



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A Special Meeting of the **Planning Committee** of North Ayrshire Council will be held remotely on **Thursday, 10 March 2022 at 14:00** to consider the undernoted business.

Arrangements in Terms of COVID-19

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

1 Declarations of Interest

Members are requested to give notice of any declaration of interest in respect to items of business on the agenda.

2 Site At North Shore Adjacent To North Crescent Road, Ardrossan

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

3 21/00756/PPM: Site To Southeast Of Riding Arena Glenkiln Farm, Lamlash, Arran

Formation of cycling trails for skills coaching, including floodlit asphalt pump track, installation of a shelter, bicycle repair station with spares vending machine and bike wash facilities (copy enclosed).

4 Proposed Section 11 Exemption Order under the Land Reform (Scotland) Act 2003 for the Making Waves Festival

Submit report by the Executive Director (Place) seeking approval to undertake public consultation on the proposed Order and report the outcome of this to Scottish Ministers (copy enclosed).

5 Local Development Planning: Regulation and Guidance - Consultation

Submit report by the Chief Planning Officer providing an update on the implementation of the Planning (Scotland) Act in respect of the preparation of Local Development Plans and seeking delegated authority to respond to the consultation on proposed regulations and guidance (copy enclosed).

6 Draft National Planning Framework 4

Submit report by the Chief Planning Officer providing an update on the preparation of Scotland's fourth National Planning Framework and seeking delegated authority to respond in full to the consultation (copy enclosed).

7 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

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

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If you have any queries regarding this, please contact dataprotectionofficer@north-ayrshire.gov.uk.

Planning Committee Sederunt

Christina Larsen (Chair)
Timothy Billings (Vice-Chair)
Robert Barr
Ian Clarkson
Robert Foster
Shaun Macaulay
Ellen McMaster
Ronnie McNicol
Donald Reid

Chair:

Apologies:

Attending:

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

Recommendation Approved subject to Conditions

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

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:

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

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

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

We will take account of:

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

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

National Development:

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

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

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

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

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 revetment 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

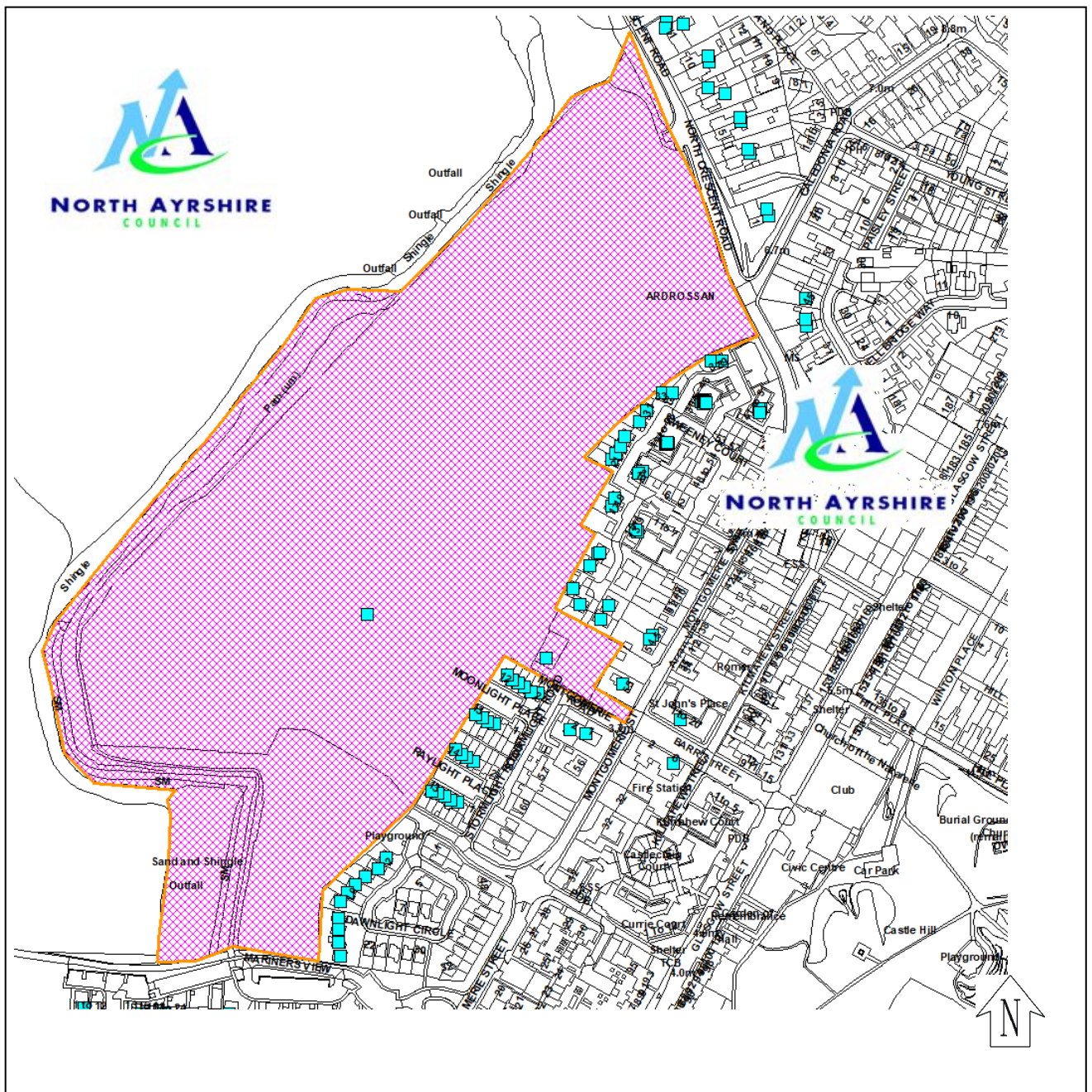
To ensure appropriate finished appearance in the interest of the visual amenity of the area.

James Miller
Chief Planning Officer

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

10th March 2022

Planning Committee

Locality	Isle of Arran
Reference	21/00756/PPM
Application Registered	21st January 2022
Decision Due	21st May 2022
Ward	Ardrossan And Arran

Recommendation Approved subject to Conditions

Location Site To Southeast Of Riding Arena Glenkiln Farm

Lamlash Brodick Ayrshire

Applicant Mr Robert McNeice

Proposal Formation of cycling trails for skills coaching, including floodlit asphalt pump track, installation of a shelter, bicycle repair station with spares vending machine and bike wash facilities

1. Description

Planning permission is sought for the creation of mountain biking facilities within an existing forestry site at Dyemill, approximately 0.8km southwest of Lamlash. The site extends to some 6 hectares and is split between two areas bisected by an existing forestry road/path. The larger area of c.49,050m² to the south of the track would have mountain bike trails within the existing forest and would measure approximately 400m by 200m at its furthest extents. A smaller area of c.11,400m² (200m by 100m at its widest points) to the north of the forest track would contain: an asphalt pump track; trials area; a shelter; a bicycle repair station; a spares' vending machine; and bike wash facilities.

The development is proposed by Arran High School Mountain Bike Club (AHSMBC), a registered charity, which is affiliated with the governing body Scottish Cycling. A Community Asset Transfer Request for the site is currently being processed by the landowners Forestry and Land Scotland. Given the total site area of the development, it is classed as a 'major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations. A Planning Processing Agreement was signed by the applicant and Planning Services agreeing the timescale, landmarks and potential obstacles in the processing of the application.

Trails

The mountain bike trails would include:

- a Climbing Trail (418m) which would take riders uphill to access the other tracks;
- a Beginners/Improvers track (280m) for learning and progression;
- A Blue Grade track (595m) designed for beginning and improving riders; and
- A Red Grade trail (327m) which offers a more technical and advanced challenge.

Pump Track

The Pump Track is an off-road facility which offers a closed loop with closely spaced rolling features and tight, bermed corners. It can be used by riders of all abilities and includes areas for riders to safely watch and observe other riders. It is constructed of asphalt as pump tracks require to be very hard wearing and weatherproof. A pump track requires little maintenance once installed.

Trials Area

The Trials Area would include an obstacle course to challenge riders balance and control and an area for users to build and ride their own experimental bike trails which is termed 'the Graffiti Wall' and is intended to reduce the need to create unauthorised trails elsewhere on the island.

Shelter

An eco-friendly timber shelter using local sustainable materials would be designed and constructed by local school pupils under supervision. This part is proposed as a project to teach leadership and management skills. It is envisaged that the shelter would hold twenty people and be used to avoid downpours or to eat lunch under shelter.

Maintenance Resources

A bike repair station (approx..1.3m high), a bike spares vending machine and eBike charging point (both solar powered) and a bike wash would be sited adjacent to the shelter. The AHSMBC mobile bike repair trailer which visits schools around the island would also be parked and available to other groups visiting the site.

There would be guidance signage around the site and the pump track would be lit by LED lighting at times of use only. A silent generator would be utilised onsite to power these elements. An existing pond within the site would be maintained as part of the management of the site. The application intends to promote and encourage active travel to the site by cycle and no additional vehicle parking provision is proposed. The existing Forestry car parks adjacent would be used as required.

Some of the existing forestry trees would be cleared to allow for the siting of the pump track, trials area, shelter and maintenance resources but the larger area to the south would have trails winding through the woodland and constructed to appropriate forestry standards.

Various documents in support of the application have been submitted including:

- A Design and Access Statement;
- A Pre-Application Consultation (PAC) Report;
- An Ecological Assessment;

A Landscape Assessment;
A Business Case;
A Forest Management Plan;
A Technical Trail Features document;
Collected Endorsement letters.

DESIGN AND ACCESS STATEMENT

The DAS identifies the site as 6 hectares of young woodland last clear felled around ten years ago which does not impinge on the Arran Moors Special Landscape Area or SSSI. It characterises the proposal to introduce a compatible use of the woodland to provide a leisure use to an area not well utilised at the moment which would provide community benefits which would outweigh the loss of part of the woodland without adverse effect on the island landscape. It details barriers to existing access to off-road cycling with no entry-level provision and lack of accessibility for adaptive off-road bikes. There would be no additional parking created as the aim is to encourage active travel and cycling to the site and the existing forestry car parks have been made available by Forest and Land Scotland who have been involved in the evolution of the proposal as landowners.

PRE-APPLICATION CONSULTATION REPORT

The required PAC Report sets out the details and findings of the pre-application consultation carried out with the local community. There was an online survey event, as permitted by current regulations, which was shared and publicised on Twitter and Facebook and by the websites of various island bodies. The survey and project details were also shared with statutory agencies as well as in the High School newsletter to parents.

A total of 424 responses were received, which included 378 living on Arran. The PAC Report summarises that 94% of respondents supported the proposal and claims that those who were undecided or did not support had misinterpreted the plans as they raised concerns on the impact on existing walking trails when the plans are to remove mountain bikers to a dedicated area away from walking trails. The PAC includes details of correspondence with these parties.

The PAC report identifies that 337 of the responses indicated that they would use the facility at some point, with frequency ranging from every week to 1-2 times a year.

The Report concludes that the project had already been designed taking account of comments received in a previous public consultation exercise but has been further refined in light of the PAC exercise.

ECOLOGICAL ASSESSMENT

This assessment identifies that the evolution of the proposal has taken cognisance of the European Protected Species Legislative Framework, the Habitats and Birds Directive and the North Ayrshire Local Biodiversity Action Plan 2019-23031. It details an Otter Survey carried out at the site which found no evidence and a desktop analysis of bat roost potential which resulted in the proposal including the installation of bat boxes at the existing pond on-site. No red squirrels, badgers or other protected species were identified at survey. NatureScot has had discussions with the applicant prior to the application and the NatureScot consultation response is covered later in this report.

LANDSCAPE ASSESSMENT

This assessment details the scale and character of the site as comprising young broadleaved trees with the highest point at the south end of the site and steep slopes which lend the site to short, fun and repeatable bike trails. The ground layout has dictated the location of the trails' layout

BUSINESS CASE

This document is a comprehensive description of the project including the background and aims of AHSMBC to deliver opportunities for pupils, to encourage Active Travel options and to deliver community benefits by providing recreational facilities. It describes the project as a natural evolution of these aims and provides an Outcomes Framework and Outline Action Plan in this regard. It assesses local need and wider regional provision of such facilities and summarises the community engagement and surveys undertaken.

FOREST MANAGEMENT PLAN

This describes the existing vegetation onsite and describes the minimal tree removal required, mainly to facilitate the pump track and associated facilities at the northern part of the site. It identifies that further thinning of the woodland is not expected during the first ten years of the development. In this regard, Planning Services notes that the trees onsite are currently within the existing forestry site and so could have been removed by FLS without further planning permission.

TECHNICAL TRAIL FEATURES DOCUMENT

This document describes the make-up and installation of both the woodland trails and the asphalt pump track and the small-scale equipment to be used onsite including hand tools, a dumper, a 360-degree excavator and whackerplate.

COLLECTED ENDORSEMENT LETTERS

Copies of letters of support from various bodies involved in pre-application discussions with the applicant including North Ayrshire Green Health Partnership; Arran Youth Foundations; North Ayrshire Active Schools; North Ayrshire Council Active Travel Officer; International Mountain Bicycling Association Europe; and Arran Community Council.

The application site is within the countryside identified in the Local Development Plan adopted in 2019 ("the LDP"). It is considered that the relevant policies of the LDP are:

Strategic Policy 1: the Countryside Objective;
Strategic Policy 2: Placemaking;
Policy 4: Leisure, Retail and Tourism Development on Arran;
Policy 15: Landscape and Seascape;
Policy 16: Protection of our Designated Sites; and
Policy 18: Forestry, Woodland and Trees.

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 use, 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 4-Leisure, Retail (Arran)

Policy 4:

Leisure, Retail and other Tourism-Related Development on Arran

We will support the development and implementation of the Islands Bill, including the production of a National Islands Plan for Scotland.

In principle, we will support development for a range of leisure, retail and other tourism-related development on Arran, subject to the proposal demonstrating:

- o Integration with the existing settlement form, or
- o Significant social or economic benefit to the island while having no unacceptable adverse environmental impacts, or
- o It forms part of, and would benefit, an established tourist destination.

Detailed Policy 15-Landscape & Seascape Policy 15:

Landscape and Seascape

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

a) National Scenic Areas

Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:

- i) the objectives of the designation and the overall integrity of the area will not be compromised; or
- ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

b) Special Landscape Areas

We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.

c) Wild Land

We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

d) Local Landscape Features

Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:

- i) patterns of woodlands, fields, hedgerows and trees;
- ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
- iii) settlement setting, including approaches to settlements;
- iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;
- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to

result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

Detailed Policy 16- Protection of our Designated Sites Policy 16:

Protection of our Designated Sites

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

a) Nature Conservation Sites of International Importance

Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

b) Nature Conservation Sites of National Importance

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

c) Nature Conservation Sites of Local Importance

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

d) Marine Protected Areas

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

e) Biodiversity Action Plan Habitats and Species

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

f) Protected Species

Development likely to have an unacceptable adverse effect on;

i) European Protected Species (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only

be permitted where the applicant can demonstrate that a species licence is likely to be granted.

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

Detailed Policy 18 - Forestry, Woodland
Policy 18:

Forestry, Woodland, Trees and Hedgerows

Development proposals will only be supported when it would not result in the loss or deterioration of an ancient or long-established plantation or semi-natural woodland unless there are overriding public benefits from the development that outweigh the loss of the woodland habitat.

Where development includes the removal of woodland, the Scottish Government's Control of Woodland Policy and the current Ayrshire and Arran Woodland Strategy including relevant compensatory planting requirements will be taken into account.

Where the loss of trees, hedgerows or woodlands of merit is unavoidable and compensatory planting is required, replacement trees should be of a similar scale and massing to the loss or if smaller there should be additional tree planting committed to ensure a net gain is achieved. We will also expect developers to engage with Forestry Commission Scotland.

We recognise that trees and woodlands are an important yet dynamic part of our landscape. In recognition of this where a tree (or group of trees) is of significant value to public amenity or where they strongly contribute to the character of a Conservation Area, we may consider promoting a formal Tree Preservation Order (TPO). We will normally only do this when there is a clear, pressing and immediate threat to a valuable tree (or group of trees) - not as a matter of course and not in conflict with good arboricultural practice and management. In the case of works to trees covered by a tree preservation order we will support management schemes and maintenance works that adhere to good arboricultural practice.

Generally, we will support proposals for dedicated timber export facilities as well as timber export developments that are combined with other marine based activities on Arran where there are no unacceptable adverse environmental impacts and align with our Placemaking policy. Proposals should also align with Policy 28: Transport as an Economic Driver.

Supplementary Guidance: Trees and Development provides guidance on information required to be submitted as part of planning applications involving tree works as well as matters to consider when designing and constructing development to minimise impacts on trees.

2. Consultations and Representations

The application was subject to statutory neighbour notification including an advert in the local paper. One representation was received:

1. Concern that the core path runs through a working farm. When the core path was introduced, no consideration was given to this matter. There have been a few near misses between cyclists and vehicles.

Response: It is noted that the farm concerned is to the north of The Ross Road whilst the application site is to the south, approx. 550m from the farm in question (see NAC Access Officer consultation response below.

Consultations

NATURESCOT: No objection. There are natural heritage interests of international and national importance close to the site, but these will not be affected by the proposal. The site is c.200m distant from the nearest boundary of the Arran Moors SPA and hen harriers would not be significantly affected in the opinion of NS. This opinion also applies to the Arran Moors SSSI which shares a similar boundary in this area. There is no record of Protected Species within the application site. NS further notes the proposal to install LED floodlighting and suggests that these be motion triggered and positioned to reduce unnecessary light pollution. The proposals to retain deadwood on-site, to enhance the existing pond and to provide bat and bird boxes are welcomed and demonstrate a clear understanding of a reasonable approach to delivering net biodiversity benefit.

Response: All noted. The full comments are retained in the application file. An appropriate condition would be applied regarding the lighting design.

NAC ACCESS OFFICER: No objection. Warning signage could potentially be used to address the issue identified with access from the Core Path.

Response: Noted. Signage specifically relating to the application site could be governed by condition. Given the location of the farm over which concern has been expressed about the core path, the distance to the application site and that it is on a different road, this issue is not material to this application. Signage in relation to that part of the core path would appear to be a matter for the Council, as Roads Authority, as the farm is at the end of an adopted road.

FOREST AND LAND SCOTLAND: No objection. Confirmed an Asset Transfer request is being processed and is to be decided in the near future.

Response: Noted. FLS is the landowner and would retain an element of control over how the development would affect operations via the details of the Asset Transfer.

NAC ARBORICULTURAL OFFICER: No objection. The site is a forestry plantation under the control of FLS.

Response: Noted

NAC ACTIVE TRAVEL AND TRANSPORT: No Objection

Response: Noted

NAC FLOODING SERVICES: No objection

Response: Noted

WEST OF SCOTLAND ARCHAEOLOGY: The application lies in a landscape rich in archaeological history and a condition should be applied requiring a Written Scheme of Archaeological Investigation be submitted prior to development.

Response: Noted. A condition could be applied.

ARRAN COMMUNITY COUNCIL: No comments received

3. Analysis

Section 37 of the Town and Country Planning (Scotland) Act requires that applications for planning permission be determined with regard to the development plan and to any other material considerations. The determining issue in this application is whether the development proposal complies with the policies of the LDP and whether there are any other material considerations to be addressed.

Criterion (d) of Strategic Policy 1: the Countryside Objective supports tourism and leisure uses. Whilst this proposal is not specifically aimed at tourism, it would be a leisure use which would promote sustainable development by the maintenance and improvement of the pond onsite and the general aim to encourage young people to make use of the woodland areas without the need to clear or develop large areas.

Criterion (e) of the policy specifically supports developments which contribute to the Green and Blue Network such as cycle networks. The proposal accords with SP1.

Strategic Policy 2: Placemaking expects that development shall avoid unnecessary adverse environmental or amenity impacts and shall meet the six qualities of successful places outlined in the policy. This proposal would not be readily apparent from outwith its own site and is considered to be sympathetic to the existing woodland identity specifically in regard to the criterion 'Easy to Move Around and Beyond' which requires proposals to consider the connectedness of sites for people before motor cars. By its nature it would encourage cycling and active travel and so complies with SP2.

Policy 4 supports leisure uses which offer significant social benefit to the island while having no unacceptable adverse environmental impacts and it is considered that this proposal would offer great social and community benefits to young cyclists and the wider community while the integration with the existing forest environment would be acceptable.

The consultation response from NatureScot (formerly Scottish Natural Heritage) has informed the assessment against both Policy 15: Landscape and Seascape and Policy 16: Protection of our Designated Sites and the proposed development would not have any overall significant adverse effect on either designated or non-designated landscape areas. The proposals accord with both policies.

Policy 18: Forestry, Woodland and Trees does not support development which would result in the loss or deterioration of ancient or long-established plantation or semi-natural woodland unless there are overriding public benefits from the development that outweigh the loss. This proposal would not affect ancient or environmentally significant woodland and

the proposal has been developed in discussion with Forest and Land Scotland who as land managers would retain an element of control over forestry operations by the agreement of a Community Asset Transfer of the land. The proposal is therefore in accordance with Policy 18.

One other material consideration not directly considered above is the condition of a forestry 'Bailey Bridge' at the northeast, just outwith the red line application site boundary but which would be a logical access 'desire route' for users to access the site. The bridge has been taped off to prevent vehicle access.

The applicant advised that Forest and Land Scotland engineers have condemned the bridge and its replacement is scheduled for early 2023 to aid the removal of the last stand of Forestry timber. The applicant advised that, in project discussions with FLS, it was considered that replacement of the Bailey Bridge was worthwhile to FLS in terms of encouraging cyclists away from the main forestry bridge further south which is to remain in use.

The Bailey Bridge remains open for foot crossing and other access routes to the site are available. In Planning terms, it is not therefore considered that the condition of the Bailey Bridge is a significant enough factor to outweigh the assessment above that the proposal is appropriate at the site and complies with the LDP.

It is therefore recommended that planning permission can be granted subject to conditions addressing the matters addressed in this report.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That, prior to the commencement of the development hereby approved, details of the design and siting of the proposed bike repair station, vending machine, charging point and bike wash facilities shall be submitted for the written agreement of the planning authority and that the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as planning authority

Reason

To ensure that the development is completed satisfactorily in the interests of amenity.

Condition

2. That, prior to the commencement of the development hereby approved, details of the design, installation, and proposed operation of all lighting at the site shall be submitted for the written agreement of the planning authority and that the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as planning authority

Reason

To ensure that the lighting of the development is appropriate and to prevent unnecessary light pollution

Condition

3. That prior to its installation, full details of the design, appearance and construction of the shelter hereby approved shall be submitted for the written approval of the planning authority and that the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as planning authority

Reason

In the interest of the amenity of the area.

Condition

4. That, prior to the commencement of the development hereby approved, details of all proposed signage at the site shall be submitted for the written agreement of the planning authority and that the development shall thereafter be completed only in accordance with the approved details, all to the satisfaction of North Ayrshire Council as planning authority

Reason

To ensure that signage at the site is appropriate to the rural character of the area.

Condition

5. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason

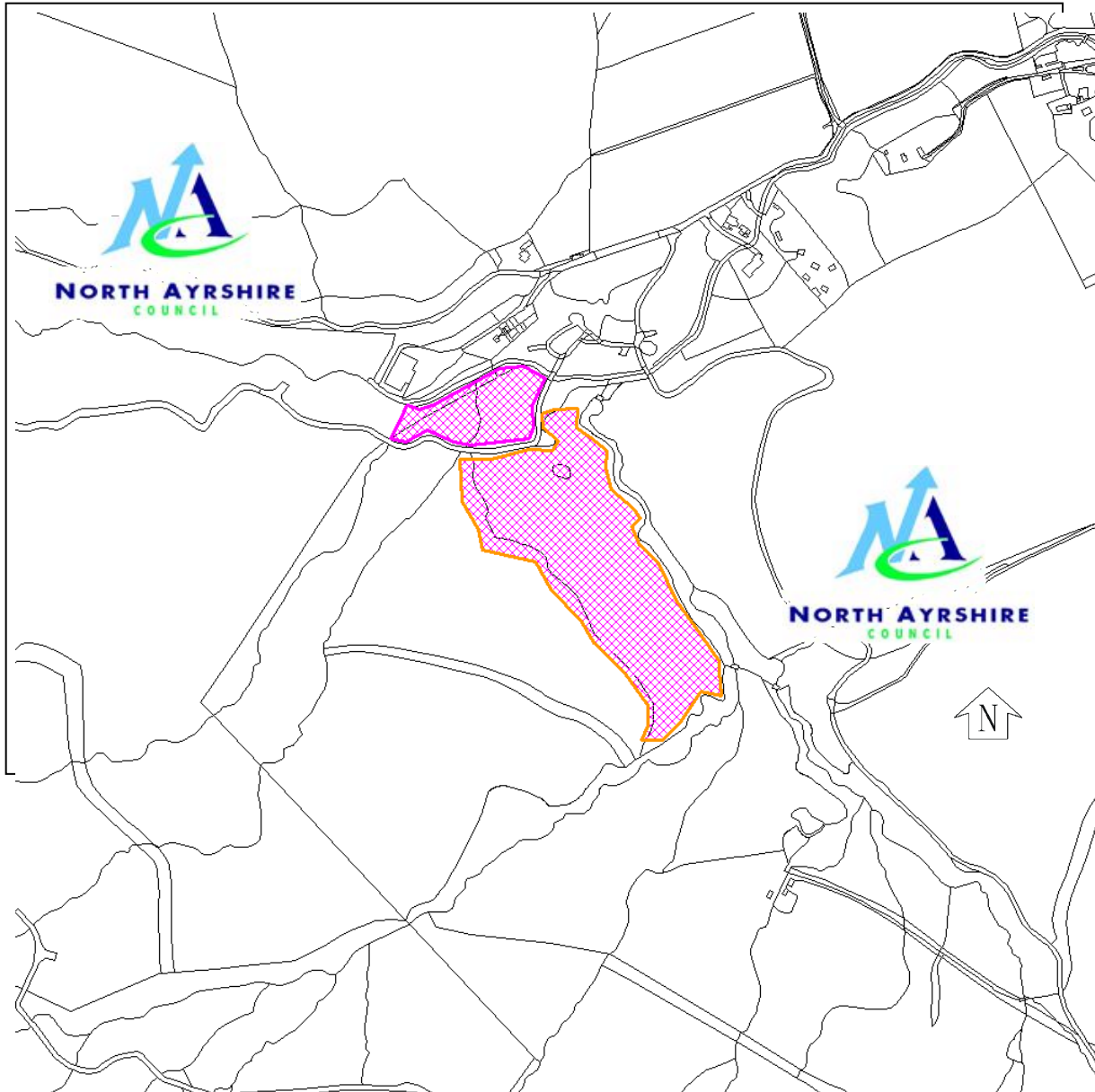
In recognition of the archaeological significance of the site.

James Miller
Chief Planning Officer

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

Appendix 1 – Location Plan

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NORTH AYRSHIRE COUNCIL

23 February 2022

Planning Committee

Title:	Proposed Section 11 Exemption Order under the Land Reform (Scotland) Act 2003 for the Making Waves Festival
Purpose:	To seek approval to undertake public consultation on the proposed Order and report the outcome of this to Scottish Ministers.
Recommendation:	That the Committee agree to: a) Issue a public notice of and consult on the proposed order as detailed in Appendix Three; b) Report the outcome of the consultation to Scottish Ministers; and c) Issue a public notice of the Order if it is confirmed by Scottish Ministers.

1. Executive Summary

- 1.1 The Land Reform (Scotland) Act 2003 provides a right of responsible access to most land and inland water in Scotland. The Act sets out the statutory duties, obligations and powers of Local Authorities in relation to its delivery. Section 11 of the Act provides Access Authorities with the power to exempt areas of land or inland water from the access rights for a fixed period. The Council's Policy on Section 11 Orders was approved by the Corporate Services Committee in May 2005. The main purpose of these powers is to enable the exemption of land for short periods of time in connection with admission to events.
- 1.2 The Making Waves Festival will be held at Irvine Beach Park between 22 and 24 July 2022. The Council's Growth and Investment Service as the organiser of the event, is seeking to promote a Section 11 Order to facilitate the event. This would exempt the area of Irvine Beach Park identified in the application from the access rights between 21 and 25 July 2022. The purpose of this is to enable a charge to be made for admission and provide for public safety and security prior to, during and after the event.

2. Background

- 2.1 The Land Reform (Scotland) Act 2003 provides a right of responsible access to most land and inland water in Scotland. It places a reciprocal obligation on landowners and managers to manage their land responsibly for outdoor access. This includes access

to woods and forests, paths and tracks, rivers and lochs, parks and open spaces. The access rights can be exercised for recreation, education and some commercial purposes.

- 2.2 The Act sets out the statutory duties, obligations and powers of Local Authorities in relation to its delivery. Section 11 of the Act provides Access Authorities with the power to exempt areas of land or inland water from the access rights for a fixed period. This can be on application by third party or on their own initiative. The main purpose of these powers is to enable the exemption of land for short periods of time in connection with admission to events. Exemption Orders can be for between 1 day and 2 years:
- Short term exemptions for up to 6 days are confirmed by the Local Authority. These are informed by advice from the landowner and Local Outdoor Access Forum.
 - Longer term exemptions for between 6 days and two years are confirmed by Scottish Ministers. These require to be the subject of public notice and consultation by the Local Authority.
- 2.3 The Council's Growth and Investment Service is seeking to promote an Order for the exemption of access rights to an identified area of Irvine Beach Park. This is to facilitate the Making Waves Festival. The application is provided in Appendix One. This proposes the exclusion of access rights within the area outlined in Appendix Two between 21 and 25 July 2022. The purpose of this is to enable a charge to be made for admission and provide for public safety and security prior to, during and after the event. It highlights that there would be difficulties administering a charge without an Order which would affect the viability of the event. This is typically the case for events of this nature.
- 2.4 In processing a Section 11 Order, the Council is required to issue a public notice outlining the intended purpose and effect of the proposed Order, inviting objections and representations on the proposal. It is also required to consult with the landowner, the Local Outdoor Access Forum and any other persons deemed appropriate.
- 2.5 The draft public notice and proposals for consultation are detailed in Appendix Three. Any objections and representations received will then be considered and resolved wherever possible. Scottish Ministers then require to be furnished with the details of the consultation undertaken and copies of all objections and representations. They will then consider any objections or representations prior to confirming the Order and may cause an inquiry to be held for the purposes of enabling them to decide whether or not to do so. The Council will subsequently be advised by letter if the Order is confirmed. A public notice would require to be issued confirming the Order at that stage.

3. Proposals

- 3.1 It is recommended that the Committee agree to:
- a) Issue a public notice of and publicly consult on the proposed Order as detailed in Appendix Three;
 - b) Report the Outcome of the consultation to Scottish Ministers to enable Ministerial consideration and if appropriate subsequent confirmation of the proposed Order; and

- c) Issue a public notice of the Order if it is confirmed by Scottish Ministers.

4. Implications/Socio-economic Duty

Financial

- 4.1 The cost of the two public notices required for the Order will be met by the applicant.

Human Resources

- 4.2 None.

Legal

- 4.3 The Order is consistent with the provisions of the Land Reform (Scotland) Act 2003, the Council's Policy on Section 11 Orders and the Land Reform (Scotland) Act 2003 (Modification) Order 2013 Guidance.

Equality/Socio-economic

- 4.4 The event will be inclusive, with opportunities for participation across the whole community.

Environmental and Sustainability

- 4.5 The event will promote the sustainability agenda to participants including recycling, waste reduction and active and sustainable travel. Event arrangements will also align with these principles. Any paths or access rights affected by the Order will be reinstated after the event.

Key Priorities

- 4.6 The event will contribute to the local economy and attract a large number of visitors to the area. This will contribute to the delivery of the Council Plan's priority outcomes and the ambitions for an inclusive, growing and enterprising economy.

Community Wealth Building

- 4.7 Community organisations will be involved in the development and delivery of the event. It will offer a range of volunteering opportunities for local communities building capacity and skills. It will also be utilised to showcase and promote the local food and drink offer.

5. Consultation

- 5.1 The proposals for consultation are outlined in Appendix Three and are in line with the Land Reform (Scotland) Act 2003 (Modification) Order 2013 Guidance.

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact **Louise Kirk, Senior Manager, Regeneration**, on **01294 324766**.

Background Papers

Cabinet Report: Year of Coasts and Waters 2020 Event Programme - 16 April 2019



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

For Office Use Only
Reference: LRSAS11MWF22
Public Notice (1):
Public Notice (2):
Outcome:

Application for Short Term Access Rights Exemption Orders under Section 11 of the Land Reform (Scotland) Act 2003

Part 1: Applicant Details

Name of Organisation	North Ayrshire Council
Contact Name	Fiona Anderson
Contact Address <i>Please include a postcode</i>	Cunninghame House Irvine KA12 8EE
Daytime Telephone Number	07808 597028

Part 2: Closure Details

Name of Event	Making Waves Festival		
Date of Event	22-24 July 2022		
Period of Closure	From:	21 July 2022	To: 25 July 2022
Reason for Closure	The reason for the closure is to enable a charge to be made for admission and provide for public safety and security prior to, during and after the event. Without this order the public right of access would undermine chargeable entry and could affect the viability and safety of the event.		

Please provide justification that the exemption is for the minimum period required below

There is a need to restrict unauthorised access to the event location prior to the event to prevent activities that affect the safety and security arrangements for the efficient staging of the event. In the interest of public safety, the event organiser requires control of who enters the concert area/ticketed enclosure on this basis.

The initial event concept was a non-ticketed event; however, to ensure the viability of the event, and to be able to host in a Covid sensitive manner, ticketing is required to control volume of attendees and this will necessitate an area of the overall beach park in Irvine being fenced-off to members of the public

Location of event	Irvine Beach Park, North Ayrshire, Scotland
Grid Reference	55°36'20.2"N 4°41'23.2"W
Location of Grid Reference	Beach Park pond (immediately adjacent to fenced area)

Please provide a map of the site alongside your application. This should include the location of the site and preferably be Ordnance Survey. SEE ATTACHED

Are you as the applicant the *(please tick the appropriate box)*

landowner	<input checked="" type="checkbox"/>	tenant	<input type="checkbox"/>	land manager	<input type="checkbox"/>	Other	<input type="checkbox"/>
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If other please detail:				
If you are not the landowner have you consulted them?	Yes		No	
If yes, what was the outcome? Please detail below:				
NA				
Part 3: Justification for Closure				
Please provide justification that no alternative arrangements could be made below				
<p>The Making Waves event is a landmark event within the Making Waves strategy set out by the Council and supported by Scottish Government.</p> <p>The event was initially planned to be held during 2020, as a free to attend, open access event. However, in order to ensure the event is hosted in a manner that is safe to attend from a Covid perspective, the overall capacity of key aspects of the event (music artists) has been limited from a capacity in the region of 10,000 attendees to approximately 5,000 attendees (max) it is necessary to develop an access system that requires ticketing, which creates additional expense to the event, which subsequently means that a charge for tickets for the event will be introduced.</p> <p>The event areas utilise a defined area of the Beach Park and the wider festival area. It is intended that the event will include activities taking place along Irvine Harbourside, within the Maritime Museum and in the marine areas – none of which will restrict right of access otherwise available at present. Within the Beach Park itself, only a defined portion of the overall area is to be utilised for the ticketed element of the event and access across other areas will not be restricted. Accessibility to the ticketed area will be limited as much as possible, by only installing fencing at the latest opportunity, and subsequently removing as early as possible.</p>				
Is there local or public support for the event?	Yes	X	No	
If yes, please provide details below				
<p>The Local Authority (North Ayrshire Council) with support from Scottish Government (including funding). The MW festival objectives are:-</p> <ul style="list-style-type: none"> • The event is an opportunity to create a national profile event, showcasing the place based assets and communities and the capacity to support significant scale events. It is anticipated that the showcase event could attract 20,000 attendees. • The event creates opportunity to prove the financial concept of major events at the Beach Park, adding to AGD investment to support place transformation. While the MW event is partially grant funded, it will contain a series of opportunities to demonstrate viability to a commercial market. • The event is seen as enabling a wide range of community wealth building opportunities, including supply chain opportunities for our businesses, showcasing regional food and drink products, skills and learning and community capacity building opportunities into supporting a major event. 				
Please detail the proposals for the diversion of access users below				
Adjacent path network within the Beach Park and along Irvine Harbourside (Core Path IK8)				
Please detail the proposals for the signage of the closure below				

Signage at nominated entry points to the event to state "Access to event closed under Section 11 of Land Reform (Scotland) Act 2003. All non-motorised users should utilise informal access routes through Beach Park, not affected by this provision or Core Path IK8. Closure is in effect from 21 July 2022 through 25 July 2022 inclusive." This will include a plan outlining the location of the Core Paths.

Please detail the proposals for the reinstatement of any paths or access rights affected by the closure below

There is unlikely to be any remediation required, as the event will be hosted on a grassed area. The Council will ensure reinstatement of paths to standard as before event.

Part 4: Declaration

I confirm that the details provided above are correct

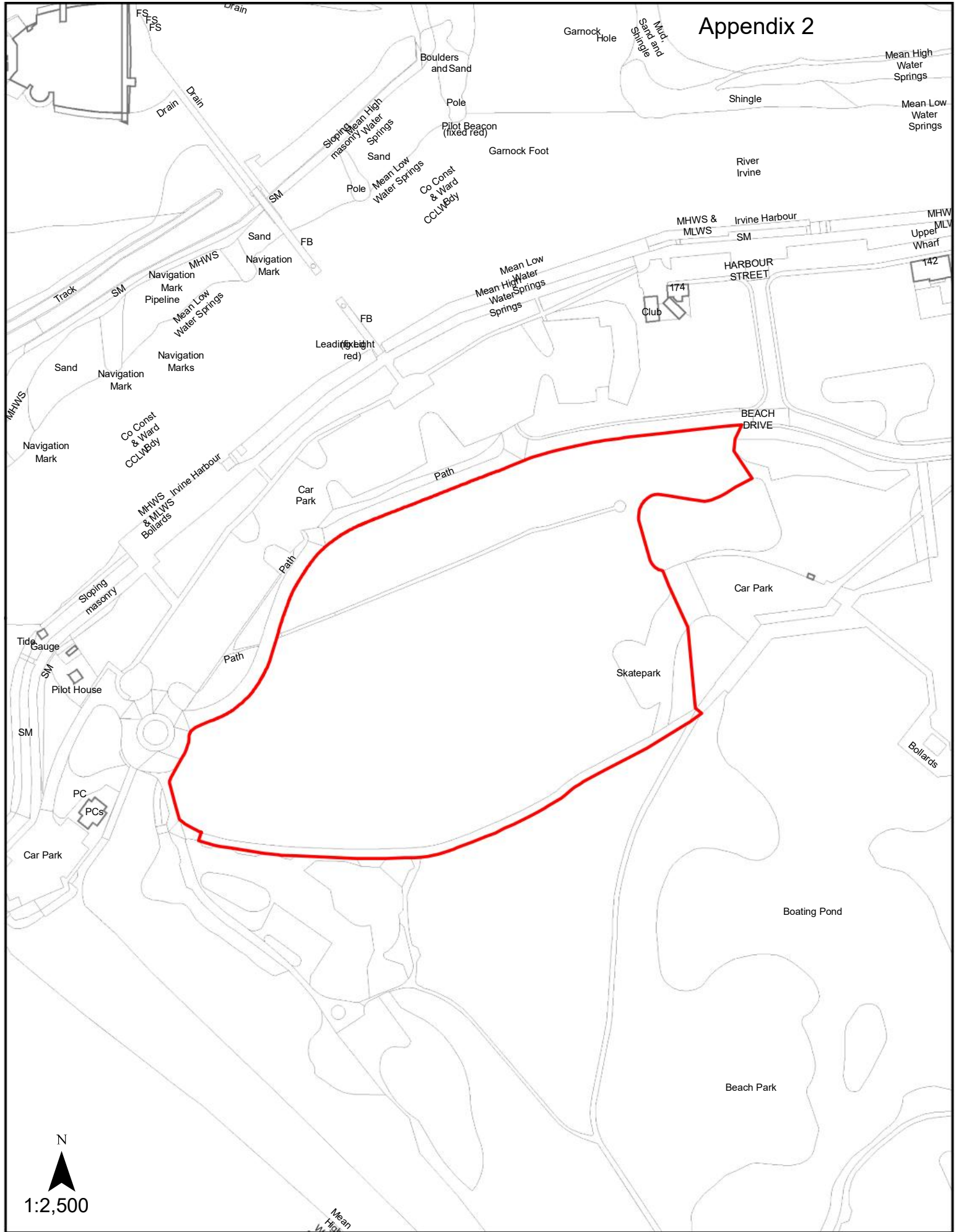
Name: Fiona Anderson

Signature



Date 28.2.22

Appendix 2



Making Waves Festival
Section 11 Boundary

Legend

 Site Boundary

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Section: Regeneration
 Date: 1 - 03 - 2022
 Scale: 1:2500
 Dr No: FFest_002

Appendix Three – Consultation Plan

Making Waves Festival 2022 Section 11 Order Consultation Plan

Background

In processing a Section 11 Order, the Council is required to issue a public notice outlining the intended purpose and effect of the proposed Order. This requires inviting objections and representations on the proposal. The Council is also required to consult with the landowner, the Local Outdoor Access Forum and any other persons deemed appropriate. Any objections and representations received then require to be considered and resolved wherever possible.

The Council is then required to furnish Scottish Ministers with the details of the consultation undertaken and copies of all objections and representations. Scottish Ministers will then consider any objections or representations prior to confirming the Order. They may also cause an inquiry to be held for the purposes of enabling them to decide whether or not to do so. The Council will subsequently be advised by letter if the Order is confirmed. At this stage the Council is required to issue a further public notice confirming the Order.

Consultation Proposals

The table below outlines the proposed timing for the actions required to process the application. No landowner consultation is required for this event as the Council as applicant is the landowner. Further information on the actions is provided thereafter.

Action	Date(s)
Issue public notice of intended purpose and effect of the proposed Order	Week ending 18 March 2022
Representation and objection period	18 March until 15 April 2022
Direct consultation on the proposed Order	18 March until 15 April 2022
Consider representations and objections	18 April until 2 May 2022
Resolve objections where practical	18 April until 9 May 2022
Refer to Scottish Ministers (if required)	Week commencing 16 May 2022
Issue public notice confirming the Order where appropriate	Week commencing 27 June 2022 or as instructed by Scottish Ministers

Public Notice

The wording in italics is proposed for the public notice. This is based on the Land Reform (Scotland) Act 2003 (Modification) Order 2013 Guidance. The notice will be placed within the Irvine Times and Irvine Herald newspapers and outlines the intended purpose and effect of the proposed Order.

North Ayrshire Council

NOTICE OF PROPOSED ORDER TO EXEMPT LAND FROM ACCESS RIGHTS

Notice is hereby given under section 11(2)(b) of the Land Reform (Scotland) Act 2003 ("the Act") that North Ayrshire Council proposes to make The Land Reform (Scotland) Act 2003 (North Ayrshire Council) Order 2017 ("the Order") under section 11(1) of the Act.

The effect of the Order will be to exempt Irvine Beachpark from the access rights which would otherwise be exercisable in respect of that land by virtue of Part 1 of the Act.

The purpose for which the Order is being proposed is the Making Waves Festival and all purposes related thereto. This includes enabling a charge to be made for admission and providing for public safety and security prior to, during and after the event. It is proposed that the Order will take effect from 0001hrs on 21 July 2022 and will expire on 2400hrs on 25 July 2022.

Objections or representations in respect of the Order may be made to the Local Authority at the address given below, for its consideration, no later than 21 days after publication of this notice. These should be made in writing for the attention of the Active Travel and Transport Team quoting the reference: TBC. In the case of objections, the grounds on which they are made should be stated. As the proposed exemption is for six or more days, the Order will require confirmation by Scottish Ministers before taking effect.

Aileen Craig
 Head of Democratic Services
 North Ayrshire Council,
 Cunninghame House,
 Irvine,
 KA12 8EE

Representation and Objection Period

A four week consultation period is proposed for any representations and objections between 18 March and 15 April 2022. These will require to be made in writing and in the case of objections detail the grounds on which they are being made.

Direct Consultation on the proposed Order

The consultation will be comprised of a letter highlighting the consultation process and will invite them to submit any representations or objections in the same manner. This will include a copy of the Public Notice and plan outlining the extent of the land proposed for exemption. This will be issued to the recipients detailed in the table below. This aims to consult with relevant local organisations and the neighbouring landowners, householders and businesses.

Organisation	Reason for consultation
Coastwatch	Neighbouring organisation
Irvine Community Council	Local Community Council
Irvine West and Irvine East Ward Councillors	Local Elected Members
North Ayrshire Outdoor Access Forum	Local Outdoor Access Forum
Ramblers Association	National walking organisation with local groups
Rotary Club of Ayr	Promoters of the Ayrshire Coastal Path which passes the site
Scottish Rights of Way and Access Society	National organisation/local representation

Sustrans Scotland	Promoters of the National Cycle Network (NCN) which passes the site
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Referral to Scottish Ministers

Should there be any unresolved objections following consultation, Scottish Ministers will be furnished with the details of the consultation undertaken and copies of all objections and representations. This will include a summary of any actions undertaken to resolve any of the objections received. They will then consider any objections or representations prior to confirming the Order and may cause an inquiry to be held for the purposes of enabling them to decide whether or not to do so.

Confirmation Public Notice

If the Order is confirmed by Scottish Ministers, it is proposed that the following public notice will be issued. The text shadowed grey will require to be amended on receipt of confirmation from Ministers.

North Ayrshire Council

NOTICE OF ORDER TO EXEMPT LAND FROM ACCESS RIGHTS

Notice is hereby given under section 11(9) of the Land Reform (Scotland) Act 2003 ("the Act") that on [insert date of Ministerial confirmation], the Scottish Ministers acting under section 11(7) of the Act confirmed the The Land Reform (Scotland) Act 2003 (North Ayrshire Council) Order 2017 ("the Order") [with/without modifications], proposed by North Ayrshire Council under section 11(1) of the Act.

The effect of the Order is to exempt part of Irvine Beachpark from the access rights which would otherwise be exercisable in respect of that land by virtue of Part 1 of the Act. The purpose for which the Order is made is the Making Waves Festival and all purposes related thereto. This includes enabling a charge to be made for admission and providing for public safety and security prior to, during and after the event.

The Order will take effect from 0001hrs on 21 July 2022 and will expire on 2400hrs on 25 July 2022, unless revoked earlier.

*Aileen Craig
Head of Democratic Services
North Ayrshire Council,
Cunninghame House,
Irvine,
KA12 8EE*

NORTH AYRSHIRE COUNCIL**10 March 2022****Planning Committee**

Title: **Local development planning – regulations and guidance: consultation**

Purpose: To provide the Committee with an update on the implementation of the Planning (Scotland) Act in respect to the preparation of local development plans and seek delegated authority to respond to the consultation on proposed regulations and guidance.

Recommendation: Delegated authority is granted to the Chief Planning Officer to complete and submit a detailed response to the consultation on Local Development Plan regulations and guidance.

1. Executive Summary

- 1.1 Proposals for regulations and guidance on all aspects of implementing the future local development plan system have been published for consultation. The Planning (Scotland) Act 2019, the cornerstone of a programme of planning reform, makes significant changes to development planning aimed at creating strong and flexible development plans. The proposed regulations and draft guidance seek to deliver a new type of Local Development Plan (LDP) that is more delivery-focused, placed-based and people-centred.
- 1.2 Having adopted LDP2 in November 2019, the intention is to prepare North Ayrshire's next Local Development Plan (LDP3) under the new provisions of the Planning Act for development planning. The proposed regulations and draft guidance are therefore welcomed in that, notwithstanding they are subject to potential change following the consultation, they begin to provide clarity as to what will be expected and required, both in terms of the how LDP3 is prepared and its form and content.
- 1.3 The proposed regulations and draft guidance highlight that preparing LDP3 will be significant undertaking, given the breadth of issues it is expected to address; the evidence and information required, and the level of engagement and consultation expected. Resourcing both the preparation and delivery of Local Development Plans remains a key issue which is brought into focus by the consultation. The renewed emphasis on delivery and promoting an infrastructure first approach to development underlines the essential need for a cross-service, corporate approach to preparing and delivering LDP3 alongside North Ayrshire Council's priorities and financial investment in the area's infrastructure and places.

2. Background

- 2.1 Planning in Scotland is undergoing a substantial transformation. Following an independent review carried out in 2015, the Scottish Government has embarked on a programme of reform to simplify and strengthen the planning system. The Planning (Scotland) Act 2019 was enacted in July 2019, with updates on the key changes reported to the Planning Committee in September and December 2019. The work programme and transitional arrangements to implement the Act, determining when parts of it come into force, has inevitably been impacted by the pandemic but continues to progress, reaching a major landmark with the publication and concurrent consultations on Draft National Planning Framework 4 (NPF4); local development planning regulations and guidance and provisions for Open Space Strategies and Play Sufficiency Assessments.
- 2.2 While significant changes to development planning were made by the 2019 Act aimed at creating strong and flexible development plans, the planning system in Scotland will remain plan-led. This means decisions on planning applications are to be made in accordance with the Development Plan, unless material considerations indicate otherwise. When NPF4 is adopted by the Scottish Parliament it will form part of the statutory Development Plan for North Ayrshire, alongside the Local Development Plan.
- 2.3 Planning reform, including the provisions of the 2019 Act, seek a new approach to preparing plans that will result in new style plans that support the management and use of land in the long-term public interest; refocuses plans on the outcomes that they will deliver for people and places, rather than the processes of preparing them; and be informed by consultation and collaboration so that they are relevant, accessible and interest people.

Proposals for Development Planning Regulations

- 2.5 Secondary legislation is needed to provide more detail to the requirements set out in the 2019 Act and implement the new Local Development Plan system. The proposed approach is based on the principle that regulations are kept to the minimum necessary, given the amount of change and the fact many procedures are already set out in the Act. Scottish Government consider that much of the detail of Scottish Ministers' expectations for implementation of the 2019 Act should be set out in guidance as this will provide for maximum flexibility and resilience, allowing experience from implementing the new system to be incorporated into updated guidance as it emerges.
- 2.6 In line with this approach, only limited amendments to the existing Town and Country Planning (Development Planning) (Scotland) Regulations 2008 are proposed. Predominately the proposed amendments are to reflect changes brought about by the primary legislation, for example removing or updating references to stages, documents or stakeholders within the system. New regulations relating to the new Evidence Report and gate check stage are included, which are closely aligned with current provisions for the examination of Proposed Plans.

Draft Guidance on Local Development Planning

- 2.7 As intimated above, much of the substantive detail of how Local Development Plans should be prepared under the 'new' system is set out in the draft guidance. The guidance sets out the aims and expectations for new style plans, providing an indication of what they should be like in the future; the process of how to achieve a new style plan, covering the legislative requirements, how these are met and responsibilities; and detailed thematic guidance on how new style LDPs are expected to implement the National Planning Framework 4 (NPF4) policies for the development and use of land.
- 2.8 Development planning is required by law to manage the development and use of land in the long-term public interest. It does this by setting out how our places will change into the future, including where development should and shouldn't happen. Development plans consider where new homes and workplaces will be built, how services and facilities will be provided, such as education and travel, and identify places that are valued and should be protected. LDPs also have a role in co-ordinating and aligning many different sectors and interests to achieve the desired change for places and communities.
- 2.9 The Draft Guidance highlights LDPs should be:
- **Delivery Focused:** LDPs should be a toolkit to support the delivery of development that meets people's needs and aspirations in the long-term public interest. They should embed an 'infrastructure-first' approach which is clear about what is sustainable, desirable and achievable and which identifies priorities and supports investment decisions.
 - **Place Based:** LDPs should play a leadership role in putting the Place Principle into practice, achieving joined-up and collaborative approaches to decisions about a place's assets and services, to overcome organisational and sectoral boundaries.
 - **People Centred:** developed through collaboration with a wide range of stakeholders, identifying and understanding the differing needs and aspirations of all people in society.
- 2.10 The guidance also envisages that LDPs will be prepared in a different way, look different and be used differently to before, moving away text-based plans with detailed policies towards being presented as a collation of site briefs and masterplans, with minimal policy wording, indicating how places will develop over a period of 20 years. In this context North Ayrshire Council's LDP2 is referenced by the Scottish Government, as an example of an LDP which is a place-based plan, with its *"illustrative, place-based content that is highlighted as good practice"*.
- 2.11 New-style Local Development Plan must be prepared at intervals of no more than 10 years, rather than the current five-year period. However, the draft guidance is clear that an LDP should not take 10 years to prepare. Rather, it is expected that plan preparation should take around 3-4 years. The process for preparing an LDP is set out in the draft guidance, with the importance of early evidence gathering and later implementation of the policies and proposals highlighted as also contributing to achieving the intended outcomes, alongside plan preparation itself.

- 2.12 The major change to note in the process for preparing an LDP is the removal of the 'Main Issues Report' stage at the start of the process which is replaced with the preparation of an Evidence Report which will undergo a gate-check. A robust Evidence Report should make it easier to prepare a strong, place based, people focused and deliverable LDP that is rooted in an Infrastructure First approach. Front loading the work and use of evidence will clearly inform what to plan for, before the Proposed Plan looks at where development should take place. While there is no requirement to consult on the Evidence Report, it should be informed by the views of those who are anticipated to be affected by the plan and involved in its implementation. In particular, Evidence Reports should include information about the lived experience of those who live and work in a place.
- 2.13 When the Evidence Report is completed and approved by the full Council (as required by the legislation) it will be submitted to the Scottish Government for an independent assessment of whether the planning authority has sufficient information to prepare an LDP, known as a 'gate check'. The gate check will be carried out by a person appointed by Scottish Ministers, usually a Reporter from the Directorate for Planning and Environmental Appeals. Where they are not satisfied that there is sufficient information, the appointed person must prepare an 'assessment report' which sets out the reasons for not being satisfied and recommendations for improving the Evidence Report.
- 2.14 Where a Reporter decides there is sufficient information contained within the Evidence Report, the authority may then move to prepare and publish their Proposed Plan. From this point onwards, the process for preparing the Local Development is largely unchanged. Once approved, again by the full Council, the Proposed Plan is published for a consultation of no fewer than 12 weeks. After the consultation period has ended, the planning authority can modify the Proposed Plan, taking account of representations made to them, any matters arising from consultation with key agencies and Scottish Ministers, and any minor drafting or technical matters. If modifications are made, the planning authority must prepare a Modification Report setting out the modifications and the reasons for making them.
- 2.15 Where representations have not been resolved, the planning authority is, when submitting the Proposed Plan to the Scottish Ministers, to request that the Scottish Ministers appoint a person to examine the Proposed Plan, who will make a recommendation as to whether or not a modification should be made to the Proposed Plan. Following receipt of the Examination Report, the planning authority may progress to adopt the Local Development Plan, modifying the Proposed Plan as required.
- 2.16 Guidance on process is also provided for the Development Plan Scheme and, in line with the aspiration that local development planning is more delivery focused, the Delivery Programme. The Development Plan Scheme is prepared annually and is identified as key to supporting deliverable and people-focussed plans by letting stakeholders know when and how they can get involved in the plan and keep them informed of progress and therefore is both an important communications and project management tool. The Delivery Programme replaces the current Action Programme and is noted as being instrumental to achieving an outcomes focussed approach to development planning. Setting out how the Council proposes to implement its LDP, Scottish Government envisages that Delivery Programmes will incorporate documents which project manage the timing of the authority's financial investment for the delivery

of the plan, and any coordination with private or other funding identified as being required.

- 2.17 The final section of the draft guidance provides thematic policy guidance for the three key documents of the plan making process – the Evidence Report, Proposed Plan and Delivery Programme – providing a bridge between the guidance on ‘process’ and NPF4, aligned with the policy themes of the NPF: sustainable, liveable, productive and distinctive Places. The guidance illustrates the significant breadth of issues that Local Development Plans are expected to address, both in respect to providing information at the Evidence Report stage and planning for in the Local Development Plan.

Key Observations

- 2.18 Having adopted LDP2 in November 2019, the intention is to prepare North Ayrshire’s next Local Development Plan (LDP3) under the new provisions of the Planning Act for development planning. The proposed regulations and draft guidance are therefore welcomed in that, notwithstanding they are subject to potential change following the consultation, they begin to provide clarity as to what will be expected and required, both in terms of the how LDP3 is prepared and its form and content.
- 2.19 What is clear from the proposed regulations and draft guidance is that preparing a Local Development Plan will be significant undertaking, given the breadth of issues it is expected to address; the evidence and information required to inform an LDP and the level of engagement and consultation expected. The Planning Act introduced a number of unfunded additional duties on planning authorities, many of which fall within the scope of development planning. Resourcing the preparation of Local Development Plans therefore remains a key issue.
- 2.20 The introduction of a requirement to prepare an Evidence Report and early gate check stage at the start of the process of preparing a Local Development Plan is the most significant change. The Draft Guidance notes that a significant amount of evidence informs the preparation of plans but authorities should take a proportionate approach to the preparation of the Evidence Report. Overall, it is considered that the proposed regulations and draft guidance published for consultation lack detail on how, at the gate check stage, Evidence Reports will be determined to have “sufficient information” to all local planning authorities to progress with the preparation of the LDP.
- 2.21 Finally, the emphasis on an ‘infrastructure first’ approach to development and focus on delivery is welcomed and acknowledged as a key element of planning reform. In some respects, this represents a significant change in the way infrastructure providers, local authorities and the Scottish Government must approach new development, how it is facilitated and in particular any required financial investment. This underlines the essential need for a cross-service, corporate approach to preparing and delivering LDP3 alongside North Ayrshire Council’s priorities and financial investment in the area’s infrastructure and places.

3. Proposals

- 3.1 It is recommended that the Planning Committee delegates authority to the Chief Planning Officer to complete and submit a detailed response to the consultation on Local Development Plan regulations and guidance.

4. Implications/Socio-economic Duty

Financial

4.1 The main costs arising from the preparation of a Local Development Plan relate to evidence gathering, including any requirement for specialist assessments and studies; facilitating consultation; and the examination. The proposed regulations and draft guidance will enable Planning to consider the cost and staff requirement of preparing LDP3 against the available resources. The implementation of the Local Development Plan is also a key factor. A Delivery Programme will accompany the LDP3 and should become a corporate document which project manages the timing of the authority's financial investment for the delivery of the plan.

Human Resources

4.2 See above.

Legal

4.3 The proposals for Development Planning Regulations, alongside the primary legislation, will form the legal framework which once enacted will govern how Local Development Plans should be prepared.

Equality/Socio-economic

4.4 There are a number of different assessments which must be undertaken to support the preparation of an LDP. These assessments – including a Strategic Environmental Assessment, Public Sector Equality Duty Assessment, Fairer Scotland Duty Assessment and Islands Communities Impact Assessment – are an integral part of the plan making process and should inform and be informed by the plan as it is prepared.

Environmental and Sustainability

4.5 See above.

Key Priorities

4.6 The proposed guidance highlights the corporate role of the Local Development Plan and that ongoing close collaboration between Planning and other Council services is essential in its preparation and delivery. As such, the Local Development Plan plays a key role in delivering the Council's key priorities, particularly those relating to the development and use of land and buildings, including new homes, but also in relation to climate change, the environment and promoting a wellbeing economy.

Community Wealth Building

4.7 The guidance notes there is an opportunity for LDPs to address community wealth building priorities by reflecting a people-centred approach to local economic development, addressing economic disadvantage and inequality, and providing added social value.

5. Consultation

- 5.1 This paper seeks delegated authority for the Chief Planning Officer to respond to a Scottish Government consultation on proposals for regulations and draft guidance on local development planning. The consultation is open until 31 March 2022. To inform a response to the consultation, the Planning Service will continue to engage with other planning authorities via Heads of Planning Scotland.
- 5.2 Consultation and engagement is a key element of preparing a Local Development Plan and the Scottish Government are expected to publish further guidance on this matter which will inform North Ayrshire's Participation Statement for LDP3.

James Miller
Chief Planning Officer

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

Background Papers

[Local development planning - regulations and guidance: consultation - Scottish Government - Citizen Space](#)

NORTH AYRSHIRE COUNCIL

10 March 2022

Planning Committee

Title: **Draft National Planning Framework 4**

Purpose: To provide the Committee with an update on the preparation of Scotland’s fourth National Planning Framework and seek delegated authority to respond in full to the consultation.

Recommendation:

- 1) Comments set out in Paragraphs 2.12 to 2.23 form the basis of the Council’s response to the consultation on Draft National Planning Framework 4
- 2) Delegated authority is granted to the Chief Planning Officer to complete and submit a full consultation response to the Scottish Government.

1. Executive Summary

- 1.1 National Planning Framework 4 (NPF4) will, when adopted, set out the Scottish Government’s priorities and policies for the planning system up to 2045 and how the approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045. NPF4 differs from previous NPFs in two ways: it incorporates Scottish Planning Policy and the NPF into a single document and will form a part of the statutory development plan. Draft NPF4 was laid in Parliament on 10 November 2022 and alongside Parliamentary scrutiny of the draft, wider consultation is open until 31 March 2022. The continued opportunity to engage in the drafting of this hugely important national strategy is positive.
- 1.2 Four key themes pervade through draft NPF4: the creation of sustainable places where we reduce emissions and restore and better connect biodiversity; liveable places where we can live better, healthier lives; productive places where we have a greener, fairer and more inclusive wellbeing economy; and distinctive places where we recognise and work with our assets. NPF4 comprises a national spatial strategy underpinned by six overarching spatial principles and five regional action areas. Eighteen National Developments are identified to support the delivery of the spatial strategy and there are 35 national planning policies.
- 1.3 The overall aim and ambition of the draft NPF4; its future vision for 2045 and clear focus on sustainability, climate change, reaching Net Zero, biodiversity and placemaking is to be welcomed and supports North Ayrshire Council’s own priorities. Community Wealth Building is also referenced throughout the document. Key planning policies, reflected in our Local Development Plan, are continued and strengthened

within draft NPF4's spatial strategy and national planning policies, including strong support for the development of brownfield sites over greenfield sites and the town centre first principle. Also welcomed is the designation of Hunterston as a National Development and reference to Ardeer. For the first time, the NPF sets a housing target for each local planning authority. The figure proposed for North Ayrshire of 2950 homes over 10 years is acceptable, if not unambitious.

- 1.4 Once adopted and part of the Development Plan, NPF4 – in particular the national planning policies – will be directly relevant in the assessment and determination of planning applications. As such, concern is expressed over the precise wording of these policies. Clarity is also sought over the spatial strategy for North Ayrshire's islands; the implementation of Community Wealth Building and the scope of the Hunterston National Development. Resourcing the planning system and the additional duties on local planning authorities – plus the delivery of plans – is brought into focus by the wide scope of the draft NPF4; there is a requirement to upskill planning departments to address a range of issues such as embedding an infrastructure-first approach and assessing proposal in the context of climate change, and for cross-service collaboration in the preparation and implementation of the NPF. Officers continue to work through the significant content and detail presented within Draft NPF4 to prepare a cross-service response to the consultation to be submitted to Scottish Government before the 31 March 2022 deadline.

2. Background

- 2.1 The National Planning Framework (NPF) is a long-term spatial plan for Scotland. The current National Planning Framework (NPF3) and Scottish Planning Policy (SPP) were both published in 2014 and, aligned with the Scottish Government's programme of planning reform, work commenced to prepare Scotland's fourth National Planning Framework (NPF4) at the beginning of 2020.
- 2.2 NPF4 will look to 2045 and guide spatial development, set out national planning policies, designate national developments and highlight regional spatial priorities. NPF4 will be different to NPF3. It will have increased status and be part of the statutory development plan, meaning that its policies will have a stronger role in day-to-day planning decision making. NPF4 will incorporate updated Scottish Planning Policy which will contain detailed national policy on a number of planning topics. For the first time, spatial and thematic planning policies will be addressed in one place.
- 2.3 During January to April 2020, the Scottish Government sought early views on NPF4 through a 'Call for Ideas', inviting stakeholders to consider Scotland in 2045 and reflecting on planning policy changes and national developments needed to get us there. In November 2020, Government published its Position Statement which reflected on the Call for Ideas and set out thinking on potential policy changes. Planning Committee approved North Ayrshire Council's input into this process at meetings in March 2020 and January 2021. In September 2020, Cabinet approved an indicative Regional Spatial Strategy prepared jointly by North, East and South Ayrshire Councils. Engagement with Scottish Government to take forward early thinking on the potential for Regional Spatial Strategies has provided the opportunity for the Scottish Government to factor in regional priorities into the draft NPF4 spatial strategy.
- 2.4 In November 2021, Draft NPF4 was laid in the Scottish Parliament. Alongside Parliamentary scrutiny of the draft, a public consultation to invite comments on the

content of the draft is open until 31 March 2022. Following the consultation and the end of the Parliamentary scrutiny process, Scottish Government will analyse the responses and produce a final NPF4. The final adoption date will depend on the approval of NPF4 by the Scottish Parliament.

Outline of Draft NPF4

- 2.5 The spatial strategy, 18 National Developments and 35 planning policies proposed by Draft NPF4 are consistent with the key themes of the framework which are tackling and adapting to climate change; restoring biodiversity loss; improving health and wellbeing; building a wellbeing economy and creating great places. The National Spatial Strategy sets out a shared vision where each part of Scotland can be planned and developed to create sustainable places where we reduce emissions and restore and better connect biodiversity; liveable places where we can live better, healthier lives; productive places where we have a greener, fairer and more inclusive wellbeing economy; and distinctive places where we recognise and work with our assets.
- 2.6 Supporting the spatial strategy are six overarching spatial principles of compact growth; local living; balance development; conserving and recycling assets; urban and rural synergy and just transition. Key elements of these principles include limiting urban expansion where brownfield, vacant and derelict land and buildings can be used more efficiently; promoting 20-minute neighbourhoods and local circular economies; creating opportunities for communities by actively transforming areas of decline and enabling more people to live and remain in rural and island areas.
- 2.7 This shared spatial strategy is to be taken forward in five action areas. North Ayrshire sits within the area of central urban transformation. NPF4 seeks significant changes to the densely populated central belt of Scotland to meet climate change commitments reflecting that urban communities hold the key to reducing emissions from the way we live our lives: decarbonising buildings and transport and tackle congestion; making more efficient use of existing land and buildings; connecting to renewable electricity and heat networks and creating more inclusive, greener and sustainable places. The nine actions identified for the central area of Scotland (including North Ayrshire) include growing a wellbeing economy and in this regard, the Ayrshire Growth Deal and Community Wealth Building programme to build economic resilience and address unemployment, poverty and inequality across Ayrshire, with town centres at the heart of communities is explicitly supported by Draft NPF4.
- 2.8 Draft NPF4 proposes national developments to support the delivery of the spatial strategy. National Developments are expected to act as exemplars of the place principle and placemaking approaches and be designed and progressed in a way which supports community wealth building. Designation as a National Development means that the principle of the development does not need to be agreed in later consenting processes, providing more certainty for communities, business and investors. Hunterston has been designated as one of 18 National Developments in total. Six of the National Developments are Scotland-wide relating to the digital fibre network; a national walking, cycling and wheeling network; facilities to support the Circular Economy and renewable electricity and transmission infrastructure. The Central Scotland Green Network, which extends to North Ayrshire, is also retained as a National Development.

- 2.9 Aligned with the creation of sustainable, liveable, productive and distinctive places, Draft NPF4 sets out 35 national planning policies. As NPF4 will form part of the Development Plan, these policies will apply in the consideration of development proposals in North Ayrshire. Overall, they seek to ensure a place-based approach is at the heart of creating a more sustainable and fairer Scotland where climate change and nature recovery are the primary guiding principles for all plans and decisions.
- 2.10 A key focus of planning reform is delivery, however, Draft NPF4 is not accompanied by detailed proposals for delivering the spatial strategy. Scottish Government intend to work with key partners including Scottish Government portfolios, the Infrastructure Delivery Group, the Scottish Futures Trust, local authorities, key agencies and others to work up a detailed delivery programme to accompany the final NPF4. Important elements of the Delivery Programme are identified as the alignment of resources and an infrastructure-first approach.
- 2.11 The overall aim and ambition of the draft NPF4; its future vision for 2045 and clear focus on sustainability, climate change, reaching Net Zero, biodiversity and placemaking is to be welcomed. Further detail and comments on matters considered to be of most relevance to North Ayrshire are set out below:

Key considerations for North Ayrshire

- 2.12 **Hunterston:** North Ayrshire Council, as set out in the Adopted Local Development Plan – alongside Scottish Enterprise and port owners Peels Ports – have promoted the designation of Hunterston as a National Development within the NPF4. As such, the proposal to identify the ‘Hunterston Strategic Asset’ is warmly welcomed. The national development designation supports the repurposing of Hunterston port as well as the adjacent former nuclear power station site with the location and infrastructure identified as offering potential for electricity generation from renewables, and a variety of commercial uses including port, research and development, aquaculture, the circular economy, in accordance with the recently approved Development Framework for the Hunterston PARC site.
- 2.13 Eight classes of development are listed in Draft NPF4 to support the redevelopment and reuse of existing strategic assets and land contributing to a net zero economy and support delivery of the spatial strategy by stimulating investment in the west of Scotland, potentially contributing to the wider aim of tackling inequalities. Development in the location within one or more of the classes of development described in Draft NPF4 and that would otherwise have been of a scale or type that is classified as ‘major’ by would be designated a national development.
- 2.14 The location of the ‘Hunterston Strategic Asset’ is defined in Draft NPF4 as “Hunterston Port and Hunterston A power station site” but the designation has not been mapped. Officers intend meet with Scottish Government officials to discuss the scope of the designation. Included within this will be the potential of Hunterston to support the Council’s strategic direction of development for the blue economy.
- 2.15 **Ardeer Peninsula:** Although not identified as a National Development, Draft NPF4 does recognise the Ardeer peninsula as a significant site for redevelopment of the wider Ayrshire area, in the context of the central urban transformation action area and the action to grow a wellbeing economy. Members will be aware that Ardeer is the location of a proposed fusion energy plant and has been shortlisted under the STEP

programme, with the UK Atomic Energy Authority (UKAEA) expected to make a recommendation on the preferred option later this year. The recognition of Ardeer as a significant regeneration opportunity within Draft NPF4 is positive. As intimated in LDP2, the environmental and infrastructure capacity of Ardeer will be assessed in the preparation of the next LDP.

- 2.16 **Community Wealth Building:** References to community wealth building throughout Draft NPF4 are welcomed. This includes Policy 5 that states development plans should address community wealth building priorities; spatial strategies should support community wealth building, address economic disadvantage and inequality; and provide added social value and that proposals for development within the categories of national developments and major developments should contribute to community wealth building objectives.
- 2.17 As a pioneer of Community Wealth Building in Scotland, North Ayrshire would emphasise that community wealth building provides the mechanisms required to address aspirations to change the way we work to meet net zero goals and tackle longstanding inequalities. As a relatively new concept for many, and to ensure it is effectively utilised, it is recommended that community wealth building is more embedded within NPF4 and explained clearly and in detail, with guidance on how it can be used to meet the collective vision of building sustainable, liveable, productive and sustainable places.
- 2.18 **Minimum All Tenure Housing Land Requirement (MATHLR):** The Planning (Scotland) Act, 2019 requires Scottish Ministers, in preparing the National Planning Framework to include 'targets for the use of land in different areas for Scotland for housing'. This has been addressed in Draft NPF4 by the establishment of a ten-year Minimum All Tenure Housing Land Requirement (MATHLR) for each planning authority. The MATHLR set for North Ayrshire in Annex B is 2950 homes. This is an acceptable, if not somewhat unambitious target for North Ayrshire. For comparison, LDP2 includes a Housing Supply Target for 2019-2029 of 4071 homes. Draft NPF4 seeks to achieve 'balanced development' across Scotland, creating opportunities for communities in areas of decline, and managing development more sustainably in areas of high demand. It is not clear how the MATHLRs will contribute to this aim.
- 2.19 **Arran and Cumbrae within NPF4:** As noted at paragraph 2.7, NPF4's National Spatial Strategy is to be taken forward in five action areas. North Ayrshire sits within the area of central urban transformation. While this supported for the mainland, it does not relate well to our islands, Arran and Cumbrae. The 'north west and coast innovation' action area is focused on making sustainable use of our coasts and islands to sustain communities and pioneer investment in the blue economy. Actions within this zone, defined as broadly comprises the island communities of Shetland, Orkney, the Western Isles, and parts of Highland and Argyll and Bute including the north and west mainland coastline, are creating carbon neutral coastal and island communities; support the blue and wellbeing economies; protecting and enhance blue and green infrastructure and strengthen resilience and decarbonise connectivity.
- 2.20 North Ayrshire Council are participating in an ambitious three-year Islands Recovery and Renewal Pilot in partnership with the Scottish Government and Highlands and Islands Enterprise to support an inclusive and green economic recovery and renewal of North Ayrshire's island communities in line with their unique needs. The pilot project is aligned to the delivery of the National Islands Plan and Community Wealth Building

principles. A key area of focus within the pilot is working in partnership with island communities, businesses, and wider stakeholders to develop and facilitate the delivery of 10-year island plans to maximise the potential of North Ayrshire's islands. In recognition of the significance of this pilot work, and the similar challenges and opportunities faced by Arran and Cumbrae as other Scottish islands, it is recommended that North Ayrshire island communities are included within the north west coastal innovation zone

- 2.21 **National Planning Policies:** Once adopted and part of the Development Plan, NPF4 – in particular the national planning policies – will be directly relevant in the assessment and determination of planning applications. As such, concern is expressed over the wording of these policies. Imprecise policies and those which lack strength – for example stating development 'should' rather than 'must' – may undermine the implantation of the NPF and the achievement of its aspirations, particularly in relation to climate change. Lengthy appeal cases and challenges to decision making would not be in the planning system's best interests.
- 2.22 **Resourcing the Planning System and Delivery:** Resourcing the planning system and the additional duties on local planning authorities – plus the delivery of plans – is brought into focus by the wide scope of the draft NPF4; there is a requirement to upskill planning departments to address a ranges of issues such as embedding an infrastructure-first approach and assessing proposal in the context of climate change, and for cross-service collaboration in the preparation and implementation of the NPF. As noted at paragraph 2.10, draft NPF is not accompanied by the Delivery Programme, which is disappointing. The need for clarity around funding of, e.g., infrastructure, is critical.
- 2.23 Officers continue to work through the significant content and detail presented within Draft NFP4 to prepare a cross-service response to the consultation to be submitted to Scottish Government before the 31 March 2022 deadline. The final adoption date of NPF4 will depend on approval by the Scottish Parliament, but Scottish Government are currently aiming to lay a finalised version for approval by summer 2022. Scotland's Fourth National Development Framework is a key part of the planning reform process and, as a national spatial strategy for Scotland to 2045, it is crucial to its aims, ambition and future vision that it is robust and deliverable.

3. Proposals

3.1 It is recommended that:

- 1) Comments set out in Paragraphs 2.12 to 2.23 form the basis of the Council's response to the consultation on Draft National Planning Framework 4
- 2) Delegated authority is granted to the Chief Planning Officer to complete and submit a full consultation response to the Scottish Government.

4. Implications/Socio-economic Duty

Financial

- 4.1 The Draft NPF4 introduces many areas requiring particular specialist skills and areas of expertise which will require additional funding for reskilling and upskilling or external expertise for a range of assessments.

Human Resources

- 4.2 As above.

Legal

- 4.3 Once adopted, National Planning Framework 4 will form part of the Development Plan for North Ayrshire. Decisions on planning applications and the next Local Development Plan will be required to accord with NPF4.

Equality/Socio-economic

- 4.4 A number of statutory and non-statutory assessments have informed the preparation of NPF4, and an Integrated Impact Assessment Report has been published alongside the draft NPF4. These include a Strategic Environmental Assessment and Society and Equalities Impact Assessment, incorporating an Equalities Impact Assessment (EQIA), including human rights considerations, Child Rights & Wellbeing Impact Assessment (CRWIA), Fairer Scotland Duty assessment (FSD) and Island Communities Impact Assessment.

Environmental and Sustainability

- 4.5 See above.

Key Priorities

- 4.6 NPF4 aligns with wider national priorities, programmes and strategies, including on infrastructure and economic investment. These align with many the Council's key priorities, including a sustainable environment; affordable, modern and well-designed homes; and effective infrastructure.

Community Wealth Building

- 4.7 The Draft NPF4 supports community wealth building approaches.

5. Consultation

- 5.1 Commencing in early 2020, the Scottish Government has undertaken a comprehensive engagement programme to inform the preparation of Draft NPF, including seeking views at 'Call for Ideas' and 'Position Statement' stages. Planning Committee approved North Ayrshire Council's input into this process at these stages. The indicative Regional Spatial Strategy prepared jointly by North, East and South Ayrshire Councils has also influenced the regional priorities reflected in the draft NPF4 spatial strategy.
- 5.2 This paper seeks delegated authority for the Chief Planning Officer to respond to the Scottish Government consultation on the draft of Scotland's fourth National Planning Framework. The consultation is open until 31 March 2022. Cross service input has

highlighted headline comments on the draft, set out in this report. To inform North Ayrshire's detailed response to the consultation, the Planning Service will continue to engage with other Services and consider the emerging views of other stakeholders in the planning system.

JAMES MILLER
Chief Planning Officer

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

Background Papers

[Draft National Planning Framework 4 - Scottish Government - Citizen Space](#)