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## NORTH AYRSHIRE COUNCIL

### Planning Committee

Locality	Three Towns
Reference	21/01161/PP
Application Registered	2nd December 2021
Decision Due	2nd February 2022
Ward	Ardrossan And Arran

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**Recommendation**      Approved subject to Conditions

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**Location**              Site At North Shore Adjacent To North Crescent Road  
Ardrossan Ayrshire

**Applicant**             North Ayrshire Council

**Proposal**              Enabling works to support the future development proposed on the North Shore site, consisting of earthworks, remediation, construction of road, replacement revetment, drainage and formation of a coastal footpath

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### 1. Description

Planning permission is sought for works, described as enabling works to support the future development of the site. The specific works are earthworks, remediation, construction of a road, replacement of a revetment and drainage to form a coastal footpath. The site is known as Ardrossan North Shore. The site is roughly rectangular in shape being some 12.25ha in area. It is bounded to the north-east by North Crescent Road, the south-east and south by residential properties and the west and north-west by coast. The site is identified in the Local Development Plan (LDP) as part of the Ardrossan Harbour and North Shore Strategic Development Area.

The site was previously used as an oil refinery, producing bitumen and handling crude oil, fuel oils and aviation fuel. The site was decommissioned in the late 1980s and has been vacant since around 1989. The site is currently a relatively flat area, with some 2-3m high mounds, of mostly scrub vegetation. A portion of the site on the south-eastern side, closest to Montgomerie Street, is currently a bus garage.

The proposed road connects Montgomerie Street with North Crescent Road, through the site of the bus garage. It is noted that Planning permission has been granted (ref: 21/01193/PP) for the erection of industrial buildings on a site on Harbour Road, Ardrossan, to facilitate the relocation of the bus garage. The road would be some 4150m long with a 540m spur running to the south-west. There would be various nibs on the road for junctions to future development. Although not part of this application, it is envisaged the future development would include a new school campus and housing.

The application falls within the category of "major" development, in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required, and a PAC notice was received 28th May 2020 (ref: 21/00539/PREAPM).

The proposal was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. An EIA was considered to be required. The scope of the EIA was agreed 9th November 2021 (ref: 21/00960/EIA).

An EIA has been submitted. The EIA includes consideration of the following:

### **Description of Development.**

The EIA states that the proposed works will facilitate future plans for the use of the site as a campus, with mixed educational and community facilities and residential development. This would achieve the aim of regenerating a brownfield site and acting as a catalyst for development of the wider area. The proposed coastal path and flood defence proposals are hoped to tie into future expansion of the existing marina and contribute to attracting visitors to the town. The site has been chosen due to its unique characteristics and as an available brownfield site, the development of which is hoped to rejuvenate Ardrossan.

### **Geology, Contaminated Land and Hydrogeology including Remediation Strategy**

The report makes an assessment on the potential impacts to ground conditions of the development as well as from existing soil and groundwater contamination. Due to the historic use, there is a legacy of soil and groundwater contamination, principally related to hydrocarbon contamination. The proposal encompasses intrusive remediation works targeting contaminated soils and groundwater, removal and replacement of the existing revetment, groundworks and installation of drainage, utilities and road construction. The carrying out of the proposed works is considered to result in an overall environmental improvement. A Construction Environment Management Plan (CEMP) with specific measures regarding dust and vapour suppression during construction and monitoring is proposed. Subject to such a CEMP it is concluded that the development would have no significant potential impact in terms of contamination.

### **Airborne Noise including Noise Impact Assessment**

This assessment identifies that some activities related to the construction of the proposed works have the potential to exceed 65dB. Mitigation measures, including temporary noise barriers are proposed. Noise monitoring should be carried out to inform the methodology of any works. Subject to such measures it is concluded that the development would have no significant potential impact in terms of noise.

## **Summary of Topics Not Requiring Full EIA**

The topics include the water environment, biodiversity, landscape and visual, archaeology and cultural heritage, air quality, population and human health, waste, climate changes, major accidents and natural disasters. These were scoped out at that stage of the EIA process. However, the assessment concludes that there were no significant effects across these topics.

In addition to the EIA, the following documents have been submitted in support of the application:

### **PAC report**

The PAC report notes the publicity measures undertaken and the public events held. An online exhibition was held between 5th July 2021 and 26th July 2021. Feedback from the exhibition is summarised as: concern regarding contamination and how it was to be remediated; concern about flood risk and defence works; questions about levels of surveys undertaken; the information to be submitted with an application; further consultation and timescales. The report states that a range of communication methods was used to provide further information and responses have been provided to those who raised questions.

### **Planning Statement**

The planning statement describes the proposed development, summarises the planning background, and policy context.

### **Preliminary Ecological Appraisal (November 2021) and Protected Species Risk Assessment**

There are no designated sites within the site or outwith the site which are considered to be ecologically connected. The site is mainly scrub but also includes some trees, marshy grassland, open water, coastal grassland, fences, walls, buildings and bare ground.

There is suitable foraging and commuting habitat for bats, otter, badger and hedgehog. Resting, foraging and nesting habitat for birds is also present. Common seal, grey seal and harbour porpoise are known to utilise the adjacent Firth of Clyde. No specific protected species were found to be within the site at the time of study. Mitigation is proposed for the construction period and opportunities for biodiversity enhancement are identified.

### **Flood Risk Assessment**

This assesses the potential flood risk to the site. It is acknowledged that the risk to the site comes from the sea. The proposed road accesses are considered to be suitable for a present-day one-in-200-year event as is the revetment. Advice is given on Finished Ground Levels and Finished Floor Levels for any future development.

### **Construction Method Statement**

The statement outlines how contractors should operate on the site, should permission be granted.

The Town and Country Planning (Scotland) Act 1997 states that when determining planning applications regard shall be had to the provisions of the development plan, so far as material to the application, and to any other material considerations.

The relevant policies of the Local Development Plan adopted November 2019 (LDP) are Strategic Policy 1: Spatial Strategy; Strategic Policy 2: Placemaking; Strategic Policy 3: Strategic Development Areas; Policy 2: Regeneration Opportunities; Policy 14: Green and Blue Infrastructure; Policy 22: Water Environment Quality; and Policy 27: Sustainable Transport and Active Travel.

## **Relevant Development Plan Policies**

### **Strategic Policy 1 Spatial Strategy**

Our spatial strategy is based on the principle that we want to direct the right development to the right place. This means we want to direct most development to our towns, villages and developed coastline where we have infrastructure capacity to support new development, where there is access to existing services and where we have opportunities to re-use and redevelop brownfield land.

We recognise that for island and rural communities we have to be more flexible to ensure they can grow and thrive too so we have set out a distinct approach for them which continues to promote a sustainable pattern of development but that also empowers our rural economy and communities to develop while protecting our countryside areas as a valuable natural asset. We have indicated what this means on our Spatial Strategy Map and in the mini maps included throughout this Local Development Plan.

Strategic Policy 1 includes objectives and policies for how development can enhance and protect our Towns and Villages, our Countryside and our Coast.

We will assess development proposals against the principles set out in the spatial strategy. All development proposals must also comply with Policy 2: Placemaking and any relevant policies of this Plan. We will resist development outwith the boundaries of towns and villages, except where the development would positively contribute to the vision or priorities identified in the spatial strategy or where detailed policies of the LDP provide support. We will refer to Scottish Planning Policy's presumption in favour of development that contributes to sustainable development in considering proposals that are not supported by the spatial strategy.

### **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.

## Strategic Policy 3:

### Strategic Development Areas

We will support the development of the Strategic Development Areas identified in this section, in line with the guidance set out in the following pages.

Proposals must demonstrate they do not adversely impact on the environmental quality of North Ayrshire by way of adverse impact on soils, water, air, population, human health, cultural heritage, material assets, climatic factors, landscape and biodiversity (flora and fauna).

Proposals may require to be the subject of an environmental impact assessment.

Where masterplans have been approved by us we would expect subsequent detailed proposals to align with them.

We will give consideration to masterplans submitted in support of development proposals where they have not been formally approved by the Council as planning authority, however the information attached to any such masterplan will generally be considered for information only. Masterplans prepared by, or on behalf of North Ayrshire Council, may be subject to strategic environmental assessment.

Where alternative uses are proposed, we will determine the acceptability of the proposals on the basis of whether they can positively contribute towards delivering strategic objectives namely the social, economic and environmental implications of alternative uses in helping us achieve the vision for a healthier, working, safer and thriving North Ayrshire.

Our Capital Investment Strategy (see schedule 8) and Action Programme will be critical to delivering the strategic development areas, and we will work with partners to demonstrate how and when development will take place.

## Detailed Policy 2 - Regeneration Opportunities

### Policy 2:

#### Regeneration Opportunities

In principle, we will support and promote development of brownfield land (including vacant and derelict land) within our settlements, where the development aligns with the placemaking policy. In particular, we support the re-use of sites shown in schedule 4 for a range of urban uses which would contribute to the placemaking agenda, subject to their impact on the surrounding established amenity, assessment against the Placemaking Policy and in particular their impact on utility and service capacity.

Note that proposals for significant footfall generating uses considered against this policy should accord with the Town Centre First Principle and must not undermine the vitality or viability of town centres or the delivery of the effective housing and industrial land supplies except where they would support the principle of sustainable development.

We will support development of the regeneration opportunities for a range of integrated urban uses including:

- o Residential.
- o Local-scale community and leisure uses.
- o Other local employment uses like shops, banks, cafes, workshops, garages, and small offices (including working from home).

We will also support alternative solutions which would improve the amenity or economic outlook of the surrounding area such as

- o Greening (Woodland planting, allotments etc.)
- o Renewable Energy Generation

o Protection and enhancement of green and blue networks

There may also be instances in the plan period where new regeneration sites are identified. In principle we will support proposals which are innovative, contribute to our placemaking agenda and align with our vacant and derelict land strategy.

#### Detailed Policy 14-Green & Blue Infrastructure

##### 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 22 - Water Environment Quality

##### Policy 22:

##### Water Environment Quality

Proposals for additional cemetery provision to meet identified needs within our locality areas of Irvine, Kilwinning, Arran, North Coast, Three Towns and Garnock Valley will be supported where unacceptable environmental and amenity impacts are avoided. Groundwater assessments may be required to support proposals with mitigation measures identified and agreed where necessary.

We will support development that helps achieve the objectives of the Water Framework Directive and the River Basin Management Plan for Scotland. Generally, development which would lead to the deterioration of the water environment will be resisted unless it would deliver significant social, environmental or economic benefits.

Development will be required to ensure no unacceptable adverse impact on the water environment by:

- a) Protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity);
- b) Protecting and enhancing existing flood plains; protecting opportunities for public access to and recreation and enjoyment on and around lochs, rivers, burns, wetlands and the coastal marine area; and
- c) Having regard to any designated Bathing Waters. Where engineering works are required in or near water bodies, there will be a presumption in favour of soft engineering techniques and against the culverting of watercourses, unless there is no suitable alternative. Proposals for culverting of watercourses for land gain may only be justified if the applicant can demonstrate that:
  - o No other practical option exists that would allow the watercourse to remain open; and
  - o The proposed development is of over-riding public interest.

We support connection to public sewerage systems in the first instance but recognise that wastewater solutions must be affordable and delivered at the most appropriate scale and that in many cases septic tank systems can be the most sensible solution for a household or small community (this also might be bespoke for our island communities). We will consider the cumulative impact of such solutions and support a preference for community solutions.

Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.

Indicative Width of watercourse (top of bank)	Indicative Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
15-15m	12-20m
15m+	20m+

#### Detailed Policy 27 Sustainable Transport and Active Travel

We will support development that:

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



- development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.
- o enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.
- o considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gailes.

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

We will take account of:

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

Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

National Development:

The National Walking and Cycling Network (NWCN) was designated as a national development within the National Planning Framework (NPF3). This is an ambitious project which aims to grow Scotland's

network of paths from 6,000 to 8,000 km by 2035. Key routes in North Ayrshire which will contribute to this network are detailed below. These are being developed in partnership with Sustrans and Scottish Natural Heritage as lead organisations for the delivery of the NWCN.

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

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

## **2. Consultations and Representations**

Neighbour notification was carried out and the application was advertised in the local press. There have been 3 objections and 1 neutral representation. The objections can be summarised as follows:

1. Principle - The site should only be developed into a green space and no campus or houses should be built on the site.

*Response: The site has been identified as a regeneration site in the adopted LDP. This application is for remediation and road. A campus/housing and/or similar proposals would require further planning permission.*

2. Contamination - The site is contaminated, and future and current residents could be affected. The environment could be affected by any leakage of contaminants. The wind may carry contaminated over existing properties.

*Response: A remediation strategy has been submitted and NAC Environmental Health and SEPA have no objections. Their comments are noted below.*

3. Road - The junction position at North Crescent Road will make it more difficult for users of the road and residents on North Crescent Road. The junction should be a roundabout at Harvey Street.

*Response: NAC Active Travel and Transportation was consulted and has no objection, see below.*

3. Cost - The proposed sea defences appear costly and it is not clear what the projected cost is. When will the extended marina be constructed? Consider that the budget for the whole site will be exorbitant.

*Response: The cost of the works is not a material planning consideration. Planning applications would be required for further development facilitated by these works*

4. Construction - Surrounding properties could be damaged/disturbed during construction. Properties on North Crescent Road will be adversely affected by construction traffic. Construction traffic should be routed away from North Crescent Road.

*Response: Any statutory nuisance during construction can be controlled by NAC Environmental Health under Environmental Protection legislation. The comments regarding construction have been passed to the applicant.*

5. Wildlife - The development will impact on wildlife on the site and in the adjacent sea. What studies have been carried out?

*Response: A Preliminary Ecological Appraisal (November 2021) and Protected Species Risk Assessment has been carried out. It is not considered there would be any significant impact.*

The neutral representation can be summarised as follows:

1. Montgomerie Street and North Crescent Road are not fit for current levels of traffic. Eglinton Road and Glasgow Street are better suited for volumes of traffic. The junction of Harvey Street and North Crescent Road is already dangerous with cars often mounting the pavement. The proposed junction at North Crescent Road will be directly opposite houses that will be affected by headlights.

*Response: The works subject of this application will not in themselves generate significant additional traffic. Any traffic generating uses proposed for the site would be the subject of subsequent planning applications and assessed on their merits. The effect of the junction on amenity is assessed below.*

## **Consultations**

**NatureScot** - Originally sought a further bat survey assessing the buildings at the bus garage, which will be demolished to facilitate the access. This survey was carried out and no evidence of bats was found. The nearby Ardrossan to Saltcoats Site of Special Scientific Interest will not be affected by the proposal. Advice is given on minimising disruption during construction on other natural heritage assets.

*Response: Noted. Should any protected species be found during works the developer would have to comply with all other statutory requirements.*

**Northern Lighthouse Board** - No objections. The developer should liaise with the Ardrossan Harbour Company with regard requirements for a notice of the revetment works to mariners. The developer must also ensure the existing marine navigation light on the west of the site is not obscured during works. On completion as built plans should be submitted to the UK Hydrographic Office.

*Response: Noted. The requirements have been passed to the applicant.*

**NAC Active Travel and Transportation** - No objections. The road, as proposed, should encourage appropriate speeds along its length. A Strategic Transport Assessment will be required for further proposal within the site. Details of traffic signalling will be required at Roads Construction Consent.

*Response: Noted. Any future applications for development utilising the roads would require to be assessed on their own merits including appropriate Transport Assessments.*

**NAC Environmental Health** - No objections subject to conditions. A site investigation of the bus garage site, once the buildings have been removed, will be required. A revised remediation strategy which takes account of existing and further site investigations and trials shall be submitted for approval. A named Clerk of Works shall be appointed. On completion of the remediation a verification report shall be submitted. Details of sampling frequency, if required, shall be submitted. Any unsuspected contamination will be brought to the attention of Environmental Health immediately.

*Response: Noted. Conditions could be attached to any permission stipulating such requirements.*

**SEPA** - SEPA's contaminated land specialists have been discussing the site with NAC Environmental Health in terms of the potential for impacts on the water environment and any remediation requirements. The comments from NAC Environmental Health are in line with what has been discussed with SEPA's specialists and SEPA has no further site-specific comments.

SEPA is supportive of the flood management measures recommended by the FRA.

*Response: Noted*

**Marine Scotland** - No objections. The works to the marine environment will require a licence from Marine Scotland.

*Response: Noted*

**Clydeport** - No comments submitted.

### **3. Analysis**

The Towns and Villages Objective of Strategic Policy 1 states that in principle support will be given to proposals that prioritise the re-use of brownfield land over greenfield by supporting a range of strategic developments which deliver sustainable and productive re-use, including at Ardrossan North Shore. The Coastal Objective of Strategic Policy 1 states that a range of uses will be supported that assist to develop and strengthen the coastal economy and marketability and improve accessibility to visit and explore the coast.

As noted above the site is identified as part of the Ardrossan Harbour and North Shore Strategic Development Area. Strategic Policy 3 states that support will be given to the regeneration of North Shore for residential and mixed-use development, particularly where community uses can be integrated, which will increase pedestrian flow through the area and into the town centre. Strategic Policy 3 also supports proposals which deliver community priorities identified through the Three Towns Charette and provide active travel routes into and throughout the site, and regeneration of vacant land to form urban parkland. The Three Towns Charette was held in February 2017. The Charette identified North Shore as brownfield opportunity and the coast as the key natural asset of the Three Towns. Community priorities and projects identified for Ardrossan included a new Academy.

This application is for earthworks, remediation, construction of a road, replacement of a revetment and drainage to form a coastal footpath. The works are essentially enabling works to facilitate the regeneration of the site. The specifics of any future development would have to be determined by further planning applications. However, this permission would create a new road with pedestrian access and a coastal path thereby providing active travel routes and creating the opportunity for increased pedestrian flow. The works would essentially be a first phase for development which could meet the identified priorities and the other opportunities identified in the LDP. The proposal therefore complies with Strategic Policy 1 and Strategic Policy 3 of the LDP.

Policy 2: Regeneration Opportunities states that support will be given to development of brownfield land, subject to an assessment against the placemaking policy.

Strategic Policy 2: Placemaking sets out the six qualities of a successful place. Given the nature of the proposal the relevant qualities are considered to be 'distinctive,' 'safe and pleasant,' 'resource efficient' and 'easy to move around and beyond.'

In terms of 'distinctive' proposals should draw upon the positive characteristics of the area. In terms of 'safe and pleasant' proposals should encourage activity, including social and economic activity. Proposals should respect the amenity of existing and future users in terms of factors including noise, privacy and traffic generation. In terms of 'resource efficient' proposals should re-use existing resources and give consideration to existing green and blue networks. In terms of 'easy to move around and beyond' proposals should consider the connectedness of the site including considering active travel and likely desire lines, through routes and future expansion.

Policy 14: Green and Blue Infrastructure states that proposals should seek to protect, create, enhance and/or enlarge natural features. Policy 22: Water Environment Quality states that development will be required to ensure no unacceptable impact on the water environment. Policy 27: Sustainable Transport and Active Travel states that support will be given to development that contributes to an integrated transport network and provides safe and convenient sustainable transport options that support a shift to active travel.

As stated above the proposal is for enabling works for the redevelopment of the site. The proposal would help promote the re-use of the site. The physical works proposed comprise a sea revetment some 20m wide. Adjacent to the revetment would be a 4m wide coastal path. Running through the site would be a road and associated pavements. The appearance of these works would be as expected for a site within a settlement and would include grass verges where the road runs adjacent to the revetment/coastal path. The rest of the site would be remediated with the site left for future development. The site, prior to any future development, would have an appearance similar to the existing site, albeit one ready for further development.

By its very nature the proposal would promote activity, connectedness and support active travel. The path would connect an area of open space, a 'green network,' and give access to the coast, a 'blue network,' to the existing marina and wider settlement. The Northern Lighthouse Board has no objections to the works. Any permission could be subject to conditions requiring the works be carried out in accordance with the mitigation measures identified in the submitted European Protected Species Risk Assessment. The proposal therefore accords with the 'distinctive' and 'resource efficient' qualities of Strategic Policy 2 and Policy 14 of the LDP.

The road, at its south-eastern end, would utilise an existing access. At its north-eastern end, the road access would be sited approx. 20m north of an existing access to the site. The existing access, which is currently closed by a bund, would be formally closed off. The site is some 120m at its closest point to Glasgow Street with the main bus routes. There are also bus stops on Eglinton Street some 160m to the north. The site is some 215m from the Town Centre and its facilities and other transport options, including Ardrossan Town Train Station.

Active Travel and Transportation has been consulted and has no objection. It is noted the details of the traffic signalling for the junctions would be addressed within a Roads Construction Consent and planning permission would not be required. The proposal is therefore considered to accord with the quality of 'easy to move around and beyond' of Strategic Policy 2 and Policy 27 of the LDP.

As stated above, the proposed road and path would promote activity. The works would have no impact on the amenity of neighbouring properties in terms of overshadowing, daylight/sunlight or overlooking. Issues such as those would be fully assessed through future applications for development of the site.

The carrying out of the works has the potential to cause noise disturbance. However, the actual works themselves, once complete, should not cause any noise other than may be expected from infrastructure within a settlement. Again, further development to be facilitated by the works would have to be fully assessed through subsequent planning applications. Noise from construction can be controlled by Environmental Health who can take action against statutory nuisances under Environmental Protection legislation.

The new road will facilitate traffic movement. However, this would be connected to future development and the road, in itself, should not create a significant increase in traffic movement. Active Travel and Transportation has not objected but note that a Strategic Transport Assessment will be required for further proposals.

Representation has been received that residents on North Crescent Road could be disturbed by vehicles at the new junction. The proposed junction would be some 25m north of an existing junction. It is noted the existing junction could be reopened without any planning permission. The proposed junction would be approx. 21m from the windows of the nearest properties with parking between the windows and the road. This distance and position should ensure disturbance from car lights would be minimised. The details of any signals for the junctions would be a matter for the Roads Construction Consent. The south-western junction would utilise the existing entrance to a bus garage.

A remediation strategy has been submitted which outlines the site investigations to date and the further works proposed. NAC Environmental Health and SEPA have both been consulted and have no objections. A condition could be added to any permission for a revised strategy to be submitted and agreed to reflect the investigations of the bus garage site, once the buildings have been removed. Any development could be required by condition to be carried out in accordance with any agreed scheme. A Clerk of Works, to be named and appointed prior to commencement, could also be required by condition to oversee the works and provide a point of contact for Planning and Environmental Health.

The site has been assessed as having a potential flood risk from the sea. Finished Floor Levels (FFL) for future developments are suggested which should prevent the site being at

risk. Access and egress from the site are considered to be suitable for a present-day one-in-200-year event. The revetement has been designed to allow any wave overtopping to drain back to the sea. FFLs would have to be considered in detail in any future planning applications for the site. SEPA is supportive of the flood management measures recommended by the FRA.

The proposal therefore accords with the quality 'safe and pleasant' of Strategic Policy 2 and Policy 22 of the LDP.

Subject to the following conditions, it is considered that permission can be granted.

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

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. Following demolition and removal of the existing building footprint area identified in the Coast to Coast Site Phase I and II Interpretive Report, May 2022, Document Number 8754 and prior to any remediation works commencing within the application area, the applicant shall undertake an additional site investigation and interpretive risk assessment and submit the findings with any remedial measures within the application site Remediation Strategy for the approval of North Ayrshire Council, as Planning Authority and Environmental Health.

##### **Reason**

In recognition of the history of the site and to meet the requirements of Environmental Health.

##### **Condition**

2. Prior to commencement of the development, the applicant shall submit a revised Remediation Strategy that will take cognisance of and include: the findings of any existing and further site investigations, risk assessments and remediation trials to demonstrate that they can achieve the remedial targets; details of the phasing of the proposed remediation; Materials Management Plan; surface and groundwater monitoring plans and regulatory liaison proposals for the approval of North Ayrshire Council, as Planning Authority and Environmental Health.

##### **Reason**

In recognition of the history of the site and to meet the requirements of Environmental Health.

##### **Condition**

3. A named Clerk of Works will be appointed by the contractor and the approved remediation strategy shall be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. The

Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site.

**Reason**

In recognition of the history of the site and to meet the requirements of Environmental Health.

**Condition**

4. On completion of the remediation works a validation and verification report, which demonstrates the effectiveness of the completed remediation works, with all documentation verified by a suitably qualified Environmental Consultant, shall be submitted for the approval of North Ayrshire Council, as Planning Authority.

**Reason**

In recognition of the history of the site and to meet the requirements of Environmental Health.

**Condition**

5. If there is a requirement to re-use site won material and to import material, then the assessment criteria, sampling frequency and submission phasing, that would adequately demonstrate its suitability for use shall be submitted to and approved by North Ayrshire Council, as Planning Authority, prior to any material being used. In addition, and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability, shall be submitted for the approval of North Ayrshire Council, as Planning Authority.

**Reason**

In recognition of the history of the site and to meet the requirements of Environmental Health.

**Condition**

6. That the presence of any unsuspected contamination that become evident during the seawall revetement works of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council, as Planning Authority, shall be implemented and any necessary remediation works carried out prior to any further works taking place on the site, all to the satisfaction of North Ayrshire Council, as Planning Authority.

**Reason**

In recognition of the history of the site and to meet the requirements of Environmental Health.

**Condition**

7. The works shall be carried out in accordance with the mitigation measures identified in the submitted European Protected Species Risk Assessment, to the satisfaction of North Ayrshire Council, as Planning Authority.

**Reason**



In recognition of the possibility of protected species to use the adjacent marine environment and minimise any disturbance during construction.

**Condition**

8. All works to be carried out in accordance with the submitted Environment Management Plan (CEMP), unless otherwise agreed in writing by the Council, as Planning Authority.

**Reason**

To ensure the proper management of the works in the interest of the amenity of the area.

**Condition**

9. That prior to the commencement of the development details of the proposed finishes for the works, including the condition of the finished remediated areas.

**Reason**

To ensure appropriate finished appearance in the interest of the visual amenity of the area.

James Miller  
Chief Planning Officer

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

## Appendix 1 – Location Plan

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