy.

Technical Studies

New development can have impacts on the environment, communities and local infrastructure. Technical studies enable us to identify and understand those impacts and take steps to mitigate them or direct development to more suitable locations. There are many pieces of information covering a range of topics, such as housing, flooding and employment, which will inform the new plan.

3.4. The Local Development Plan Timetable

The following timetable outlines the programme for preparing the new Local Development Plan. The consultation events that we plan to carry out are show in **blue**. Details on consultation opportunities will be well publicised nearer the time, using posters, local press, leaflets, the internet, email etc.

	2015				2016				2017				2018			
LDP STAGE	Q1 Jan-Mar	Q2 Apr-Jun	Q3 Jul-Sep	Q4 Oct-Dec	Q1 Jan-Mar	Q2 Apr-Jun	Q3 Jul-Sep	Q4 Oct-Dec	Q1 Jan-Mar	Q2 Apr-Jun	Q3 Jul-Sep	Q4 Oct-Dec	Q1 Jan-Mar	Q2 Apr-Jun	Q3 Jul-Sep	Q4 Oct-Dec
1 Evidence Gathering																
Call for sites exercise Stakeholder briefings Councillor Engagement Pre-Main Issues survey Development Plan Forums Community Council Training Review pressure and evidence for change Strategic Environmental Assessment (SEA) begins																
2 Main Issues Report																
Publish Main Issues Report, draft SEA Environmental Report, Monitoring Statement - March 2016 (*) 8 week period for representations Development Plan Forums Public Exhibitions Consider representations					*	CONSULTATION										
3 Proposed Plan																
Publish Proposed Plan, Proposed Action Programme, revisions to SEA Environmental Report - January 2017(*) 8 week period for representations Drop-in sessions Potential for modifications to be made to Proposed Plan and for further consultation Consider representations									*	CONSULTATION						
4 Examination																
Submit Proposed Plan, Proposed Action Programme, summary of unresolved issues, SEA Environmental Report to Scottish Ministers - January 2018 (*) Reporter appointed to consider issues Reporter's Report published Publish plan incorporating Reporter's recommendations Submit plan to Scottish Ministers - November 2018 (*)													*	EXAMINATION		*
5 Adoption																
Adopt plan and publish Action Programme Publish SEA Post-Adoption Statement																

4. The Participation Statement

4.1. Your new plan needs you!

The new Local Development Plan will affect where you live, work, shop, play and get about in North Ayrshire. Different people and organisations have useful knowledge, which can help us understand potential issues in the area and build a better plan.

If you want to influence how the area will change, it is important to get involved in the plan's preparation, particularly at early stages when ideas and options are being considered.

4.2. Who, When, and How?

Consultation is important to us. We want to involve as many people as possible. This section sets out who, when and how we will consult.

Who?

We will engage with:

- The general public
- Community Councils across North Ayrshire
- Government Consultees & Key Agencies
- Businesses, landowners, developers, agents, residents associations
- and other interested groups or individuals.

When?

The Local Development Plan Timetable on the previous page outlines the opportunities for you to have your say on the plan. These opportunities will be well publicised.

How?

We will carry out the following steps to encourage public involvement on the plan:

- Provide copies of newly published consultation documents on our website, in every public library and in other Council Offices
- Provide simple forms to make comment
- Keep you informed of significant progress on the plan
- Ask for feedback on how we are involving you
- Publicise our contact information, enabling you to ask questions and receive answers about the plan
- Make use of social media to reach a new audience
- Hold public meetings at convenient times and locations
- Use plain language as much as possible in the information we provide
- Work closely with other Council services and volunteer groups to encourage people to get involved in planning
- Publicise the opportunities for public comment, using a wide range of publicity techniques, including press adverts, statutory notices, our website, email, social media, posters etc.

Our customer charter sets out the values and standards you should expect from us when involving you. This charter is available to view on our website (www.north-ayrshire.gov.uk/localplans).

5. Our contact details

For further information about the next Local Development Plan, or to be added to our database, please contact North Ayrshire Council's Strategic Planning and Infrastructure Service:

Online: www.north-ayrshire.gov.uk/localplans

By telephone: 01294 324300

By email: ldp@north-ayrshire.gov.uk

In person or by post: Strategic Planning and Infrastructure, Economic Growth Services Cunninghame House, Irvine, KA12 8EE

This Development Plan Scheme can be made available in other formats such as audiotape, CD, Braille, and in large print. It can also be made available in other languages, on request.



Your Plan - Your Future