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## NORTH AYRSHIRE COUNCIL

25 January 2023

### Local Review Body

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**Title:**                      **Notice of Review:**    **22/00331/PP - Kilbirnie, Tennox Farm**

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**Purpose:**                      To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.

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**Recommendation:**        That the Local Review Body considers the Notice of Review.

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### 1. Executive Summary

- 1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

### 2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 22/00331/PP for an Erection of dwellinghouse, associated outbuildings, landscaping and ancillary works (retrospective) at Tennox Farm, Kilbirnie.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report:
- Appendix 1 - Notice of Review documentation including Location Plan;  
Appendix 2 - Report of Handling; and  
Appendix 3 - Planning Decision Notice.

### 3. Proposals

- 3.1 The Local Review Body is invited to consider the Notice of Review.

#### **4. Implications/Socio-economic Duty,**

##### **Financial**

4.1 None arising from the recommendation of this report.

##### **Human Resources**

4.2 None arising from the recommendation of this report.

##### **Legal**

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

##### **Equality/Socio-economic**

4.4 None arising from the recommendation of this report.

##### **Environmental and Sustainability**

4.5 None arising from the recommendation of this report.

##### **Key Priorities**

4.6 None arising from the recommendation of this report.

##### **Community Benefits**

4.7 None arising from the recommendation of this report.

#### **5. Consultation**

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and no further representations were received..

Craig Hatton  
Chief Executive

For further information please contact **Craig Stewart, Committee Services Officer**, on **01294 324130**.

#### **Background Papers**

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Cunninghame House Friars Croft Irvine KA12 8EE Email: [eplanning@north-ayrshire.gov.uk](mailto:eplanning@north-ayrshire.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100609069-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	James Harper Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	Langslie
Last Name: *	Harper	Building Number:	
Telephone Number: *		Address 1 (Street): *	Langstilly Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Lochwinnoch
Fax Number:		Country: *	Scotland
		Postcode: *	PA12 4DR
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Tennox Farm"/>
First Name: *	<input type="text" value="Gareth"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Wilson"/>	Address 1 (Street): * <input type="text" value="Dalry Road"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Kilbirnie"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="KA25 6LX"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

## Site Address Details

Planning Authority:	<input type="text" value="North Ayrshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="TENNOX FARM"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KILBIRNIE"/>
Post Code:	<input type="text" value="KA25 6LX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="652395"/>	Easting	<input type="text" value="230019"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection of dwellinghouse, associated outbuildings, landscaping and ancillary works (retrospective)

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See the attached supporting documentation.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☒ Yes ☐ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Detailed site investigation works including the drilling of site boreholes has only been carried out and a detailed report prepared by the environmental consultant. It was only a desktop study that was available at the time of submission. The lack of this information was a material factor in the grounds for refusal of the application.

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Application Cover letter. Support Statement. Site Investigation and Borehole Report - Mason Evans Partnership Ltd.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

N/22/00331/PP

What date was the application submitted to the planning authority? \*

13/06/2022

What date was the decision issued by the planning authority? \*

06/09/2022

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☐ Yes ☒ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Access to the farm is controlled by electrically - keypad - operated gates. Access is freely available by arrangement with applicant or agent.

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr James Harper

Declaration Date: 01/12/2022



Geo-Environmental Consultants

Mr James Harper  
James Harper Architects  
The Langslie  
Lochwinnoch  
Renfrewshire  
PA12 4DR

Our ref: [REDACTED]

16 November 2022

Dear James

**LETTER ON MINERAL INVESTIGATIONS  
TENNOX FARM, KILBIRNIE  
PLANNING REF No: 22/00331/PP**

**Introduction**

In October 2022, we were requested by James Harper Architects on behalf of Mr Gareth Wilson (the Client), to investigate the shallow mining conditions below the site in relation to a proposed residential development (refer to Appendix A).

The purpose of our investigation was to provide comment in relation to the possible presence of shallow mine workings below the site and whether a ground stability risk exists.

In June 2022, we undertook a Mining Risk Assessment at the site (report included in Appendix B) which concluded that the proposed development is at potential risk of mineral instability as a result of shallow (unrecorded) mine workings. As such, mineral investigations were recommended to confirm (or otherwise).

The Coal Authority did not record any mine entries within 50 m of the proposed house.

**Intrusive Mineral Bore Investigations**

Based on the initial knowledge of coal seams potentially underlying the site at shallow depths, we undertook intrusive mineral investigations to confirm, the presence of historical shallow underground mining activities. In November 2022, 3 No. mineral bores (BH1 to BH3) were sunk (by Phoenix Drilling Ltd) to a maximum depth of 35.00 m bgl within the development area. Rockhead was encountered between 23.70 m bgl and 26.60 m bgl.

A copy of the mineral bore logs are included in Appendix C and the findings are summarised on Table 01 below.

**Table 01 – Summary of Mineral Investigations**

Borehole	Depth Encountered (m bgl)	Thickness (m)	Comments
BH1	0.00	24.60	Superficial Deposits (boulder clay)
	24.60	35.00	SANDSTONE and SILTSTONE
BH2	0.00	23.70	Superficial Deposits (boulder clay)
	23.70	35.00	SANDSTONE and SILTSTONE
BH3	0.00	26.60	Superficial Deposits (boulder clay)
	26.60	35.00	SANDSTONE and SILTSTONE

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The Piazza, 95 Morrison St, Glasgow, G5 8BE. Registered in Scotland No SC 156317 | t. 0141 420 2025 | e. mail@masonevans.co.uk | www.masonevans.co.uk

Directors: Niall D Lawless BSc (Hons) MSc CEng CGeol MIMMM FGS | Neil M Thomson BSc (Hons) FGS | Patrick Barry BSc (Hons) MSc CGeol MIMMM FGS | David D A Mason BSc (Hons) CEng CGeol MIMMM FGS | Maureen MacKay Associates: Ian Cochrane BA (Hons) AIEEMA MSEE | Neil Hands BSc (Hons) FGS

The mineral bores did not record any evidence of coal seams or shallow mine workings, proven to 35 m below existing site levels.

### **Mine Gas Risk**

The recent CL:AIRE publication entitled; 'Good Practice for Risk Assessment for Coal Mine Gas Emissions, dated October 2021' has been consulted during our mine gas risk assessment, with reference made to the 'Design Support Tool for Mine Gas Risk Assessment'.

In accordance with the preliminary assessment procedures outlined in Figure 13.1, we have assessed the proposed development site as being within a 'low risk zone', given that mine workings exist between (minimum) 35 m and 150 m but are covered by 10+ m of low permeability superficial deposits (i.e. boulder clay) and any recorded mine entries are >50 m from the site boundary.

In addition, The Coal Authority do not record any known mine gas emissions within 500 m of the site (refer to Appendix C).

Furthermore, upon completion of the recent drilling works, the bores were fully backfilled with a cement bentonite grout to prevent any potential gas pathways from future developing.

Given the above, we consider that the proposed development area is at low risk of potential mine gas emissions.

### **Conclusions**

The superficial soils recorded boulder CLAY deposits, proven to be approximately 25 m thick. The Coal Authority have recorded mine workings to exist below the site at 95 m (at its shallowest). Mineral boreholes sunk within the development area did not identify any evidence of shallow coal seams or shallow mine workings to a depth of 35 m.

We therefore can conclude that the proposed development area is not at risk of mining related ground instability in relation to historical underground mine workings to a depth of 35 m.

There were no records of mine entries within the defined planning area or immediate surrounding area.

Finally, in accordance with the CL:AIRE guidance 'Good Practice for Risk Assessment for Coal Mine Gas Emissions', and based on the recorded ground conditions (i.e. low permeability clay deposits to 25 m depth underlain by sandstone / siltstone to minimum 35 m depth, with no shallow mine workings present) plus information from The Coal Authority (i.e. no mine entries within 50 m or records of mine gas within 500 m), we consider that the proposed development area is at low risk of potential future mine gas emissions.

In respect of historical mining therefore, no further works are considered necessary.

Hopefully the above is self-explanatory, but if there are any queries please do not hesitate to contact the undersigned.

Yours sincerely  
MASON EVANS PARTNERSHIP LIMITED



Patrick Barry  
Managing Director

Encs

**Appendix A**  
**Site Location Plan**



Tennox Farm

## **Appendix B**

**Phase I Mining Risk Assessment Report  
(Mason Evans Partnership, 1<sup>st</sup> Edition, June 2022)**





Geo-Environmental Consultants

## **TENNOX FARM, KILBIRNIE**

**PLANNING REF No: 22/00331/PP  
PROPOSED HOUSE  
PHASE I MINING RISK ASSESSMENT**

### **DATE**

June 2022

### **CLIENT**

**Mr. Gareth Wilson**

### **APPROVED BY**

Patrick Barry  
Director

**Mr. Gareth Wilson**

**Tennox Farm,  
Kilbirnie**

**Planning Ref No: 22/0033 I/PP  
Proposed House  
Phase I Mining Risk Assessment**

Date of Issue:	June 2022
Report Status:	First Edition
Project Reference:	P20-406A
Prepared and Approved by:	Patrick Barry – Director

Mason Evans Partnership Limited  
The Piazza  
95 Morrison Street  
GLASGOW  
G5 8BE

**CONTENTS**

	<b>PAGE NO</b>
EXECUTIVE SUMMARY	
1.0 INTRODUCTION	1
1.1 General	1
1.2 General Methodology	1
1.3 Context	1
2.0 SITE LOCATION AND DESCRIPTION	2
2.1 Site Details	2
2.2 Local Context	2
3.0 SITE GEOLOGY AND MINING	3
3.1 Superficial Soils	3
3.2 Solid Geology	3
3.3 Mining History	4
4.0 MINING	5
4.1 Past Mining	5
4.2 Present Mining	5
4.3 Mining Methods	5
4.4 General Principles of Surface Instability for Underground Mine-workings	6
4.5 Surface Instability Due to Underground Mining	6
4.6 Mine Entries	6
4.7 Opencast Mining	6
4.8 Potential for Future Mineral Extraction	6
4.9 Mine Gas	6
5.0 IDENTIFICATION AND ASSESSMENT OF SITE-SPECIFIC COAL MINING RISKS	7
5.1 Mason Evans Risk Assessment Process	7
5.2 Conclusions	8

## **APPENDICES**

Appendix A	Site Location Plan
Appendix B	Site Specific Report from The Coal Authority (Ref. No: 51003135337001, dated 20 May 2022)

## EXECUTIVE SUMMARY

We understand that Mr. Gareth Wilson (the Client) is involved in the development of a residential unit (the 'site') within existing grounds of 'Tennox Farm, Kilbirnie'.

The site lies within an area defined by The Coal Authority as a 'Development High Risk Area', meaning that it lies within a surface area that could be affected by past shallow underground mining. As such, North Ayrshire Council have advised that a Phase I Mining Risk Assessment Report is required to be submitted in support of planning application No. 22/00331/PP. We were appointed to undertake the necessary examinations and this report provides an account of our assessments with advice on the risks to the proposed development from mining related impacts.

The report presents available information on the geological and mining conditions within the site. The object of the report is to demonstrate to North Ayrshire Council that the application site is, or can be made, safe and stable to meet the requirements of national planning policy with regard to development on unstable land.

The report has established:

- a) There is a record of mine workings below the site at the level of the Wee Coal, Smithy Coal and Dalry Blackboard Ironstone.
- b) The shallowest workings ie. the Wee Coal (0.91 m extraction thickness) has been worked at a depth of 95m.
- c) The Smithy Coal and Dalry Blackband Ironstone have also been worked below the site, at depths of 126 m and 164 m.
- d) The Coal Authority record that 'unrecorded shallow' mine workings probably exist below the site.
- e) There is no record of mine entries within 20 m of the proposed residential unit.

**Taking all relevant information into account we conclude that the proposed development area is potentially at risk of ground instability as a result of historical (unrecorded) shallow mine workings. Mineral bore investigations are therefore recommended to confirm, or otherwise.**

## **1.0 INTRODUCTION**

### **1.1 General**

1.1.1 We understand that Mr Gareth Wilson (the Client) is proposing the development of one residential unit within the grounds of 'Tennox Farm, Kilbirnie' (refer to proposed development layout drawing included in Appendix A). In relation to the proposed development, the Client has requested a Mining Risk Assessment be undertaken in support of the development. As a specialist geo-environmental consultancy firm with experience of impacts related to shallow mine-workings, we were subsequently requested to advise accordingly.

1.1.2 The purpose of the Mining Risk Assessment Report is to present available information on the mining issues which are relevant to the site, and to identify and assess any potential risk to the proposed development, as a result of coal mining.

1.1.3 The object of the report is to demonstrate that the application site is, or can be made, safe and stable to meet the requirements of national planning policy with regard to development on unstable land.

1.1.4 This report provides the findings of our examinations of the site, which have been based on researches of available geological and mining maps, plans and information provided by The Coal Authority. The scope of the investigations has been restricted to fulfil the necessary enquiry regarding the mining context of the site alone.

### **1.2 General Methodology**

1.2.1 Our examinations involved researches of various published documents on the geological and historical background of the site, in-house sources and reports, and consultations with The Coal Authority. In assessing the potential site instability impacts, we considered typical mine stability assessment criteria and have reviewed the area relative to our expectations of the geological conditions. Our confidence on the geology and the potential impacts of mining are discussed relative to the quality of the data available to us, with recommendations provided on the scope of future intrusive investigations (where required).

### **1.3 Context**

1.3.1 It should be recognised that the report is prepared in accordance with current recommended practice and existing legislation.

## 2.0 SITE LOCATION AND DESCRIPTION

### 2.1 Site Details

2.1.1 The summary details of the site as understood from supplied survey information are as follows:

- Site Name - Proposed Residential Unit within Tennox Farm, Kilbirnie.
- Local Authority - North Ayrshire Council.
- Topography - Relatively flat lying.

### 3.0 SITE GEOLOGY AND MINING

#### 3.1 Superficial Soils

- 3.1.1 The British Geological Survey (BGS) Geology of Britain Map recorded cohesive glacial till ('boulder clay') to underlie the site.

#### 3.2 Solid Geology

- 3.2.1 The solid strata beneath the site is indicated to belong to the Carboniferous aged Clackmannan Group comprising SANDSTONE, SILTSTONE, MUDSTONE, LIMESTONE and COAL.
- 3.2.2 The Wee Coal (up to 0.8 m thick) is indicated to have been worked below the site at a depth of 95 m, dipping to the south-east at 24.3°. The Smithy Coal (1.26 m thick) is indicated to have been worked below the site at a depth of 126 m, dipping to the east at 4.8°. The Dalry Blackband Ironstone (up to 0.76 m thick) outcrops approximately 250 m to the south-east of the site and is recorded to have been worked below the site at a depth of 164m, dipping to the north-west at 1.7°.
- 3.2.3 Overlying the Wee Coal are a number of limestone bands i.e Index (2.5m thick), Third Post (1.6m thick) and Lower Linn (5.5m thick).



### 3.3 Mining History

- 3.3.1 According to The Coal Authority Interactive Viewer map (refer to Appendix B), the proposed house is located within a 'Development High Risk Area' and in an area of 'probable shallow coal mine workings'.
- 3.3.2 In our researches, we examined a report compiled by The Coal Authority (copy included in Appendix B). It states that the property is 'within a surface area that could be affected by past recorded underground coal mining'. The Coal Authority also highlights the potential for unrecorded shallow mine workings below the site.
- 3.3.3 In addition, our researches extended to the Memoirs of the Geological Survey, Scotland (refer to Appendix C), which indicated the Wee Coal and the Smithy Coal to be of economic value which have been worked in the past south of Kilbirnie. The memoirs also indicates that the Dalry Blackband Ironstone was primarily worked in the western side of the Garnock valley between Kilbirnie and Dalry.
- 3.3.4 At present we have no record of historical limestone mine workings (but this would have to be confirmed via rotary bore drilling).

## 4.0 MINING

### 4.1 Past Mining

- 4.1.1 The Coal Authority has recorded past mining activities within the site and the surrounding area in the Wee Coal, Smithy Coal and Dalry Blackband Ironstone.

### 4.2 Present Mining

- 4.2.1 The Coal Authority have advised that the site is not within a surface area that could be affected by present underground mining. Thus, we are not aware of any present mining operations taking place within or below the site.

### 4.3 Mining Methods

- 4.3.1 The methods of mining historically adopted in the area were the 'stoop and room' and 'longwall' systems of extraction. We envisage that variations of both systems of mining could have been undertaken beneath the site. The stoop and room mining operations involved partial excavation of the mineral, with the seam recovered from 'rooms' and the roof supported by retained 'stoops' or 'pillars' of mineral. The pillar or stoops widths varied depending on the depth and the condition of the roof. For seams of the thicknesses involved here, the stoops would typically be rectangular or square with a typical minimum dimension of 4 metres by 4 metres. Where more slender stoops were left, often by 'robbing' of the edges of the stoop, additional support to the roof was often provided by artificial props, which would usually be timber.
- 4.3.2 In the 'longwall' method of mining, extraction was virtually total with the seam face accessed via supported roadways. It is unlikely that this system was employed in the seam here. In the areas from which the seam had already been removed, the roof was generally allowed to collapse behind the face or was partially supported by spoil or 'waste' deposited within the works. While the workings would be generally closed on abandonment with the withdrawal of roof support, roadways would be expected to remain open and artificially supported long after the operations had ceased. A variation of the longwall method is the technique commonly used in deep mining today but was generally only applied to the recovery of ironstones or coals of restricted thickness in the nineteenth century.
- 4.3.3 Opencast mining is a more recent method generally when improved plant allowed large scale excavations to be opened up with seams recovered and the mines subsequently backfilled with rock and soil arisings. Such operations rarely exceeded 50m in depth and, in this instance, appeared to be generally considerably shallower with the typical depth range shown to be between 6m to 30m. The depth of the excavations and backfill would normally increase in the direction of the strata dip.

#### 4.4 General Principles of Surface Instability for Underground Mineworkings

4.4.1 It is generally accepted that old abandoned mineworkings are susceptible to collapse. This is generally the consequence of on-going deterioration within the mines and failure can occur a considerable time after abandonment. The mechanisms of collapse are varied and complex, but generally involve either a yield in the roof of the mine between supports or collapse as a direct result of failure of the supports. Except in instances where the mineworkings are very shallow for example, less than 10 m deep, the stability is comparatively unaffected by enhanced loadings from buildings or by vibrations from heavy traffic. Progressive deterioration within the workings can, however, advance to a stage where instability is reached, and collapses occur. In most cases, however, it is impossible to predict with any degree of accuracy if, and when, such movements will take place.

4.4.2 The subsidence assessments consider various elements of the geological and mining configuration. These include the nature and thickness of the rock and soil overburden, the extracted height of the workings and the typical mine configuration. **Assessments typically seek to achieve a rock/overburden cover thickness of 10 times the seam extraction height.** This is consistent with a number of recent studies in the field of mining stability assessment.

#### 4.5 Surface Instability Due to Underground Mining

4.5.1 The shallowest recorded mine workings below the site are approximately 95m below ground level at the level of the Wee Coal (coal seam thickness of 0.91 m). Based on the depth of these workings we therefore conclude that they pose a low risk to the proposed house.

4.5.2 However, The Coal Authority indicate that there could be mine workings above the Wee Coal (i.e. at the level of the limestone bands) and therefore mineral investigations will be required to confirm, or otherwise.

#### 4.6 Mine Entries

4.6.1 No recorded mine entries are recorded while the site or immediately adjacent. However as in all areas of historical mining, unrecorded mine entries could exist. As such, during future development works, vigilance should be monitored for potentially unrecorded mine entries.

#### 4.7 Opencast Mining

4.7.1 The Coal Authority has confirmed that the site is not impacted by past, present or future open cast mining.

#### 4.8 Potential for Future Mineral Extraction

4.8.1 The Coal Authority have advised that there are no existing plans to carry out mining by opencast or underground methods below/within the site.

#### 4.9 Mine Gas

4.9.1 The Coal Authority have advised that there is no record of past mine gas emissions, requiring action by them.

## 5.0 IDENTIFICATION AND ASSESSMENT OF SITE-SPECIFIC COAL MINING RISKS

### 5.1 Mason Evans Risk Assessment Process

5.1.1 We have developed a qualitative approach in risk assessment to determine the potential impact on the proposed development. It is based on three categories of 'High', 'Moderate' and 'Low' risk. These are defined as follows

- a) High Risk – where records exist which indicate a significant impact requiring mitigation for development to proceed. In the case of mining subsidence, it will be determined by an expectation of seams which are known, or strongly suspected to have been mined within depths of potential influence on the surface. Where mine entries are indicated, they will be considered high risk unless information exists to suggest that these have been adequately secured. In every case where mineworkings are known or suspected, gas emissions are considered to be of 'high risk'. In each instance, investigations are advised and mitigation likely.
- b) Moderate Risk – where coal /limestone seams are suspected to lie at shallow depth, but may not be worked. In the case of gas emissions, a moderate risk is considered where there is uncertainty on the existence of former mineworkings. In each instance, investigations are necessary, but mitigation may not be necessary.
- c) Low Risk – where coal seams are not indicated at shallow depths or are known to be unworked. For mine entries, a low risk would be interpreted where stabilisation is known to have taken place to an adequate specification. For gas emissions, this category relates to areas known to be clear of mineworkings.

5.1.2 The desk-top assessment indicates that the risk of ground instability below the site is considered to be low. Table 03 has been derived from the researches, highlighting the risk relating to impact of coal mining within the site.

**Table 03 – Coal Mining Issues Risk Assessment**

Coal Mining Issue	Yes	No	Risk Assessment
Shallow underground (coal and/or limestone) mining (Refs 1 and 2)			<b>Moderate</b>
Recorded mine entries (shafts and adits) (Ref 1 and 2)			<b>Low</b>
Coal mining geology (fissures) (Ref 2)			<b>Low</b>
Record of past mine gas emissions (Ref 2)			<b>Low</b>
Recorded coal mining surface hazard (Ref 1 and 2)			<b>Low</b>
Surface mining (opencast workings) (Ref 1 and 2)			<b>Low</b>

Ref 1: BGS Geological Map – NS35SW

Ref 2: Coal Authority Report – Ref 51002353789001, dated 11<sup>th</sup> January 2021

## 5.2 Conclusions

- 5.2.1 Our desktop researches indicate that there are potentially shallow mine workings below the site (i.e. either coal and/or limestone).
- 5.2.2 There are no recorded mine entries within 20m of the proposed house. However during future construction works vigilance should be maintained for the presence of unrecorded mine entries.
- 5.2.3 As such, we consider the proposed house to be at moderate risk of ground instability as a result of historical shallow (unrecorded) mine workings.
- 5.2.4 The site is not at risk of ground instability as a result of historical quarrying activities.
- 5.2.5 **Concluding, the proposed development is potentially at risk from shallow (unrecorded) mine workings. Mineral bore investigations will be required to confirm, or otherwise.**

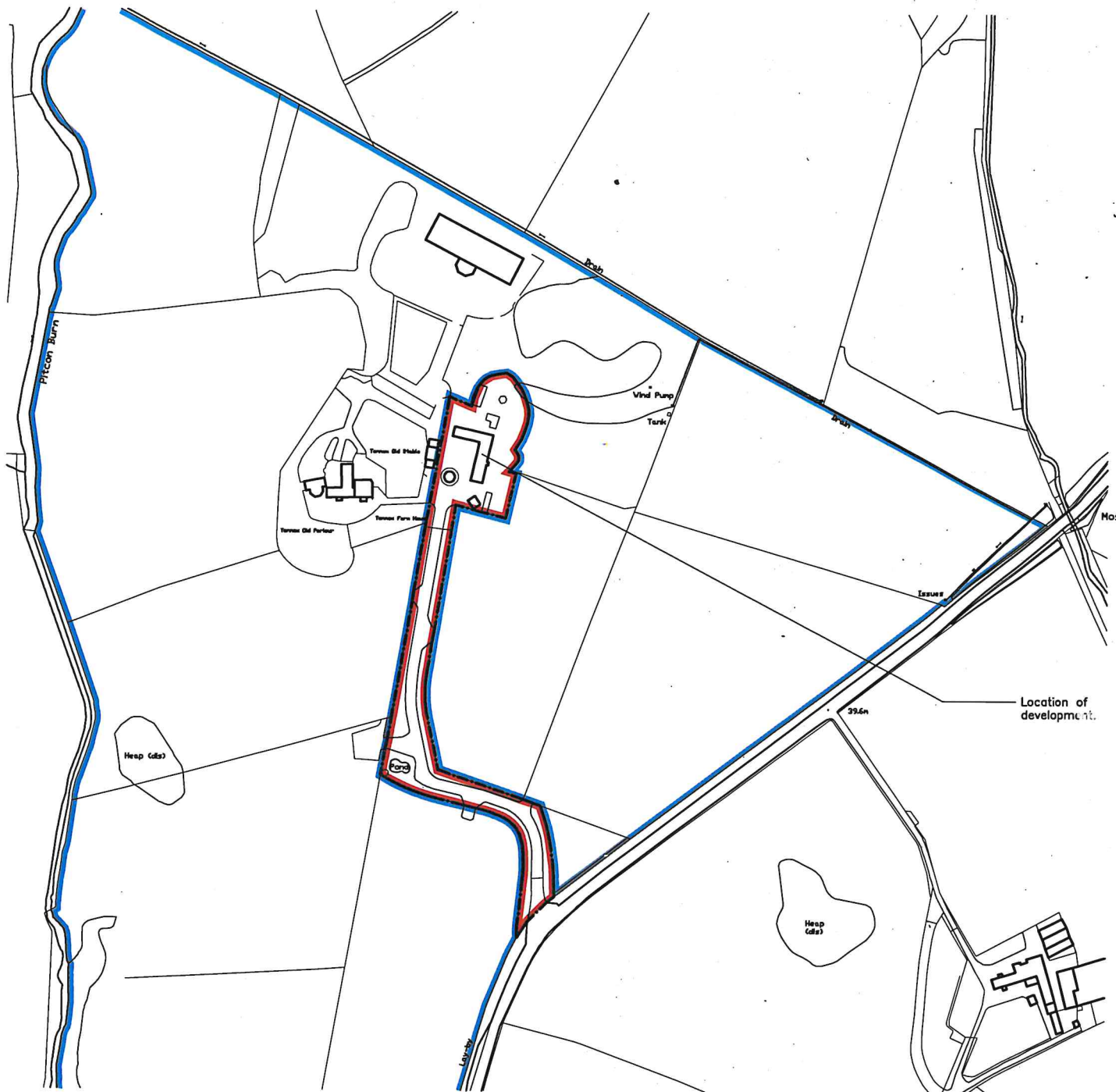
We trust that this will meet your current requirements. However, should you require any further information, please do not hesitate to contact the undersigned.



Patrick Barry  
Director

## **Appendix A**

**Proposed Residential Unit location  
(Planning Ref. No. 22/00331/PP)**



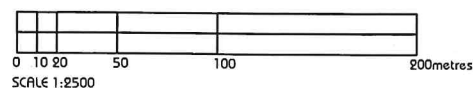
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THIS IS A TRUE COPY OF THE  
DRAWING REFERRED TO IN THE  
APPLICATION.

DATE :

SIGNED :

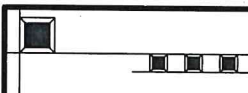
JAMES HARPER ARCHITECT



## Location Plan

Client	Mr. Gareth Wilson	Drawg. Title:	Location Plan
Project	Proposed Erection of Dwelling House (In Retrospect) at: Tennox Farm, Hilbirnie. KA25 6LX	Scale	1:2500
		Paper Size	A3
		Date	Apr. 22'
		Drawg. No:	1648
		PL	00

Revisions



James Harper Architect

The Langsley, Langsley Road, Lochwinnoch, Renfrewshire, PA12 4DR.  
Telephone/Fax: 01505 343007 E-mail: mail@harperarchitect.co.uk

## **Appendix B**

**Site Specific Coal Authority Report  
(Ref No. S1003135337001, dated 20 May 2022)**





The Coal  
Authority

# Consultants Coal Mining Report

The Old Stables, Tennox  
Access From B780 To Tanox Farm  
Kilbirnie  
North Ayrshire  
KA25 6LX

Date of enquiry:	20 May 2022
Date enquiry received:	20 May 2022
Issue date:	20 May 2022

Our reference:	51003135337001
Your reference:	295796051_1



# Consultants

## Coal Mining Report

This report is based on and limited to the records held by the Coal Authority at the time the report was produced.

**Client name**

NLIS Hub

**Enquiry address**

The Old Stables, Tennox  
Access From B780 To Tanox Farm  
Kilbirnie  
North Ayrshire  
KA25 6LX


**How to contact us**

0345 762 6848 (UK)  
+44 (0)1623 637 000 (International)

200 Lichfield Lane  
Mansfield  
Nottinghamshire  
NG18 4RG

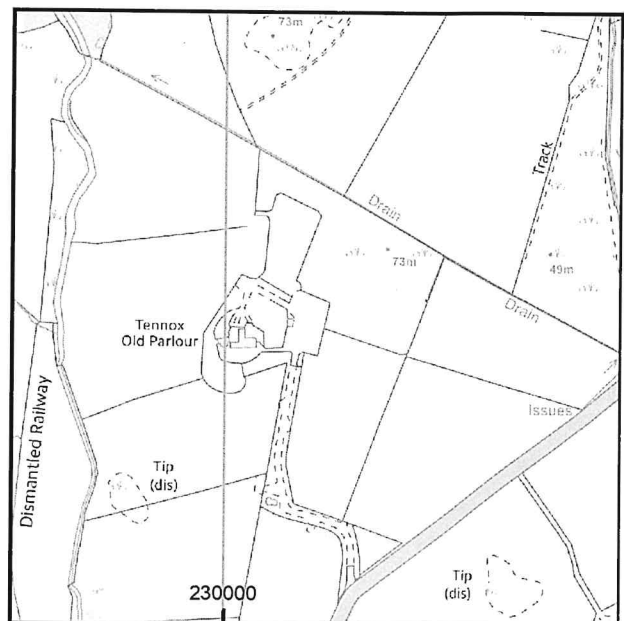
[www.groundstability.com](http://www.groundstability.com)

 @coalauthority

 /company/the-coal-authority

 /thecoalauthority

 /thecoalauthority



Approximate position of property



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# Section 1 – Mining activity and geology

## Past underground mining

Colliery	Seam	Mineral	Coal Authority reference	Depth (m)	Direction to working	Dipping rate of seam worked (degrees)	Dipped direction of seam worked	Extraction thickness (cm)	Year last mined
BALGRAY	WEE	Coal	76GY	95	Beneath Property	24.3	South-East	91	1877
BALGRAY	SMITHY	Coal	76GV	126	Beneath Property	4.8	East	91	1848
KILBIRNIE	DALRY BBI	Ironstone	76H6	164	North	1.7	North-West	76	1866

## Probable unrecorded shallow workings

Yes.

## Spine roadways at shallow depth

No spine roadway recorded at shallow depth.

## Mine entries

Entry type	Reference	Grid reference	Treatment description	Mineral	Conveyancing details
Shaft	230652-008	230115 652522		Ironstone	

## Abandoned mine plan catalogue numbers

The following abandoned mine plan catalogue numbers intersect with some, or all, of the enquiry boundary:

761	S4916	S1679
S2337	OM12411	OM576
S2971	S4845	OM14657

**Please contact us on 0345 762 6848** to determine the exact abandoned mine plans you require based on your needs.

## Outcrops

No outcrops recorded.

## Geological faults, fissures and breaklines

No faults, fissures or breaklines recorded.

**Opencast mines**

None recorded within 500 metres of the enquiry boundary.

**Coal Authority managed tips**

None recorded within 500 metres of the enquiry boundary.

## Section 2 – Investigative or remedial activity

Please refer to the 'Summary of findings' map (on separate sheet) for details of any activity within the area of the site boundary.

### **Site investigations**

None recorded within 50 metres of the enquiry boundary.

### **Remediated sites**

None recorded within 50 metres of the enquiry boundary.

### **Coal mining subsidence**

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres of the enquiry boundary, since 31 October 1994.

There is no current Stop Notice delaying the start of remedial works or repairs to the property.

The Coal Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

### **Mine gas**

None recorded within 500 metres of the enquiry boundary.

### **Mine water treatment schemes**

None recorded within 500 metres of the enquiry boundary.

## **Section 3 – Licensing and future mining activity**

### **Future underground mining**

None recorded.

### **Coal mining licensing**

None recorded within 200 metres of the enquiry boundary.

### **Court orders**

None recorded.

### **Section 46 notices**

No notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence.

### **Withdrawal of support notices**

The property is not in an area where a notice to withdraw support has been given.

The property is not in an area where a notice has been given under section 41 of the Coal Industry Act 1994, cancelling the entitlement to withdraw support.

### **Payments to owners of former copyhold land**

The property is not in an area where a relevant notice has been published under the Coal Industry Act 1975/Coal Industry Act 1994.

## Section 4 – Further information

The following potential risks have been identified and as part of your risk assessment should be investigated further.

### **Development advice**

The site is within an area of historical coal mining activity. Should you require advice and/or support on understanding the mining legacy, its risks to your development or what next steps you need to take, please contact us.

**For further information on specific site or ground investigations in relation to any issues raised in Section 4, please call us on 0345 762 6848 or email us at [groundstability@coal.gov.uk](mailto:groundstability@coal.gov.uk).**

## Section 5 – Data definitions

The datasets used in this report have limitations and assumptions within their results. For more guidance on the data and the results specific to the enquiry boundary, please **call us on 0345 762 6848** or **email us at [groundstability@coal.gov.uk](mailto:groundstability@coal.gov.uk)**.

### **Past underground coal mining**

Details of all recorded underground mining relative to the enquiry boundary. Only past underground workings where the enquiry boundary is within 0.7 times the depth of the workings (zone of likely physical influence) allowing for seam inclination, will be included.

### **Probable unrecorded shallow workings**

Areas where the Coal Authority believes there to be unrecorded coal workings that exist at or close to the surface (less than 30 metres deep).

### **Spine roadways at shallow depth**

Connecting roadways either, working to working, or, surface to working, both in-seam and cross measures that exist at or close to the surface (less than 30 metres deep), either within or within 10 metres of the enquiry boundary.

### **Mine entries**

Details of any shaft or adit either within, or within 100 metres of the enquiry boundary including approximate location, brief treatment details where known, the mineral worked from the mine entry and conveyance details where the mine entry has previously been sold by the Authority or its predecessors British Coal or the National Coal Board.

### **Abandoned mine plan catalogue numbers**

Plan numbers extracted from the abandoned mines catalogue containing details of coal and other mineral abandonment plans deposited via the Mines Inspectorate in accordance with the Coal Mines Regulation Act and Metalliferous Mines Regulation Act 1872. A maximum of 9 plan extents that intersect with the enquiry boundary will be included. This does not infer that the workings and/or mine entries shown on the abandonment plan will be relevant to the site/property boundary.

### **Outcrops**

Details of seam outcrops will be included where the enquiry boundary intersects with a conjectured or actual seam outcrop location (derived by either the British Geological Survey or the Coal Authority) or intersects with a defined 50 metres buffer on the coal (dip) side of the outcrop. An indication of whether the Coal Authority believes the seam to be of sufficient thickness and/or quality to have been worked will also be included.

### **Geological faults, fissures and breaklines**

Geological disturbances or fractures in the bedrock. Surface fault lines (British Geological Survey derived data) and fissures and breaklines (Coal Authority derived data) intersecting with the enquiry boundary will be included. In some circumstances faults, fissures or breaklines have been known to contribute to surface subsidence damage as a consequence of underground coal mining.



**Opencast mines**

Opencast coal sites from which coal has been removed in the past by opencast (surface) methods and where the enquiry boundary is within 500 metres of either the licence area, site boundary, excavation area (high wall) or coaling area.

**Coal Authority managed tips**

Locations of disused colliery tip sites owned and managed by the Coal Authority, located within 500 metres of the enquiry boundary.

**Site investigations**

Details of site investigations within 50 metres of the enquiry boundary where the Coal Authority has received information relating to coal mining risk investigation and/or remediation by third parties.

**Remediated sites**

Sites where the Coal Authority has undertaken remedial works either within or within 50 metres of the enquiry boundary following report of a hazard relating to coal mining under the Coal Authority's Emergency Surface Hazard Call Out procedures.

**Coal mining subsidence**

Details of alleged coal mining subsidence claims made since 31 October 1994 either within or within 50 metres of the enquiry boundary. Where the claim relates to the enquiry boundary confirmation of whether the claim was accepted, rejected or whether liability is still being determined will be given. Where the claim has been discharged, whether this was by repair, payment of compensation or a combination of both, the value of the claim, where known, will also be given.

Details of any current 'Stop Notice' deferring remedial works or repairs affecting the property/site, and if so the date of the notice.

Details of any request made to execute preventative works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991. If yes, whether any person withheld consent or failed to comply with any request to execute preventative works.

**Mine gas**

Reports of alleged mine gas emissions received by the Coal Authority, either within or within 500 metres of the enquiry boundary that subsequently required investigation and action by the Coal Authority to mitigate the effects of the mine gas emission.

### **Mine water treatment schemes**

Locations where the Coal Authority has constructed or operates assets that remove pollutants from mine water prior to the treated mine water being discharged into the receiving water body.

These schemes are part of the UK's strategy to meet the requirements of the Water Framework Directive. Schemes fall into 2 basic categories: Remedial – mitigating the impact of existing pollution or Preventative – preventing a future pollution incident.

Mine water treatment schemes generally consist of one or more primary settlement lagoons and one or more reed beds for secondary treatment. A small number are more specialised process treatment plants.

### **Future underground mining**

Details of all planned underground mining relative to the enquiry boundary. Only those future workings where the enquiry boundary is within 0.7 times the depth of the workings (zone of likely physical influence) allowing for seam inclination will be included.

### **Coal mining licensing**

Details of all licenses issued by the Coal Authority either within or within 200 metres of the enquiry boundary in relation to the under taking of surface coal mining, underground coal mining or underground coal gasification.

### **Court orders**

Orders in respect of the working of coal under the Mines (Working Facilities and Support) Acts of 1923 and 1966 or any statutory modification or amendment thereof.

### **Section 46 notices**

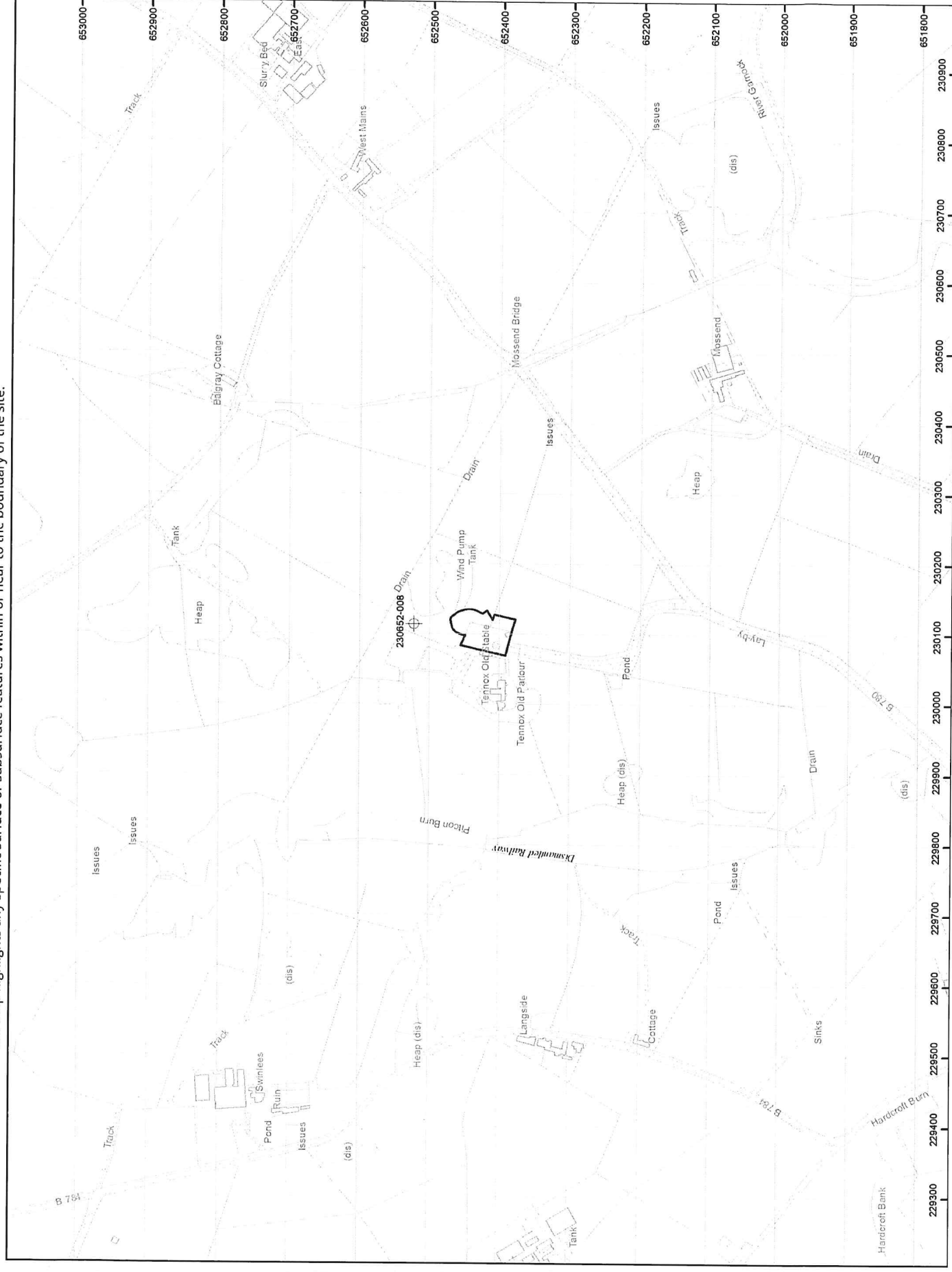
Notice of proposals relating to underground coal mining operations that have been given under section 46 of the Coal Mining Subsidence Act 1991.

### **Withdrawal of support notices**

Published notices of entitlement to withdraw support and the date of the notice. Details of any revocation notice withdrawing the entitlement to withdraw support given under Section 41 of the Coal Industry Act 1994.

### **Payment to owners of former copyhold land**

Relevant notices which may affect the property and any subsequent notice of retained interests in coal and coal mines, acceptance or rejection notices and whether any compensation has been paid to a claimant.



## **Appendix C**

**Record of Mineral Bore Logs plus Location Plan  
(Phoenix Drilling Ltd, November 2022)**





BH3

BH2

BH1

Tennox Farm




# Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH01		Hole Type RO		Level		Logged By CG		Scale 1:50 Page Number Sheet 2 of 4

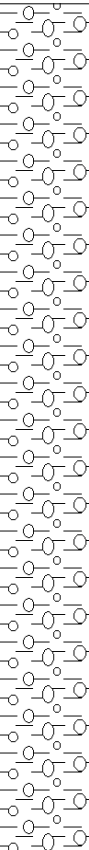
Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description	
				TCR	SCR	RQD						
											# Dark BOULDER CLAY with cobbles and large boulders.	11
												12
												13
												14
												15
												16
												17
												18
												19
												20


Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
25.00	139	25.00	139									1.20	35.00	Water			100
35.00	115																

Remarks # Description based on drillers records. Inspection pit dug to 1.20m and CAT scanned. Borehole backfilled with Bentonite and grout upon completion.																	
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# Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH01		Hole Type RO		Level		Logged By CG		Scale 1:50 Page Number Sheet 3 of 4

Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description						
				TCR	SCR	RQD											
								25.60			# Dark BOULDER CLAY with cobbles and large boulders.	21					
												22					
														23			
															24		
																25	
																	26
																	27
																	28
																	29
Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
25.00	139	25.00	139									1.20	35.00	Water			100
35.00	115																

Remarks # Description based on drillers records. Inspection pit dug to 1.20m and CAT scanned. Borehole backfilled with Bentonite and grout upon completion.																	
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Project Name: Tennox Farm						Client: Mason Evans Partnership						Date: 09/11/2022					
Location: Kilburnie						Contractor: Phoenix Drilling Limited											
Project No. : 4446						Crew Name: RC						Drilling Equipment: Fraste XL					
Borehole Number BH01			Hole Type RO			Level			Logged By CG			Scale 1:50			Page Number Sheet 4 of 4		
Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description						
				TCR	SCR	RQD											
								31.00		..... .....							

# Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH02		Hole Type RO		Level		Logged By CG		Scale 1:50 Page Number Sheet 1 of 4

Well	Water	Depth (m)	Type /FI	Coring			Depth (m)	Level (m)	Legend	Stratum Description	
				TCR	SCR	RQD					
							0.10			# Red chips (MADE GROUND). # Soft brown CLAY.	1
							1.80			# Dark BOULDER CLAY with cobbles.	2
											3
											4
											5
											6
											7
											8
											9
											10

Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
24.00	139	24.00	139									1.20	35.00	Water			100
35.00	115																

Remarks

# Description based on drillers records.  
 Inspection pit dug to 1.20m and CAT scanned.  
 Borehole backfilled with Bentonite and grout upon completion.




# Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnership			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH02		Hole Type RO		Level		Logged By CG		Scale 1:50 Page Number Sheet 2 of 4

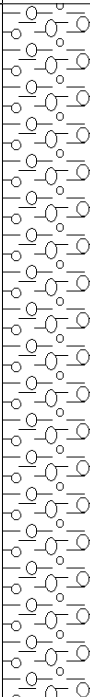
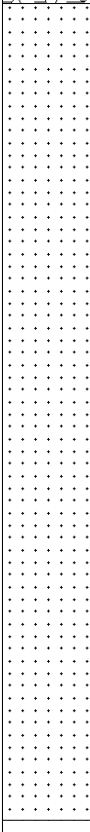
Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description	
				TCR	SCR	RQD						
											# Dark BOULDER CLAY with cobbles.	11
												12
												13
												14
												15
												16
												17
												18
												19
												20

Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
24.00	139	24.00	139									1.20	35.00	Water			100
35.00	115																

Remarks # Description based on drillers records. Inspection pit dug to 1.20m and CAT scanned. Borehole backfilled with Bentonite and grout upon completion.																	
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# Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnership			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH02		Hole Type RO		Level		Logged By CG		Scale 1:50 Page Number Sheet 3 of 4

Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description						
				TCR	SCR	RQD											
								24.60			# Dark BOULDER CLAY with cobbles.	21					
											# White SANDSTONE.	25					
												22					
												23					
												24					
												26					
												27					
												28					
												29					
												30					
Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
24.00	139	24.00	139									1.20	35.00	Water			100
35.00	115																

Remarks

# Description based on drillers records.  
 Inspection pit dug to 1.20m and CAT scanned.  
 Borehole backfilled with Bentonite and grout upon completion.




# Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 09/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH02		Hole Type RO		Level		Logged By CG		Scale 1:50
								Page Number Sheet 4 of 4


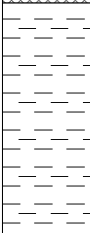
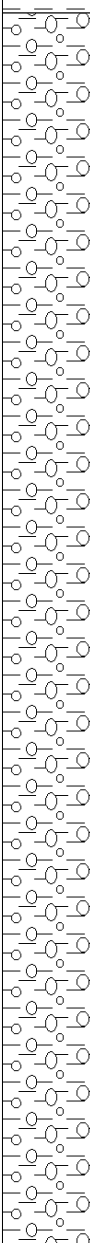
Well	Water	Depth (m)	Type /FI	Coring			Depth (m)	Level (m)	Legend	Stratum Description	
				TCR	SCR	RQD					
							31.20		.....	# White SANDSTONE.	31
									XXXXXXXXXX	# SILTSTONE.	32
									XXXXXXXXXX		33
									XXXXXXXXXX		34
							35.00		XXXXXXXXXX		35
										End of Borehole at 35.000m	36
											37
											38
											39
											40

Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
24.00	139	24.00	139									1.20	35.00	Water			100
35.00	115																

Remarks # Description based on drillers records. Inspection pit dug to 1.20m and CAT scanned. Borehole backfilled with Bentonite and grout upon completion.																	
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# Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 10/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH03		Hole Type RO		Level		Logged By CG		Page Number Sheet 1 of 4

Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description		
				TCR	SCR	RQD							
								0.20			# Grass turf (MADE GROUND).	1	
											# Soft brown CLAY.		
											# Dark BOULDER CLAY with cobbles and large boulders.		2
											3		
											4		
											5		
											6		
											7		
											8		
											9		
											10		
Type/FI	TCR	SCR	RQD	D/R(SPT)									

Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
23.00	139	23.00	139									1.20	35.00	Water			100
35.00	115																

Remarks

# Description based on drillers records.  
 Inspection pit dug to 1.20m and CAT scanned.  
 Borehole backfilled with Bentonite and grout upon completion.




# Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 10/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH03		Hole Type RO		Level		Logged By CG		Scale 1:50
								Page Number Sheet 2 of 4

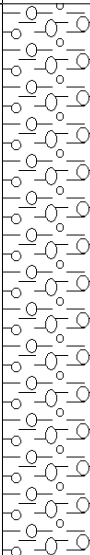
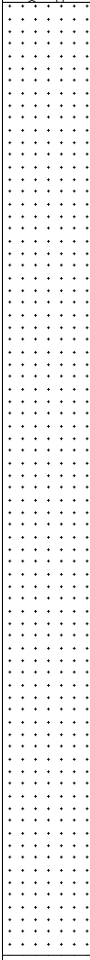
Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description	
				TCR	SCR	RQD						
											# Dark BOULDER CLAY with cobbles and large boulders.	11
												12
												13
												14
												15
												16
												17
												18
												19
												20

Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
23.00	139	23.00	139									1.20	35.00	Water			100
35.00	115																

<b>Remarks</b> # Description based on drillers records. Inspection pit dug to 1.20m and CAT scanned. Borehole backfilled with Bentonite and grout upon completion.																	
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# Rotary Core Log

Project Name: Tennox Farm			Client: Mason Evans Partnship			Date: 10/11/2022		
Location: Kilburnie			Contractor: Phoenix Drilling Limited					
Project No. : 4446			Crew Name: RC			Drilling Equipment: Fraste XL		
Borehole Number BH03		Hole Type RO		Level		Logged By CG		Scale 1:50
								Page Number Sheet 3 of 4

Well	Water	Depth (m)	Type /FI	Coring			Diameter Recovery (SPT)	Depth (m)	Level (m)	Legend	Stratum Description						
				TCR	SCR	RQD											
								23.70			# Dark BOULDER CLAY with cobbles and large boulders.	21					
											# White SANDSTONE.	24					
												25					
												26					
												27					
												28					
												29					
												30					
Hole Diameter		Casing Diameter		Chiselling				Inclination and Orientation				Drilling Flush					
Depth Base	Diameter	Depth Base	Diameter	Depth Top	Depth Base	Duration	Tool	Depth Top	Depth Base	Inclination	Orientation	Depth Top	Depth Base	Type	Colour	Min (%)	Max (%)
23.00	139	23.00	139									1.20	35.00	Water			100
35.00	115																

## Remarks

# Description based on drillers records.  
 Inspection pit dug to 1.20m and CAT scanned.  
 Borehole backfilled with Bentonite and grout upon completion.







**Construction a new residential dwellinghouse, associated outbuildings, landscaping and ancillary works (retrospectively) at  
Tennox Farm, Dalry Road, Kilbirnie, KA25 6LX.  
Mr. Gareth Wilson.**

**Planning Ref : 22/00331/PP**

This statement is in support of the application for review of the Planning Refusal decision made by the Planning Department for the above development. The statement sets out to demonstrate the grounds on which the decision was made were unjustified and requests that the review board overturns the decision.

The grounds on which the Planning Application was refused were stated as follows:

- 1) *The proposed development would be contrary to the provisions of the North Ayrshire Local Development Plan Strategic Policy 1 (the Countryside Objective) in respect of the following:*

*The locational need for a new house has not been established, given the presence of other domestic buildings at Tennox Farm.*

*The site is not within an established grouping of at least 4 dwellings which existed in January, 2005.*

*The site is not a gap site between existing buildings, nor would the development consolidate or round off the established grouping, and the house has encroached onto agricultural land beyond the original steading at Tennox.*

*In architectural terms, the design is not considered exceptional, bespoke or site specific in terms of the associated 'Housing in the Countryside Note' of June ,2021.*

*It is not considered that there is sufficient justification for the proposed development nor have any other material considerations been identified that would outweigh the provisions of the LDP.*

- 2) *The proposed Development would be contrary to the provisions of the North Ayrshire Council Local Development Strategic Policy 2 (Placemaking) in respect of the following qualities of a Successful Place:*

*Safe and Pleasant:*

*The policy highlights that proposed development, "sufficiently investigates and responds to any issues of ground instability". In response to the submitted risk assessment report, significant concerns have been raised by the Coal Authority due to historical coal working and transient mine gas. The suitability of the chosen site for the house in terms of the health and safety of current and future occupants is therefore inconclusive.*

*Resource Efficient:*

*The policy highlights that resource efficiencies can be achieved "by re-using or sharing existing resources and by minimising their future depletion". With regard to the submitted information, it does not appear that consideration has been given to re-using or sharing existing building resources at Tennox to meet the applicant's requirements for on-site accommodation to manage the business enterprises. The failure to consider alternatives at an early stage in the design process has resulted in the erection of a dwellinghouse on previously undeveloped agricultural land which cannot be supported in policy terms.*

In response to the foregoing statements, I would refer to the original support documents submitted with the Planning Application. These clearly demonstrate the locational need for the new house at Tennox Farm given the holiday letting business activities as well as the equestrian and agricultural demands on the farm. It is the applicant's principal residence and he is required to be at the farm to manage the various operations as well as providing a security presence

It is accepted that there are other residential properties on the farm as referred to by the Planning Department. I can confirm that serious consideration was given by the applicant to the use of one of these properties for occupation, however, as it was explained these properties are 'rental' properties and form part of the holiday letting business and all of which are required to maintain a viable concern. Notwithstanding the foregoing, it should be noted there are considerable economic benefits to the local community resulting from the holiday letting business with visitors from outwith the district using the local shops, and facilities all of which is to the advantage of the area.

With regard to the siting of the house I would submit that the existing 4 dwellings form a well-defined cluster of development and that the proposed house blends with this cluster. The house in fact faces directly to the existing gatehouse and forms traditional courtyard enclosure with this building. The house design is also in keeping with the existing other houses in the farmstead with the use of similar materials, features, finishings, etc.

I submit therefore that there is sufficient justification in support of the locational need for the development and its siting within the existing building group.

The second ground stated for refusal of the development was that it would be contrary to the provisions of the North Ayrshire Local Development Plan Strategic Policy 2 in respect of the following categories:

**Safe and Pleasant.**

This refers to the consultation response from the Coal Authority who raised concerns due to suspected historical coal workings. Following the original submitted risk assessment report further site investigation works were instructed and a series of boreholes were carried out by the specialist contractor Phoenix Drilling Ltd under the instruction and supervision of the Environmental Consultant, Mason Evans Partnership Ltd. A detailed record and account of the results of the boreholes was reported by the consultant and a copy of this report is attached to this statement. In summary the boreholes did not encounter any evidence of mine workings and the report concludes *"that the proposed development area is not at risk of mining related ground instability in relation to historical underground mine workings to a depth of 35m"*.

They have also stated that the *"proposed development area is at low risk of potential mine gas emissions"*.

**Resource Efficient.**

Quoting from the council policy resource efficiencies can be achieved by 're-using or sharing existing resources and by minimising their future depletion'.

The house location and footprint is actually formed on the base of a former intended stable block outbuilding within a hard landscaped yard which was present since 2016. The house is accessed by means of the existing private driveway leading from the public road and serviced entirely by private utilities infrastructure in the farmstead and therefore does not

impact or deplete existing resources. The loss of agricultural land which is stated as a ground for refusal was in the circumstances minimal and did not affect any environmental or ecological features.

Photographs of Front Yard at Tennox Farm taken in September, 2016, showing the outline of the stable block foundation which was incorporated into the house footprint.



15<sup>th</sup>. September, 2016.

It is further noted that, again as mentioned in the original planning application support statement, it is the applicant's intention to carry out landscaping works which would complement the existing building layout with tree and hedge planting and not only to provide a long-term visual impact on the setting but also for the appreciation of future generations and assist the wildlife ecology.

On a similar vein it is intended to carry out significant renewable energy measures including photovoltaic panel installation, wind power generation and electricity battery storage which would service all the properties. Given the nature and the close grouping of the buildings the return benefits would be outstanding for the outlay incurred leading towards greater self-sufficiency.

## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

<b>Reference No:</b>	22/00331/PP
<b>Proposal:</b>	Erection of dwellinghouse, associated outbuildings, landscaping and ancillary works (retrospective)
<b>Location:</b>	Tennox Farm, Kilbirnie, Ayrshire, KA25 6LX
<b>LDP Allocation:</b>	Countryside/Rural Community
<b>LDP Policies:</b>	SP1 - The Countryside Objective / Strategic Policy 2 / Detailed Policy 14-Green & Blue Infrastr / Detailed Policy 29 - Energy Infrastructure /
<b>Consultations:</b>	Yes
<b>Neighbour Notification:</b>	Neighbour Notification carried out on 14.06.2022 Neighbour Notification expired on 05.07.2022
<b>Advert:</b>	Regulation 20 (1) Advert Published on:- 22.06.2022 Expired on:- 13.07.2022 Contrary to Development Plan Published on:- 22.06.2022 Expired on:- 13.07.2022
<b>Previous Applications:</b>	06/00850/PP for Change of use of byres including alterations and extensions to form 2 dwelling houses Approved subject to Conditions on 27.02.2007 18/00273/PP for Conversion of outbuildings to form 2 no dwelling houses and widening of access driveway (retrospective) Approved with no Conditions on 10.05.2018

### Appeal History Of Site:

### Relevant Development Plan Policies

SP1 - The Countryside Objective  
The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while

promoting sustainable development which can result in positive social and economic outcomes.

We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our prime and locally important agricultural land from development except where proposals align with this spatial strategy.

In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

## Strategic Policy 2

### Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts.

We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy.

These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

## Six qualities of a successful place

### Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

### Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

### Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

### Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

### Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

### Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

## Detailed Policy 14-Green & Blue Infrastr

### Policy 14:

#### Green and Blue Infrastructure

All proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure (including open space), ensuring no unacceptable adverse environmental impacts occur. Green and blue infrastructure should be multi-functional, accessible and integral to its local circumstances. For example, Sustainable Urban Drainage Systems (SuDS) have the potential to play a key role in the delivery of meaningful blue and green infrastructure, providing amenity and improving biodiversity as well as providing a sustainable flood risk solution. We will require details of the proposed arrangements for the long-term management and maintenance of green infrastructure, and associated water features, to form a key part of any proposal.

Our Open Space Strategy (2016-2026) highlights the need for an audit which identifies valued and functional green and blue infrastructure or open space capable of being brought into use to meet local needs. We will support the temporary use of unused or underused land as green infrastructure including where it consists of advanced structure planting to create landscape frameworks for future development. Support will be given to proposals which seek to enhance biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. We will also support proposals that are in accordance with the vision and outcomes of the Central Scotland Green Network as well as those of the Garnock Connections Project.

#### Detailed Policy 29 - Energy Infrastructure Policy 29:

##### Energy Infrastructure Development

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

##### Environmental

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

##### Community

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



## Public Safety

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

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

## Buildings: Low and Zero Carbon Generating Technology

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

This requirement will not apply to:

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

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## Description

The application seeks retrospective planning permission for the erection of a 1.5 storey house, garden ground and associated outbuildings on a greenfield site to the east of Tennox Farm in the rural area to the south of Kilbirnie.

Over a period of around 12 years, Tennox Farm has been developed by its current owners for various purposes, such as short and long term letting accommodation (including holiday homes), storage, equestrian and yard developments. The

developments have typically been undertaken without planning permission, which have then been applied for retrospectively. In most instances, this has resulted in planning permission having been granted for unauthorised development. Tennox Farm is accessed from the B780 road which links Kilbirnie to Dalry via a gated private driveway.

During March 2022, enforcement notices were served on the owners in respect of various unauthorised uses and developments at Tennox following authorisation by the Council's Planning Committee in February 2022. An appeal was lodged by the site owners with Scottish Ministers in respect of an enforcement notice which required the reinstatement of an area of agricultural land which had been in use as a large yard area. The appeal was dismissed by the Scottish Ministers.

With regard to the dwellinghouse that is the subject of this report, an enforcement notice was served requiring the submission of a planning application before the end of April 2022. The intention was to provide the owners with the opportunity to submit an application and to enable due consideration to be given to the development in terms of statutory planning procedures.

The 295 square metre house is located on greenfield agricultural land towards the east of the original Tennox steading and outbuildings. On plan, the house has an L-shape. On one wing, there is a large open plan family/kitchen and living room with vaulted ceiling. On the other wing, there are five bedrooms (three downstairs and two upstairs) as well as bathroom/WC facilities.

Externally the house has been finished using buff coloured stone with a natural (Spanish) slate roof topped with terracotta ridge tiles. The slatework contains a number of decorated pattern features. There is also a decorative clock tower with a weather vane projecting from the rooftop. The east facing roof slope has three large dormer windows with glazed doors leading onto balconies. Parking for the house has been provided to the west on a large area surfaced with stone chippings. There is an extensive landscaped garden area to the east and north of the house which includes a large pergola with stone columns, a large timber outbuilding and a smaller timber 'barbeque hut' building as well as lawns and planting. Further landscaping is proposed within the garden area, including native tree planting, to give the house a more established and mature setting.

The land to the east, south and north of the site is open countryside. The site provides panoramic views over the landscape especially from the east and north garden areas. As noted above, the land to the west consists of other buildings and land associated with Tennox Farm.

In support of the application, the following documents have been provided:

- Planning Supporting Statement (April 2022);
- Additional Supporting Statement (August 2022);
- Coal Mining Risk Assessment.

In summary, the supporting statements make the following points:

- The applicant undertook the construction of the new dwelling house and ancillary buildings during the height of the Covid-19 Pandemic;

- It is acknowledged that planning permission should have been sought prior to embarking on construction and as such the Applicant is now seeking to address the planning breach;
- Tennox Farm is an established rural business and the new house and outbuildings accommodate the Applicant, who works on site at the farm;
- The new house accords with The Countryside Objective of the LDP as the dwelling house is ancillary to the existing operations within the farm holding, which include the management of short/long term residential rentals, the new riding arena and the management of livestock (10 cattle). There has been no loss or prime agricultural or forestry land nor has there been an impact on any land or features of environmental or ecological interest;
- There is considered to be a specific locational need as the house supports the holiday accommodation located within the site as well as farming activities;
- The house is considered to be sensitive, unobtrusive, high-quality professionally designed and in-keeping with the existing farm buildings;
- The house and outbuildings are not visible from the B784, which rises up a hill to the west of the farm, and is not located within a national or locally designated sensitive landscape area. Neither is the house visible from the B780 to the east;
- The new house forms part of a small cluster of existing residential and commercial buildings and is serviced entirely by private utilities including gas, electricity, clean and wastewater, which is stored via a septic tank.

The application requires to be considered in terms of Strategic Policy 1 (The Countryside Objective), Strategic Policy 2 (Placemaking), Policy 14 (Green and Blue Infrastructure), Policy 29 (Low and Zero Carbon Energy) and the Housing in the Countryside Note of June 2021.

## **Consultations and Representations**

The application was subject to the statutory neighbour notification process, and included a notice in a local newspaper. No representations were received.

### **Consultations**

NAC Active Travel and Transportation - no objections. In terms of the Guidelines for Development Roads, a maximum of 5 houses can be served off a private access in a rural location. There is sufficient parking and turning space within the confines of the site.

Response: Noted. There are a number of other houses at Tennox, at least one of which is known to be used as a holiday let, with others let out on longer tenancies. In addition, there are stables/riding arena, a large storage facility and an unauthorised construction yard. The supporting information states that there are also agricultural activities which take place, such as cattle grazing. Whilst the total number of houses does not exceed 5, there are other uses at Tennox which would result in traffic generation. Nonetheless, the junction with the B780 has been designed and constructed to provide sufficient space for two way traffic entering/exiting the site. Sightlines at the junction are also adequate.

NAC Environmental Health - no objections subject to a condition that the applicant must ensure that the existing septic tank/small-scale sewage treatment plant to serve the development is of adequate capacity for the intended purpose and be capable of operating efficiently without giving rise to nuisance. Effluent soakaways must not be located in the proximity of private water extraction sites. In addition, it should be noted that the Phase 1 Mining Risk Assessment by Mason Evans

submitted in support of the application concludes that the proposed development area is potentially at risk of ground stability as a result of historical (unrecorded) shallow mine workings. Mineral bore investigations are therefore recommended to confirm, or otherwise. The applicant should satisfy themselves to this effect.

Response: Noted. In the event of planning permission being granted, the recommended condition could be attached. See also Coal Authority response, below.

The Coal Authority - no objections subject to conditions. The submitted report by Mason Evans confirms that there is evidence of workings in shallow coal seams below the site. The report confirms that without an intrusive investigation, it is impossible to establish whether there is sufficient rock cover to afford the stability of the development. The report therefore concludes that the drilling of boreholes will be necessary to identify any remedial measures. Notwithstanding the above, and in noting the retrospective nature of the application, the Coal Authority's records indicate that shallow coalmine workings underlie the site at a very shallow depth and that sufficient competent rock cover above the workings may not exist to afford the stability of the dwelling. New development and construction activity clearly has the potential to trigger new ground movement and the dwelling, as built, may therefore be at significant risk of collapse. Transient mine gases may also pose a risk to the health and safety of any future occupants. Please note that permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

Response: Noted. The matters raised would suggest that prior investigation of ground conditions should have taken place in advance of any development taking place. The comments stating there is "significant risk of collapse" are of particular concern. However, in the event of planning permission being granted, the recommended conditions could be attached.

## **Analysis**

In terms of the adopted LDP, the site is located within a rural area allocated as countryside. The proposal therefore requires to be considered in terms of Strategic Policy 1 (The Countryside Objective). Strategic Policy 2 (Placemaking), Policy 14 (Green and Blue Infrastructure), Policy 29 (Low and Zero Carbon Energy) and the Housing in the Countryside Note of June 2021 are also relevant considerations.

The Countryside Objective can support housing in the rural areas of North Ayrshire in a number of circumstances. Notwithstanding the arguments put forward in the applicant's supporting statement, it is considered that the following criteria are those most directly relevant to housing developments:

Criterion (i) states that sympathetic additions to existing well-defined nucleated groups of four or more houses in close proximity to one another and visually identifiable as a group with some common feature will be supported, up to a limit of 50% of dwellings existing in that group as of January 2005.

Tennox Farm originally had one house with planning permission having been granted for two additional dwellings (through conversion of existing buildings) in February 2007 under ref. 06/00850/PP. The permission was not implemented and lapsed in February 2011. Despite this, works were carried out to convert the outbuildings to form 2 dwellings, with permission then granted retrospectively in

22/00331/PP

2018 under ref. 18/00273/PP. The history of the site therefore indicates that there was just one house at Tennox Farm in January 2005. Under this criterion, there is no opportunity for permitting the development that has taken place.

With regard to criterion (f), which provides support for the sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion, it is noted that the land was in agricultural or equestrian use before the development took place. It has taken place on land far beyond the edge of the original Tennox steading on a separate and distinct area that is linked by modern access roads and landscaped ground. However, historically, there were also coal workings below the ground at Tennox. These are not visible from ground level other than the coal bin which lies a short distance to the north of the site. Of particular concern is that The Coal Authority has raised a number of concerns, including shallow coal workings which pose risks of ground instability as well as the risks to occupants from transient mine gas. In conclusion, it is not considered that the application site constitutes a gap site, and given the potential risks to ground stability, it may not be an appropriate location even if it were.

The remaining criterion within The Countryside Objective is that of (h), new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality. The proposal involves new build rather than conversion. It is not considered that the house as built is of exceptional design quality. This conclusion has been reached having given consideration to the Housing in the Countryside Note of June 2021. Section 5.5 states that there may be a presumption in favour when the following are met:

- A design led approach that achieves bespoke, one-off homes which embrace contemporary architecture whilst being identifiable within an Ayrshire and Scottish context, potentially referencing the history and cultural setting of the site or its locality in the design.
- High quality materials utilised throughout the proposal.
- Site specific access, where possible formed from existing entrance points.
- Sensitive boundary treatment which blends with existing landscape features.
- Keep window and door openings consistent.

Section 5.5 also states there should be a presumption against in the following circumstances:

- Avoid contemporary design that 'could be anywhere' - the intention of the policy is to produce exceptional design quality that is appropriate for a North Ayrshire context, whether coastal, rural or island.
- Avoid over complicated facades, avoid excess decoration.

In this case, it is considered that the design concept does not equate to a bespoke one-off home: it is an L-shaped stone and slate house with no special architectural merit or distinction. There are some similarities in terms of the design to the housing within the Tennox Farm steading, especially in relation to the external finishes of sandstone, slate and decorative features. However, the site itself is within an expansive rural area beyond the original developed area around Tennox Farm, where additional housing creates sporadic and unplanned development, regardless of design. There is no evidence within the application to suggest how the design has evolved nor how it has any site specific nor local architectural relevance.

The application was submitted in response to complaints that it had been built without planning permission, and was not, therefore, subject to any pre-application

advice which would have provided an opportunity to discuss both the principle of development and potential design options. Had such discussions taken place, it is doubtful that the submitted design would have come forward, nor would have a site been selected where the risk of ground instability is considered to pose a significant risk to the health and safety of its occupants.

With respect to the matters raised in the supporting statement that the house has a specific locational need to be at Tennox for the management of a holiday letting business as well as other activities (equestrian and agricultural), it is noted that the applicant owns all of the properties within Tennox Farm. As such, there appear to be options available to meet the need for a site managers or workers dwellinghouse without the need for the house that has been built. Furthermore, the site is not in a remote location and is within easy reach of the nearby settlements of Kilbirnie (1.5 miles) and Dalry (2 miles).

In summary, the proposal would not, therefore, accord with Strategic Policy 1 (The Countryside Objective).

Strategic Policy 2 (Placemaking) sets out the Six Qualities of a Successful Place which all planning applications are expected to meet. The stated purpose of the policy is to ensure "all development contributes to making quality places". Strategic Policy 2 also states that "the policy also safeguards, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts."

A brief comment on each of the Six Qualities of A Successful Place follows below:

#### Welcoming

The proposed house has been sited with its main elevation facing onto a private courtyard at Tennox Farm. The house would be approached from the south via a private driveway access surfaced in gravel.

#### Distinctive

The house differs in its form from the original farm buildings at Tennox, having a large footprint on a modern L shaped plan, in contrast with the more compact buildings elsewhere that have been sited in a cluster.

#### Safe and Pleasant

The policy highlights that proposed development "sufficiently investigates and responds to any issues of ground instability." As noted above, this matter has been investigated by Mason Evans Partnership as part of the application. In response to the submitted risk assessment report, significant concerns have been raised by The Coal Authority, raising the question as to the suitability of the chosen site for the house.

Whilst such issues could potentially be overcome through intrusive investigation and (if necessary) remediation works, it is also noted that the house occupies previously undeveloped rural land beyond the edge of the existing steading at Tennox. As such, the house has contributed to the spread of sporadic and unplanned development around Tennox Farm. For the reasons discussed above, it is not considered there is adequate justification for doing so.

Notwithstanding the above, it is unlikely that there would be any significant adverse impacts on the nearby housing in terms of direct overlooking or overshadowing, and

its landscape impacts are not significant due to its relatively low height, which is further mitigated by its setting on a low plateau and back from the edge of the hillside.

#### Resource Efficient

The application does not provide any information in relation to the efficient use of resources. The policy highlights that resource efficiencies can be achieved "by re-using or sharing existing resources and by minimising their future depletion." It does not appear that consideration has been given to re-using or sharing existing building resources at Tennox to meet the applicant's requirements for on-site accommodation to manage the business enterprises.

#### Easy to Move Around and Beyond

The site is located in a rural location which is not well served by walking or cycling routes. The B780 is a bus route although there is no bus stop nearby.

#### Adaptable

Not relevant.

It is therefore considered that the development would not accord with Strategic Policy 2.

#### Policy 14 (Green and Blue Infrastructure)

This policy notes that all proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats, and makes provision for including new features that would improve biodiversity. As the site has already been developed, there are no natural features remaining. However, the proposal includes hedgerow and tree planting to create new natural features and habitats potentially suitable for a variety of wildlife. In the event of planning permission being granted, a condition could be attached.

#### Policy 29 (Energy Infrastructure Development (Buildings))

In the event of planning permission being granted, a condition could be attached to meet the requirements of Policy 29, which applies to the erection of new buildings such as dwellinghouses.

In conclusion, it is not considered that the house has a specific locational need, nor is it within an established rural grouping of at least 4 houses which existed prior to January 2005. The house has not been built on a gap site. Furthermore, the design is not sufficiently bespoke nor original to meet with the objectives of Countryside Objective criterion (h) or the Housing in the Countryside Note of June 2021. Finally, it is known that the site has shallow coal workings close to ground level which may pose a risk to health and safety to its occupants at some point in the future, with concerns having been expressed by the Coal Authority. Taking all of these factors together, it is not considered that the applicant's arguments in support of the application can be accepted.

There are no other material considerations that would warrant a departure from the provisions of the development plan. In conclusion, since there is no justification to grant the application in terms of the LDP, which is not outweighed by other material considerations, planning permission should be refused.

**Decision**

Refused

Case Officer - Mr A Hume



## Appendix 1 - Drawings relating to decision

<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Location Plan	PL 00	
Block Plan / Site Plan	PL 01	
Proposed Floor Plans	PL 02	
Proposed Elevations	PL 03	



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/22/00331/PP

(Original Application No. N/100559011-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,  
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS  
2013

To : Mr Gareth Wilson  
c/o North Planning & Development Fao Emma Moore  
Tay House  
300 Bath Street  
Glasgow  
G2 4JR

With reference to your application received on 13 June 2022 for planning permission under the above mentioned Acts and Orders for :-

Erection of dwellinghouse, associated outbuildings, landscaping and ancillary works (retrospective)

at Tennox Farm  
Kilbirnie  
Ayrshire  
KA25 6LX

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposed development would be contrary to the provisions of the North Ayrshire Local Development Plan Strategic Policy 1 (The Countryside Objective) in respect of the following:
  - The locational need for a new house has not been established, given the presence of other domestic buildings at Tennox Farm;
  - The site is not within an established grouping of at least 4 dwellings which existed in January 2005;
  - The site is not a gap site between existing buildings nor would the development consolidate or round-off the established grouping, and the house has encroached onto agricultural land beyond the original steading at Tennox;
  - In architectural terms, the design is not considered exceptional, bespoke nor site specific in terms of the associated 'Housing in the Countryside Note' of June 2021.

It is not considered that there is sufficient justification for the proposed development nor have any other material considerations been identified that would outweigh the provisions of the LDP.

2. The proposed development would be contrary to the provisions of the North Ayrshire Local Development Plan Strategic Policy 2 (Placemaking) in respect of the following qualities of a Successful Place:

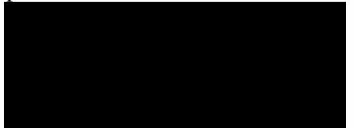
Safe and Pleasant

The policy highlights that proposed development "sufficiently investigates and responds to any issues of ground instability." In response to the submitted risk assessment report, significant concerns have been raised by The Coal Authority due to historic coal working and transient mine gas. The suitability of the chosen site for the house in terms of the health and safety of current and future occupants is therefore inconclusive.

Resource Efficient

The policy highlights that resource efficiencies can be achieved "by re-using or sharing existing resources and by minimising their future depletion." With regard to the submitted information, it does not appear that consideration has been given to re-using or sharing existing building resources at Tennox to meet the applicant's requirements for on-site accommodation to manage the business enterprises. The failure to consider alternatives at an early stage in the design process has resulted in the erection of a dwellinghouse on previously undeveloped agricultural land which cannot be supported in policy terms.

Dated this : 6 September 2022



for the North Ayrshire Council

(See accompanying notes)



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS  
2013 – REGULATION 28

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

**FORM 2**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.