



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## Local Review Body

A Special Meeting of the **Local Review Body** of North Ayrshire Council will be held via Microsoft Teams on **Wednesday, 02 September 2020** at **11:30** 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. A recording of the meeting will be available to view at <https://north-ayrshire.public-i.tv/core/portal/home>

#### **1 Declarations of Interest**

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

#### **2 Minutes**

The accuracy of the Minutes of the meeting of the Local Review Body held on 22 January 2020 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

#### **3 Notice of Review: 19/00669/PP – Ivybank, Lamlash, Isle of Arran, KA27 8LS**

Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

#### **4 Notice of Review: 20/00077/PP – Site to West of Pirogue, Whiting Bay, Isle of Arran**

Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

- 5      Notice of Review: 20/00010/PP - Fir Trees, Lamlash, Brodick, Isle Of Arran, KA27 SJN**  
Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).
- 6      Notice of Review: 20/00023/PP - 67 - 71 Dockhead Street, Saltcoats**  
Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a condition applied to a planning permission granted by officers under delegated powers (copy enclosed).
- 7      Notice of Review: 19/00882/PP – Sorbie Farm, Ardrossan, Ayrshire KA22 7NP**  
Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).
- 8      Notice of Review: 19/00752/PP – Site To North West Of 10 Crompton Way North Newmoor Irvine**  
Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).
- 9      Urgent Items**  
Any other items which the Chair considers to be urgent.



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## Local Review Body Sederunt

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

Chair:

Apologies:

Attending:



**Irvine, 22 January 2020** - At a Meeting of the Local Review Body of North Ayrshire Council at 3.45 p.m.

**Present**

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Christina Larsen, Shaun Macauley, Ellen McMaster, Ronnie McNicol and Donald Reid.

**In Attendance**

I. Davies, Planning Adviser to the LRB, A. Hume, Planning Adviser to the LRB (Place); A. Craig, Legal Adviser to the LRB (Legal Services) and H. Clancy, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Marshall in the Chair.

**Apologies**

Robert Foster

**1. Introductory Remarks**

The Legal Advisor to the Local Review Body referred to the appeal statement for Notice of Review: 19/00704/PPP – Site to the North West of 15 Thirdpart Holdings, West Kilbride, having been omitted in error from the agenda. With agreement from the applicant's agent to proceed, having been circulated to Members prior to the meeting. The Legal Advisor then confirmed with Elected Members that they had had an opportunity to digest the information provided.

**2. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

**3. Minutes**

The Minutes of the meeting of the Local Review Body held on (i) 02 October 2019 and (ii) 30 October 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**4. Notice of Review: 19/00704/PPP – Site to the North West of 15 Thirdpart Holdings, West Kilbride**

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers for the erection of a detached dwelling house and stable at the Site to the North West of 15 Thirdpart Holdings, West Kilbride.

The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan, Planning decision notice, further representations by interested parties and the applicant's response to the further representations were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review for the applicant and the Report of Handling for the appointed officer. Photographs and plans of the site were displayed.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request.

Councillor Marshall seconded by Councillor McNicol, moved that the Local Review Body uphold the officer's decision and refuse planning permission.

There being no amendment the motion was declared carried.

#### **5. Notice of Review: 18/01044/PP – Middleton Farm, Perceton Gate, Irvine**

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers for the erection of a 1.75 storey dwellinghouse and double garage.

The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan and Planning decision notice were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review for the applicant and the Report of Handling for the appointed officer. Photographs and plans of the site were displayed.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request.

Councillor Billings seconded by Councillor Macauley, moved that the Local Review Body uphold the officer's decision and refuse planning permission.

There being no amendment the motion was declared carried.

The Meeting ended at 4.25 p.m.

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## NORTH AYRSHIRE COUNCIL

2 September 2020

### Local Review Body

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<b>Title:</b>	<b>Notice of Review: 19/00669/PP – Ivybank, Lamlash, Isle of Arran, KA27 8LS</b>
<b>Purpose:</b>	To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.
<b>Recommendation:</b>	That the Local Review Body considers the Notice of Review.

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### 1. Executive Summary

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

### 2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 19/00669/PP – erection of detached garden room and decking to the rear of dwelling house (retrospective) at Ivybank, Lamlash, Isle of Arran, KA27 8LS.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report: -
- Appendix 1 - Notice of Review documentation;
  - Appendix 2 - Report of Handling;
  - Appendix 3 - Location Plan;
  - Appendix 4 - Planning Decision Notice;
  - Appendix 5 - Further representations from interested parties; and
  - Appendix 6 - Applicants response to further representations.

### 3. Proposals

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

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

##### **Financial**

4.1 None arising from the recommendation of this report.

##### **Human Resources**

4.2 None arising from the recommendation of this report.

##### **Legal**

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

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

4.4 None arising from the recommendation of this report.

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

4.5 None arising from the recommendation of this report.

##### **Key Priorities**

4.6 None arising from the recommendation of this report.

##### **Community Benefits**

4.7 None arising from the recommendation of this report.

#### **5. Consultation**

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations and their response is set out in Appendix 6 to the report.

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

#### **Background Papers**

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## NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)  
IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**  
**Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

### Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

### Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be  
through this representative: ☐

Yes ☒ No ☐

\* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed  
development

Date of application

Date of decision (if any)

**Note:** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.



**Nature of application**

- |  |                                     |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application)   | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle  | <input type="checkbox"/>            |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**Review procedure**

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input checked="" type="checkbox"/> |
| 3. Site inspection  | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/>            |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

The issues involved in this appeal are entirely subjective and not factual or policy based. Without a visual assessment of the site it will be difficult to properly understand the appellants case or make a full assessment of the development

**Site inspection**

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

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:



**Statement**

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See Attached Statement with Photographs

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

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Attached Statement with Photographs

**Note:** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

**Declaration**

I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed [ \_\_\_\_\_ ]

Date 16/1/2020

This statement seeks a review of the Decision made on Planning Application 19/00669 which sought retrospective consent for a detached Garden Room within the residential curtilage of Ivybank Lamlash.

The Decision Notice suggests that the proposal contravenes Policy HE:1 and criterion (a) of the Local Plan. It comes to that conclusion on the basis that ;

1. the structure affects the visual amenity and historic character of Lamlash Conservation Area, and
2. the appearance of the structure with reference to local style and the materials used is inappropriate.

We consider the visual impact of the Garden Room to be minimal. It can only be seen (when the leaves are not on the trees) from one or two points on the village green. One has to look hard with raised eyes to spot it.

We attach photos taken from the few available viewpoints in the village. The photos attached to the original application were taken at very close quarters and magnified through the camera lens. This was in order to demonstrate the wood, the style and the dimensions of the structure. The photos attached now are taken from the village green looking up to the Garden Room from those places where it is visible. In the Spring and Summer months the tree foliage would make the structure even less easily seen. The structure does not sit up on the sky-line but merges in with the surrounding growth.

When it can be seen it simply appears as a garden shed which is a type of structure very common in the area.

The material used in the construction of the Garden Room is local larch. We were particularly proud to have sourced and hand-picked this from a few miles away on the Brodick Hill. It is difficult to understand why this is considered unsuitable for the area.

A further advantage of using larch is that it is known to “weather down” quite quickly and take on a grey hue which will make the structure even more difficult to spot from the village. There are many examples on the island of fencing and sheds made out of larch which has greyed over the

years. A picture of one such building is attached. This building was the yellowy hue of our structure only a short time ago.

Our Garden Room is not a permanent structure and is not for residential use. There are no services laid to the structure. It is simply an elevated area of decking with a store on top for garden furniture, providing us with a sheltered place if we want to sit inside and benefit from the view of the bay.

The structure sits below an already established hen-house and fenced run which is higher up the garden on the opposite side.

Our garden has mature trees and hedges and the idea of building the Garden Room using larch logs was to ensure it was in keeping with its surroundings. For this reason we feel that our rustic wooden structure blends in with the nature and trees which form the gap separating the historic shoreside properties like our own from those cottages higher up on Braeside.

We would like to draw attention to the fact that when we were told that planning consent was needed we stopped work on the structure. This means that it is still not entirely finished, eg we still intend to green over the roof with turf and the chicken wire balustrade is only temporary. We are happy to accept any conditions which the committee consider are necessary. If for example it is considered that the structure would be better painted/stained green we would do this (but we do feel that the wood would be better left to age naturally).

The issues in this case are quite straightforward and relate only to the visual impact of the development. In our opinion the impact is minimal and does not justify the decision to refuse consent.

We trust that the Committee will come to the same conclusion once the full case has been considered and will approve our proposal, with whatever conditions are considered appropriate.



## Photographs

1. View of Lamlash Bay from the pier with wooded hills behind the shoreside buildings. The position of the Garden Room is indicated by the arrow





2 Ivy bank is on the right side with the Garden Room just visible behind the trees in the gap



3. View over the Glenisle Hotel with the Garden Room just visible over the roof line





4. The Garden Room can be seen in this photograph through the trees



5. The Garden Room can be seen above the roof of the sandstone building with the line of 3 dormer windows (Chemist Shop). Ivybank is on the far left of the picture which is taken from the pier with a zoom lens.



5. Larch Clad Building constructed in Whiting Bay showing weathered timber on the house and fresh timber on the adjacent garage



## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

**Reference No:** 19/00669/PP  
**Proposal:** Erection of detached garden room and decking to rear of dwelling house (retrospective)  
**Location:** Ivybank, Lamlash, Brodick, Isle Of Arran KA27 8LS

**LDP Allocation:** Residential/Housing  
**LDP Policies:** HE1 / General Policy /

**Consultations:** None Undertaken  
**Neighbour Notification:** Neighbour Notification carried out on 03.09.2019  
Neighbour Notification expired on 24.09.2019

**Advert:** Not Advertised

**Previous Applications:** None

### Appeal History Of Site:

### Relevant Development Plan Policies

HE1  
POLICY HE 1: CONSERVATION AREAS

#### (a) Development within Conservation Areas:

Proposals for development which would adversely affect the visual amenity or historical/architectural character of a conservation area, including its setting, buildings,

open space or trees, shall not accord with the LDP.

#### (b) Development adjacent to Conservation Areas:

Proposal for development adjacent to a conservation area which has a significant adverse effect on its architectural and historical character and wider setting shall not accord with the LDP.

#### (c) Demolition within Conservation Areas:

Demolition of a building in a conservation area shall not accord with the LDP unless it

can be justified against the following criteria:

(i) an assessment of the importance of the building and its contribution to the local scene concludes there is little or no value in retention; OR

(ii) the repair of the building is not economically viable and that it has been marketed at

a price reflecting its location and condition to potential restoring purchasers for a

reasonable period; OR

(iii) the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; AND

(iv) there is an acceptable comprehensive redevelopment proposal.

Note:

Applicants must prove that retention, restoration, and sympathetic conversion to some

other compatible use is not possible before proposals to demolish are accepted.

The Council encourages pre-application discussions regarding demolition and redevelopment. Detailed plans for an acceptable replacement building should accompany applications for conservation area consent.

General Policy

GENERAL POLICY

(a) Siting, Design and External Appearance:

- Siting of development should have regard to the relationship of the development to existing buildings and the visual effects of the development on the surrounding area and landscape.

- Design should have regard to existing townscape and consideration should be given

to size, scale, form, massing, height, and density.

- External appearance should have regard to the locality in terms of style, fenestration, materials and colours.

- Development will require to incorporate the principles of 'Designing Streets' and 'Designing Places'.

- The particularly unique setting of North Ayrshire's rural, coastal, neighbourhood and

town centre areas, and those with similar characteristics, necessitates that all development proposals reflect specific design principles unique to these areas.

Coastal, Rural, Neighbourhood and Town Centre Design Guidance (four separate documents) are Supplementary Guidance to the Plan and contain further details.

- Consideration should be given to proper planning of the area and the avoidance of piecemeal and backland development.

- Design should have regard to the need to reduce carbon emissions within new buildings.

(b) Amenity:

Development should have regard to the character of the area in which it is located.

Regard should be given to the impact on amenity of:

- Lighting;

- Levels and effects of noise and vibration;

- Smell or fumes;

- Levels and effects of emissions including smoke, soot, ash, dust and grit or any other environmental pollution;

- Disturbance by reason of vehicular or pedestrian traffic.

Development should avoid significant adverse impact on biodiversity and upon natural

heritage resources, including those outwith designated sites and within the wider

19/00669/PP

countryside. Development proposals should further have regard to the preservation and planting of trees and hedgerows, and should also have regard to their potential to contribute to national and local green network objectives. In relation to neighbouring properties regard should be taken of privacy, sunlight and daylight.

(c) Landscape Character:

In the case of development on edge of settlement sites, substantial structure planting will generally be required to ensure an appropriate boundary between town and country is provided. Such proposals should include native tree planting, retain natural features where possible and make provision for future maintenance. Development should seek to protect the landscape character from insensitive development and the Ayrshire Landscape Character Assessment shall be used to assist assessment of significant proposals.

(d) Access, Road Layout, Parking Provision:

Access on foot, by cycle, by public transport and other forms of transport should be an integral part of any significant development proposal. Development should have regard to North Ayrshire Council's Roads Development Guidelines and meet access, internal road layout and parking requirements.

(e) Safeguarding Zones:

Pipelines, airports and certain other sites have designated safeguarding areas associated with them where specific consultation is required in assessing planning applications. The objective is to ensure that no development takes place which is incompatible from a safety viewpoint. The need for consultation within Safeguarding Zones is identified when an application is submitted. Supporting Information Paper No. 7 provides further information on Safeguarding Zones.

(f) The Precautionary Principle

The precautionary principle may be adopted where there are good scientific, engineering, health or other grounds for judging that a development could cause significant irreversible damage to the environment, existing development or any proposed development, including the application itself.

g) Infrastructure and Developer Contributions

19/00669/PP

For development proposals which create a need for new or improved public services, facilities or infrastructure, and where it is proposed that planning permission be granted, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Developer contributions, where required, will be sought through planning conditions or, where this is not feasible, planning or other legal agreements where the tests in Circular 3/2012 are met. Other potential adverse impacts of any development proposal will normally be addressed by planning condition(s) but may also require a contribution secured by agreement. This will emerge from assessment of the impact of development proposals upon:

- Education;
- Healthcare facilities;
- Transportation and Access;
- Infrastructure;
- Strategic landscaping; and,
- Play facilities.

Further to analysis of infrastructure, indicative requirements for housing land allocations are set out within the Action Programme. Developer contributions will be further established by Supplementary Guidance (timing, costs etc.).

In addition to the above, Mixed Use Employment Areas are identified within the LDP. These sites are allocated for a mix of uses, subject to an element of employment space creation or improvement being provided. This will be informed by a business plan and masterplan. In these specific cases, contributions to the above (and affordable housing requirements as set out in Section 5) will also be required.

#### h) 'Natura 2000' Sites

Any development likely to have an adverse effect on the integrity of a 'Natura 2000' site will only be approved if it can be demonstrated, by means of an 'appropriate assessment', that the integrity of the 'Natura 2000' site will not be significantly adversely affected.

#### i) Waste Management

Applications for development which constitutes "national" or "major" development under the terms of the Planning Etc. (Scotland) Act 2006 will require the preparation of a Site

Waste Management Plan (SWMP), which will be secured by a condition of the planning consent.

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## Description

This planning application relates to an area of decking and a detached garden room which have been erected in the steeply sloping rear garden of a semi-detached two storey house. The structures were erected in April 2019; a planning enforcement enquiry was received by Planning Services in May 2019 and the owner was advised, following a site visit, that planning permission was required. This retrospective planning application for the unauthorised structures was thereafter made in September 2019.

The timber deck measures 4.8m x 4.6m. It is built into the garden slope and is therefore level with the garden ground at its rear (north west) edge and 750mm above the ground at the front (south east) edge. It is c.9.5m from the rear elevation of Ivybank and is 1.5m in from the eastern boundary of the garden which is enclosed by mature hedges.

A detached log cabin has also been erected for use as a garden room near the top of the steep rear garden slope. The timber cabin itself measures 2.5m x 3m and has an overhanging flat roof 2.4m high. It sits on a raised timber deck which measures 4.5m x 4.5m. This 'cabin deck' is also built into the garden slope so that it is 1.5m above the ground at the front (south east) edge and supported by timber posts. The cabin walls are constructed from logs and it features three windows and a felt roof. The cabin deck is enclosed by a post and chicken wire balustrade 1m high. The cabin and deck are 26m away from the rear elevation of the house; the level of the cabin deck is 4m higher than the ridge of the roof of Ivybank and the roof of the cabin itself is 6.3m above the ridge of the house roof.

A Supporting Planning Statement was submitted which indicates that: i) the structures were erected under the impression that they were Permitted Development and did not therefore require planning permission; ii) the lower deck is slightly elevated due to the slope of the garden but cannot be seen from outwith the site; iii) the garden room is on slightly more elevated land near the northern boundary and provides storage for the garden furniture used on the decks; and iv) that the deck and garden room have been positioned to take advantage of views over Lamlash Bay while minimising the possibility of overlooking of neighbouring properties. The Statement concludes that whilst glimpses of the structures may be available from outwith the site, they are not dominant and that the rustic character of the materials used are appropriate to the position at the edge of a conservation area and do not result in any harm to the character of the area.

The garden is enclosed by mature trees and hedges and the property is bounded by residential properties on three sides with Lamlash Green and the shore to the front.  
19/00669/PP

The application site is within the settlement of Lamlash, as identified in the Adopted North Ayrshire Council Local Development Plan ("the LDP") and is also within the boundary of Lamlash Conservation Area. The application therefore requires to be assessed against Policy HE1 (Conservation Areas) and the General Policy of the LDP.

## **Consultations and Representations**

The statutory neighbour notification procedures were undertaken. Five objections and one comment in support of the proposal were received. These can be summarised as follows:

**Objection 1 (Precedent)** - The erection of the garden room sets a disturbing precedent for this particularly sensitive historic Conservation Area as several other houses in the vicinity may also wish for similar development in their gardens.

**Response:** There is no 'precedent' in planning law. The Town and Country Planning Act requires all proposals to be assessed on their individual merits against the development plan in place and any other material considerations.

**Objection 2 (Use/Services):** If the garden building was to be approved, conditions should be applied preventing power, water or sewage connections or any accommodation use in the future. Ivybank is used as a B&B with a detached holiday rental cottage to the rear. The garden room would be used by guests of both until late in the evening. The commercial use should be taken into consideration.

**Response:** The proposal relates to the erection of a building within the curtilage of a dwellinghouse for purposes incidental to the enjoyment of that dwellinghouse. If it were to be approved, it could be used for such purposes under the terms of Class 3A of the General Permitted Development (Scotland) Order. This does not permit use as a separate dwellinghouse and separate planning permission would still be required in that regard. These matters are considered further in the following Analysis. Connections to services would not require planning permission but would be a Building Standards matter.

**Objection 3 (Appearance):** The garden building is of completely different design and materials from the row of stone built cottages.

**Response:** Siting, design and appearance are considered in the following Analysis.

**Objection 4 (Boundary/Privacy/Overlooking):** the garden room is a substantial construction on the common boundary. Due to its inappropriate location, it dominates and overlooks the entirety of the gardens and rear elevations of neighbouring properties. The elevated deck is also visible from a neighbouring property. Conversations of anyone using the structures are clearly audible from neighbouring properties.

**Response:** Due to the steeply sloping rear gardens, the rear of most properties in the vicinity can already be overlooked to a degree from neighbouring gardens; similarly, noise could be heard from users of a garden even where planning permission is not required and would only be a planning matter where the proposed development materially increases the likelihood of such issues to the significant

detriment of residential amenity. Matters of residential amenity are considered further in the following Analysis.

Objection 5 (Inaccuracies in the Submission): the plans exceed the boundary into a neighbouring property and do not contain a north point or scale bar. There are inaccuracies in the annotation and measurements of the submitted photographs. The planning statement and letter of support are both parts of the same document. The photographs were taken in summertime showing trees in full leaf and do not represent the year round impact of the building.

Response: The plans and documents submitted are considered sufficient to register the application and to consider the proposal. The Planning Officer has conducted a site visit to measure the structures and assess the issues.

Objection 6 (Conservation Area): The development is visible from Shore Road and Lamplash Village Green and is not in keeping with the aesthetic amenity of the conservation area. The submitted photographs do not fully represent the impact on the conservation area.

Response: This matter is considered further in the following Analysis.

Support Comment: The garden room does not obstruct views or affect the amenity of properties above on the Brae. It is well constructed of local Larch timber and the rustic appearance is in keeping with the landscape when viewed from below or out on the water.

Response: Noted.

No consultations were required.

## **Analysis**

The planning application is for retrospective consent for structures already erected. The determining issue is whether the application accords with the policies of the LDP and whether there are any other material considerations. The relevant policy considerations are HE1 (Conservation Areas) and criteria (a) Siting, Design and External Appearance and (b) Amenity of the General Policy.

Ivybank is a dwellinghouse with a detached 'back house,' Ivybank Cottage, to the rear which is let as a separate self-catering holiday cottage. In response to an enquiry, the agent confirmed that Ivybank itself lets out two bedrooms for bed and breakfast which would be permitted under Class 9 (dwellinghouse) use. The deck and garden room are claimed to be for the use of the main house. It is also noted that a self-catering cottage, such as Ivybank Cottage, remains a dwellinghouse in terms of its planning status regardless of the tenure or occupation and could potentially also have benefitted from the Class 3B Permitted Development (PD) rights available to dwellinghouses for erection of domestic outbuildings or the Class 3D rights for decks.

Both the garden room and deck exceed the limits of the respective PD classes due to the location within the conservation area. Planning permission is therefore required.

In terms of Policy HE1 (Conservation Areas), the Council has recently undertaken a draft Conservation Area assessment for Lamlash to assess whether the special architectural or historic interest of the area's character and appearance. The draft report indicates that Lamlash Green gives a sense of space and importance to the streetscape and adds real character to the Conservation Area. It acknowledges that cottages high at Braehead have open views across to Holy Isle. However, it also identifies that the views back from the harbour slipway across the Green are important to the appreciation of the Conservation Area. It recommends that the Conservation Area protection which limits householder development be retained at this part of the Conservation Area.

Given this background, it is considered that any development which is detrimental to the form and development pattern of the Conservation Area should not be supported. In this regard, it is considered that the garden room, sited at the top of the garden slope, is highly visible from further afield, particularly in views back to the village from the harbour and has a significant detrimental effect on the character of the Conservation Area. The garden room disrupts the layout of the historic shoreside village properties which are visually 'separated' from the properties higher up on Braeside by mature trees. The closing of this gap is considered to have a significant effect on the character of the Conservation Area. It is also considered that the timber materials, which may have been suitable in a suburban garden, are not appropriate to the surrounding historic buildings in the Conservation Area particularly given the prominence of the building.

As views from the sea and shore across the historic form of the village play a significant part on the setting and special character of Lamlash Conservation Area, the adverse visual impact is considered to significantly harm the setting and appearance of the Conservation Area. The proposal is contrary to Policy HE1.

In terms of criterion (a) of the General Policy, for similar reasons as outlined above, it is not considered that the siting, design or appearance of the garden room are acceptable. The siting does not have regard to the visual effects of the development on the surrounding area and landscape and the appearance does not have regard to the locality in terms of its style or materials.

In terms of (b) (residential amenity), several objections referred to the adverse effects on neighbouring properties. It is noted that whilst it is a relatively unusual development for the locality given the height of the garden building above the roof ridge height of the surrounding buildings; it is also noted that the windows of the garden building are over 30m from the rear of the neighbouring properties and, given that the building is 'dug in' to the hillside slope, the height above the ground upon which it is built means that any noise disturbance issues are not intrinsically worse than what could be experienced from persons sitting on the ground at the same location at the top of the garden. It is not considered that the garden building necessarily intensifies the use of this part of the garden. The proposals do not conflict with criterion (b) on amenity.

The deck sited some 9.5m from the rear of the building, is not readily visible from outwith the garden and it is not considered to have any significant adverse impact on the Conservation Area, is of appropriate design for a rear garden and has no significant impact on amenity.

Notwithstanding, the proposal, particularly the garden room for the reasons given above, does not accord with Policy HE1 or criterion (a) of the General Policy of the LDP and planning permission should therefore be refused.



The emerging North Ayrshire Proposed Local Development Plan is also a material consideration, and the proposal has also therefore been assessed against the terms of the Proposed LDP. The policies in the Proposed LDP are substantially similar to those in the adopted LDP, and the proposal does not raise any new issues that would alter the foregoing assessment of the proposal.

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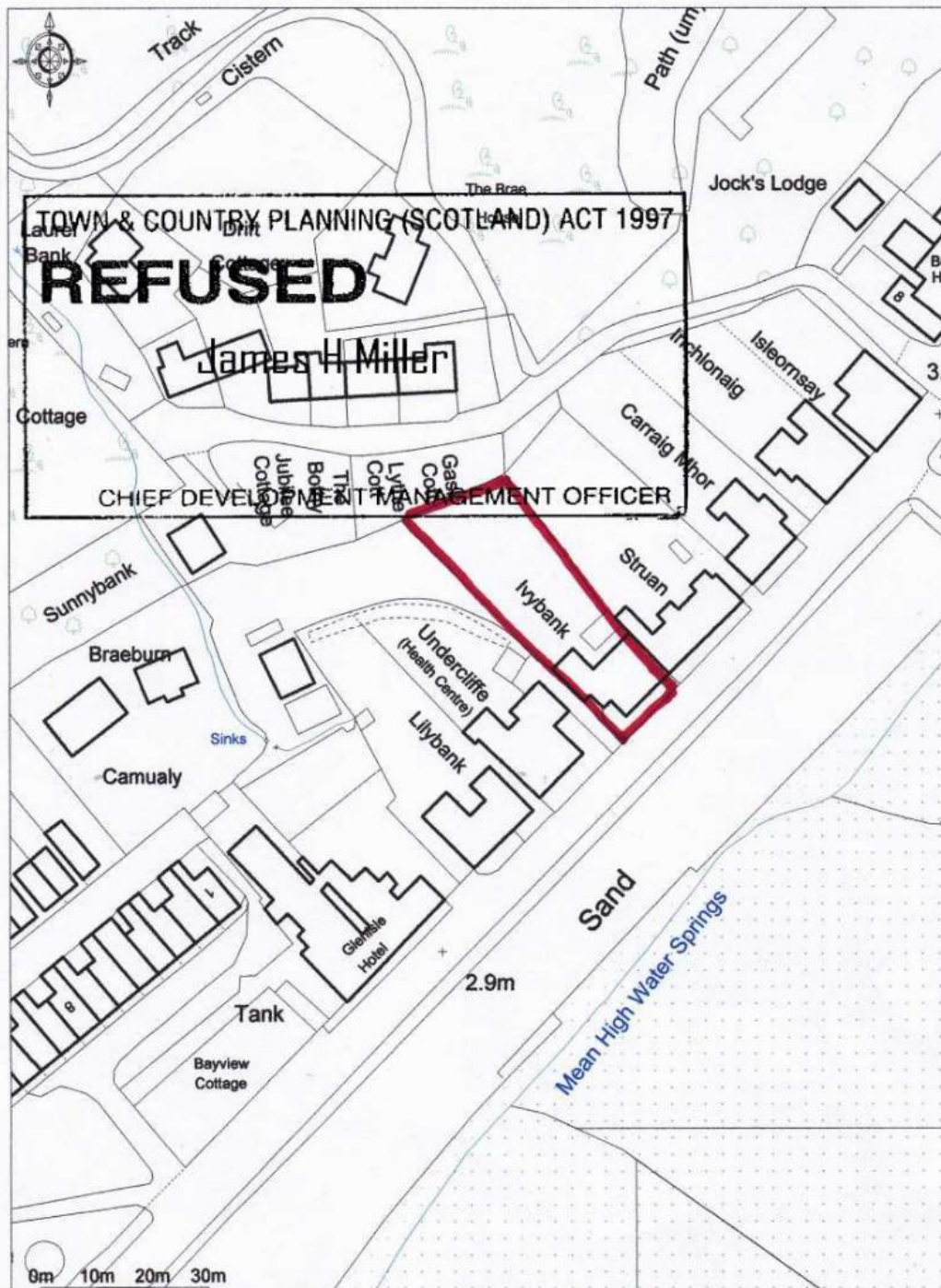
## **Decision**

Refused

Case Officer - Mr Neil McAteer

## Appendix 1 - Drawings relating to decision

<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Location Plan	19/27/1	
Block Plan / Site Plan	19/27/2	
Annotated Photos	Photo 1	
Annotated Photos	Photo 2	
Annotated Photos	Photo 3	
Annotated Photos	Photo4	
Annotated Photos	Photo 5	
Sections		



**B Armstrong-Payne, Dip TP MRTPI  
Planning Consultant**

**RETROSPECTIVE APPLICATION FOR GARDEN ROOM AND DECKING  
IVYBANK, LAMLASH, ISLE OF ARRAN**

**Location Plan No 19/27/1**

**SCALE 1:1250**



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

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/19/00669/PP

(Original Application No. N/100178621-001)

**REFUSAL OF PLANNING PERMISSION**

Type of Application: Local Application

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

To : Mrs S Walker  
c/o Bruce Armstrong-Payne  
Meadow House  
Snuff Mill Lane  
Stainton  
Penrith  
CA11 0ES

With reference to your application received on 3 September 2019 for planning permission under the above mentioned Acts and Orders for :-

Erection of detached garden room and decking to rear of dwelling house (retrospective)

at Ivybank  
Lamlash  
Brodict  
Isle Of Arran  
KA27 8LS

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

1. That the garden room is contrary to policy HE1 of the Adopted North Ayrshire Council Local Development Plan in that the siting of the garden building significantly affects the visual amenity and historical/architectural character of Lamlash Conservation Area, including its setting and open spaces.
2. That the garden room is contrary to criterion (a) of the General Policy of the Adopted North Ayrshire Council Local Development Plan in that (i) the siting of the development does not have regard to the visual effects of the development on the surrounding area and landscape and (ii) the external appearance does not have regard to the locality in terms of style or materials.

Dated this : 11 November 2019

.....  
for the North Ayrshire Council

(See accompanying notes)



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

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

KAREN YEOMANS : Executive Director (Economy & Communities)

**FORM 2**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

The above Planning Application was rightly refused on the grounds that it contravenes criteria a) of the General Policy 'Development within Conservation Areas, in particular setting, design and appearance. Please note the following points directly addressing this point and other issues which I would ask you to take into consideration.

#### **criteria a)**

1. Setting - The Garden Room has been set at a high point in the garden above the height of the adjacent building rooflines, this setting clearly has an impact on the Conservation Area.
2. Design - The Garden Room is of a contemporary design not in keeping with the Conservation Area.
3. Materials / Appearance - The Building is constructed in larch which is not evident nor considered acceptable in the Conservation Area

#### **Residential Amenity**

The Planning Officer claims that the Garden Room does not affect residential amenity however fails to acknowledge that the rear private garden is amenity space which has been directly affected by the Garden Room. The Garden Room immediately overlooks and looks down onto the private garden space, please note the following points made in his 'Report of Handling' (undated) and my own observations;

*1. 'the height above the ground upon which it is built means that any noise disturbance issues are not intrinsically worse than what could be experienced from persons sitting on the ground at the same location at the top of the garden'*

This statement is incorrect the garden room and its associated balcony are elevated approx 2 m from the ground level from where they are located. An elevation of this magnitude results in the adjacent garden being directly overlooked / looked down onto where previously the occupants were able to enjoy the amenity of their private rear garden. This elevated position will also increase noise and disturbance especially as the Garden Room is being used late into the evening / night by B & B guests.

*2. 'It is not considered that the garden building necessarily intensifies the use of this part of the garden'*

This statement is incorrect, the garden room is located on steeply sloping ground which would not be usable for 'sitting and enjoying views' which includes the view directly down onto the adjacent private garden.

*3. 'the deck and garden room have been positioned to take advantage of views over Lamlash Bay while minimising the possibility of overlooking of neighbouring properties'*

This statement is incorrect, a garden room window has been specifically angled to directly overlook the adjacent neighbours garden. There are substantial views over Lamlash Bay across the applicants own garden however they have chosen to direct the views from this window over and down upon the neighbours garden. This window

(there are others) should at least be blocked off and the adjacent balcony screened as the other larger windows / balconies offer sufficient views across Lamlash Bay.

### **Permitted Development**

The garden room and decking exceed the limits of permitted development and therefore contravene what is deemed acceptable.

### **Objection 5 : The plans exceed the boundary into a neighbouring property**

The Planning officer fails to address the point that the garden room exceeds the boundary into a neighbouring property.

I would be grateful if you would take all of the above into consideration when reviewing the planning refusal.

Further to your Notice of Review of Planning Application 19/00669/PP Ivybank, Lamlash, I attach further comments for your consideration.

In connection with HE 1 b) Amenity i.e. 'regard should be taken of privacy, sunlight and daylight' and Objection 4 response which states that the neighbouring properties are already overlooked to some extent by houses at the top of the slope I make the following comment.

Privacy My property is not overlooked by the other houses mentioned in the 'response' because these houses are completely screened by the mature trees along the raised beach and hedges and fencing to the rear of gardens. A visit to affected properties would have made this apparent. There is no 'overlooking' of my house windows or my garden from any property other than the 'garden room'.

In an attempt to partially minimise the impact of loss of privacy resulting from the erection of the garden room in such an elevated position, I have allowed hedges and trees to grow around my own outdoor patio resulting in significant loss of sunlight for most of the day and evening and subsequent loss of utility.

#### Noise

Any general garden 'noise' from voices in neighbouring gardens is muffled by vegetation acting as a baffle. However, the elevated position of the garden room and the absence of any screening or sound baffle results in virtually every word from the outdoor seating platform being plainly audible and intrusive. This also reduces my privacy as I have no wish to be party to the unavoidable conversations of others.



Planning Services  
 North Ayrshire Council  
 Cunninghame House  
 Irvine  
 KA12 8EE

19 September 2019

Dear Sir/Madam

**19/00669/PP** | Erection of detached garden room and decking to rear of dwelling house (retrospective) | Ivybank Lamlash Brodick Isle of Arran KA27 8LS

I am writing to object to the above development. I am the owner of the neighbouring property,

This is supplemental to the comments submitted online on 19 September 2019.

The enclosed photographs were taken on Saturday 14 September 2019 from my property using an iPhone 6s held at eye level, and from a standing position.

Ivybank operates as a Bed & Breakfast business with accommodation in three bedrooms for up to four adults and two children. The property also includes a letting cottage which is available for short term rentals and can accommodate up to four adults (see [ivybankarran.co.uk](http://ivybankarran.co.uk)). The Decking and the "Garden Room" are used by guests staying at Ivybank, from early morning until late evening, and we request that the commercial nature of the development be taken into consideration.

### **Decking**

The large area (4.75 x 4.70m) decking is less than 1 metre from the boundary with our property and is visible from our property (photograph 1).

Three corners of the decking are elevated, including the two corners adjacent our property.

### **Garden Room**

The Garden Room is a substantial structure formed from heavy timbers. The designer/builder indicated to me that he had used 3 tonnes of cement in the construction of the foundations. The windows are fitted with double-glazed units of modern design.

The Garden Room has been constructed on an elevated site, atop a small cliff. The structure is built hard on the boundary of our property (photograph 2). During construction of the Garden

Room the designer/builder removed several mature trees on the boundary. Branches from the trees have been used to construct an unstable barrier on the boundary below the Garden Room (photograph 3).

Due to its design, size, and elevation, and its inappropriate location hard on our boundary, the Garden Room dominates and overlooks the entirety of the rear of our property. When standing in the elevated section of our garden adjacent the front of the development the corner of the associated decking is above head height; the front corner of the deck is 1.9m above ground level on the boundary (this suggests the roof of the Garden Room is 4.3 metres above our property at this point). See photographs 4 & 5.

The Garden Room features an angled floor-to-ceiling window directly overlooking our property (photograph 6).

The Garden Room provides unobstructed views of our garden and provides an unobstructed view into all our rear-facing windows, including three of our bedrooms.

The Garden Room and the associated deck (and anyone on the deck) are clearly visible from all rear windows of our property and from the major part of our garden (see photograph 7, taken from a bedroom window). The proximity, elevated location and orientation of the development also result in the conversations of anyone using the deck being clearly audible from our property, this being particularly noticeable when guests staying at Ivybank have drinks on the deck in the late evening.

In summary, the Garden Room and its associated deck have resulted in a complete and unacceptable loss of our privacy, compounded by use of the Garden Room and associated deck by Ivybank's paying guests. Accordingly, we request that the planning application be refused.

The Planning Application was refused on the grounds that it contravenes criteria a) of the General Policy 'Development within Conservation Areas, in particular setting, design and appearance. Please note the following points directly addressing this point and other issues which I would ask to be taken into consideration.

#### Siting, Design & External Appearance Criterion (a)

1. Siting - The Garden Room is set at an elevated point in the garden above the roof ridges of adjacent buildings. The Garden Room is clearly visible from Lamlash Village Green and accordingly has a substantial impact on the Conservation Area. Attached photograph 8 (taken 22 September 2019) shows the view of the Garden Room from Lamlash Green, opposite my property.

2. Design - The Garden Room was designed and built by an individual with no training in architecture or building. The Garden Room is of idiosyncratic design, for example the building features vertically arranged heavy external timbers, a corrugated metal roof, and oddly-placed contemporary double-glazed window units. Glass fibre insulation is spilling out of the structure. The design not in keeping with the Conservation Area.

3. External Appearance - The Building is constructed from heavy larch logs interspersed with oddly positioned window units, has no redeeming aesthetic features and should not be acceptable in the Conservation Area

#### Criterion (b) Residential Amenity

The Planning Officer claims that the Garden Room does not affect residential amenity. This fails to acknowledge that the rear private gardens of the adjacent affected properties is amenity space which has been directly and adversely affected by the Garden Room. The Garden Room immediately overlooks and looks down onto the private garden spaces.

The "Report of Handling" contains a number of conclusion and statements which must be challenged:

1. *'the height above the ground upon which it is built means that any noise disturbance issues are not intrinsically worse than what could be experienced from persons sitting on the ground at the same location at the top of the garden'*

This statement is patently incorrect. A person sitting on the ground would be: 1) at least 2 metres lower than a person sitting on the balcony to the front of the Garden Room; 2) surrounded by sound-absorbing materials, and 3) separated from the adjacent garden by a fence, hedge or the like which would reflect or absorb sound. On the other hand, a person sitting on the balcony is elevated above any hedging or fencing and is surrounded on three sides by the Garden Room front wall and roof, and the balcony itself. Sound is wave-based energy and is reflected by hard surfaces, such as windows and the heavy larch timbers used in the construction of the Garden Room. Accordingly, noise generated on the balcony is reflected and focussed by the hard surfaces of the Garden Room and is transmitted, without interruption, towards the rear of the adjoining properties; the effect is akin to a "whispering gallery".

The elevation of the balcony and its location on/above the boundary results in our garden being directly overlooked – even a 2 metre high fence on the boundary would barely conceal the feet of someone on the balcony such that the construction of the Garden Room has resulted in complete loss of privacy in our garden.

Guests at the Ivybank B&B are encouraged to use the Garden Room, for example to take morning coffee or for late-evening drinks. Of course these guests are strangers to us with the result that our previously secluded and private garden space is effectively now open to public view.

*2. 'It is not considered that the garden building necessarily intensifies the use of this part of the garden'*

This statement is incorrect. As noted, above, guests at Ivybank B&B are encouraged to use the Garden Room. The balcony provides a flat and stable location for garden chairs. The roof protects the balcony from rain. The Garden Room also provides shelter from the wind. Further, were it not for the views over our house and garden to Lamlash Bay afforded by the elevated balcony there would be very little reason to sit in that part of the garden.

The Review Body is also asked to consider that, particularly in the Summer months and following the introduction of the RET for the Ardrossan – Brodick ferry, the Shore Road is very busy and vehicles often park directly in front of our shallow front gardens, which front directly on Shore Road. The resulting traffic noise and fumes render our front garden unusable and unsafe for small children and pets. The peace and privacy of our rear garden was thus an important amenity, now much diminished by the construction of the IvyBank Garden Room.

#### Further Observations

##### Overlooking/Loss of Privacy

All of the rear windows of our property are directly overlooked by the Garden Room. For example, there is an unobstructed line of sight from the Garden Room balcony into our main bedroom and two further bedrooms. This was pointed out to the designer/builder, who acknowledged the issue but suggested that we stop pruning our apple trees to retain a degree of privacy in our main bedroom, at least in the Summer months.

The Garden Room has thus had a significant and detrimental effect on our privacy and enjoyment of our home, the rear rooms of which are now in clear and direct view of any guests staying at Ivybank B&B who choose to use the Garden Room.

##### Safety issues

As noted in my letter of 19 September 2019, and as is apparent from the accompanying photographs, the applicant felled a number of mature trees on the boundary with our property to allow the Garden Room to be constructed directly on the boundary. Cut timber from these felled trees has been placed in a unstructured and unsecured stack on the boundary, apparently to conceal the void beneath the Garden Room. This stack appears unstable and could fall into our property causing injury to any person or pets in our garden.

The elevated balcony is currently surrounded by insubstantial chicken wire, offering minimal protection from the 2 metre drop into our property (or the further 2 – 3 metre drop over the cliff in our garden which lies directly below the area adjacent the Garden Room).

### Permanent Structure

I note the applicant's representative has made a further submission, which includes the claim that the Garden Room is not a "permanent structure". The designer/builder of the Garden Room indicated that he had built extensive foundations and had used 3 tonnes of cement in the process. A significant volume of heavy timbers were used in the construction and the structure, which includes double-glazed window units and has been insulated with glass fibre. The Garden Room has been used as sleeping accommodation on a number of occasions.

If indeed the Garden Room is not a permanent structure I am puzzled why the applicant has not offered to move the Garden Room to another location, away from the boundary, where many of the issues relating to the structure would be substantially diminished.



















**APPLICANTS RESPONSE TO ADDITIONAL COMMENTS RECEIVED BY NORTH AYRSHIRE COUNCIL ON THE NOTICE OF REVIEW FOR 19/00669**

The request for a review of Decision Notice N19/00669/PP has attracted several further comments, the majority of which have no planning merit.

The application was refused on the grounds of the impact it allegedly had on the character and appearance of the Conservation Area and the evidence submitted in support of the review therefore concentrated on that issue.

The further comments from neighbours that have now been received are primarily concerned with residential impact which the Planning Officer has already determined is not an issue in this case.

It would appear that the only comments relevant to the Review are within the section of Further Rep3 which deals with "Siting Design & External Appearance (a)".

In this section the objector suggests that the Garden Room is "set at an elevated point in the garden above the roof ridges of adjacent buildings". It goes on to say that the Garden Room is clearly visible from Lamash Village Green and accordingly has a substantial impact upon the Conservation Area.

It is accepted that the Garden Room is in an elevated position and is above the ridge lines of the properties that front onto the Shore Road. It is not accepted however that this elevated position means it is widely visible from the Green. It can be seen at this time of year in some restricted views against the background of the rising ground with houses behind. It can be quite difficult to find in this view as members will see, if they decide to undertake a site visit. Once the leaves are out on the trees that surround the Room, it will hardly be seen.

The second point raised in this section of the objection letter is concerned with the design of the Room. The objector suggests that it is idiosyncratic in design and that comment is accepted. It is not accepted however that being "different" makes it automatically unacceptable, there are other timber properties in the locality including the timber Garden Houses behind the back houses of Hamilton Terrace. Just because the Area has been designated does not mean that there is no room for different styles or designs.

The building has been constructed with vertical local timber logs that replicate the vertical nature of the surrounding undergrowth. The structure has not yet been completed and the addition of a grass roof and an appropriate style of balustrade will complete its landscape setting.

Finally this objector suggests that the use of timber in the form of logs should not be acceptable in the Conservation Area. The applicant would dispute this and considers that the use of local materials is perfectly acceptable in this Area.

All the other issues concerned with residential amenity that are raised in the objection letters have already been addressed by the Planning Officer and dismissed.

There are some new allegations made about my clients business in the letters which are entirely wrong and are unsubstantiated. The suggestion for example that guests are encouraged to use the Garden Room is simply untrue and should not be given any weight. The Garden Room is intended for purely domestic use.

On balance the great majority of comments set out in these additional statements are considered to be not relevant to the debate on this proposal which is concerned solely with the visual impact the Room may have on the character and appearance of the Conservation Area.

On that basis it is considered that the development is perfectly acceptable and should now be approved.



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## NORTH AYRSHIRE COUNCIL

2 September 2020

### Local Review Body

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**Title:** Notice of Review: 20/00077/PP – Site to West of Pirogue, Whiting Bay, Isle of Arran

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

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

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### 1. Executive Summary

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

### 2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 20/00077/PP – Conversion of redundant agricultural building to form dwelling-house at the site to West of Pirogue, Whiting Bay, Isle of Arran.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report: -
- Appendix 1 - Notice of Review documentation;
  - Appendix 2 - Report of Handling;
  - Appendix 3 - Location Plan;
  - Appendix 4 - Planning Decision Notice; and
  - Appendix 5 - Further representations from interested parties.

### 3. Proposals

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

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

##### **Financial**

4.1 None arising from the recommendation of this report.

##### **Human Resources**

4.2 None arising from the recommendation of this report.

##### **Legal**

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

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

4.4 None arising from the recommendation of this report.

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

4.5 None arising from the recommendation of this report.

##### **Key Priorities**

4.6 None arising from the recommendation of this report.

##### **Community Benefits**

4.7 None arising from the recommendation of this report.

#### **5. Consultation**

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations.

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

#### **Background Papers**

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Cunninghame House Friars Croft Irvine KA12 8EE Tel: 01294 324 319 Fax: 01294 324 372 Email: [eplanning@north-ayrshire.gov.uk](mailto:eplanning@north-ayrshire.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 100226658-002

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \*  Building Name:

Last Name: \*  Building Number:

Telephone Number: \*  Address 1 (Street): \*

Extension Number:  Address 2:

Mobile Number:  Town/City: \*

Fax Number:  Country: \*

Postcode: \*

Email Address: \*

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Mike and June"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Taylor"/>	Address 1 (Street): *	<input type="text"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

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

Please identify/describe the location of the site or sites

Site to West of Pirogue, Whiting Bay, Isle of Arran

Northing	<input type="text" value="624302"/>	Easting	<input type="text" value="204831"/>
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## Description of Proposal

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

Conversion of redundant agricultural building to form dwelling-house

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

See separate document

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

☐ Yes ☒ No

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

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

Planning proposals drawing Design Statement which accompanied the application Refusal notice Grounds for Review

## Application Details

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

20/00077/PP

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

30/01/2020

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

26/03/2020

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

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

None

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mr John Lamb

Declaration Date: 22/06/2020

Notice for Review of Decision  
by North Ayrshire Council  
to Refuse Planning Permission for the Conversion  
of a Redundant Agricultural Building  
to the West of Pirogue, Whiting Bay, Isle of Arran  
(Application No. N.20/00077/PP)

JOHN LAMB  
Architect 

The following are the grounds for requesting a review of the decision by North Ayrshire Council, taken on the 21<sup>st</sup> of January, 2019, to refuse an application by Mr & Mrs Mike Taylor, for planning permission to convert a redundant agricultural building at the Site to the West of Pirogue, Whiting Bay, Isle of Arran (application no. N.18/01034/PP)

## REASONS FOR REFUSAL

The reasons for refusal were as follows:

1. That the proposed development would be contrary to Strategic Policy 2: Placemaking of the Adopted North Ayrshire Council Local Development Plan as the proposal does not reflect the positive characteristics of the surrounding landscape, topography or built form or the distinctive character of the place in which it would be located and would be detrimental to visual amenity.
2. The proposed development does not take cognisance of the Council's approved Rural Design Guidance and in terms of Section 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, this is a material consideration indicating that planning permission should not be granted.

## LOCAL PLAN POLICY

The relevant policies in the Adopted North Ayrshire Local Development Plan are Strategic Policy 2: Placemaking and the Council's Rural Design Guidance. These are as follows:

### 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."

**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.

**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.

**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.

**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.

**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.

**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 2 also refers to establishing the principle of development in accordance with Strategic Policy 1, the relevant section of which is The Countryside Objective. This states:

**The Countryside Objective** We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes. We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

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

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

The Council's Rural Design Guidance states:

**North Ayrshire Rural Design Guidance – an explanation** This Design Guidance is for **new** smaller developments of between one and four **new** homes in the North Ayrshire countryside - (designated as Rural areas in the Local Plan.) Although **new** housing can be accommodated in existing larger settlements there is a demand for smaller developments of **new** homes in the countryside. **This guidance aims to ensure that new development** does not detrimentally affect its setting and is appropriate in terms of design, scale, siting and character. This guidance aims to

promote development which compliments North Ayrshire's rural, landscape character; reconciling the requirements of a modern lifestyle with the principles underpinning traditional rural development while promoting "distinctive", good quality, contemporary design proposals. This Guidance has been formally adopted as supplementary guidance to the North Ayrshire Local Plan.

refers to the siting of single houses in the context of new properties, which is not relevant to this application. It refers to character, again in the context of new houses.

However, an example of an appropriate use of timber cladding bears a marked resemblance to the proposals with a simple pitched roof, rectangular plan form and timber cladding. The use of natural stone is also deemed appropriate.

## GROUND'S FOR REVIEW

- 1 STRATEGIC POLICY 2: The proposals should have been assessed against the requirements of Strategic Policy 2: Placemaking. In relation to the 6 qualities in turn that developments should achieve:

**Distinctive:** The proposals involve the conversion of an existing building whose existing contribution to the landscape, topography, ecology, skyline, space and scale, street and building forms, and materials, of the surrounding area is already established. The proposals only change the use and materials from the status quo. Residential use will ensure a viable and sustainable use for the existing building while improving the amenity through ongoing regular maintenance while the replacement of the exterior finishes and materials, together with the parking and access proposals, will also make a significant improvement to the visual amenity of the building and its surroundings. **The proposals will therefore safeguard the environment quality and enhance the positive characteristics of the surrounding area, in keeping with the objectives of this quality.**

**Safe and Pleasant:** The proposals will regenerate a redundant and derelict agricultural building, removing any safety risks associated with inappropriate anti-social use and introducing small-scale residential activity to the surrounding area which is predominantly residential. The proposals will also significantly improve the appearance of the building, including its access and surroundings. **The proposals will make the area markedly more safe and pleasant.**

**Resource Efficient:** It makes use of a redundant building to add to the island's housing stock without using any other land resources. Its proposed use of a heat pump and solar panels to generate heat and energy make full use of natural resources to minimize the carbon footprint and the introduction of south and west facing glazing maximizes solar gain. **The proposal is an excellent example of maximising the efficient use of resources.**

**Welcoming:** This is perhaps not a relevant quality as the proposals only relate to a single house. Nevertheless, the improvement of the driveway will improve access and, together with the landscaping and significant visual improvement of the existing building itself will enhance the amenity of the immediate surrounding area, replacing an overgrown "track to nowhere" with an aesthetically pleasing driveway, sympathetically surfaced and landscaped for its rural setting. **The proposals consider the present and future users of the site, helping people to find their way around. It makes use of and enhances an existing gateway.**

**Adaptable:** Again, this quality is more appropriate to developments of several houses or mixed-use developments. However, the proposals provide a house suitable for family living, with access for mobility impaired occupants and also the capability to accommodate working from home. **The proposals consider the future users of the site and ensures that the design is adaptable to their needs.**

**Easy to Move Around and Beyond:** This quality is more relevant to larger developments than single houses. However, improvement of the access driveway will make walking access much easier. The building will also be more conveniently connected to the public road and the buses serving the surrounding group of houses. **The proposal considers the connectedness of the site and improves access to other forms of transport other than motor vehicles.**

With regard to the reference in Strategic Policy 2 to Strategic Policy 1 and the relevant section therein: **The Countryside Objective**, the proposals are for a new house formed by the conversion of a building outwith the identified towns or villages. **The proposals therefore accord with criterion h) of the objective and should therefore be supported.**

With regard to the **Council's Rural Design Guidance**, the introductory paragraph of this document makes it abundantly clear that it relates to new homes and is therefore **not relevant to the proposals which are the conversion of an existing building.**

Notwithstanding this, however, the proposed finishes are entirely consistent with the later sections on **retaining a locally distinctive character through contemporary design, integrating with existing developments and timber cladding.** In fact, the proposals are remarkably similar to some of the illustrations given of "good examples of contemporary timber-clad rural housing"

**The proposals are therefore consistent with the requirements of the Council's Rural Design Guidance, despite this document being clearly described as relating to new homes rather than the conversion of existing buildings.**

## **CONCLUSION**

The Grounds for Review are therefore that, in terms of Local Plan Policy, the proposals satisfy all the criteria listed in the refusal and against which they have been assessed. In addition to the foregoing, the Design Statement which accompanied the application and is appended to this submission, amply demonstrates that the proposals are entirely appropriate in terms of the use of a redundant building, the development pattern in the surrounding area, the suitability of the building for conversion and the design of the proposals.

With regard to the first reason for refusal, it has been demonstrated that for each of the qualities listed in Strategic Policy 2: Placemaking, the proposals meet the requirements. The first reason for refusal is therefore invalid.

Furthermore, the Rural Design Guidance document referred in in the second reason for refusal states clearly that it applies to new homes within the rural environment. It is therefore irrelevant and this reason for refusal is also invalid. Nevertheless, it has also been demonstrated that, as far as the requirements of the Rural Design Guidance can be applied to a conversion of an existing building, and the current application in particular, the proposals comply.

It is respectfully submitted that the grounds for refusal are invalid and that the decision to refuse be overturned.

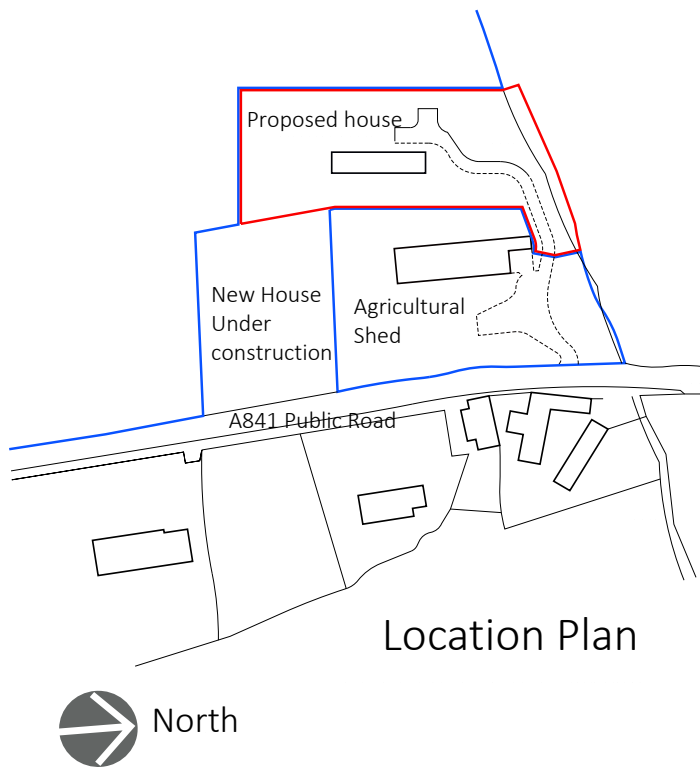


Proposed Conversion of Redundant Agricultural Building  
to Form Dwelling-house  
at Dippenhead Farm, Whiting Bay, Isle of Arran



SUPPORTING STATEMENT

JOHN LAMB  
Architect 



The site (identified by red arrow) as seen from the public road with the new house and green shed largely screening it from view



This is a Statement in support of a re-application for detailed planning permission by Mr & Mrs Taylor, , for the conversion of a redundant agricultural building to form a dwelling-house.

The proposals were the subject of a previous application (ref. 18/01034/PP) and subsequent review by the LRB. However, since then, two significant circumstances have changed: a new house to the south-east of the site has changed the development pattern in the immediate vicinity and visual impact of the proposed conversion and the Council has adopted a new Local Development Plan in which many of the criteria for conversions of redundant agricultural buildings have been omitted.

The redundant building is a former chicken shed and is located to the West of the A841 at Dippenhead, near Whiting Bay on the Isle of Arran. The building sits to the West of a large metal clad agricultural shed and a new house which is currently under construction, and is largely obscured by these buildings. It is accessed by a track leading from an existing access from the public road.

There are a number of houses to the east of the site on the opposite side of the public road as well as the new detached house under construction immediately to the South-East of the site. To the North, there are several houses adjacent to the public road with 3 other houses set higher on the hillside behind these.

The design brief is to utilise the existing building to create a contemporary three bedroomed home, taking full advantage of the panoramic views over the Firth of Clyde, and using sustainable materials and renewable energy technology to minimise the building's carbon footprint, bedding the building into the surrounding landscape and transforming an otherwise run down brownfield site in the countryside into a positive contribution to the amenity of the area.



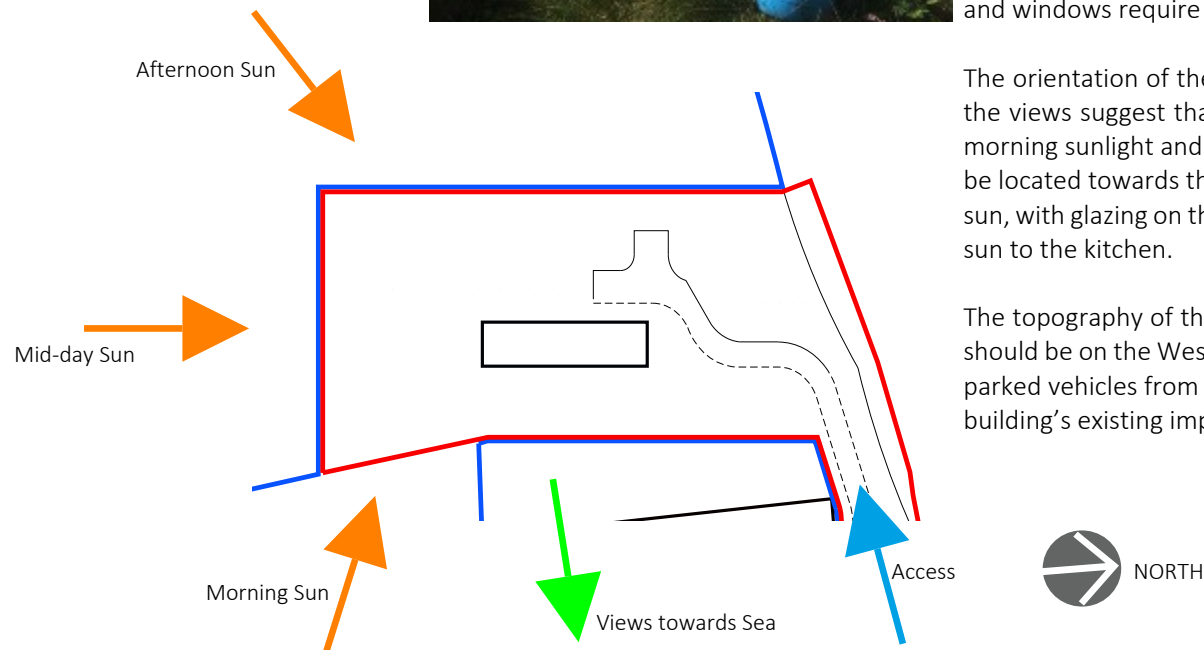
The existing building is a single storey timber framed and timber clad structure with a corrugated asbestos roof. It runs in a North-South direction with panoramic views over the Firth of Clyde to the East and views over countryside in all other directions.

Access is currently via an existing track which will require to be re-aligned to reduce the gradient and turning radii, as well as being appropriately surfaced.

The building is structurally sound although some of the shutters and windows require repair and maintenance.

The orientation of the building, with regard to direct sunlight and the views suggest that the bedrooms should face East, attracting morning sunlight and enjoying sea views. The public rooms should be located towards the South end to catch mid-day and afternoon sun, with glazing on the East wall to provide sea views and morning sun to the kitchen.

The topography of the site dictates that the parking and entrance should be on the West of the building, which will also serve to hide parked vehicles from the public road, and avoid any change to the building's existing impact on the landscape.





The building occupies a “brownfield” site as defined by Planning Aid for Scotland as “a site which has previously been developed or used for some purpose which has ceased” and as defined in the Scottish Government’s Scottish Planning Policy, 2014, as “land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings .....

While there is no specific guidance on the use of brownfield sites in rural locations in national planning policy with regard to housing, it is acknowledged that the re-use of such sites enhances an area’s environmental quality and that proposals to bring vacant or derelict land back into productive use for development or to create more attractive environments should be supported.

In its newly adopted Local Development Plan 2, North Ayrshire Council sets out its Countryside Objective as follows:

*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.*

And, in Policy 1: Spatial Strategy (Countryside Objective) the Local Development Plan states that “In principle, we will support proposals outwith our identified towns and villages for: h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality”

In contrast, the grounds for refusal of the previous application were:

1. *That the proposed development would be contrary to criteria (a), (b) and (f) of policy ENV3 of the North Ayrshire Council Local Development Plan as: (a) the existing building is not in an acceptable location or of appropriate scale and character for conversion to a dwellinghouse; (b) the building does not possess sufficient architectural or historic interest to make a significant positive contribution to the visual amenity of the rural landscape; and (f) the proposals do not take cognisance of the Rural Design Guidance.*
2. *That the proposed development would be contrary to criteria (a) and (c) of the General Policy of the North Ayrshire Council Local Development Plan as: (a) the proposed siting does not have regard to the visual effects of the development on the surrounding landscape; and (c) the development would have a significant adverse impact on the landscape character of the area.*

Reason 1 refers to clauses a, b and f in Policy ENV3 of the previous Local Development Plan which have been omitted from the current Local Development Plan and are therefore no longer relevant criteria against which to assess the proposals. This supporting statement will go on to demonstrate how the proposals do take cognisance of the Rural Design Guidance which is supplementary to the new LDP.

Similarly, Reason 2 cites clauses from the previous LDP which have been omitted from the current LDP. This statement will also show that the proposals accord with the Countryside Objective of the Spatial Strategy in the current LDP and that the proposals will have no detrimental visual effect on the surrounding landscape and be entirely consistent with the landscape character of the area.

The proposals should therefore accord with the Countryside Objective of the new LDP, take cognisance of the Rural Design Guidance, have no adverse effect on the surrounding landscape and be consistent with the landscape character of the area. It is also important to demonstrate that the chicken shed is a “building” and that it is capable of conversion.

## Is the chicken shed a building?

In the Report on Handling of the previous planning application, the Council states that:

*“Whilst the site has no residential history, it is not disputed that the redundant chicken shed could be considered to be a building in terms of planning case law (the Barvis Test) due to the size of the development, its permanence and physical attachment to the site and thereby can be assessed against Policy ENV3 (Conversion, rehabilitation or replacement of existing buildings in the Countryside)”.*

The conversion of a redundant water tank was granted planning permission by North Ayrshire Council in 2015. The Report on Handling of that planning application stated “Consideration has been given to the status of the redundant water tanks as to whether they could be considered to be a building and thereby allow assessment against Policy ENV3 (Conversion, rehabilitation or replacement of existing buildings in the Countryside). Planning Case Law (Barvis Test) offers guidance on what constitutes a building in planning terms and concludes that this can be defined by the size of the development, its permanence and physical attachment, and that this can include any structure or other erection and not just a traditional 'building'. The existing water tanks are of significant size, of permanent construction with a significant part of which being clearly visible above ground level, and accordingly it is considered that this would allow the tank structure, which is proposed to be converted to a dwellinghouse, to be considered to be a building and therefore allow consideration against Policy ENV3.”

The foregoing clearly demonstrates that the chicken shed is a “building” and has been recognised as such by the Council.

## Can it be converted to the proposed use?

The proposed floor plan indicates that the building is capable of accommodating a logically laid out three bedroom house on one level with a floor area of 124 square metres which is an average size for such a house. The proposed method of conversion which is shown below also demonstrates that the building can be made suitable for the proposed use and will comply with all relevant Building Standards.

There is a popularly held notion that conversions of existing buildings in the countryside relate to old stone buildings. In fact, existing utilitarian agricultural buildings, by their very nature, make an appropriate contribution to the landscape and can often result in more appropriate architectural solutions than modern kit houses which are commonly built in the countryside. Other examples of conversions of redundant agricultural buildings on Arran include a former brick piggery at Corriegills and a derelict concrete block barn in Torbeg.

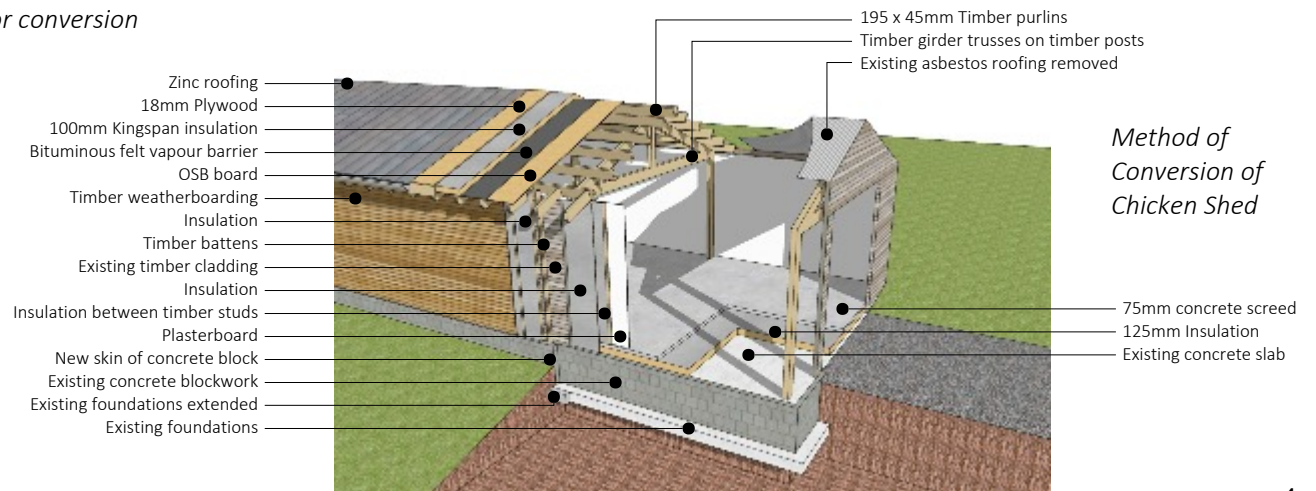


Converted water tank



Former piggery at Corriegills granted consent for conversion

Concrete block barn near Blackwaterfoot granted consent for conversion



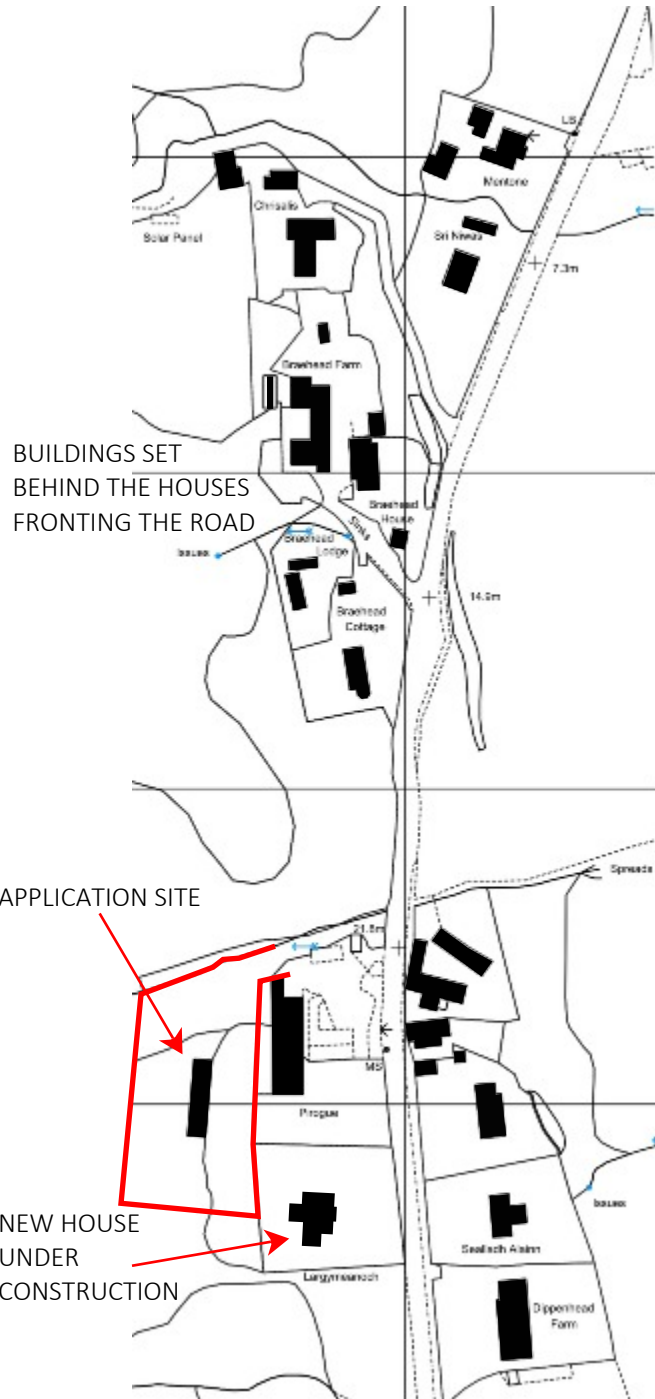
## Are the proposals consistent with the Landscape Character of the Area?

The existing landscape character of the area is of a mixture of agricultural and wooded land sloping down to the sea. Running across the slope from North to South is a public road. Developments of a mix of traditional and modern houses have taken place. To the North these are restricted to the West or upper side of the road, with additional houses and other buildings sited behind these, further up the slope. The houses to the East of the development site were restricted to the lower side of the road. However, the construction of the new house to the South East of the application site has supplemented the existing agricultural shed and the application site on the upper side of the road so that there is now an established pattern of development on both sides of the road.

The green agricultural shed which sits immediately to the East of the application site, together with the new house close to it, follow the same pattern as the houses to the North and the application site, sitting behind the new house and the agricultural shed, replicates the development pattern of the buildings to the North which sit behind and above the houses fronting the road.

The map to the left shows the development pattern with houses and buildings set on the slope behind the road fronting buildings to the North and with the application site replicating this pattern, behind the new house under construction and the agricultural shed.

The top left photograph below shows the chicken shed set behind the new house and green shed while the other photographs show the buildings set behind the houses fronting the road to the North. The development pattern is consistent.





As an existing building within this landscape, the application site is already a part of the landscape and contributes to its character. The only question would be whether it is incongruous within the established landscape character.

That the existing building was granted planning permission in 2007 (ref. 07/0000/09) demonstrates that the Council did not regard it as incongruous at that time and, as the only visible change to the existing building will be renewal of the cladding and increased fenestration, the proposed conversion will be entirely similar in appearance to the existing building and therefore there is no reason to suggest that the building will be any less an appropriate part of the landscape now than it was in 2007.

The building is therefore an existing part of the landscape, has already been acknowledged as being appropriate and forms part of the established development pattern, especially with the introduction of the new house to the South East.

The building's change of use from agricultural to residential will have no impact on the landscape character as there is an existing access and parking will be out of sight to the West of the building.

The proposals are therefore consistent with the landscape character of the area.

#### Will the proposals have an adverse effect on the surrounding landscape?

As has been stated above, the building is already part of the landscape. That it was granted planning permission in 2007 demonstrates that it was regarded then as being appropriate and having no adverse effect on the surrounding landscape. The renovation and refurbishment of the building will improve its appearance, restoring its condition to a similar standard as the other buildings in the area and the proposals will, if anything, have a positive effect on the surrounding landscape.

The illustration below shows that the building is largely obscured by the landscape, the new house and the existing agricultural shed in front of it so that any effect on the surrounding landscape is minimal. They also demonstrate that the converted building will be no more obtrusive and will restore its visual appearance to a standard consistent with the other buildings in the vicinity.





*Examples from the Rural Design Guidance*



*Examples of successful rural conversions the right hand example shortlisted in the RIBA House of the Year*



*Examples of successful new houses in rural locations*



*Views of the proposed conversion demonstrate its Similarity with the other examples and consistency with the Rural Design Guidance*

## Do the Proposals take cognisance of the Rural Design Guidance?

Most of the Council's Rural Design Guidance is concerned with new buildings in the countryside, rather than refurbishment of existing ones. However, the proposed conversion of the Chicken Shed does involve alterations, with regard to the fenestration and the introduction of stone cladding and zinc roofing.

The low single storey building is understated and has little prominence in the landscape due to buildings and planting screening it from the public road. Interventions such as windows, the stone cladding and entrance do not increase this prominence. The latter two elements are hidden from view on the West elevation and the windows simply articulate the existing structure. Similarly, the parking and turning area is hidden from view on the West side of the building and cut into the slope of the ground, screening it from the West.

The proposal meets the criteria in the Rural Design Guidance for planting and boundaries as existing planting, which partially screens the building, will remain untouched, as will the boundaries. Similarly, with the parking situated behind the building, out of sight, the proposals accord with the Guidance. The existing building is a simple narrow rectangle on plan with a double pitched roof, cited as typical of the rural character with a low horizontal massing. The proposed materials, timber, stone and zinc roofing, are consistent with the Guidance while the floor to ceiling glazing, with vertical emphasis, is also consistent with the contemporary approach recommended, maximising daylight and solar gain.

The proposals therefore take cognisance of and are consistent with the approach recommended in the Rural Design Guidance.

Do the Proposals accord with the Countryside Objectives set out in the New Local development Plan?

The Countryside Objective is set out as follows:

*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.*

The proposals provide the opportunity of a home. The existing building and its curtilage contribute nothing to the countryside as a derelict building and associated land. The proposals, however, represent a sustainable development, utilising an existing redundant building to provide a useful asset, reinforced by the use of sustainable materials and the use of renewable energy. As such the proposals represent an improvement and will help to restore this site.

The proposed conversion will bring about an improvement to the visual amenity of the area and, although small, provides an opportunity for the rural community to grow without detriment to the valuable countryside asset.

#### Conclusions on observance of relevant planning issues

It has been demonstrated that the existing building is a “building” and has been recognised as such by the Council. It has also been demonstrated that it is capable of re-use and conversion to provide a single storey three bedroom house, taking cognisance of the Council’s Rural design Guidance and meeting the requirements of the Scottish Building Standards.

As an existing building, it already forms part of the landscape and contributes to its character. Re-cladding and conversion will not change this and, as the building is substantially screened by planting and other buildings, its impact on the landscape is, in any case, not significant. Consequently, the proposals will not have any adverse effect on the surrounding landscape. In fact the proposed conversion will make a positive contribution to the surrounding landscape.

The building’s shape and massing are consistent with types of rural buildings in North Ayrshire identified in the Rural Design Guidance and the external alterations, which are restricted to cladding, fenestration and parking, are all in accordance with the recommendations set out in the Guidance.

The proposals accord with the Countryside Objective set out in the new Local Development Plan by enhancing the immediate environs and providing a sustainable opportunity for growth.

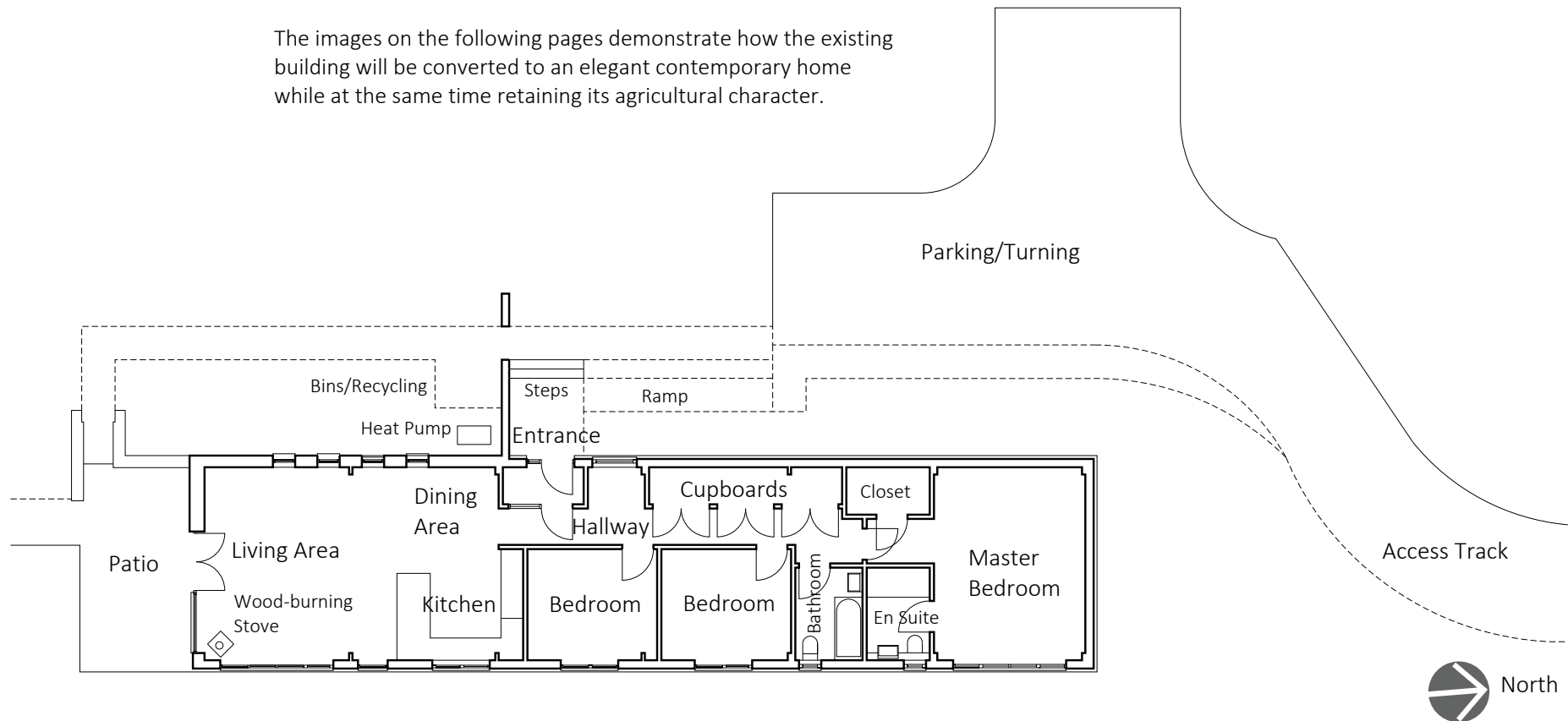
The foregoing demonstrates that the proposals accord with all the relevant planning issues contained in the New Local Development Plan and Supplementary Guidance.

Working from the appraisal of the existing building on page 2, the main spaces are orientated towards the East to enjoy views over the sea and to maximise morning sunlight in the Bedrooms and Kitchen. The addition of glazing in the South gable allows mid-day sun into the Living/Dining/Kitchen area and the addition of vertical full height windows in the West elevation of the Living/Dining area allows afternoon and evening sun to enter as well as affording views over the fields to the West. The Entrance is located on the West, leading from the parking area at the top of the access track, hiding vehicles from view from the public road.

The introduction of stone cladding to the South West corner creates interest as well as providing a robust rainscreen towards the prevailing winds and extension of this stonework to the West separates the public space from the private as well as screening the bins storage area and the heat pump.

The remainder of the building is clad in timber to maintain the aesthetic and character of the existing building while a zinc roof preserves the agricultural character at the same time as enhancing the quality of the building.

The images on the following pages demonstrate how the existing building will be converted to an elegant contemporary home while at the same time retaining its agricultural character.





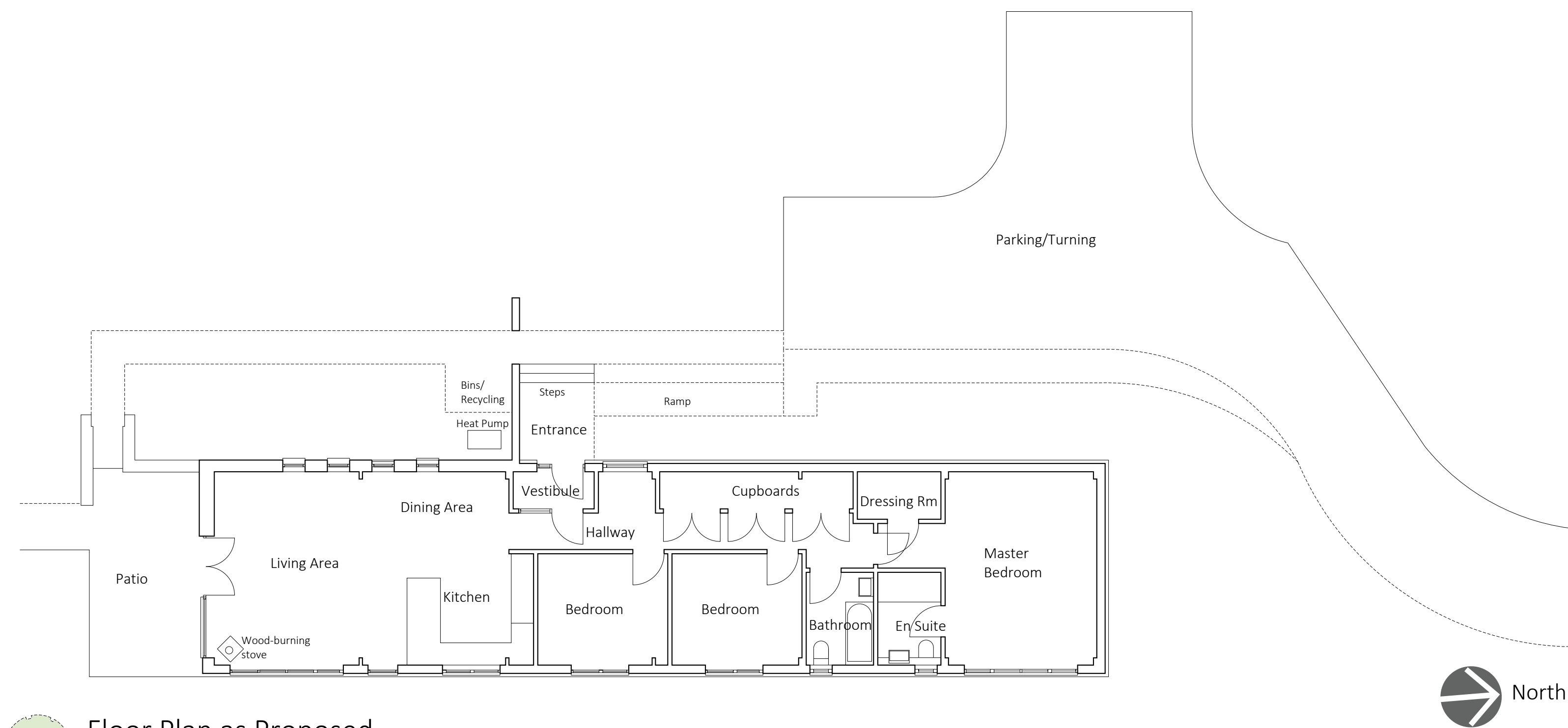


DESIGN PROPOSALS



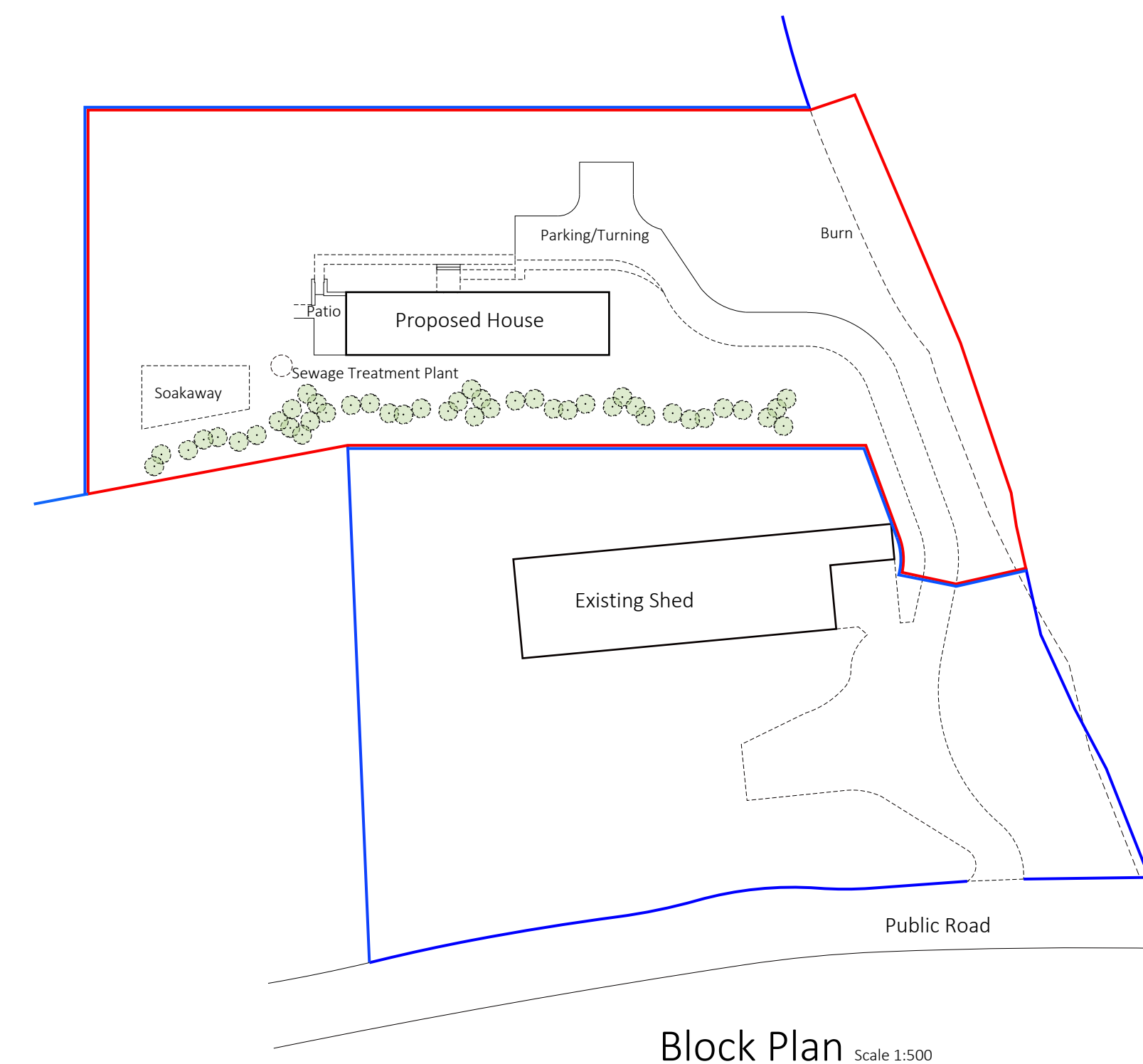
DESIGN PROPOSALS





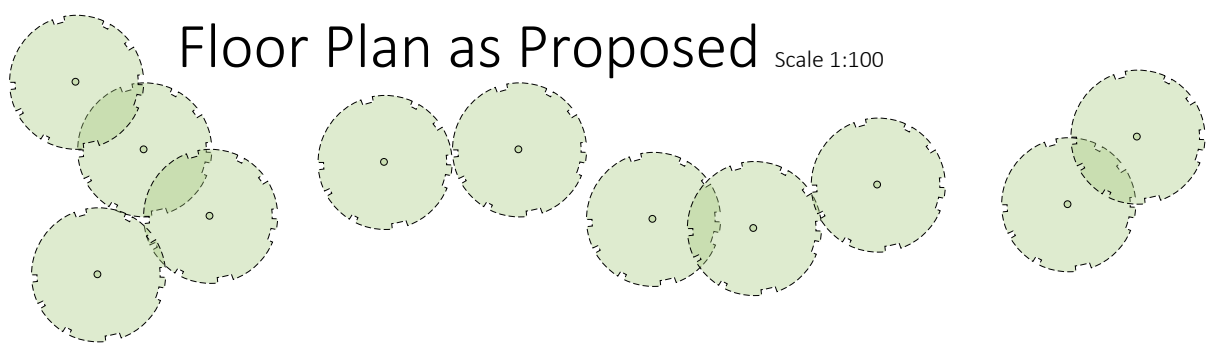
Floor Plan as Proposed

Scale 1:100



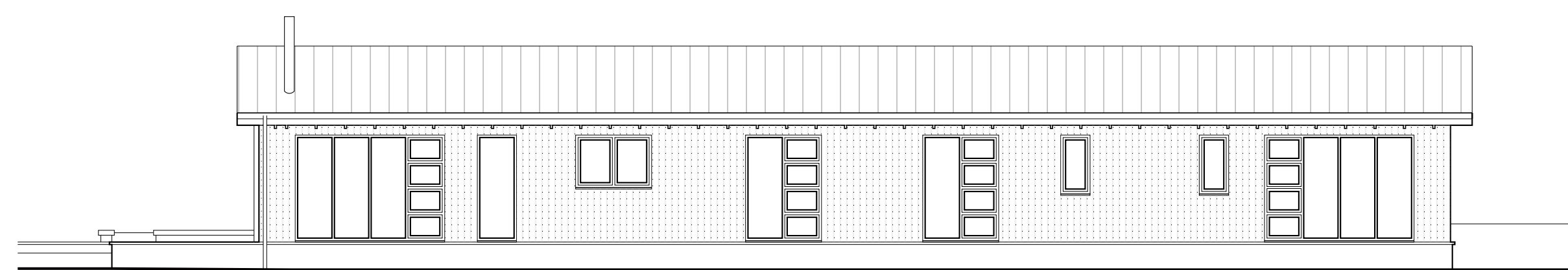
Block Plan

Scale 1:500



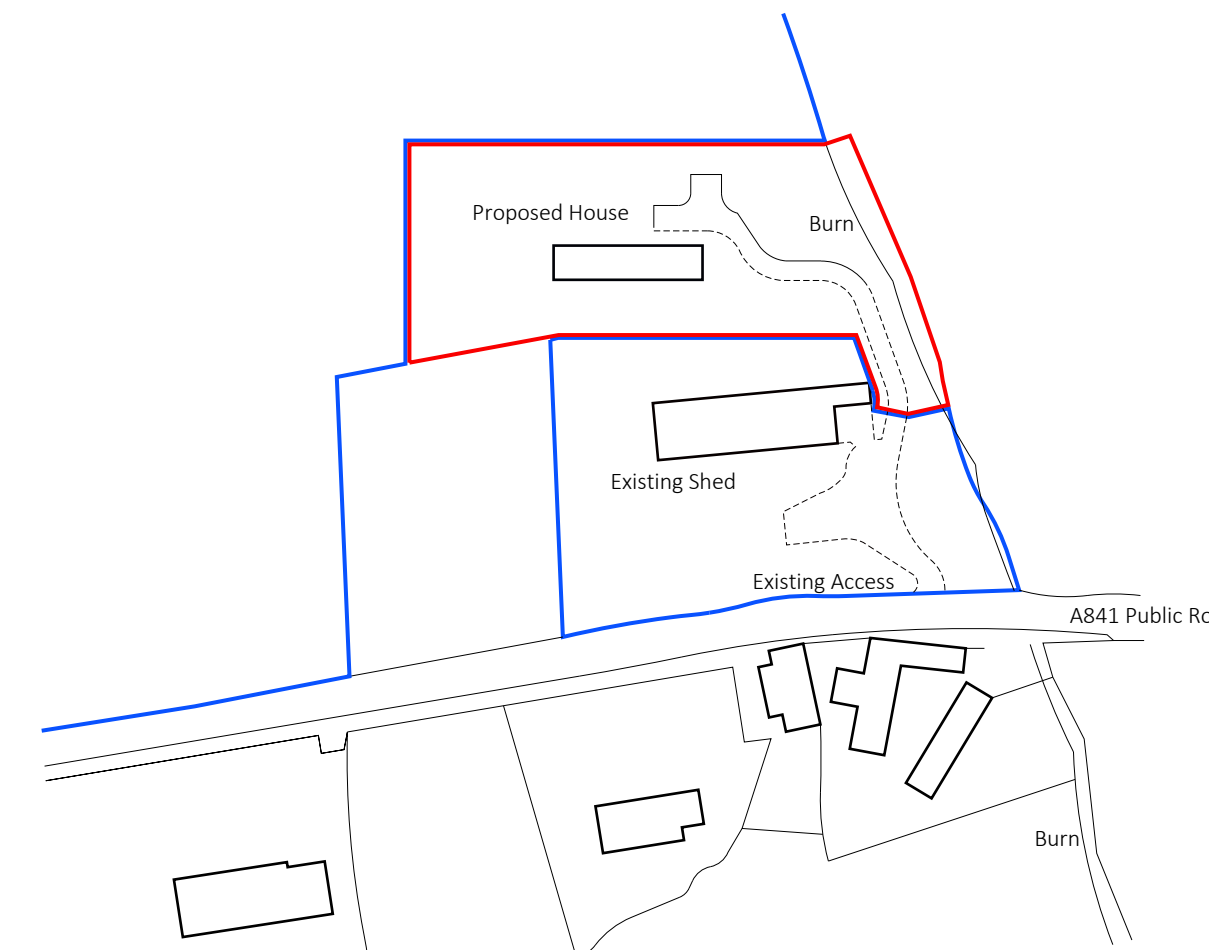
South Elevation as Proposed

Scale 1:100



East Elevation as Proposed

Scale 1:100

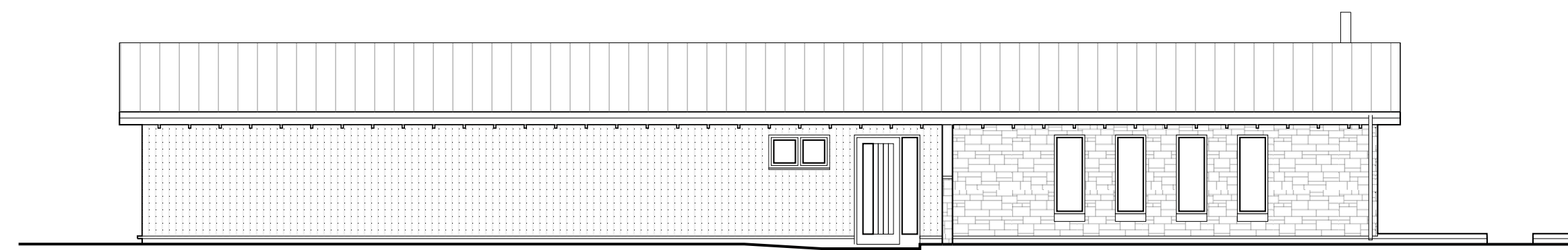


Location Plan

Scale 1:1250

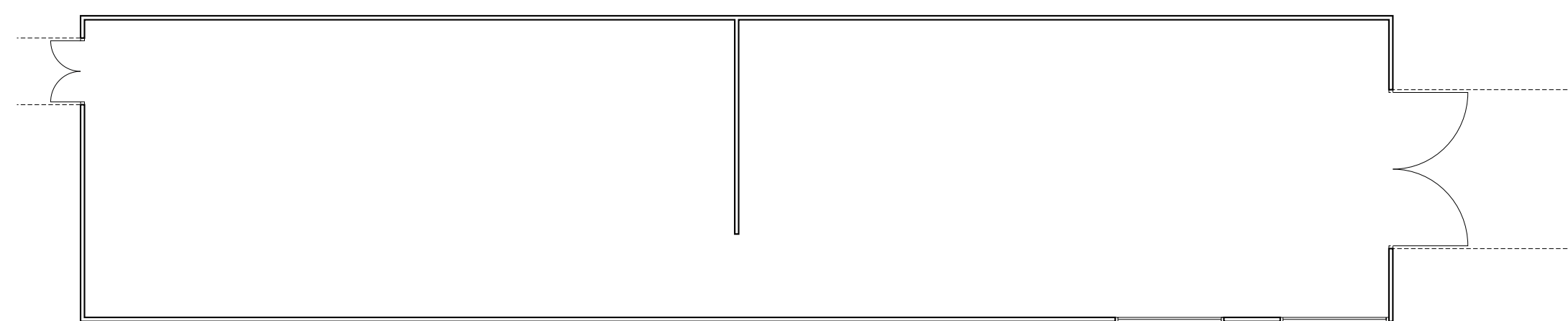
North Elevation as Proposed

Scale 1:100



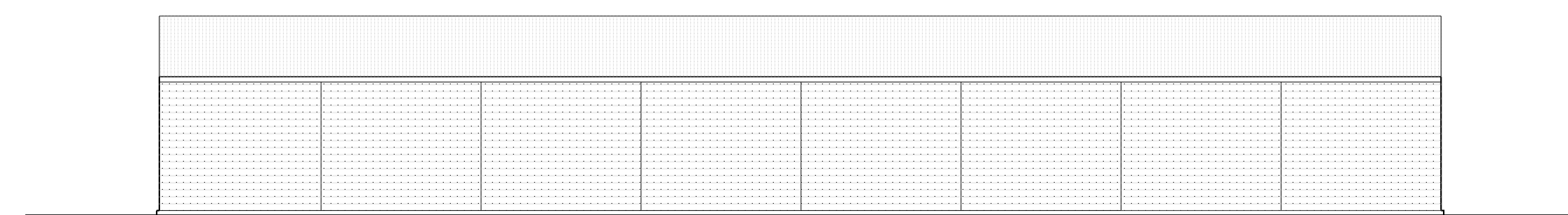
West Elevation as Proposed

Scale 1:100



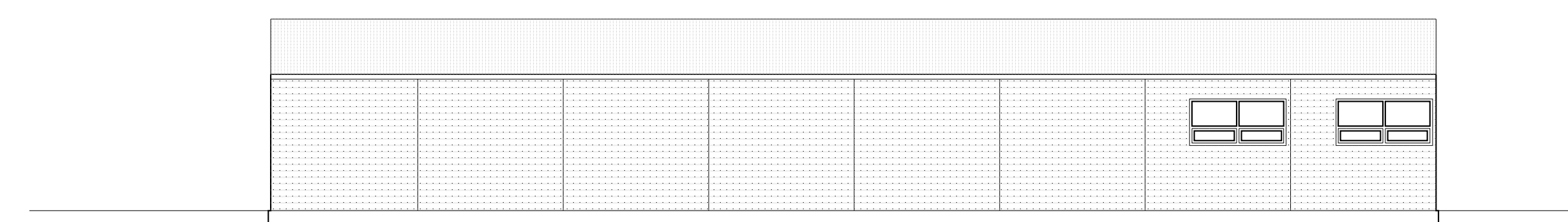
Floor Plan as Existing

Scale 1:100



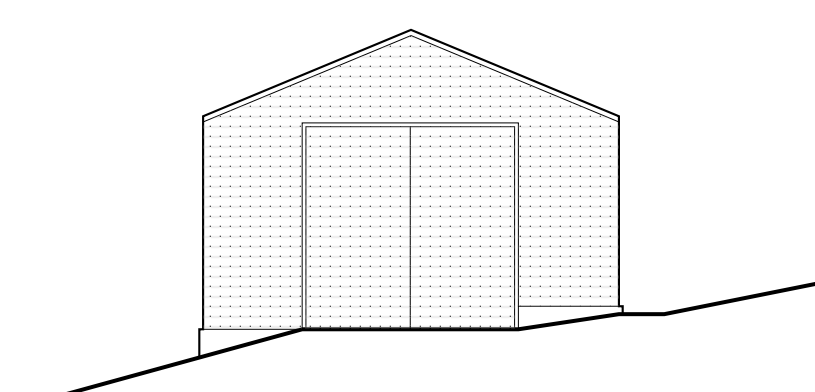
West Elevation as Existing

Scale 1:100



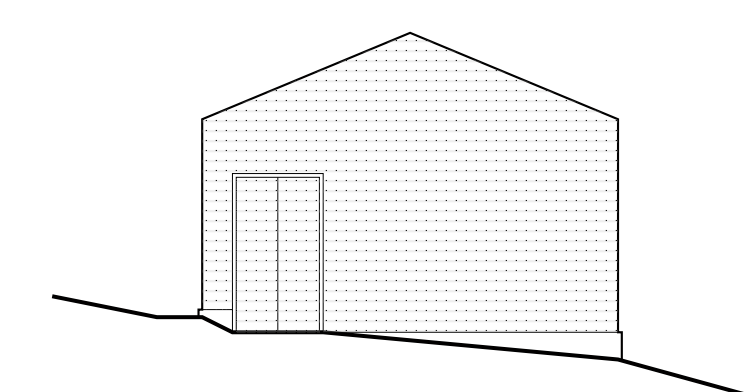
East Elevation as Existing

Scale 1:100



North Elevation as Existing

Scale 1:100



South Elevation as Existing

Scale 1:100

#### PROPOSED FINISHES

ROOF:  
AnthraxZinc cladding - colour anthracite grey  
Aluminium fascias and bargeboards - colour anthracite grey  
Exposed timber rafters - colour anthracite grey

WALLS:  
Larch timber cladding - colour natural  
Random stone walling - colour grey

WINDOWS & DOORS:  
Timber frames - colour anthracite grey

PAVING:  
Stone paving slabs - colour light grey  
Concrete copings - colour mid grey  
Concrete pavers to driveway - colour grey  
Gravel to parking area - colour grey multi

FENCES:  
Timber post and wire



PROJECT Conversion of Redundant Agricultural Building to form Dwelling-house  
LOCATION Dippenhead Farm, Whiting Bay, Isle of Arran  
TITLE Planning Proposals  
DATE November 2018  
SCALE As Shown

DRAWING No.

18.09.01

REVISION





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

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

No N/20/00077/PP

(Original Application No. N/100226658-001)

Type of Application: Local Application

**REFUSAL OF PLANNING PERMISSION**

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

To : Mr & Mrs Mike & June Taylor  
c/o John Lamb Architect

With reference to your application received on 30 January 2020 for planning permission under the above mentioned Acts and Orders for :-

Conversion of redundant agricultural building to form dwelling house

at Site To West Of Pirogue  
Whiting Bay  
Brodick  
Isle Of Arran

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

1. That the proposed development would be contrary to Strategic Policy 2: Placemaking of the Adopted North Ayrshire Council Local Development Plan as the proposal does not reflect the positive characteristics of the surrounding landscape, topography or built form or the distinctive character of the place in which it would be located and would be detrimental to visual amenity.
2. The proposed development does not take cognisance of the Council's approved Rural Design Guidance and in terms of Section 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, this is a material consideration indicating that planning permission should not be granted.

Dated this : 26 March 2020

.....  
for the North Ayrshire Council

(See accompanying notes)



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

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

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

**FORM 2**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

<b>Reference No:</b>	20/00077/PP
<b>Proposal:</b>	Conversion of redundant agricultural building to form dwelling house
<b>Location:</b>	Site To West Of Pirogue, Whiting Bay, Brodick, Isle Of Arran
<b>LDP Allocation:</b>	Countryside/Rural Community
<b>LDP Policies:</b>	SP1 - The Countryside Objective / Strategic Policy 2 /
<b>Consultations:</b>	Yes
<b>Neighbour Notification:</b>	Neighbour Notification carried out on 30.01.2020 Neighbour Notification expired on 20.02.2020
<b>Advert:</b>	Regulation 20 (1) Advert Published on:- 07.02.2020 Expired on:- 28.02.2020
<b>Previous Applications:</b>	18/01034/PP for Conversion of redundant agricultural building to form dwelling house LRB Dismissed on 21.01.2019
<b>Appeal History Of Site:</b>	None

### Relevant Development Plan Policies

SP1 - The Countryside Objective  
The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes.

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

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our

prime and locally important agricultural land from development except where proposals align with this spatial strategy.  
In principle, we will support proposals outwith our identified towns and villages for:

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

## Strategic Policy 2

### Placemaking

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

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

### Six qualities of a successful place

#### Distinctive

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

### Welcoming

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

### Safe and Pleasant

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

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

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

### Adaptable

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

### Resource Efficient

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

### Easy to Move Around and Beyond

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

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## Description

Planning permission is sought for the conversion of a redundant timber chicken shed building to form a detached single storey dwellinghouse accessed from a private track.

The proposed three bedroomed house would measure 24.4m by 5.8m (142m<sup>2</sup>) and would have a pitched roof measuring 2.8m high at the eaves and 4m at the ridge. It would be externally finished in a mix of larch timber cladding and random stone wall

cladding with timber door and window frames with anthracite grey (Anthrazinc) roof cladding, and aluminium grey fascias.

It would be sited in the center of an elevated 2780m<sup>2</sup> plot and accessed from an existing farm track at the north east of the site which would be re-aligned within the plot to reduce the gradient.

The disused shed occupies an elevated position some 53m west of the A841. The site is agricultural in character and slopes uphill from east to west. It is adjoined by agricultural land on three sides. Downhill to the east is a steel clad agricultural shed; to the southeast is a recently built detached house (18/00615/PP); to the east, across the A841 are established dwellinghouses.

### Supporting Statement

A supporting planning statement was submitted with the application which updates and expands the Statement submitted with a previous planning application in 2018. The Statement claims that changes in the Local Development Plan policy context and the construction of a house on an adjoining site are both material factors not considered in the previous refusal of planning permission. It covers the previous planning history of the site and outlines the design brief to utilise the existing rural building to create a contemporary house.

The statement advises that the building is designed to take advantage of the panoramic views from the site over the Firth of Clyde and claims that by using sustainable materials and renewable energy technology to minimise its carbon footprint, the proposal seeks to transform a run-down 'brownfield' site to make a positive contribution to the amenity of the countryside area. Parking and the entrance are to the west of the building, as determined by the topography of the site. The statement confirms that the shed is structurally sound albeit in need of some repair and maintenance.

The statement then goes into some detail on the reasons for the re-submission of the proposal following an earlier refusal of planning permission:

18/01034/PP was refused in January 2019 as being contrary to Policy ENV3 and the General Policy of the previous Local Development Plan (LDP). The statement argues that the wording of these policies has not been replicated in the new Adopted 2019 LDP and that the proposal accords with Strategic Policy 1: the Countryside Objective and Strategic Policy 2: Placemaking of the new LDP.

It also details a nearby house, currently under construction, which it claims is a new material consideration which was not considered in the previous application. It claims that the house to the south-east of the application site (15/00189/PP) supplements the existing housing grouping and establishes that development to the west side of the road is consistent with the rural landscape. The statement also makes reference to the chicken shed having only being granted planning permission in 2007 as evidence that it has already been deemed appropriate with no adverse effect on the landscape. These arguments are considered in the following Analysis.

The statement then lists some examples of converted countryside buildings including examples in Wales, Cumbria and Yorkshire and a redundant water tank previously approved by North Ayrshire Council for conversion to a single house (14/00715/PP). It also details new houses in the countryside of Arran, which it

20/00077/PP

considers to be of similar character and settings in the rural landscape, including a concrete block barn at Torbeg near Blackwaterfoot and a former piggery at Corriegills which have been previously approved by North Ayrshire Council.

The statement continues to state that the resulting building would be understated but concedes that it would have prominence in the landscape due to the elevated siting. It further considers that the use of materials such as stone, timber and zinc roofing maintain an agricultural character consistent with the aims of the Council's Rural Design Guidance. The statement concludes that the proposed design complies with all relevant LDP policies and guidance.

### Local Development Plan

The site is located within an area of countryside, as identified within the Adopted 2019 North Ayrshire Council Local Development Plan ("the LDP") and is unaffected by any site-specific policies or proposals therein. Strategic Policy 1: Spatial Strategy (the Countryside Objective) of the LDP is relevant, as is Strategic Policy 2: Placemaking.

### Planning History

Planning permission (18/01034/PP) was previously refused, for essentially the same proposal, in January 2019 as contrary to the Local Development Plan and the refusal was upheld by the Local Review Board of the Council on 30th July 2019. This application was made in January 2020 on the basis that a new Local Development Plan has been adopted in the November 2019, an adjacent approved house site is now being built and the applicants consider that these are material considerations which justify re-application and that the proposal complies with the policies of the new Adopted LDP.

### Consultations and Representations

NAC Active Travel and Transportation: No objection on transport related grounds, subject to conditions requiring the private access/driveway to be hard surfaced and designed so as to prevent water issuing onto the public road. A Road Opening Permit would also be required.

Response: Noted. Appropriate planning conditions and informative notes could be applied to any planning permission.

Scottish Water: No objection.

The statutory neighbour notification was carried out and the application was advertised in the local press (Arran Banner) on 7th February 2020. Five objections were received raising similar points, which can be summarised as follows:

Objection 1: The application claims that the previously approved house to the south-east which is currently being constructed is the first of two significant changes in the planning context since the previous refusal. This approval was referred to in the supporting statement of the previous application which was subsequently refused and so is not a new element at all.



Response: Agreed. The approved house to the SE was referred to in the supporting statement for 18/01034/PP and was considered in that planning application as part of the surrounding context.

Objection 2: The second claimed "significant change" refers to the change of policy wording in the new LDP. It is clear from the strategies and policies that run through the LDP that support for buildings in the countryside being converted to housing will be selective, particular and based on planning merit. It is ridiculous to suggest that the Council will now support the conversion of the myriad of buildings in the countryside. The LDP approach is to support "the right development in the right place... to direct development to towns and villages ... and to resist development outwith existing settlements". The LDP sets a 'high bar' for housing in the countryside and this application falls well short.

Response: This point is covered further in the following Analysis.

Objection 3: The large chicken shed was only assembled on the site around 12 or 15 years ago. It is in poor repair and, as a building, does not have any architectural merit or design connection to Arran building types. The proposal is essentially a full new building with little of the existing construction remaining and only the shed's prominent and poor siting, scale and low roof pitch, alien to much of the island's housing, would remain. It is not appropriate for conversion.

Response: The Countryside Objective of the LDP in principle supports conversion or replacement of buildings in the countryside to housing, subject to compliance with the rest of the LDP. This issue is considered further in the following Analysis.

Objection 4: The shed is poorly sited in a prominent position. It does not relate well to other buildings in the vicinity. Consideration should be given to its removal, restoration of habitats and improvement of the path to enable access to the forestry track. This would not only assist with water retention but also carbon sequestration.

Response: Siting and appearance is considered further in the following Analysis. Removal of the shed from the site would be a matter for the owner(s) of the site and is not a material consideration in this planning application.

Objection 5: The access track is not suitable for upgrading.

Response: Active Travel and Transportation did not object to the principle of re-using the track.

Objection 6: The Council's policies mean that the existing group of four houses, as of 2005, could be extended by two houses. The sixth is now being built.

Response: Criterion (i) of SP1: The Countryside Objective allows small scale growth of existing rural housing groups although it is agreed that the limit has been reached for this group. However, this application has been made in terms of criterion (h) of the same policy which refers to new housing in the countryside created by replacement or converted buildings and does not relate to the number of dwellings in the overall group.

Objection 7: Landscape and Seascape. Another additional house at Largymeanoch would have a detrimental cumulative impact on the local landscape.

Response: The site is not within any designated landscape protection areas. The application is assessed against Strategic Policy 2: Placemaking in the following Analysis.

Objection 8: Contrary to Strategic Policy 1: The Coast Objective which states that development should avoid damage to coastal areas unless economic benefits outweigh the environmental impacts.

Response: Not material to this application. This is not considered to be a coastal site.

Objection 9: Flood risk. Largymeanoch is within an area vulnerable to flooding.

Response: The site is not identified in the SEPA Flood risk maps. The plans identify treatment options for drainage within the site which could be secured by planning condition, if approved.

Objection 10: Sustainable transport and active travel. The proposal would increase water run-off from hard surfaces and would add to traffic related problems.

Response: Active Travel and Transport was consulted and did not object. A planning condition regarding driveway construction and prevention of water run off could be applied, if the application were approved.

Objection 11: Contrary to LDP Policy 29: Energy Infrastructure Development. The proposal would further restrict wild bird habitats; isolate the barn lower down the hill from agricultural fields and be within the 2km 'buffer zone' around Whiting Bay, all contrary to policy 29.

Response: Not material considerations in this planning application. Policy 29 relates to the assessment of proposals for energy infrastructure development and not to proposals for housing in the countryside.

Objection 12: Contrary to the Locality planning priorities for Arran: affordable housing, transport and social isolation. It is unlikely that the proposed dwelling would be affordable to someone on the average wage.

Response: Strategic Policy 4 in the LDP states that Locality Priorities are given appropriate consideration in development proposals. Criterion (g) of the Countryside Objective acknowledges the Arran priority for affordable housing in providing for small scale expansion of settlements for community led housing proposals. Affordable housing is not a material consideration in proposals for a single dwellinghouse. Active Travel and Transport was consulted on the application and did not object. The site is adjacent to an existing rural housing group and less than 1km from Whiting Bay. It is not agreed that social isolation is a material consideration in this proposal.

Objection 13: As the proposal would isolate the barn downhill from the rest of the farm it may lead to a future application to develop the barn site.

Response: Not material to this application. This application is for conversion of the chicken shed to a single house at this site only and must be considered on its merits. Any other future planning proposals on other sites would require to be considered on their planning merits at the time.

## Analysis

Section 39 of the Town and Country Planning (Scotland) Act 1997, as amended, requires that, in dealing with planning applications, the planning authority shall have regard to the development plan and to any other material considerations.

As outlined above, the application proposal is, essentially, the same as that refused in 2019 (18/01034/PP) and this re-application has been made as the applicants feel that two significant material changes in the planning context indicate that the proposal should be approved: (i) a new house to the south east has changed the development pattern in the immediate vicinity and the visual impact of the proposed conversion; and (ii) the Council has adopted a new Local Development Plan in which many of the criteria for conversions of redundant agricultural buildings have been omitted.

With regard to the point (i) above, at the time of the previous application, the neighbouring house to the south east was approved but had not yet commenced on-site. It was referred to in the supporting statement of that application and was fully considered as part of the surrounding context before that planning application was refused. It is not therefore agreed that this is a new element of the planning context.

The main determining issues in the application are therefore considered to be whether the development accords with Strategic Policy 1: The Countryside Objective and Strategic Policy 2: Placemaking of the 2019 Adopted North Ayrshire Local Development Plan (adopted in November 2019 and referred to in this report as LDP2) and whether any other material considerations indicate that planning permission should be granted.

18/01034/PP was refused for two reasons: (1) as being contrary to criteria (a), (b) and (f) of policy ENV3; and (2) as contrary to criteria (a) and (c) of the General Policy of the previous LDP (adopted on 20th May 2014 and referred to in this report as LDP1).

ENV3 stated that "proposals for conversion, rehabilitation or replacement of existing buildings in the countryside shall accord with the LDP in principle, subject to meeting the following criteria." The list of criteria included "(a) the building must be suitable for the proposed use, in an acceptable location and of an appropriate scale and character; AND (b) the property must have substantial residual fabric (as advised in Supporting Information Paper 8); AND (f) the proposals must take cognisance of the Council's Rural Design Guidance. Criterion (a) of the General Policy related to Siting, Design and External Appearance and criterion (c) related to Landscape Character.

The supporting statement contrasts the wording of policy ENV3 of the LDP1 with the wording of Strategic Policy 1: the Countryside Objective of the new LDP2 which states "in principle, we will support housing proposals outwith our identified towns and villages for: (h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality."

It argues that, as the criteria of ENV3 are not replicated in the Countryside Objective of LDP2 they are no longer relevant to assessment of the proposals. It similarly argues that the criteria of the General Policy have not been replicated in the current LDP and that the proposals accord with the Countryside Objective, would have no

adverse effect on the surrounding landscape and would be entirely consistent with the landscape character of the area.

As established in the previous planning refusal, whilst the site has no residential history, it is not disputed that the redundant chicken shed can be considered to be a building in terms of planning case law (the Barvis Test) due to its size, permanence and physical attachment to the site.

Criterion (h) of the Countryside Objective indicates that new housing in the countryside where it is a replacement or converted building shall accord with the LDP. The principle of the development could therefore accord with the LDP.

The existing houses in the vicinity further downhill are grouped around the common feature of the road with no nearby examples of individual houses in more isolated positions within the landscape. It is not considered that the proposal has drawn upon the positive characteristics of the surrounding area topography, landscape etc to sympathetically blend with the sense of identity of the existing place. It would result in the loss of an area of agricultural greenspace and, would elongate and visually detract from the cohesive grouping of houses which has developed through the implementation in successive LDPs of the policy to allow sympathetic additions to existing nucleated groups of rural houses.

In terms of Strategic Policy 2: Placemaking in the LDP, it is not therefore considered that the proposal would meet the identified six qualities of a successful place, in particular under the section 'Distinctive'.

With regard to the Council's Rural Design Guidance, the RDG aims to ensure that new development does not detrimentally affect its setting and is appropriate in terms of design, scale, siting and character. The guidance aims to promote development which compliments North Ayrshire's rural landscape character by reconciling the requirements of modern lifestyles with the principles underpinning traditional rural development. In terms of siting of single houses, it states that no new properties should be located where they visually dominate their setting and assume a prominence which is generally associated with more important and imposing building types (eg, churches, stately homes etc). It is not considered that conversion of this functional rural building to a permanent house would comply with the Rural Design Guidance.

Whilst the application claims that the previous approval of the shed is evidence that it has already been deemed acceptable in the landscape, the previous acceptance was of a functional agricultural building. Indeed, the previous planning refusal considered that, while a timber building could, on occasion, be appropriate for conversion to residential use and the design in this case introduced stone detailing in an attempt to give a more rural appearance, the building itself is of utilitarian character and was not considered to be representative of the Arran rural character. In addition, the elevated position would not have been considered to be an acceptable location for expansion of this existing housing group if it was being considered on that basis. It is not considered that these factors have changed in the interim.

The remaining factor is the quoted examples of similar developments. As previously, the quoted examples from England and Wales are not considered to be material considerations. 13/00205/PP related to a different form of development: a completely new house which established its own appropriate rural setting; 14/00715/PP was a conversion which was considered to constitute a positive

20/00077/PP

improvement to the visual amenity of its rural setting, by removal of an unacceptably visually prominent development. This proposal relates to a functional timber agricultural building. It is not considered that any of these represent precedent for approval of the current proposal or are material considerations which outweigh the LDP considerations above.

In conclusion, the proposed developed does not accord with Strategic Policy 2: Placemaking of the Adopted LDP. Neither does it take cognisance of the Council's approved Rural Design Guidance and this is also considered to be a material consideration indicating that planning permission should not be granted. In view of the foregoing, planning permission should therefore be refused.

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## **Decision**

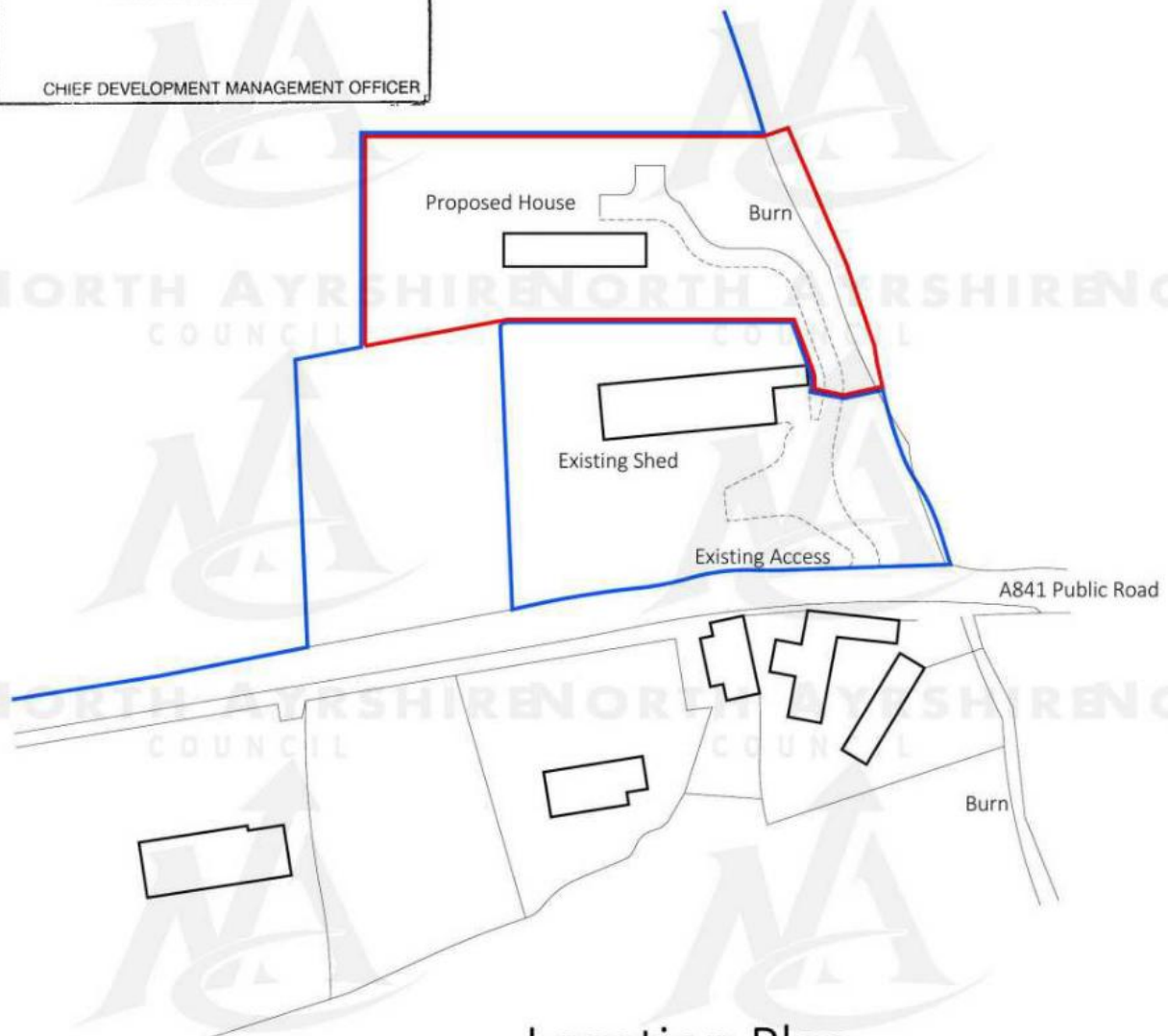
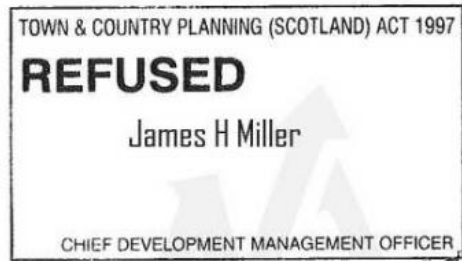
Refused

Case Officer - Mr Neil McAteer

## Appendix 1 - Drawings relating to decision

<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Location Plan		
Proposed Plans and Elevations	18.09.01	





## Location Plan Scale 1:1250







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

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

No N/20/00077/PP

(Original Application No. N/100226658-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

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

To : Mr & Mrs Mike & June Taylor  
c/o John Lamb Architect  
70 Woodside Drive  
Waterfoot  
Glasgow  
G76 0HD

With reference to your application received on 30 January 2020 for planning permission under the above mentioned Acts and Orders for :-

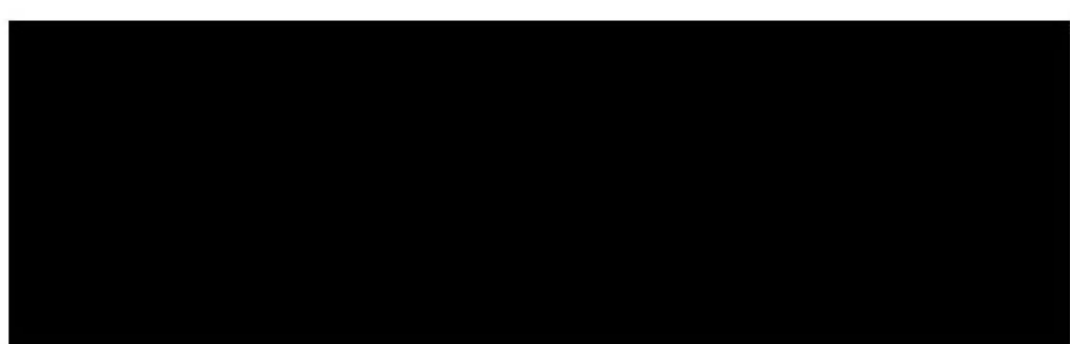
Conversion of redundant agricultural building to form dwelling house

at Site To West Of Pirogue  
Whiting Bay  
Brodick  
Isle Of Arran

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

1. That the proposed development would be contrary to Strategic Policy 2: Placemaking of the Adopted North Ayrshire Council Local Development Plan as the proposal does not reflect the positive characteristics of the surrounding landscape, topography or built form or the distinctive character of the place in which it would be located and would be detrimental to visual amenity.
2. The proposed development does not take cognisance of the Council's approved Rural Design Guidance and in terms of Section 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, this is a material consideration indicating that planning permission should not be granted.

Dated this : 26 March 2020



.....  
for the North Ayrshire Council

(See accompanying notes)





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

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

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

**FORM 2**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** 20/00077/PP - Notice of Review  
**Date:** 03 July 2020 15:28:39

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\*\*\* This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. \*\*\*

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Dear Hayley Clancy,

Thank you for informing me that the applicant for the above scheme has submitted a Notice of Review.

For the avoidance of doubt:

- A planning application for the conversion of this wooden shed into a bungalow was made in November 2018
- Planning permission for this was refused under delegated powers in January 2019
- This decision to refuse planning permission was confirmed by the Local Review Body of elected members in July 2019
- A re-submission, of the same scheme, was made in January 2020. My understanding is that a local planning authority can dismiss vexatious and repeat applications out of hand. But on this occasion, and on balance, it concluded that because there had been changes in the Local Development Plan framework [but in effect only presentational changes insofar as the control of residential development in the countryside is concerned, with LDP 2 having been adopted in November 2019] it would formally reconsider this re-application
- That said, this January 2020 application was once again refused under delegated powers in March 2020.

Officers' and councillors' refusals of these proposals have been considered, rounded and comprehensive and in no way countermanded by the applicant. Moreover, these decisions have been at one with the numerous views repeatedly expressed, in our different ways but in writing, by we local objectors who are all neighbours to the site. I am unaware that there has ever been any local support for the application and it has always been seen as having no planning merit.

The authority should not lose sight of the fact that this is a large, second-hand wooden shed brought to the island and re-erected some 13 years ago. The grounds for getting planning permission as a chicken shed then related solely to its agricultural functions where the criteria for siting and form are very different and much less demanding than for residential development in the countryside. It remains poorly accessed, is without architectural merit, and lies freestanding in a rural area that is unattached to either Whiting Bay village or the Largiemnoch clachan.

The intentions behind the Council's sensitive policies of development in the countryside are not simply to allow the conversion into housing of any agricultural structure, however poorly located or sited or of whatever industrial form. To allow such "anything-goes" conversions would barely be a policy at all, would lead to extensive random rural development and to invite the subsequent development of further agricultural buildings to replace those lost.

Consequently I would ask that the Council's Local Review Body remains consistent with its policies, Plans and the three previous decisions that the Authority has made on this proposal over the last 18 months and clearly refuses planning permission for this wholly inappropriate proposal.

Yours sincerely,



**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** 20/00077/PP - Notice of Review  
**Date:** 07 July 2020 12:24:01

---

\*\*\* This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. \*\*\*

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Dear Hayley Clancy,

As a near neighbour I am writing for the fourth time in 18 months to object in the strongest terms to this series of proposals and reviews.

Since I moved here in 1989 to fully refurbish and permanently occupy my home, I have witnessed in close proximity

- The building of a farm bungalow and its subsequent significant extension
- The erection of a large metal-clad farm barn
- The arrival and re-erection of a large second-hand wooden chicken shed
- The demolition of a seasonally-used cottage and its replacement by a larger property
- The building of two new additional houses.

I understand, even if I may not agree with, the planning grounds on which permissions for these significant developments were granted. But I fail to see that there are any possible grounds on which permission could be granted for the redevelopment into a bungalow of a failing and increasingly derelict chicken shed in open countryside. It was second-hand when brought to the island, it is made out of wood and corrugated sheets and has no architectural merit or connection to any building style on the island. It was re-erected on a poorly accessed, obtrusive site that is unattached to any existing group of buildings. Creating proper access to it from the road is likely to further detract from the area.

It would appear that North Ayrshire Council agrees having twice by officers and once by Local Review rejected proposals in the last 18 months to convert this shed. But to be clear, I ask again in the strongest possible terms that the Council refuses planning permission for this most inappropriate proposal.

Yours sincerely,



**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** 20/00077/PP - Notice of Review  
**Date:** 10 July 2020 08:49:09

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Dear Hayley Clancy,

The building has no architectural or historical merit.

The clachan is built out under the 50% policy.

There are access issues and any non agricultural development would impact on the potential for any beneficial management of the surrounding land.

I feel that approval of this application would set a very unfortunate precedent for insensitive and unwanted residential development in rural areas of the island.

Yours sincerely,

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** 20/00077/PP - REVIEW  
**Date:** 12 July 2020 12:29:19  
**Importance:** High

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\*\*\* This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. \*\*\*

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Dear Ms Clancy,

I am writing to you to express my objection to planning permission being granted at the imminent review of the above application to convert a wooden chicken shed into a bungalow.

The building - a wooden chicken shed - has nothing to recommend it architecturally or historically. It is my understanding that Mr and Mrs Taylor were granted planning permission, within the recommended limits for Clachan development, for 2 houses. These have now been built and therefore the capacity has already been reached.

I trust that the Council's Local Review Body will uphold its 3 previous decisions on this application and unequivocally refuse planning permission.

Yours sincerely,

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Planning application 20/00077/PP Notice of Review  
**Date:** 13 July 2020 15:16:10

---

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Dear Ms Clancy,

Please could you lodge the following on our behalf.

Our comment reads:

We wish to confirm that we remain opposed to the above application for the development of a dwelling house. We refer those considering the application to our three previous submissions and confirm that none of the conditions on which we based our arguments have changed. We support the officer's earlier findings that the proposed development is in breach of strategic policy 2 and does not take cognisance of rural planning guidelines. We also consider that ribbon development and rural infill will negatively impact on the reasons why many people choose to visit Arran.

We hope that the decision of this second review will confirm the results of the three previous decisions and that this matter can finally be laid to rest.

Thanks very much in anticipation for doing this for us.

Yours sincerely,



This email has been checked for viruses by AVG antivirus software.  
[www.avg.com](http://www.avg.com)



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## NORTH AYRSHIRE COUNCIL

2 September 2020

### Local Review Body

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**Title:** Notice of Review: 20/00010/PP - Fir Trees, Lamlash, Brodick, Isle Of Arran, KA27 SJN

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

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

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### 1. Executive Summary

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

### 2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 20/00010/PP – Demolition of existing dwelling house and erection of 3 detached dwelling houses at Fir Trees, Lamlash, Brodick, Isle Of Arran, KA27 SJN.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report: -

Appendix 1 - Notice of Review documentation;  
Appendix 2 - Report of Handling;  
Appendix 3 - Location Plan;  
Appendix 4 - Planning Decision Notice;  
Appendix 5 - Further representations from interested parties: and  
Appendix 6 - Applicants response to further representations.

### 3. Proposals

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

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

##### **Financial**

4.1 None arising from the recommendation of this report.

##### **Human Resources**

4.2 None arising from the recommendation of this report.

##### **Legal**

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

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

4.4 None arising from the recommendation of this report.

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

4.5 None arising from the recommendation of this report.

##### **Key Priorities**

4.6 None arising from the recommendation of this report.

##### **Community Benefits**

4.7 None arising from the recommendation of this report.

#### **5. Consultation**

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations and this is attached at Appendix 6 to the report.

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

#### **Background Papers**

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# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)  
IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**  
**Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be  
through this representative: X

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No  
X ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed  
development

Date of application

Date of decision (if any)

**Note:** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- |  |                                     |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application)   | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle  | <input type="checkbox"/>            |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

### Reasons for seeking review

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

### Review procedure

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input type="checkbox"/>            |
| 3. Site inspection  | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

### Site inspection

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

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE ATTACHED STATEMENT DOCUMENT

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

Yes	No
<input type="checkbox"/>	X

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

COVERING LETTER  
NOTICE OF REVIEW FORM  
NOTICE OF REVIEW STATEMENT

Note: The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

---

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- X Full completion of all parts of this form
- X Statement of your reasons for requiring a review
- X All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

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**Declaration**

**I the agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.**

Signed

Date

02.07.20

NOTICE OF REVIEW Ref No. N/20/00010/PP

## NOTICE OF REVIEW STATEMENT

North Ayrshire Council refused Planning Permission Ref No. N/20/00010/PP on 03<sup>rd</sup> April 2020 for the demolition of the existing dwelling house and the erection of 3 No. detached dwelling houses at Fir Trees, Shore Road, Lamlash, Brodick Isle of Arran



In requiring North Ayrshire Council as the planning authority to review this case, we would contend that the above proposal would:

- Accord with Strategic Policy 2: Placemaking of the Local Development Plan.
- Reflect the positive characteristics of the surrounding landscape, and built form.
- Create quality residential amenity and privacy

We would also contend that the above proposal would:

- Not constitute backland development.
- Not be detrimental to Visual Amenity.
- Not be detrimental to the Residential Amenity by excessive overlooking to the detriment of privacy and Residential Amenity.

In preparing the appeal, this Statement will show how the proposal:

- Accords with NAC Planning Policy.
- Accords with the Local Development Plan.
- Accords with other Council Design Guidance.

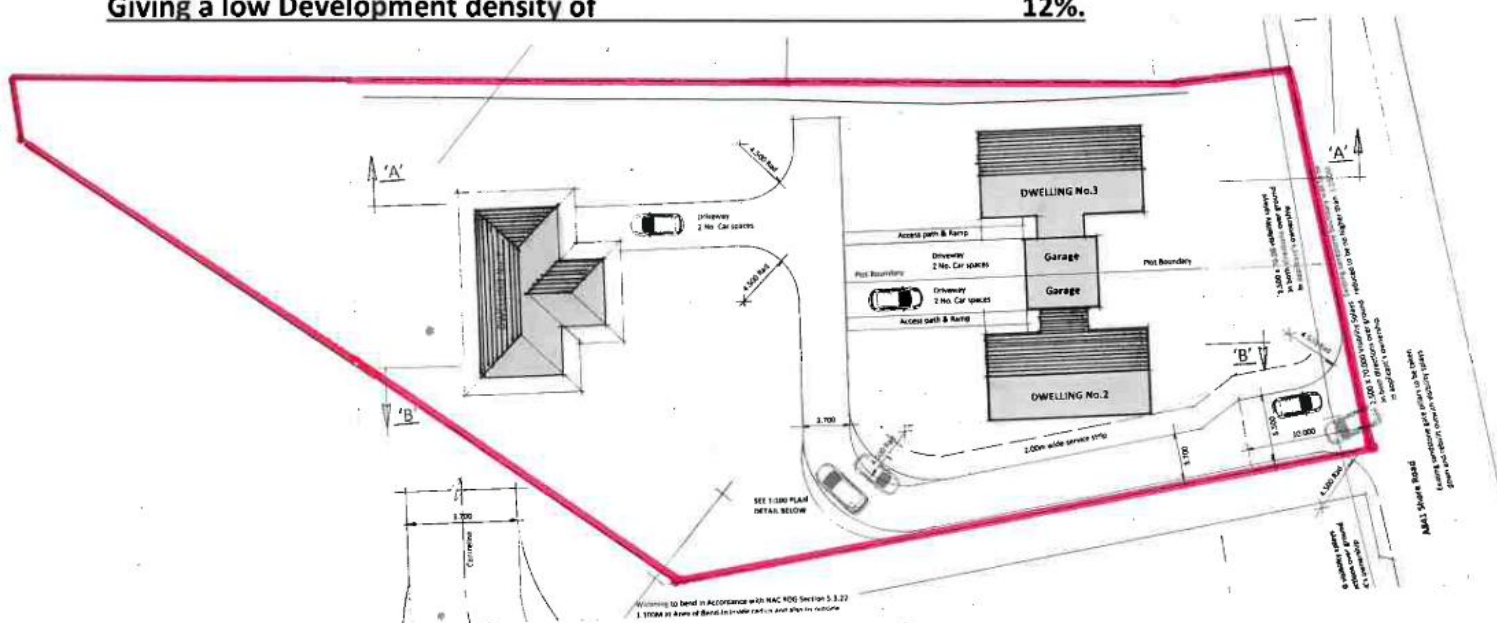
In illustrating the above, and by way of comparison, we would also highlight the perceived inconsistencies in the implementation of the above policies by NAC planning service by the granting of planning consents for other recent nearby developments.

**Development Site**  
Note existing development density  
Of surrounding housing



#### FIR TREES PROPOSED DEVELOPMENT

The development site extends to **33246 M<sup>2</sup>**  
The combined footprints of all 3 No dwellings extends to **367 M<sup>2</sup>**  
Giving a low Development density of **12%.**

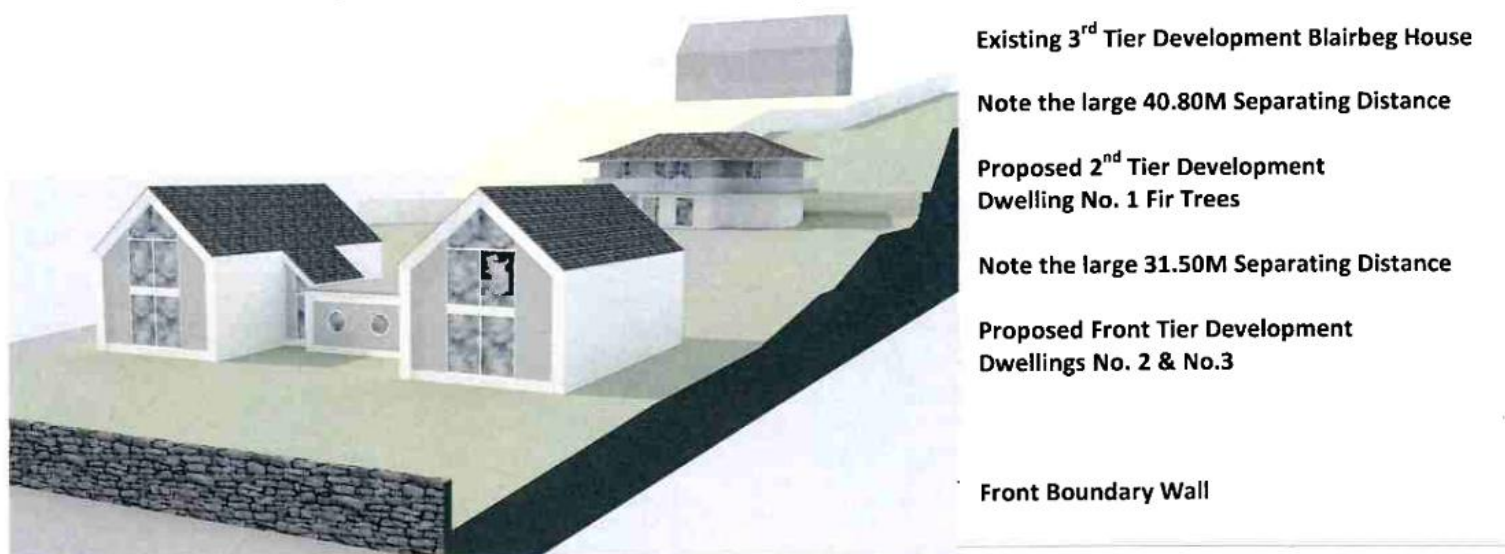


**Applicant Site showing proposed layout. Note large site area , Low density and Generous separating distances**

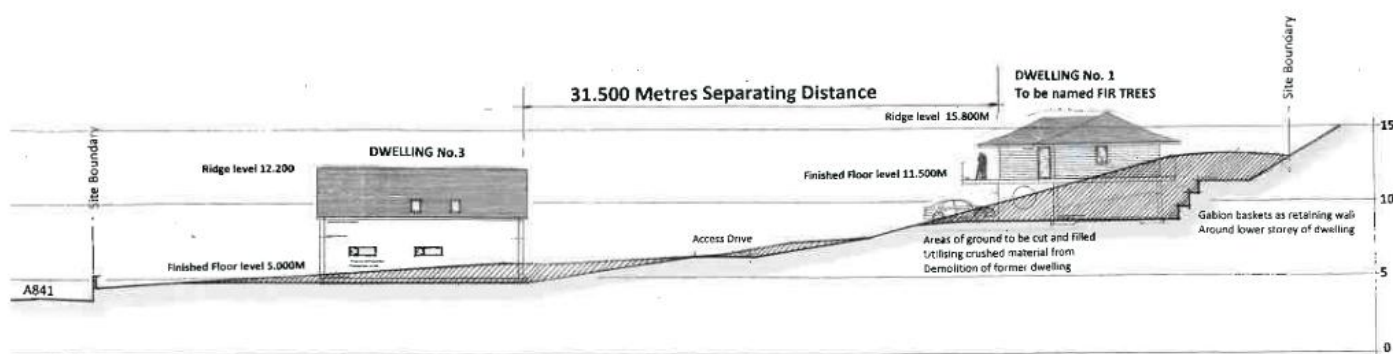


In common with the neighbouring developments to each side of the applicant site, development starts at the shore road and works back up the historic raised beach in a succession of rows or tiers of development ,

- Each row or tier of development will generally face forward towards the sea and naturally into the rear of the property in front.
- Earlier communication with NAC planning service confirmed that the 2 tier development proposed on the applicant site would accord with the existing development pattern to each side of the applicant site.



- Tiered development is a common feature on the island.
- It is a characteristic of the surrounding landscape, topography and built form.
- The proposed 2 tier development of the applicant site, reinforces this distinctive character of its local setting.



Section Through Applicant Site showing 2<sup>nd</sup> Tier Development set higher up the slope  
Note the large Separating distances

- This Proposal is not backland development,
- It is a consolidation of the existing characteristics of the build form within the local area.



It has been established and agreed that this area of Lamlash lying out with any conservation area exhibits a variety of different dwelling designs and sizes ranging from some 3 storey apartment blocks, 2½ storey Victorian villas down to single storey bungalows and cottages.

Note variety of housing styles and sizes

Note existing 2<sup>nd</sup> 3<sup>rd</sup> and 4<sup>th</sup> tier development



View of Applicant site showing variety of existing architectural styles and sizes

There are some examples of modern, contemporary designs on the island, some with expressed gable front elevations, which help to create a new dynamic and establish visual interest by adding to the local visual amenity.



To suggest that the glazed gable feature is not reflecting local character is both misleading and incorrect.



Aisling View Gable frontage expressed seawards





One example of modern design, is situated next door to the applicant site, and it exhibits a contemporary glazed gable over 1 ½ storeys, a feature which is much desired by modern home owners, and a feature which has been replicated in the proposed development.

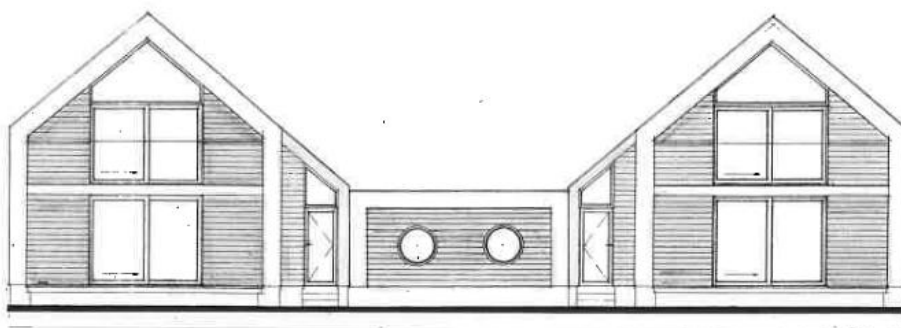


Seabreeze Kinneil Park dominant gable frontage



Seabreeze Neighbouring property 'dominant gable as a prominent feature'

The proposed designs on the applicant site are simple and modern with clean lines which will add a fresh feel to the area, they pick up on the existing design feature of the glazed gable of the neighbouring property and they will add distinctive character to the area and enhance the local visual amenity.



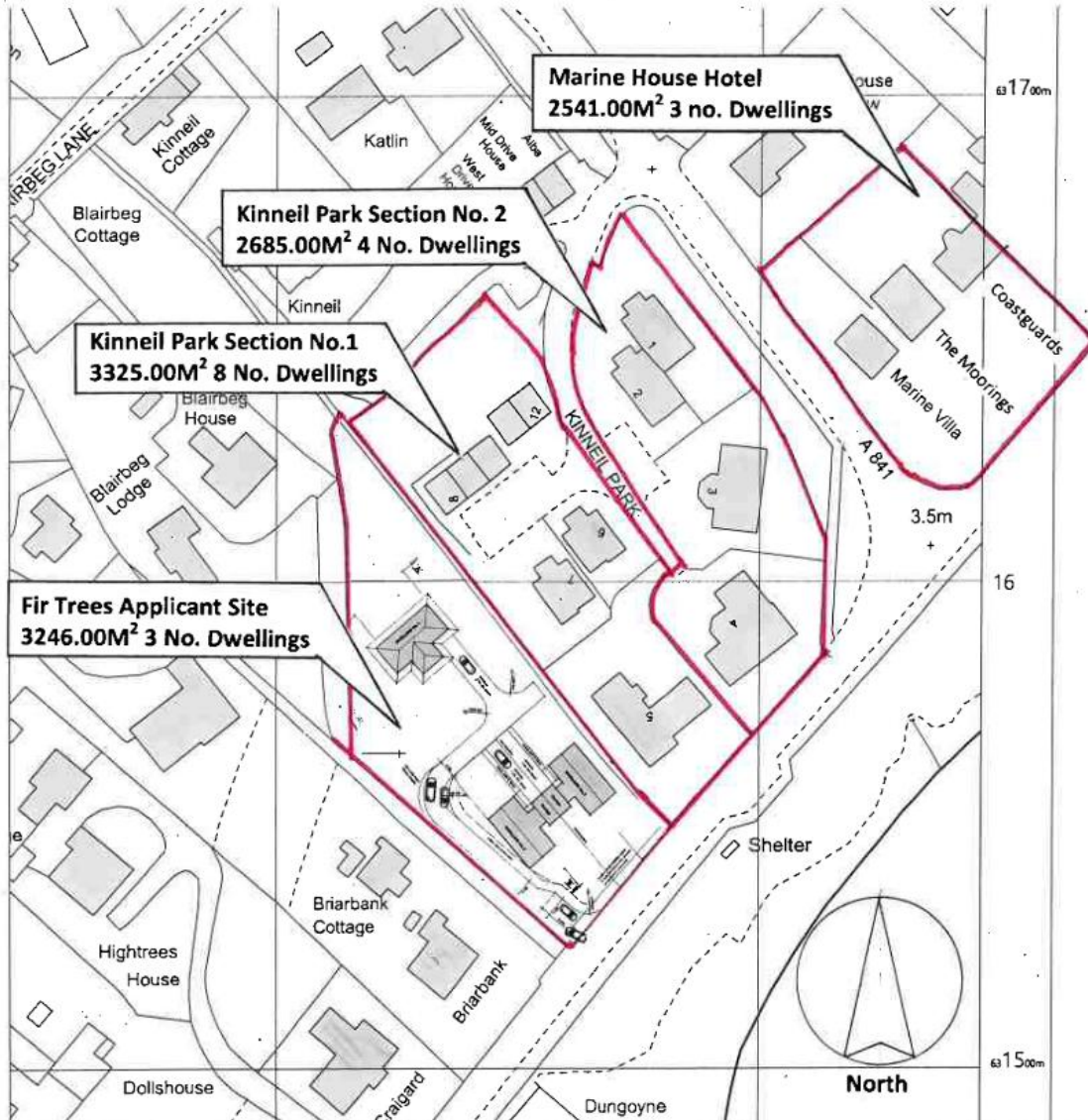
Front Elevation of Proposed Development Dwellings No.2 & No.3



Roadside Elevation showing proposal in context with existing dwellings

By way of comparison, to highlight perceived inconsistencies in the implementation of the planning regulations, the following examples are illustrated.

Kinneil Park, a recent development of 12 No. dwellings situated adjacent to the applicant site, has a development density well in excess of this proposal. and separating distances between dwellings as low as 13.00M.



- The Applicant site proposes 3 No. dwellings on 3246.00M<sup>2</sup>

The examples show that by transposing a similar site area to that of the applicant site, it can be showed that there are in Kinneil Park ,

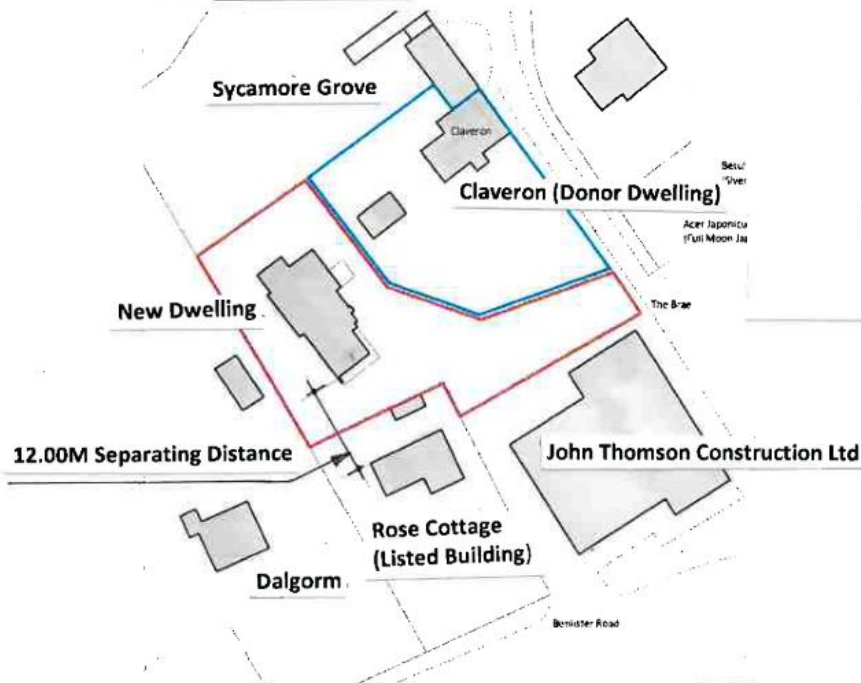
- 8 No. Dwellings in Section 1 extending to 3325.00M<sup>2</sup>
- 4 No. dwellings in section No. 2 extending to 2685.00M<sup>2</sup>.
- The separating distance between some dwellings is as low as 13.00M

The recent development at the former Marine House Hotel site, there are

- 3 No dwellings on a site extending to 2541.00M<sup>2</sup>  
On an area much smaller than the applicant site.



Another recent example in Lamlash Planning Ref No 19/00399/PP relates to a new dwelling being erected in the garden of an existing donor house where the separating distance to the back of a neighbouring listed building is a mere 12.00Metres.



- New dwelling
- Ref No. 19/00399/PP
- 12.00M Separating Distance

Layout Plan showing recent approved development in Lamlash

- 12.00M separating distance

The current development at the back of Brodick for 34 new houses for North Ayrshire Council, allows for a separating distance of 16.25M

Clearly it was considered by the planning service that the privacy and residential amenity of these developments despite their sub- standard separating distances was acceptable.



Why is the proposed development on the current appeal site deemed to be detrimental to privacy and residential amenity with a whopping 31.5M separating distance.

Clear and unequivocal precedents has been set by these examples showing that sub standard separating distances and higher density levels were not deemed to impact adversely on residential amenity and privacy.

We would therefore contest this earlier decision to refuse planning and request that you uphold this appeal and overturn the earlier decision.

## SUMMARY

- The applicant site has low development density at 12%, and a large separating distance between dwellings of 31.50M.
- Recent local developments granted planning consent exhibit a greater development density and lower separating distances.
- The proposed development reinforces the local characteristic of the built form by utilising a second tier of development.
- The designs respect the existing environment and promote natural informal surveillance by local people providing privacy and quality residential amenity.
- The proposal accords with Strategic Policy 2: Placemaking, the 6 No. qualities of a successful place as shown below.

## DISTINCTIVE Strategic Policy 2: Placemaking

- The simple modern 'place specific' designs draw upon the positive characteristics of the surrounding area
- Replicating the glazed gable feature of the neighbouring property to reinforce the sense of identity
- Appropriate smaller massing and scale to integrate comfortably within its context
- A very definite active frontage to the principal elevation creating a welcoming vibrant addition to the local visual amenity.





## **WELCOMING** Strategic Policy 2: Placemaking

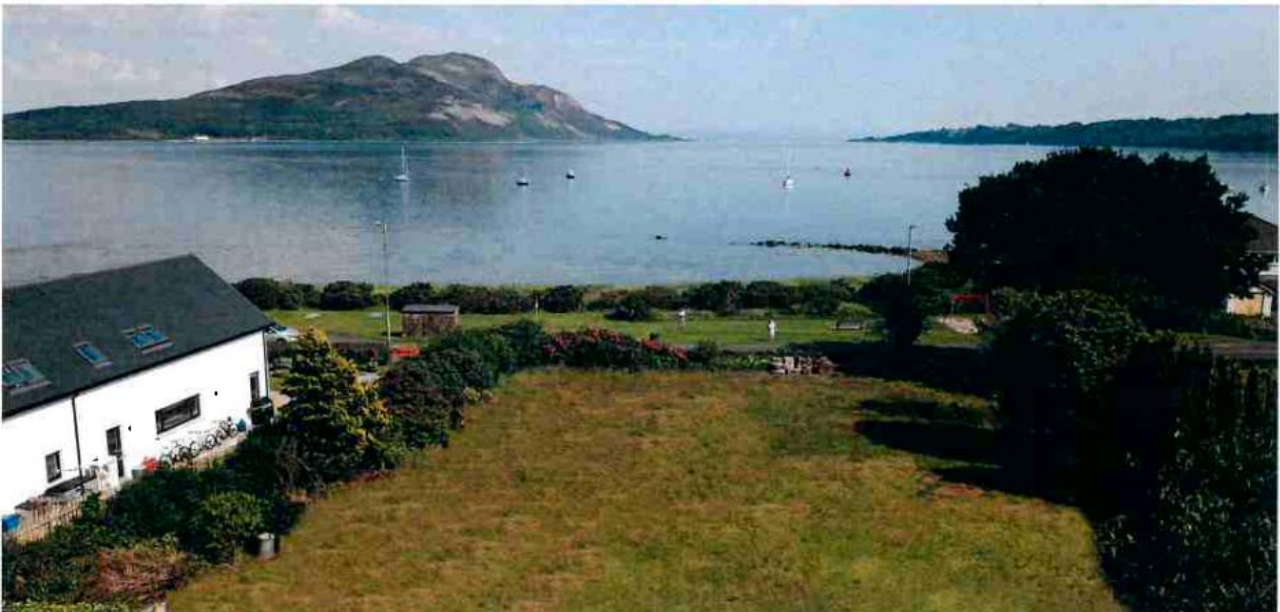
- The proposal creates and enhances a very welcoming entrance.
- Re-siting stone gateposts as a feature creating a sense of arrival.
- Pedestrian and vehicular traffic enter and leave the site in a safe and easy manner.



**Photomontage view of site from main road**  
**Note rising ground and existing tiers of development behind**

## **SAFE AND PLEASANT** Strategic Policy 2: Placemaking

- The proposal creates an attractive, safe and pleasant environment,
- Creating a sense of security by promoting natural informal surveillance is reinforced by the 2 tier development.
- Large open safe areas of private amenity space for each dwelling.
- The proposal also respects the residential amenity of future users by way of privacy, sunlight/daylight, traffic and parking.



**View from back of site looking east across Lamlash bay to Holy Isle**

## **ADAPTABLE** Strategic Policy 2: Placemaking

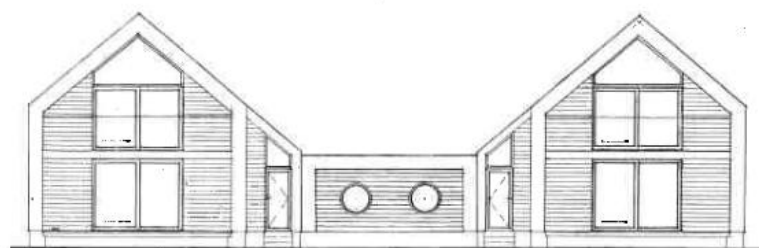
- The proposal considers the future use of occupants and the design allows the layout to be adaptable to their future needs.
- Ensuring easy level access to the dwellings and the associated open amenity areas.
- Dwelling No.1 set on the higher ground has an upside down arrangement with the principal apartments on the upper level accessed by a pedestrian lift to future proof the use by the occupants.



Dwelling No. 1 FIR TREES features pedestrian lift for future proofing

## **RESOURCE EFFICIENT** Strategic Policy 2: Placemaking

- The design and construction method embrace modern technology creating modern dwellings which maximise the efficient use of resources.
- Large areas of glass allow natural light and solar gain,
- Renewable energy heating and lighting schemes provide efficient meet the demands of the occupants.
- The proposed dwellings are above the flood risk datum level and will have efficient flood drainage systems.



*Large areas of Glass*

*Natural Light & Solar Gain*

*Min. Resource Dependency*



## EASY TO MOVE AROUND AND BEYOND Strategic Policy 2: Placemaking

- The proposed development is situated centrally within the village of Lamlash
- It benefits from easy level access to the existing public transport ,
- the site is easy to access on foot, by bike, or even by rowing boat
- The external vehicle circulation areas are safe and contained behind the dwellings out of sight from the main road.



PHOTOGRAPH OF APPLICANT SITE FROM SEA SHOWING BRIARBANK, BRIARBANK COTTAGE, PROPOSED DWELLINGS No 2 & 3, SEABREEZE & CORNER OF BOUGAINVILLIA

- The applicant remains confident that the proposed development of modern family homes is helping to address the demand on the island for such properties, the level of interest expressed to the applicant from local families convince her that all the properties could be sold twice over.
- In the wake of the Covid-19 pandemic, the island economy will be in need of support, the proposed development would benefit local construction businesses and trades.



iCAD  
FIR TREES 1918  
June 2020

## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

**Reference No:** 20/00010/PP  
**Proposal:** Demolition of existing dwelling house and erection of 3 detached dwelling houses  
**Location:** Fir Trees, Lamlash, Brodick, Isle Of Arran KA27 8JN

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**LDP Allocation:** General Urban Area  
**LDP Policies:** SP1 - Towns and Villages Objective / Strategic Policy 2 /

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**Consultations:** Yes

**Neighbour Notification:** Neighbour Notification carried out on 09.01.2020  
Neighbour Notification expired on 30.01.2020

**Advert:** Not Advertised

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**Previous Applications:** None

**Appeal History Of Site:** None

### Relevant Development Plan Policies

SP1 - Towns and Villages Objective  
Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

## 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.

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### Description

Planning permission is sought for the demolition of a detached bungalow and the erection of three one and a half storey houses. A structural report, design statement and indicative photomontages were submitted with the application.

The existing house, to be demolished, is set back some 28.5m from the A841 shore road to the front. The three proposed houses would be set out in a 'courtyard' type arrangement with House 1 on slightly raised ground at the rear of the plot, some 59m back from the road and two linked houses further forward in the site, some 13m back from the road.

House 1 would be 'cut' into the rising ground level at the rear of the site so as to appear single storey at the rear and two storey at the front. It would have a generally rectangular footprint of 111m<sup>2</sup>, measuring 14.3m wide by 8.7m deep at its furthest extents. The ground floor would feature an entrance hall, store room, utility room and integral garage and the upper level would contain a kitchen/dining/sitting room, two en-suite bedrooms and a separate shower room. A deck would project



1m from the sides and rear of the upper floor and 2.4m from the front, seaward elevation.

The house would have standard sized windows to the rear and sides of the upper floor and three sets of patio doors to the upper front level. It would be externally finished in white cement render to the lower walls and grey Cedral weatherboard to the upper walls. Windows and doors would have anthracite grey pvc frames and the roof would be natural slate. The upper deck would be enclosed by a 1.1m high safety glass balustrade and there would be an external stainless steel staircase leading up to the deck.

Houses 2 and 3 would each have a footprint of 97.4m<sup>2</sup>, measuring 7.2m wide by 13.5m deep and would be linked by a 6.5m<sup>2</sup> porch and 18.7m garage for each. Each would have a seaward facing gable 7.7m high and 4.7 m high at the eaves and the linking garages would have flat roofs 3m high.

The designs would incorporate high levels of glazing to the front elevations with recessed upper balconies, deep eaves/fascias and external finishes in a mix of smooth render, Cedral weatherboard cladding and slate roofs. There would be round 'porthole' windows to the front of the link garages.

The ground floor of each house would have a kitchen/dining/sitting room, a bedroom, bathroom and utility room and the upper level would contain a sitting room and two en-suite bedrooms.

The houses would have standard windows to the side and rear elevations and 2.1m high sliding doors to the upper and lower front, seaward elevations. There would also be a ground level deck/patio projecting 2.35m from the front of each.

Each house would have an area of private amenity garden space; access would be by a shared driveway from the existing gate and driveway from Shore Road which also appears to have been a historic access to Blairbeg House to the rear. Parking provision would be between the two 'rows' of houses; no drainage details have been submitted with the application.

The site is generally level but slopes upwards at its rear (northwest) end. It is adjoined by residential properties on three sides and by the A841 and shore to the south east. The rear boundary is enclosed by shrubs and the north east boundary by a hedge and a burn/ drainage ditch culverted under the A841 road to the front. The front and west boundaries are enclosed by a stone wall.

## Structural Report and Design Statement

The structural appraisal of the existing Fir Trees states that while the property is, overall, in fair condition for its age, there is some vertical and horizontal cracking of brickwork and roof sagging. It also found that the rear garden was waterlogged due to a broken drain/sewer pipe. It noted that due to structural movement and soft soils underground, the property required to be underpinned. It concluded that the costs of remedial works, repair and re-wiring throughout would outweigh the value of the property and recommended demolition and rebuild of a property to meet current standards.

The design statement outlines the site characteristics and history, believed to have originally been as part of the grounds of Blairbeg House to the rear (northwest) but a  
20/00010/PP

separate curtilage since the post war years. It reiterates the conclusions of the structural report on the sub-standard nature of the current house and the need for replacement.

It details the brief to create three contemporary family homes with high levels of glazing to take advantage of natural light and sea views to the front. It notes that the semi-detached properties to the front would respect the building line formed by properties to both sides and would present 'gable on' to the road similar to the property Seabreeze in the adjacent Kinneil Park development. The property to the rear would be at a higher level and centred between the two front houses to ensure an open aspect across Lamlash Bay. It claims that the three houses could be easily accommodated within the 0.32 hectare site and that materials, construction methods and alternative heat and light sources have been utilised to minimise resource dependency and reduce carbon footprint.

The statement claims that the design evolved from pre-application discussions with the Planning and Transportation services of the Council and took cognisance of the Placemaking policy of the LDP and the Rural and Coastal Design Guidance.

It claims that the site layout reflects the residential sites to both sides and that the site would be a low-density development. The floor plan of the front two houses is claimed to be based on traditional Scottish Long House design and the gabled frontage on the neighbouring Sea Breeze and other gabled examples on Shore Road and elsewhere on Arran is therefore said to be 'place-specific'. The rear house is based on 19th Century colonial bungalow design with the apartments on the first floor and functional areas below with an elegant overhanging slate roof.

The access and parking layout has been designed on the advice of the Active Travel and Transportation service and would be out of sight from the road to the front. The sandstone entrance gateposts and front boundary wall would be dismantled and re-built by hand to protect visibility splays at the road access.

The statement concludes that the house at a higher level on the raised foreshore behind are of a mixture of scales and architectural styles with no overall clear design or pattern and the proposal has been designed in the context of this 'backcloth' with no overlooking issues for neighbouring properties. The statement includes several examples of gabled properties in Lamlash and elsewhere on Arran.

## Local Development Plan

The site is located within the settlement boundary of Lamlash, as identified within the Adopted 2019 North Ayrshire Council Local Development Plan ("the LDP") and is unaffected by any site-specific policies or proposals therein. Strategic Policy 1: (the Towns and Villages Objective) of the LDP is relevant, as is Strategic Policy 2: (Placemaking).

## Planning History

There have been no previous planning applications on the site. A pre-application enquiry was made in 2019 regarding re-development of the site for three houses of a similar layout to this proposal. Advice was given that residential development would be acceptable in principle but that the site appeared suited to two rather than three houses given concerns over outlook for the rear house and the indicated gabled front design of the front properties.

20/00010/PP

## Consultations and Representations

The statutory neighbour notification was carried out and there was no requirement to advertise the application. Eleven objections and seven expressions of support were received, addressing largely similar points. The various points can be summarised as follows:

### Objections:

1: Overdevelopment of the site. Three houses on the site of the one existing would be quite out of character for the Lamblash village frontage facing the sea. There is precedent in the area for two houses on the site but not three.

Response: Matters of siting and layout are considered in the following Analysis.

2: Road safety. Parking for up to nine vehicles, in addition to those from Blairbeg House entitled to use this drive, would create serious safety issues for vehicles exiting and entering the main road close to a sharp bend.

Response: Active Travel and Transport was consulted and did not object on road safety grounds. The access up to Blairbeg House, although still available, is overgrown by moss and does not appear to have been used by vehicular traffic for many years.

3: Drainage. A full competent investigation is needed into sewage infrastructure implications of this development given recent substantial changes re: the adjacent Kinneil development.

Response: The supporting statement mentions drainage arrangements which could feed into the boundary drainage channel, although these are not detailed on the plans. A planning condition could be applied to any planning permission requiring the arrangements to be approved prior to development.

4: Holiday use. Socio-economic implications of such developments for the Arran community and housing availability for people who want to live and work on the island is a growing problem. Unless holiday letting/Air BnB use is formalised, the island risks becoming a shell of a theme park for occasional visitors.

Response: Not material to this planning application. Holiday letting does not constitute a separate planning use class from dwellinghouses. The application is for Class 9 dwellinghouses within the settlement and must be considered on its merits.

5: Design. The houses are not sympathetic to the area in terms of the gable end design, roofline or placement within the site, with the exception of the neighbouring Sea Breeze, which is itself not in keeping with the character of the village and should not be used as the basis for future planning approvals. The design does not comply with the Council's Rural and other Design Guidance which advises that design should not be led by the requirements of car parking and in-fill buildings should relate well to their surroundings.

Response: Matters of design and compliance with the various LDP policies and supporting guidance are considered in the following Analysis.

6: Access rights. Both Blairbeg House and Blairbeg Lodge have a legal right of access through this site and this should be acknowledged in the application.

Response: Legal access rights are not a material planning consideration.

Support:

1: Arran needs more housing across all spectrums. Replacement of one unremarkable bungalow with three modern homes offering open plan living with sea views and good access to services may attract new families to the island.

Response: The principle of residential development is considered in the following Analysis.

2. The layout would be a proportionate use of the site, replacing one unoccupied house with three family homes.

Response: Layout is considered further in the following Analysis.

3: Holiday homes. Until there is a ban on use as second or holiday homes, then this should not be a consideration.

Response: Holiday letting does not constitute a separate planning use class from dwellinghouses. The application is for Class 9 dwellinghouses within the settlement and must be considered on its merits.

4: The access has been designed after discussion with the Roads department. The owners cannot be responsible for potential errant cyclists.

Response: Active Travel and Transport was consulted and their comments are below.

5: The retention of planting around the rear boundary would make a welcome contribution to visual amenity. It is also positive that the existing stone wall and gate pillars are to be retained at not inconsiderate cost to carry out these works.

Response: The detail of the application proposal is considered in the following Analysis.

Consultations:

NAC Active Travel and Transportation: No objection, subject to conditions regarding driveway width and design and visibility splays at the junction with the public road. Road Construction Consent will be required.

Response: Noted. Appropriate planning conditions and an informative note could be applied to any planning permission.

West of Scotland Archaeology Service: No objection subject to an archaeological watching brief being obtained to ensure that archaeological sensitivities in the area are protected.

Response: Noted. An appropriate condition could be applied to any planning permission.

20/00010/PP

Arran Community Council: No objection, subject to the proposal meeting Planning guidance. This appears to us to be over-development of the site and the layout and gable fronted design of the front houses may not be compatible with neighbouring properties. We note the concerns over road safety and the legal access rights issues.

Response: Comments all noted. These concerns are all assessed in the following Analysis.

## **Analysis**

Pre-application advice was sought in 2019. The advice provided by Planning Services was that residential development of the site would be acceptable in principle; that the site appeared to be more suitable for two houses rather than three; and that the gabled side-on layout of the front houses was not likely to be supported. The application was eventually submitted for the three-house layout, and following discussions over design and road access concerns, amended plans were submitted showing linking garages between the front houses and driveway amendments. The submitted supporting statements and the contents of the various objections and expressions of support are noted.

Section 39 of the Town and Country Planning (Scotland) Act 1997, as amended, requires that, in dealing with planning applications, the planning authority shall have regard to the development plan and to any other material considerations.

In terms of the LDP, the site is within the settlement of Lamlash. Strategic Policy 1: Spatial Strategy: the Towns and Villages Objective indicates that residential development within the General Urban Area of settlements shall accord with the Plan in principle, subject to compliance with the other policies of the LDP.

Strategic Policy 2: Placemaking aims to safeguard and enhance environmental quality by avoidance of unacceptable adverse environmental or amenity impacts. It expects all development proposals to meet the six qualities of successful places contained within the policy.

Whilst the principle of residential re-development of the site is acceptable and the incidence in the area of multiple 'rows' of housing is noted, it is not considered that any of these give precedence for the development proposed here.

The historical pattern of tiered development in the area is dictated by the rising topography back from the shoreline up the 'raised beach' to the secondary row of properties, including Blairbeg House, which are accessed from Blairbeg Lane to the north rather than from Shore Road. This site, in isolation, does not have such a significant difference in ground levels to necessitate rows of houses.

In terms of the adjacent sites, Briarbank and Briarbank Cottage to the west appears to have been a historical arrangement of two smaller houses, more akin to the 'back house' form of development common on the island. The more recent development at Kinneil Park to the east is a larger site developed as a cul-de-sac of 12 houses around a central access. It is not considered that either of these present a pattern of development to be followed by this proposal. It is noted that the development would respect the building line and set-back from the road dictated by these neighbouring sites.



The Placemaking policy expects proposals to draw upon the positive characteristics of the surrounding area including landscape, topography, scales, street and building forms and materials to create places with a sense of identity.

It is not considered that the dominant front gable design of the two houses to the front with excessive levels of glazing and deep fascia detailing responds well to the surrounding context and they would appear overly dominant in the locality to the overall detriment of visual amenity. The addition of linking garages does not particularly reduce this visual impact and the visual appearance of the development is not therefore appropriate.

With regards to residential amenity, the houses would benefit from a reasonable level of garden ground but their amenity would arise mainly from the location adjacent to the shorefront and good sea views from the front properties. The larger house to the rear would not have a similar quality of outlook.

Given the tandem, or backland, nature of the development, there would be only 18m separation between the rear house and the rear garden areas of the houses to the front. This would lead to significant overlooking of those garden areas to the detriment of residential amenity and would not comply with the Council's Neighbourhood Design Guidance or the requirements of SP2: Placemaking under the quality of 'Safe and Pleasant' to respect the amenity of future users in terms of privacy.

It is acknowledged that there would be no significant adverse impact on the privacy or amenity of any existing neighbouring properties outwith the site.

However, on balance and in view of the foregoing, in terms of SP2: Placemaking it is not considered that the proposal would meet the identified six qualities of a successful place, in particular under the sections 'Distinctive' and 'Safe and Pleasant'.

This site is within the settlement boundary and whilst neither the Council's Rural Design Guidance or the Coastal Design Guidance referred to in the Design Statement and the objections are considered particularly relevant, the Neighbourhood Design Guidance does have relevance to developments within towns and villages and it guides that design should encourage people to use and enjoy outdoors spaces. In this case the backland layout would discourage the use of garden areas by excessive overlooking and loss of privacy and does not therefore take cognisance of the Guidance.

Given this assessment against the Neighbourhood Guidance and the Placemaking Policy, the proposal does not comply with the provisions of the LDP or the Council's Planning Design Guidance.

The remaining factor is the quoted examples of similar gabled developments around Arran. All developments require to be assessed on their merits in their own context and it is not considered that any of the quoted examples are similar enough or particularly indicate that this development is acceptable. Seabreeze on the adjacent site is nearby, but that is a dominant gable to a rear part of that house rather than the over-riding design of the whole property. It is not therefore accepted as a precedent that similar development is acceptable on the adjacent site.

In conclusion, the proposed development does not accord with Strategic Policy 2: Placemaking of the Adopted LDP or incorporate the Neighbourhood Design Guidance and, in view of the foregoing, planning permission should therefore be refused.

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## **Decision**

Refused

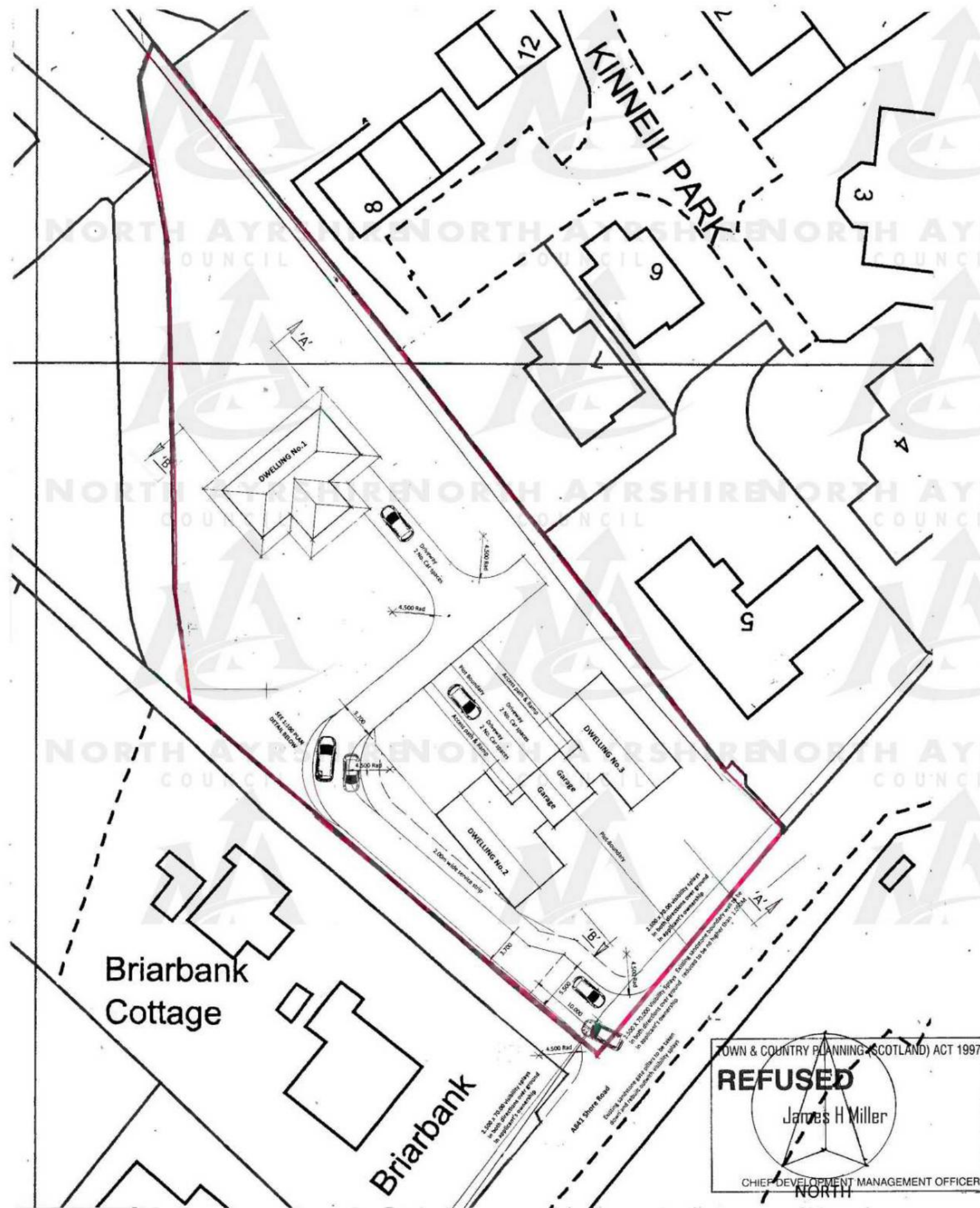
Case Officer - Mr Neil McAteer

## Appendix 1 - Drawings relating to decision

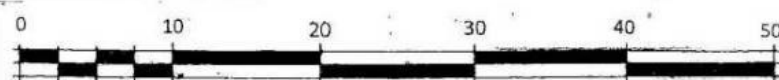
Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location and Block Plan	1918/01 Rev A	
Block Plan / Site Plan	1918/02 Rev C	Proposed
Sections	1918/03 Rev A	Existing
Sections	1918/04	Proposed
Proposed Floor Plans	1918/10	House 1
Proposed Floor Plans	1918/11	House 1
Proposed Elevations	1918/12	House 1
Proposed Elevations	1918/13	House 1
Proposed Elevations	1918/14	House 1
Proposed Elevations	1918/15	House 1
Proposed Floor Plans	1918/20 Rev A	House 2
Proposed Floor Plans	1918/21 Rev A	House 2
Proposed Elevations	1918/22	House 2
Proposed Elevations	1918/23 Rev A	House 2
Proposed Elevations	1918/25	House 2
Proposed Elevations	1918/26	House 2 and 3
Proposed Floor Plans	1918/30 Rev A	House 3
Proposed Floor Plans	1918/31 Rev A	House 3
Proposed Elevations	1918/32 Rev A	House 3
Proposed Elevations	1918/33 Rev A	House 3
Proposed Elevations	1918/35	House 3
Sections	DC/191024/02	
Annotated Photos	Photomontage	Existing

Annotated Photos	Photomontage	Proposed
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1:500 SITE PLAN

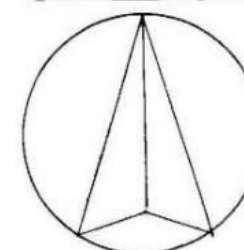


1:500 Scale @A3



1:1250 LOCATION PLAN

AREA OUTLINED IN RED EXTENDS TO 3246.00 SQUARE METRES OR THEREBY



**NORTH**

Planning Permission Issue 03.01.20  
Rev A: Site layout & off street parking altered  
Dwellings No. 2 & 3 Semi-Detached



01770 700411  
info@icad-arran.co.uk

PROPOSED DEVELOPMENT AT  
FIR TREES SHORE ROAD  
LAMLASH ISLE OF ARRAN

MRS PENNY ALBRICH

1:1250 SITE PLAN  
1:500 SITE PLAN AS PROPOSED

1918/01 Rev A Dec '19





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

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

No N/20/00010/PP

(Original Application No. N/100223481-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

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

To : Mrs Penny Albrich  
c/o ICAD Fao Ian Cook  
Linn Cottage  
Whiting Bay  
Brodict  
Isle Of Arran  
KA27 8PR

With reference to your application received on 9 January 2020 for planning permission under the above mentioned Acts and Orders for :-

Demolition of existing dwelling house and erection of 3 detached dwelling houses

at Fir Trees  
Lamlash  
Brodict  
Isle Of Arran  
KA27 8JN

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

1. That the proposed development would be contrary to Strategic Policy 2: Placemaking of the Adopted North Ayrshire Council Local Development Plan. The proposal does not reflect the positive characteristics of the surrounding landscape, topography or built form or the distinctive character of the place in which it would be located as a result of the backland development layout proposed, and would be detrimental to (i) visual amenity and (ii) residential amenity by excessive overlooking to the detriment of privacy and residential amenity.

Dated this : 3 April 2020



.....  
for the North Ayrshire Council

(See accompanying notes)





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

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

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

**FORM 2**

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

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

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** REVIEW APPLICATION 20/"00010/PP, Fir Trees, Lamdash,  
**Date:** 21 July 2020 19:30:22

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Thank you for your letter dated 17 July regarding the above development site.

I note that the applicant maintains that these would be family properties and that since Covid 19, the demand for such properties would be high. This I feel could be said about any property that was in a low Covid area as all estate agents have reported a 40% increase in rural properties across the country.

If you were to take the Covid aspect into account, the new "must haves" for families now is outside garden space. I note from the plans that the parking areas take up a fair amount of land and that actual "play areas" for young families would seem to be very small in relation to the size of the houses to be built. This would also raise the question of whether people with young families could actually afford properties such as these on Arran in any case.

Taking events slightly further, when families grow up, assuming 2.4 children per property, then that could result in each house having 3 - 4 cars. Taking our love for online shopping then the number of vehicles entering and leaving the site for this purpose along with everyday service work could be significant. as well as having a parking problem within the site.

Whilst the traffic load has been very light over the past 6 months, it would appear that Arran will blossom in the future and it has to be taken into account that the main road is near a corner. It can also be a fast road in both directions and the speed of some bike clubs coming off the corner at the bottom of the hill can be breathtaking, if there are vehicles waiting in the middle of the road waiting to turn in, I would worry that if it was a club and they had to anchor up it could be catastrophic. These guys have no regard for speed limits and I have followed them and tracked them at speeds in excess of 40 mph within 30 mph limits.

I note that the argument for density is compared to the development next door. However, that development does have a far better and safer access in that the entry is very wide, with good visibility in both directions, which Fir Trees does not.

Given the fact that there is no doubt the site needs to be developed, I feel that 3 properties is not the ideal situation for that plot.



**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Planning Application:20/00010/PP, Fir Trees, Lamblash, Brodick, Arran KA27 SJN- Notice of Review. APPEAL  
**Date:** 23 July 2020 18:37:11

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Earlier this year I wrote to object to this development as I considered it to be grossly overdeveloped with the plans for three houses to be built on this site. There seemed to be so much restriction of freedom of movement compounded by the accompanying excessive requirements for the need to accommodate so many vehicles rather than residents having open space at the centre of the development. I agree with the conclusion by North Ayrshire Council planners that the development as proposed, has little or no architectural merit. I also note in the report of handling that the owner and promoter behind the original planning application were advised in a pre-application consultation that the site would be more suitable for two dwellings and that the gabled side-on layout of the buildings on the frontage was not likely to be supported. I can see the reason that this advice was given at the time and it is clear that the promoters were not prepared to respond to these constraints which may have led to a more harmonious environment in keeping with its immediate surroundings.

In the documentation supplied by the owner and agent in support of their appeal, great play is made of the adherence to the spirit of Strategic Policy 2 in the Councils local development plan. Again, I agree with the conclusions in the Record of Handling that the site development as proposed, in particular the two considerations, "distinctive" and "safe and pleasant" are not met, for the reasons given above, namely, crowding of the site and the priority of vehicles over garden and recreational/leisure space. Security and privacy in home life is so important but this design layout, mitigates against such values simply through the undesirable potential for overlooking ones neighbours.

I believe the decision to refuse permission should be upheld on appeal.

Yours sincerely,

**From:**  
**To:** [Committee Services \(shared mailbox\)](#)  
**Subject:** Planning Application: 20/00010/PP - Fir Trees Lamlash Brodick Isle Of Arran KA27 SJN – Notice of Review  
**Date:** 28 July 2020 20:55:31

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For the respectful attention of: Hayley Clancy, Committee Services Officer

Re: Planning Application: 20/00010/PP - Fir Trees Lamlash Brodick Isle Of Arran KA27 SJN – Review

Dear Sir/Madam,

The Arran Community Council met earlier this evening and is grateful for the opportunity to make an additional response.

However, after due consideration, we would respectfully not wish to add anything to our previously submitted comments.

Yours Faithfully



## LETTER OF SUPPORT

Committee Services  
North Ayrshire Council  
Cunninghame House  
Irvine KA12 8EE

I support this appeal before the LRB for Planning Reference: 20/000/10 PP Fir Trees

The Planning Officer in the Report of Handling Analysis states (ref: pge 9 para 5)  
"in terms of SP2: Placemaking it is not considered that the proposal would meet the identified six  
qualities of a successful place, in particular under the sections 'Distinctive' and 'Safe and Pleasant' "  
***This is so wrong; this statement is wholly incorrect and totally misleading,***

- **'DISTINCTIVE'** these are modern homes in a central village location drawing upon the positive characteristics of the surrounding area and building styles; by replicating the design of the neighbouring properties they will create a place with a wonderful sense of identity and the designs complement their coastal location.
- **'SAFE AND PLEASANT'** the proposed homes, along with neighbouring sites will create an attractive well defined active frontage on to the main road with the added benefit of natural surveillance. With generous garden areas, the new homes will improve the visual amenity of a prime village location. There will be **no overlooking due to a separating distance of 31.5m.**
- **'RESOURCE EFFICIENT'** the new homes with large areas of glass allow for natural lighting and solar heat gain, they embrace alternative heating sources to minimise resource dependency, they are very efficient dwellings.
- **'WELCOMING'** This will be a very welcoming site, the striking gable design helping to accentuate the existing neighbouring designs, and consolidate the sense of arrival...the photo images and site speak for themselves.
- **'ADAPTABLE'** the central village location, access to public transport and amenities, generous garden areas and the adaptability of the proposed dwellings for future users; there is even a pedestrian lift in the rear dwelling.
- **'EASY TO MOVE AROUND AND BEYOND'.** Its central location allows for immediate access to the existing public transport links, for pedestrians and cyclists. Level walking distance to retail and leisure amenities and to some of Arran's larger employers: Arran High School, Health and Social Care Partnership, NAC Local Council Offices, AWM Hospital.

***Fir Trees, new homes that clearly tick all the planning boxes and will add stimulus to our community.***  
Kind regards,

## LETTER OF SUPPORT

Committee Services  
North Ayrshire Council  
Cunninghame House  
IRVINE KA12 8EE

I fully support this appeal for Planning Reference: 20/00010/PP Fir Trees .

***"Any windows at a distance of 18m or more will not be considered to be adversely affected through loss of privacy. (ref. [www.gov.scot](http://www.gov.scot))"***

The Planning Officer in the Report of Handling Analysis states:

***"there would only be 18m separation between the rear house and the rear garden areas of the houses to the front, this would lead to significant overlooking of those garden areas to the detriment of residential amenity" (Ref: page 9)***

- The above figure is misleading and irrelevant in planning legislation
- There is 31.5M distance between windows of the proposed dwellings
- Residential amenity & privacy will not be detrimentally impacted
- FIR TREES at 31.5m is almost double the minimum of 18m

by contrast, the following recent and neighbouring approved developments have these separating distances between windows.

- 13m Kinneil Park (Right next door)
- 12m Claveron to Rose Cottage (c1900 category B listed)
- 16.25m Brathwick Place, Brodick

Having approved these recent examples NAC Planning Service cannot describe the proposed development at FIR TREES as excessive overlooking and loss of privacy.

***"Any windows at a distance of 18m or more will not be considered to be adversely affected through loss of privacy." (ref: [www.gov.scot](http://www.gov.scot))"***

In light of the above, you must now uphold this appeal and overturn the earlier decision.

A 'modern clachan', has been created, embraced within a mature site. There is not one

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reason in the Report of Handling that stands up to scrutiny and the separating distance highlighted, is downright misleading. NAC should be encouraging a development that, along with Seabreeze, creates distinctive and memorable homes in a key location perfectly reflecting their coastal location.

Regards,

**31/7/20**

**Planning application: 20/00010/PP, Fir Trees, Lamlash, Arran KA27 SJN**

Arran Civic Trust supports the original decision of the planners to refuse this application on the grounds given in our objection. We see no reason to change the original rejection which, in our view was made on good grounds and still stands regardless of the submission under Notice of Review.

Arran Civic Trust

**Planning Application: 20/00010/PP Fir Trees, Lamlash, Brodick, Arran KA27 8JN**

31 July 2020

Hayley Clancy  
Committee Services Officer  
North Ayrshire Council

Dear Sir

**Planning Application: 20/00010/PP Fir Trees, Lamlash, Brodick, Arran KA27 8JN  
Notice of Review**

Thank you for informing me of the Notice of Review submitted by the applicant in response to the decision to refuse the application above and subsequent appeal.

I understand my previous letter of 23 March 2020 re. the Fir Trees development will be included in the Review, in parallel with the submission from ICAD, which I have read on NAC website. I am however also attaching that letter to the planning officer Mr McAteer on 23 March 2020 as well as this letter dated 31 July on the Review document.

I have now reviewed further representation of the owner's agent ICAD. Earlier this month I received a copy of the Conservation Area Appraisals for the three Conservation Areas of Arran (Corrie, High Corrie and Lamlash). The Council has commissioned a team of independent consultants to carry out this work in preparation for further consultation with the public. The consultants have looked at the built heritage and special historic character of the Conservation Areas and made recommendations designed to both protect and enhance these areas. These Appraisals are seen as a key part of the work involved in delivering the new Local Development Plan of NAC.

Whilst the site in question is outside the Lamlash Conservation Area by 2 house frontages, the architectural appearance and setting of this site are important in the overall distinctiveness of the character of Lamlash. For example on the steep raised beach of sandstone area behind there are distinctive Victorian and early 20<sup>th</sup> Century villas which are impressive in setting the tone of the conservation area and include Kinneil, Blairbeg House, Braigh-an-Addan, High Trees and Bay House. The Kinneal Park development mentioned by ICAD was mostly built on a flat meadow below Kinneil. This view of the earlier built environment is important in the context of this planning application and the Conservation Area of Lamlash. *"New buildings, sites and environments are created, and over time, become historic. The challenge for sustainable management of the historic environment and how it contributes to the vitality of modern life is to identify its key characteristics and to establish the boundaries within which change can contribute so that it enhances rather than diminishes historic character."* CAMP Objective 1.0

The plans for the Fir Trees site are unsatisfactory for several reasons:

- Overcrowded frontage facing the main road into the village with imposing, architecturally unattractive, semis of kit design, unlike anything along this part of Lamlash. Completely lacking in sense of place to add value to the Lamlash approach to the Conservation Area.
- These semis gable end on, occupying the front of a site previously occupied by a perfectly sound well-built bungalow knocked down after being refused planning permission for 3 dwellings. Why destroy an apparently sound building without permission except to maximise profit from over-development of the site? This sets a precedent for other developers, and especially on Arran; such behaviour has the potential to destroy many "older" buildings for their land value profit rather than their aesthetic value to our built and rural environment.
- Under the North Ayrshire Character in NAC Design Guidance there are clear suggestions for individual properties, massing and scale including inappropriate proportions. The gable end side-on layouts facing the road with huge windows are unsatisfactory and very unlike anything in central Lamlash. Now with garages in-between making semis, look very much out of place. Overly suburban, this is out of place in a rural village setting, so close to the Conservation

Area of Lamlash. The vision displayed at the front of ICAD's Review is alien to anything in Lamlash.

- The drawing and notification suggest this is common on Arran, even Lamlash. This is repeated in the further notes from ICAD. I repeat that these large gable end windows do not enhance the built environment of Arran. It just enables more houses on a tight site! Retaining a locally distinct character for Lamlash from the corner skirting the shore right through to Lamlash church and beyond is important. There is a greater mix of design along Shore Road to Clauchlands, but many of the newer houses fit well into the Design Guidance being set back from the road with distinctive individuality blending into the whole.
- The Design Guidance talks about Retaining a Locally Distinctive Character. Arran does indeed incorporate a diverse range of architectural styles from traditional 18<sup>th</sup> century farm buildings to 1930's bungalows with hipped roofs. It is important that a design here needs to enhance the existing Lamlash settlement. Use design features which will unite and integrate any house built into the character of Lamlash Conservation Area which begins just along the road and is central to the charm, and historical context of the largest settlement on Arran.
- An important aspect is the car impact in this area. Blairbeg House, where the original access was from the main road now shares the bottom part of that drive with Fir Trees. With 3 houses on the site, and the one behind available for use as two flats in the longer term, there could be up to 8 cars parked on the site, clearly over development of the site, removing personal space for gardens etc.
- The Victorian wall is a feature of the road, and needs be retained, not cut away to make for access for a fleet of vehicles. Again the features, such as trees, walls, gate posts are important sense of place features. Sadly several mature trees have already been cut down along the boundaries of the site, including a large mature fir on the eastern boundary, the only remaining link to the retained name of the property for no reason except perhaps to give the house next door more light, as well as a couple of large trees on the south side. Whilst none were subject to TPOs, it does indicate a lack of respect for the natural environment on the site which bodes ill for the future in the absence of any commitments otherwise.
- Finally, the Design Guidance does provide examples of good design. I repeat that the application for this site conforms little in this Guidance, contrary to ICAD's claim. This site proposal so close to the Conservation Area of Lamlash has nothing to recommend it. This is a wonderful site of strategic locality importance deserving of excellence of design and not a copy of pastiche seen all too often, which is illustrated in some of the examples in ICAD's Notice of Review.

North Ayrshire Council provides clear Guidance to developers in rural village environments. It is important that aspirations by developers adhere to these, are cognisant with the area they wish to develop, from Conservation Areas to very rural locations, design features and the local built environment. The reasons for refusal of the plans for this site and Report of Handling is comprehensive and to my view entirely appropriate in its analysis.

Your sincerely



23 March 2020

**Application 20/00010/PP New Design for Firtrees Lamlash Isle of Arran**

Dear Mr McAteer

When we had to postpone the meeting of ACT a week ago Thom Ledingham wrote the following regarding work being completed on Conservation Area Appraisals and therefore a sense of place on Arran.

*"The work that the team has been doing but not quite finished yet relates to the Conservation Area Appraisals for the three Conservation Areas of Arran (Corrie, High Corrie and Lamlash). Last year, the council commissioned a team of independent consultants to carry out the work which has been drafted, but I still need to finalise it before we share them and potentially formally consult on them.*

*The consultants will look at the built heritage and special historic character of the Conservation Areas and make recommendations designed to both protect and enhance these areas. These Appraisals are seen as a key part of the work involved in delivering our new LDP. "*

The new plans submitted under application 20/00010/PP for Firtrees, Lamlash are so unsatisfactory I wanted to record that according to Design Guidance of NAC by Anderson Bell Christie, the design, and layout do not fit any of the criteria shown in the Design Guidance. Under local distinctiveness the plans are just not suitable or adhere to the suggestions. The Conservation Area of Lamlash is just along the road into the village from the bend at the bottom of the steep hill into Lamlash, and the distinctiveness begins at this corner, apart from the new house Seabreeze, which was a case that created huge ill-will in the locality for its out of character imposition at the edge of this central part of the Lamlash settlement. Under the North Ayrshire Character it is clear the design is about instant, simplistic kit construction especially on the front of the site, with huge windows, very unlike anything else in the locality, the exception being Seabreeze next door. The gable ends facing the road with huge windows are unsatisfactory and very unlike anything in central Lamlash. Now with garages in-between making semis, look very much out of place. No sense of place, just poor development, presumably to meet a cost constraint. The drawing and notification suggest this is common on Arran, even Lamlash. Two wrongs do not make a right; the house next to Llewellyn of similar design, is also regarded as an eyesore by local people. Retaining a locally distinct character for Lamlash from the corner right through to Lamlash church is important. There is a greater mix of design along Shore Road, but many of the newer houses fit well into the Design Guidance being set back from the road with distinctive individuality blending into the whole.

The Victorian wall is a feature of the road, and needs be retained, not cut away to make for access for a fleet of vehicles. Again the features, such as trees, walls, gate posts are important sense of place features.

Finally, the Design Guidance does provide examples of good design. Yet the application for this site does not conform, contrary to claim, to anything in this Guidance. This site so close to the Conservation Area of Lamlash has nothing to recommend it. A wonderful site deserving of excellence of design and not a copy of pastiche seen too often.

Yours sincerely

31 July 2020

Ms H Clancy  
Committee Services officer  
North Ayrshire Council  
Cunninghame House  
Irvine KA12 8EE

Dear Ms Clancy

**PLANNING APPLICATION 20/00010/PP, FIRTREES LAMLASH KA27 8JN**  
**Notice of Review**

My views on this development as proposed in its two iterations, one in January, the more recently in March have not changed. Essentially the proposal constitutes overdevelopment and unfavourable massing on its frontage, it is devoid of architectural value and is unsympathetic in its relationship to its immediate surroundings. It is clear from the record of determination of the planning application 20/00010/PP that a steer was communicated to the owner of the property regarding the scope of development that might be appropriate for the site in question and it appears this was ignored. As neighbours we are now faced with a further attempt through the appeals procedure to justify their case rather than bring forward plans more appropriate to the site and its surroundings.

Rather than simply repeat what has already been said, and it is understood that previous correspondence will form an integral part of the review, I will comment on the appeal supporting document recently submitted by the owner's agent.

The front page drawing of the proposed development as viewed toward the frontage illustrates my point about architectural value or lack of it, the absence of any sense of place and, one of the main conclusions of the determination, that of lack of privacy.

In regard to the list of contentions noted on the front page I do not consider what is being proposed contributes to making quality space. The positive characteristics of the immediate surroundings comprise a number of traditional dwellings blending into the raised beach topography and these proposed buildings appear totally out of place in this respect. Lack of residential amenity is a consequence of a cramped frontage and high potential for invasion of privacy. Visually the impression is of a confusion in style, utilitarian, detracting from traditional small community residential amenity. In all these respects it simply achieves the opposite of what is claimed in the final contention.

It seems that much of what is stated going forward is an attempt to justify the original proposal on grounds of comparison with other residential property in Lamlash and Brodick and ignores the point that the proposed development is itself compromised and not in tune with its immediate surroundings. The Firtrees site is substantial but is restricted by significant areas taken up with severe raised beach profile and a drainage burn within the

site boundary on the east side of the property. It is also constrained by the original now shared access drive to Blairbeg House. The actual available width of frontage where two dwellings are proposed is roughly the same length of frontage as occupied by single detached houses on either side facing on to the Shore Road as illustrated on page 2. Much of the space between the proposed dwellings is taken up with accommodating vehicles, a further reflection of overdevelopment. Even then the very limited parking space for up to six vehicles and movement in and out of the site coupled with additional movements linked to the right of access to Blairbeg House simply add to the safety issue.

On page 3 it is clear that separation is more about accommodating vehicles than providing amenity space. A further desire is apparently to achieve elevation of what is termed the second row building No 1 through backfilling with demolition rubble. This factor is unmerited and another manifestation of overdevelopment and the resulting overlook and consequent lack of privacy imposed on the frontage dwellings is a severe compromise to amenity that is compounded by surrounding vehicle movements.

The description, "adding a fresh feel to the area", has no place in appropriate planning decisions but the roadside elevation on page 3 does illustrate the cramped use of frontage of the development plot when measured against the frontage of adjacent new and older established dwellings. The drive and the burn limit further the frontage width. There seems to be a fixation on simple distance measurement between dwellings when the real objections centre on inappropriate massing of the frontage, unsympathetic design for secure living and lack of privacy deliberately introduced through Mediterranean style design of the dwelling to the rear and undesirable elevation difference with no respect for the immediate surroundings. Proximity and lack of privacy is clearly recognised as an issue in the slot windows on each side of the of the semi-detached frontage dwellings .

The attempt to justify the lodging of an appeal on the basis of a strategic development policy fails simply because this development does not meet the basic tenet of the policy, namely that the development as proposed does not, I quote, contribute to making quality space. In that context the photomontage on page 9 is a misrepresentation to anybody familiar with the site as illustrated by just one of the many manipulations of this image, namely the distortion seen in the road frontage.

In summary I conclude there is absolutely no justification on the basis of these statements to amend the decision to refuse development as presently proposed.

Yours sincerely

23 March 2020

Mr N McAteer  
Planning Department  
North Ayrshire Council  
Irvine

Dear Mr McAteer

**North Ayrshire Planning Application 20/00010/PP Firtrees Development Lamlash**

On returning to the Council's planning website over the weekend to ascertain if any decision had been reached on this planning application I was surprised to see that an entirely new set of supporting documents dated 9th March and containing modified proposals had been uploaded to the site. As one of those originally notified of the proposed development I have not received any notification or seen any pronouncement to this effect. The original supporting documents have been removed and are no longer available for cross reference. As the public consultation period for the original application is closed there appears to be no opportunity for further comment on what are patently considerable modifications. In point of fact the revised documents describe some fundamental changes that constitute a new application. Why is it then that there has been no formal decision announced on the original plans, or that the applicant has proceeded to withdraw those plans then submit an entirely fresh application to restart the process and allow for a proper consultation period ?

I have additional reservations about what is being proposed at the Firtrees site. The proposal is to introduce greater separation of the two dwellings along the frontage with integral garages now provided linking the whole as a semidetached development. This not only increases the massing problem that was already obvious but now presents a 'wall' of development totally out of place with the immediate locality. All the properties are in the immediate surroundings single storey houses of varying age similar to the existing Firtrees. The one exception is Seabreeze adjacent to Firtrees, the development of which was controversial from the start and even there the orientation is to some degree sympathetic to its neighbours in architectural appearance. Much of what is included as justification through illustration in the new design statement is irrelevant in this respect. The proposals still constitute overdevelopment with the obvious answer being a larger single dwelling on the frontage of design much more in tune with its immediate surroundings. This would also go a considerable way to addressing the access and egress issues.

On examining the sections through the site I also have concern about the excavation of the steep contour of raised beach to accommodate Building 1 on the Firtrees site. As this steep hillside consisting of shallow alluvium and weathered sandstone of weak structural consistency remains saturated for the entire year there is a risk that bank failure could be induced during construction resulting in the drive to Blairbeg slumping down grade. It would seem more sensible in civil engineering terms to position this building further forward on

the Firtrees site to minimise excavation. The reduced elevation would have no measurable adverse impact on the view from the resulting property.

In closing I draw your attention to the conclusion in the report on the structural state of the existing Firtrees property that a broken or leaking sewer is at fault for surcharging the groundwater at the site. To my knowledge this is a wrong assumption as the previous owner commissioned a cutoff drain running across his property up-gradient of his house. This drain was not continued under the buried sewer pipe and consequently captured drainage water from above has been channelled along the outside of the sewer pipe, a deficiency that could have been easily addressed.

I urge you to think again about the entire issue of development on this site so that interested parties in the community can have their fair say !

Yours sincerely



29 Jan 2020

Planning Services  
North Ayrshire Council  
Cunninghame house  
Irvine KA12 8EE

Dear Sirs

**PLANNING APPLICATION 20/00010/PP - FIRTREES DEVELOPMENT**

I have now completed a review of this development proposal and wish to register my objection in particular to the scale of the proposal which is out of character with its surroundings and an example of gross overdevelopment. The site at present embraces a relatively large single storey dwelling set well back from the main road on a gently sloping site and screened somewhat by a stone wall. There is a generous amount of open garden space both front and back. It is proposed to demolish this property and in its place erect three houses, two of which are to be crammed into a highly constrained frontage and one of a different style located to the rear. In order to accommodate the scale of vehicle access and parking envisaged a large area immediately behind the two front properties labelled 2 and 3 has been designated to accommodate the need for up to nine vehicles.

The end result of this proposal is to create overcrowding of the site with the two front buildings parallel to one another in very close proximity, their seaward gable ends providing light and visual interest while attempting to limit overlook with slot windows facing each other along the length of the rectangular footprint. The building frontage has been pulled far forward of that of the existing Firtrees bungalow in order to create the vast parking area immediately behind. The result for all to see is the forward part of the development almost surrounded by vehicle movement, firstly fronting on to the second busiest road on Arran, secondly the drive with considerable potential for obstruction of movement and finally parking which itself is centred fair and square in the centre of the site. The outcome of such limited garden space combined with movement of vehicles in and out of the development site is simply not conducive to healthy and safe living.

A much more appropriate scale of development might continue to include a similar arrangement as proposed for House 1 at the rear of the property. But instead of trying to shoehorn two decidedly cramped buildings devoid of architectural merit into the frontage and compromising totally the built amenity by introducing so many vehicles a similar profile of new bungalow or 1.5 storey structure could be introduced. This replacement would be in keeping with its surroundings and sited in similar orientation to the existing Firtrees, namely with a rectangular or more creative footprint in parallel to the frontage, thus reducing the overall scale of development from three to two dwellings. It would then be possible to provide an imaginative and safe vehicle and pedestrian access and parking arrangement.

Other considerations of the existing proposal give cause for concern. The design statement describes the locality as a mix of housing styles but apart from the controversial new development next door the locality including the Kinneil cluster is characterised by single storey new and traditional Scottish architecture. The Firtrees development on the other hand with its two prominent glass faced gable ends, simple bland box appearance, and outlier porches when viewed from the public open space opposite is totally at odds in style and appearance and more akin to urban sea view development than rural character. The high roofline exaggerates this impression.

The applicant claims that the development conforms to the rural design guidelines set out by North Ayrshire planners but I challenge this claim based on what these guidelines say. In terms of character as stated previously the very poor parking arrangement driven by the number of vehicles to be accommodated completely dominates both the functioning and the appearance of the site. Secondly the proposal represents infill by any definition and can be criticised as standard “could be anywhere” buildings which generally detract from existing distinctive character and grouping with unacceptable massing to the frontage. The Guidelines make it very clear that designers should avoid new infill buildings that do not share the characteristics of their neighbours, these characteristics in this case being orientation to the frontage and set back from the road.

There is a serious safety consideration regarding access to and from the site along the existing shared drive this access predating by some 90 years even the original Firtrees property still standing on the site. The gateway has already a history of near misses and a serious accident involving fast moving vehicles. The ability to negotiate the T Junction only 100 metres along the main road east to Brodick at relatively high speed presents a potentially dangerous situation where so many vehicles are to be involved in movements in and out of the Firtrees site. There is also the consideration that Blairbeg House has vehicular right of way over the said drive possibly adding to this total number and not considered in the application. Again this is a reflection of overdevelopment with four properties involved.

Yours truly

## LETTER OF SUPPORT

Committee Services

Cunninghame House  
Irvine KA12 8EE

Planning Ref No. 20/00010/PP

Dear Hayley

**I wholly support this application and request the LRB to uphold this appeal and to overturn the earlier decision by NAC planning service.**

The statements used in the **Report of Handling** are both **INCORRECT** and **MISLEADING** and I am angry with the content.

From the **Report of Handling** (Page No.9 Paragraph No.9)

*“Seabreeze, on the adjacent site is nearby but that is a dominant gable to the rear part of the house rather than the over-riding design of the whole property. It is therefore not accepted as a precedent that similar development is acceptable on the adjacent site”*

**This statement is wholly incorrect and misleading,**

Seabreeze is an immediate neighbour, and has a stunning feature gable to the front elevation which strongly defines the front elevation and it is the overriding design feature of the whole property .

When granted, Planning Permission stated **that the design, including a significant amount of glazing, would be acceptable and that it would not be out of character with the other dwelling houses in the area.**

We love our house and in particular the feature gable which provides lots of natural light and a fabulous view out across the bay . **It is recognised as a positive distinctive characteristic within the local area and it is much admired.**

To suggest that this gable feature is on the ‘rear part’ of our house and that it is not a feature that creates a strong precedent is both wrong and misleading.

**Come and see for yourselves!.....or perhaps just our local councillors in light of Covid 19.**

We would be flattered if the beautiful feature gable design of our house was in some way replicated in the design of our new neighbours.

I am angry that the planners have refused planning permission for this proposed development and that they have not accepted Seabreeze as setting a strong, much admired precedent right next door. Particularly when they were so in favour of this design 5 years ago.

**You must uphold this appeal and overturn the earlier decision.**

Yours faithfully

## LETTER OF SUPPORT

Committee Services

Attention Hayley Clancy

Dear Hayley

**I wholly support this appeal to the LRB for Planning Consent Ref No. 20/00010/PP.**

I have read through the earlier **Report of Handling** relating to the above and I find some of the **reasons for refusal quite unbelievable.**

I cannot understand why, under the same Planning Service, in the planning application for the neighbouring property **Seabreeze**, Ref No. **15/00537/PP** the **Report of Handling** quite clearly states,

(Page No. 7 Para No.4)

***"There is a mixture of house designs along this stretch of Shore Road. the dwelling house (Seabreeze) would be of a relatively modern design incorporating a significant amount of glazing to the front, which would be acceptable."***

(Page No 7 Para No. 5)

***"It is considered that the dwelling house (Seabreeze) has been designed to retain the amenity of the neighbouring properties and would not be out of character with the other dwelling houses within the area, it is therefore considered that the alterations to the design of the dwelling house and the external finishes of render, timber cladding and slate would be acceptable."***

(Page No. 7 Para No.8)

***"Accordingly, it is considered that the proposal would accord with the relevant criteria of the general policy of the LDP. Conditional Planning can therefore be granted."***

**If these design features were deemed to be acceptable then, why do the planners not now recognise Seabreeze as setting an unequivocal precedent, and a good example of neighbouring modern design providing a positive characteristic that should now be enhanced and consolidated with the development at Fir Trees?**

**This clearly shows that the planning service are inconsistent, and that they are being subjective in their interpretation of planning policy.**

A clear and unequivocal precedent has been set with the design of Seabreeze, right next door to the above proposal. NAC must accept this as a positive characteristic of the local environment.

**You must overturn the earlier decision and uphold this appeal**

## LETTER OF SUPPORT

Committee Services  
North Ayrshire Council  
Cunninghame House  
KA12 8EE

Dear Hayley

**I wholly support this appeal to the LRB for Planning Ref No. 20/00010/PP.**

**It appears that the planning service are being inconsistent with their issuing of planning consents and intentionally misleading with some of their reasoning in the Report of Handling.**

I note **Seabreeze** a very distinctive and attractive property right next door to the proposed development ( NAC Ref No 15/00537/PP); how can the planning service now refuse to accept this design as ***"a positive characteristic of the surrounding built form, and a distinctive character of the place in which it located "***

**This is surely a good example of a strong local design element and clearly sets a clear precedent which can be confidently replicated.**

What a strong, positive addition to the visual amenity of Lamlash. On turning the corner at the bottom of the hill from Brodick and entering the village to be met with this 'gateway' grouping of distinctive modern gabled dwellings, creating a real sense of place and arrival. Imagine the impact when sailing into the bay.

**Why would NAC planning service state 18.00M from, the rear dwelling to the garden boundary when they know that the accepted planning distance is 18.00M 'window to window ' unless they are trying to deceive and intentionally mislead by quoting irrelevant dimensions.**

NAC planning service do not accept the existing obvious Local Settlement Patterns, or the neighbouring property styles which are comprehensively referred to in the Neighbourhood Design Guidance as exemplars and so clearly followed by this proposal, Both the Local Settlement Pattern and the feature gable on the adjacent dwelling set a clear and unequivocal precedents.

**NAC Planning Service have clearly not been consistent with their handling and determination of the above planning application, when compared to other recent developments you must uphold this appeal and overturn the earlier decision.**



## LETTER OF SUPPORT

Committee Services  
North Ayrshire Council  
Cunninghame House  
KA12 8EE

Dear Hayley,

**I wholly support this appeal to the LRB for Planning Ref No. 20/00010/PP.**

I disagree with the grounds given for refusal in the earlier planning application. Having read through **Strategic Policy 2: Placemaking in the LDP**, it is at best ambiguous with no clear directives and the interpretation presented by the planning service beggars belief.

To suggest that *"the proposal does not reflect the positive characteristics of the surrounding landscape, topography or built form or the distinctive character of the place in which it would be located"* is wrong and frankly absurd.

***The proposed design picks up on the existing bold gable feature of the neighbouring property, definitely reflecting a positive local characteristic.***

The development at Fir Trees is dictated by the rising ground of the historic raised beach and in keeping with the existing developments to each side, utilises this feature to create a tiered development. **Look at the existing tiered developments to each side of Fir Trees. To suggest that this local settlement pattern of tiered development on the rising ground is not relevant to the Fir Trees development is again wholly wrong and misleading. To suggest there is not enough ground level differential is also wrong and misleading.**

How can NAC planning deem this to be backland development, particularly when we consider the existing neighbouring development at **Kinneil Park**, and also at the recent approved development behind **Claveron** in Lamlash. (Ref no. 19/00399/PP)

**This is a new, complete blank canvas development; it is quite wrong and misleading to call any part of this backland development.**

The residential amenity and privacy afforded to all 3 proposed properties is very high particularly when compared to recent neighbouring property developments.

**There is 31.50M separating distance between windows of the proposed dwellings.**

**How can 31.50M separating distance between properties possibly be construed as excessive overlooking to the detriment of privacy and residential amenity?**

**It is wholly unacceptable and totally wrong to suggest this.**

By quoting a distance of 18,00M from the balcony of the rear dwelling to the garden boundary of the front dwelling; **where is the relevance of that dimension quoted in planning policy?**

It appears to me that the planning service are not being consistent with their application of council policy, indeed they appear to be deliberately misleading.

**In light of the above you must surely uphold this appeal and overturn the earlier planning decision.**

## LETTER OF SUPPORT

Committee Services  
North Ayrshire Council  
Cunninghame House  
Irvine KA12 8EE

**I support the appeal for Planning Reference: 20/000/10 PP Fir Trees**

The Planning Officer in the Report of Handling Analysis states:

***“..the houses would benefit from a reasonable level of garden ground but their amenity would mainly arise from the location to the shore front...the larger house to the rear would not have a similar quality of outlook”*** (Ref: Page 6)

*The above statement is misleading: Look at the drawings! Look at the layout!*

***“obstruction of views”*** is not taken into account for planning objection, (Ref: NAC website)

Why is the quality of outlook or view from the house to the rear mentioned by the planner in the Report of Handling? The site owner proposes to reside in the rear house, she would not live in a dwelling with no view and will enjoy far reaching vistas in all directions.

(Ref: NAC Neighbourhood Design Guidance Page 60)

***“Use simple proportions based upon best examples of local neighbouring buildings”..” take account of the scale of their neighbours “*** (Ref: page 40)

And the applicant has by replicating simple scaled proportions from **Seabreeze** right next door.

***“Respond to key local design & construction elements or features” ... “Refer to the attractive characteristics of adjacent, successful buildings”***

And they do. The homes replicate feature gables similar to the one on **Seabreeze**...an adjacent successful new build

***“ using local settlement pattern”*** (Ref: NAC Neighbourhood Design Guidance Page 32)

And it does. The local settlement pattern in Lamlash similar to the other villages on the island is for a tiered development working back from the coast up the rising hills. This island settlement pattern is reinforced by all the new homes within the Fir Trees development.

***“use building elements to link different properties such as garages or canopies..”*** (Ref: page 59) And they do. The use of garages on the front 2 dwellings, creates a link between the properties and creates semidetached properties in keeping with this guidance.

With a red sandstone wall to link the new homes to the adjoining sites and stone pillars for a real sense of arrival...I'm home; Feature gables provide a further link between the existing gable of **Seabreeze** and the double gable window feature of **Briarbank**, generous garden grounds, a mature site, open sea views, and direct access to active travel and transport links. What a wonderful addition to the local Lamlash seafront.

(Ref: NAC LDP2.Spatial Strategy: Strategic Policy 1)

***“ We recognise that for island and rural communities we have to be more flexible to ensure they can grow and thrive”***

Given that the proposals accord with all the above Council guidance, you must uphold this appeal.

Regards,

## LETTER OF SUPPORT

Committee Services  
North Ayrshire Council  
Cunninghame House  
Irvine KA12 8EE

I support this appeal for Planning Permission Reference: 20/000/10 PP Fir Trees.

Planning Officer in the Report of Handling Analysis states:

*"..the site appeared to be more suitable for two houses rather than three..."* (Ref: page 6)

### **This proposal is not Overdevelopment nor is it Backland development**

- **12%** Density of development **FIR TREES**
- **20%** Density of development **Kinneil Park Section 1**
- **25%** Density of development **Kinneil Park Section 2**
- **25%** Density of development **Brathwick Place, Brodick**

- *In the Report of Handling, The planning officer states **"the properties will have reasonable garden grounds"**.*

At 12% development density and with a minimum 600M2 plot size, they are surely a little more than ***"reasonable garden grounds"*** and not a description one would associate with overdevelopment.

- NAC Neighbourhood Guidance Settings (Ref: page 60). ***"provide an appropriate relationship between property and plot size" .."so that newer properties reflect the scale of their neighbours"***

The layout and design of the proposed development quite clearly accords with the above guidance and provides great family homes with generous garden grounds. They are scaled to reflect the neighbouring dwellings.

- NAC LDP2 Strategic policy 2: Placemaking, (Ref: page 19) ***"the proposal draws on the positive characteristics of the surrounding area..."***

The Fir Trees development has been designed to retain the amenity of the neighbouring properties and would therefore not be out of character with other homes within the locale. The scaled replication of the gable feature on Seabreeze, will allow the proposed design to link with both Seabreeze and Briarbank on the other side.

Overdevelopment?.....12% density. Backland?..... a brand new site, a tiered holistic design.

**NAC planning service have refused the application, by clearly ignoring their own planning guidelines.** Three homes with generous garden grounds, homes that will generate employment; homes for working from and homes that meet a need.

Regards,

21<sup>st</sup> July 2020

Planning Application:  
20/00010/PP  
Fir Trees

Dear Ms Clancy

Thank you for your letter dated 17 July 2020 which I received yesterday.

I still feel that this development is inappropriate, and permission should be refused again on review.

I consider the reference to COVID 19 to be cynical and tasteless. Perhaps it would provide more economic stimulus if we turned Lamlash into Torremolinos and built a bridge to Holy Isle while we are at it.

On a basic point the revised application does not address concerns about sewerage: it seems to say, just give me permission and someone else can sort that out later.

The whole approach to the updated application is reductionist: by trying to provide smart rejoinders to the points raised by the NAC in its refusal it fails to address the fundamental concern that the development as a whole is absolutely out of keeping with Council guidance.

It is debateable whether the inevitable usage of the properties in this development for short term letting is in point. Equally, however, the references to bringing "families to the community" (I am trying hard not to think of the theme tune from the Waltons) are irrelevant and indicative of the manipulative underpinnings of the revised application. Lamlash has very many recently built unsold houses either empty or out for let. They are not within the price range of the many young families who want to come to or stay on Arran. They are likely to be significantly cheaper than all three properties in this proposed over development.

The bottom line is that this development will be for holiday letting and potentially AirBnB and that will exacerbate the serious risks around the hugely dangerous junction onto a very busy road near the problematic bend into the village. "The owners cannot be responsible for potential errant cyclists": this unfortunate phrase should give the Review Body additional cause for reflection on this overdevelopment.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** PA 20/00010/PP Fir Trees Lamlash  
**Date:** 24 July 2020 11:15:57

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\*\*\* This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. \*\*\*

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Dear Ms Clancy,

Thank you for your letter of 17<sup>th</sup> July notifying me of the applicant's submission of a Notice of Review.

As far as I am concerned, as an objector to the original proposal, my representations also still stand.



**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Planning application 20/00010/PP Firtrees  
**Date:** 03 August 2020 12:52:40

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\*\*\* This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. \*\*\*

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Hi

Thank you for your letter advising of the request for a review.

I would simply like to reiterate my concerns as previously lodged in respect of the original application. The planning department made the correct decision to reject the application as it currently stands and I hope this is upheld at review.

Regards

## COMMENTS ON REPRESENTATIONS

We have read through the further representations and would now comment as follows:

We would contest that NAC Planning Service have:

- Contradicted their own policies and design guidance.
- Blatantly refused to acknowledge and accept the clear design examples of neighbouring properties.
- Not acknowledged that the proposals enhance and replicate the existing Settlement Pattern of tiered development .



- **Erroneously quoted misleading references:** -18.00M to a boundary fence 'excessive overview"  
-Dominant Gable on neighbouring Seabreeze to rear
- **Been inconsistent and disingenuous in their interpretation and application of Planning Policies.**
- **Been inconsistent and dissonant by the granting of planning permission to other recent examples highlighted in the Design Statement, and the Notice of Review Statement.**  
(Kinneil Park, Marine House, Claveron, & Brathwic Place)
- **Set clear and unequivocal precedents by the granting of other planning consents.** Where separating distances are much less than 18.00M

**It is therefore now wholly unacceptable and indeed a travesty to have refused planning permission for this proposal.**

**It clearly accords with planning policy, which other recent examples granted permission do not.**

- **FIR TREES:** Centrally located, safe direct access for pedestrians on foot, on bike and by bus.
- **FIR TREES:** Safe & Pleasant: creating a pleasant positive 'sense of place' by creating visual amenity
- **FIR TREES:** Outwith the Lamash Conservation Area.



- **FIR TREES:** Distinctive, drawing upon the positive characteristics of the area including spaces and scales, street & building forms to create a 'sense of identity'.
- **FIR TREES:** Respects the established Building Line determined by its neighbours.
- **FIR TREES:** Respects and reinforces the existing Local Settlement Pattern
- **FIR TREES:** Replicates the historic tiered Development Pattern.
- **FIR TREES:** Delivers a very low development density of 12%.
- **FIR TREES:** Provides outstanding residential amenity and levels of privacy.  
(While maintaining informal surveillance by neighbours)
- **FIR TREES:** Provides a substantial 31.5M separating distance between windows.  
*"Any windows at a distance of 18M or more will not be considered to be adversely affected through loss of privacy"* (Ref, [www.gov.scot](http://www.gov.scot))
- **FIR TREES:** Neighbour to Kinneil Park development of 12No. dwellings. where 13.0M has been accepted as separating distance.
- **FIR TREES:** Nearby Claveron Ref No 19/00399/PP where 12.0M to a Grade B Listed Building has been accepted as separating distance.
- **FIR TREES:** 34 No. new houses at Brathwic Place in Brodick where 16.5M has been accepted as separating distance

**This highlights that the Planning Service is inconsistent and disingenuous with the interpretation of policy and decision making.**



- **FIR TREES:** Right next door to **SEABREEZE**, a **distinctive** and striking 'gable on' dwelling granted planning consent in 2015.

Planning Ref No. **15/00537/PP** The **Report of Handling** states:

*"There is a mixture of house designs along this stretch of Shore Road.... the dwelling house (Seabreeze) would be of a relatively modern design incorporating a significant amount of glazing to the front, which would be acceptable."* (Pge 7 Para 4)

*"It is considered that the dwelling house (Seabreeze) has been designed to retain the amenity of the neighbouring properties and would not be out of character with the other dwelling houses within the area, it is therefore considered that the design of the dwelling house and the external finishes of render, timber cladding and slate would be acceptable."* (Pge 7 Para 5)

*"Accordingly, it is considered that the proposal would accord with the relevant criteria of the general policy of the LDP, Conditional Planning can therefore be granted"* (Pge 7 para 8)



Seabreeze Neighbouring property 'dominant gable as a prominent feature'



Seabreeze Kinnell Park dominant gable frontage

These design features were deemed to be acceptable then, retaining the amenity of the neighbouring properties.

Why does the same Planning Service now blatantly ignore this neighbouring dwelling and the earlier Report of Handling and not recognise Seabreeze as setting a clear and unequivocal precedent, and a good distinctive example of neighbouring modern design providing a positive characteristic that should now be replicated.

This clearly shows that the Planning Service is being inconsistent, and disingenuous with its interpretation of policy and decision making.

North Ayrshire Council Planning Service in the grounds for refusal state that the proposal would be contrary to Strategic Policy 2: Placemaking

Far from being contrary to Strategic Policy 2: Placemaking, **we would contest that the proposals embrace the content and ethos of all 6 No qualities of a successful place.**



## We would highlight that the proposals do:

- **Reflect the positive characteristics of the surrounding landscape, topography and built form** by respecting and reinforcing the existing historic settlement pattern of tiered development created by the existing topography, and by respecting the existing build lines and creating a very low development density.
- **Reflect the distinctive character of the place in which it would be located** by replicating the positive design feature of the glazed gable and character of the neighbouring property **Seabreeze** . creating and establishing a real sense of place.
- **Would not constitute backland development layout.** This is all new build on an empty site, The holistic approach to the overall layout ensures prime locations, aspect and amenity for all 3 No. proposed dwellings.
- **Would not be detrimental to visual amenity** The coastal setting, the large areas of glass and weatherboard finish redolent of coastal design, will enhance the visual amenity of the area and be a positive addition to the Lamlash sea front.
- **Would not be detrimental to residential amenity by excessive overlooking to the detriment of privacy and residential amenity** there is a substantial 31.5M separating distance between the proposed dwellings ensuring outstanding residential amenity and privacy.

***“Any windows at a distance of 18.00M or more will not be considered to be adversely affected through loss of privacy”*** (Ref, [www.gov.scot](http://www.gov.scot))



*The plans clearly show a generous layout with easy access, good garden grounds and external circulation.*

*The proposed development picks up on and reinforces the historic settlement pattern.*

*The proposals do reflect the positive characteristics of the surrounding landscape and built form.*

*The proposals do reflect the distinctive character of the place in which it will be located.*

*The proposals will enhance the visual amenity of the area and be a positive addition to the Lamlash sea front.*

*The proposals create a high degree of residential amenity and privacy while retaining neighbour interaction.*

**For the Planning Service to:**

**Suggest that the residential amenity of the proposed development will be impacted by “excessive overview” with a separating distance on 31.5M is both contentious and wilfully misleading.**

*“any windows at a distance of 18.00M or more will not be considered to be adversely affected through loss of privacy” [www.gov.scot](http://www.gov.scot)*

**Not recognise the neighbouring Seabreeze as a distinctive character is inconsistent and contradicts their earlier Report of Handing.**

**Not recognise that the proposed layout respects and reinforces the existing Settlement Pattern is unacceptable and wrong.**

**Not accept the neighbouring residential developments as setting a clear and unequivocal precedent is blatantly wrong**

**Not accept the proposal as ‘DISTINCTIVE’ and ‘SAFE & PLEASANT’ is again misleading and frankly beggars belief.**

**It can therefore be clearly shown that the planning Service have been misleading, inconsistent, contradictory and unprepared to accept the facts as they are in their determination of this application, particularly when viewed against earlier planning consents granted for neighbouring properties.**

**We respectfully request that you uphold this appeal and overturn the earlier decision.**

iCAD  
FIR TREES 1918  
August 2020



## NORTH AYRSHIRE COUNCIL

2 September 2020

### Local Review Body

<b>Title:</b>	<b>Notice of Review: 20/00023/PP - 67 - 71 Dockhead Street, Saltcoats</b>
<b>Purpose:</b>	To submit, for consideration of the Local Review Body, a Notice of Review by the applicant requesting the amendment of Condition 5 of planning permission 20/00023/PP.
<b>Recommendation:</b>	That the Local Review Body considers the Notice of Review.

### 1. Executive Summary

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

### 2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 20/00023/PP – Siting of 5 no. modified shipping containers for use as retail and hot food units, to include the erection of a glazed overhead canopy at 67 - 71 Dockhead Street, Saltcoats.
- 2.2 Planning permission was granted by officer's subject to conditions. Condition 5 states:
- "That the siting of the shipping containers at this location shall be limited to a period of 5 years from the date of the decision. Upon the expiry of the consent, the containers and all associated infrastructure, including the roof canopy, shall be removed and the site restored to its former condition to the satisfaction of North Ayrshire Council as Planning Authority."*
- 2.3 The Notice of Review is seeking to amend the time limit on this condition of 5 years.
- 2.3 The following related documents are set out in the appendices to the report: -
- Appendix 1 - Notice of Review documentation;
  - Appendix 2 - Report of Handling;
  - Appendix 3 - Location Plan; and

### **3. Proposals**

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

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

#### **Financial**

4.1 None arising from the recommendation of this report.

#### **Human Resources**

4.2 None arising from the recommendation of this report.

#### **Legal**

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

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

4.4 None arising from the recommendation of this report.

#### **Environmental and Sustainability**

4.5 None arising from the recommendation of this report.

#### **Key Priorities**

4.6 None arising from the recommendation of this report.

#### **Community Benefits**

4.7 None arising from the recommendation of this report.

### **5. Consultation**

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and none were received.

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

**Background Papers: 0**

# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)

Name

MAGON + CO.

Address

11-13 DUNDEE ST  
GLASGOW G1 1AA

Contact

Contact

Fax

E-mail

## Agent (if any)

Name

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be through this representative: ☐

Yes

No

\* Do you agree to correspondence regarding your review being sent by e-mail?

☒

☐

Planning authority

NORTH Ayrshire Council

Planning authority's application reference number

20/00023/PP.

Site address

67-71 DOCKHEAD ST SALTCOATS KA21 5ED

Description of proposed development

SITTING OF 5 MODIFIED SHIPPING CONTAINERS  
RETAIL AND HOT FOOD USE WITH GLAZED CANOPY

Date of application

10 JAN 2020

Date of decision (if any)

5 MARCH 2020

**Note:** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.



**Nature of application**

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☒

**Reasons for seeking review**

1. Refusal of application by appointed officer ☐
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☒

**Review procedure**

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☐
4. Assessment of review documents only, with no further procedure ☒

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

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

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/>            | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE REVIEW CONDITION 5. WE ARE INVESTING £150,000 ON THE ENTIRE PROJECT, WHICH WILL PROVIDE AN OPPORTUNITY TO ATTRACT MORE TRADE TO THE TOWN.

THE CURRENT 5 YEAR TERM WOULD NOT ATTRACT BUSINESSES AS THIS DOES NOT ALLOW FOR ANY LONG TERM STABILITY.

THIS PROJECT IS THE ONLY VIABLE OPTION FOR LANDSBURGH TRINITY CHURCH TO BECOME OF SOME USE. THIS WILL ONLY RESULT IN ANOTHER EMPTY BUILDING WITHIN THE TOWN CENTRE.

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

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Note: The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☐ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☐ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

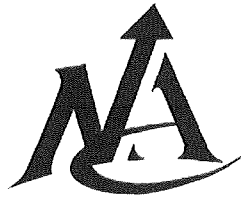
**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

10-3-2020



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

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

No N/20/00023/PP

(Original Application No. N/100223958-001)

**CONDITIONAL PLANNING PERMISSION**

**Type of Application: Local Application**

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

**To : Magon & Co Fao Kamal Magon**

With reference to your application received on 14 January 2020 for planning permission under the above mentioned Acts and Orders for :-

Siting of 5 no. modified shipping containers for use as retail and hot food units, to include the erection of a glazed overhead canopy

at 67-71 Dockhead Street  
Saltcoats  
Ayrshire  
KA21 5ED

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby grant planning permission, in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject to the following conditions and associated reasons :-

- |           |    |   |
|-----------|----|---|
| Condition | 1. | That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details and/or samples of the proposed external finishes. For the avoidance of doubt, the shipping containers shall be painted a dark grey colour. Thereafter, the development shall be implemented in accordance with such external finishes as may be approved, all to the satisfaction of North Ayrshire Council.   |
| Reason    | 1. | In the interest of the visual impact of the proposal on the amenity and character of the surrounding area.  |
| Condition | 2. | That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details and/or samples of the proposed roller shutters to be installed. For the avoidance of doubt, the housing for all roller shutters within the development shall be concealed and recessed (or flush fitted) to the external face of the containers. The shutters shall have an open lattice design. Thereafter, the development shall be implemented in accordance with such roller shutters as may be approved, all to the satisfaction of North Ayrshire Council. |

- |           |    |   |
|-----------|----|---|
| Reason    | 2. | In the interest of the visual impact of the proposal on the amenity and character of the surrounding area.  |
| Condition | 3. | That, for the avoidance of doubt, the canopy shall be erected over the containers prior to any of the units becoming operational in accordance with the plans hereby approved to the satisfaction of North Ayrshire Council as Planning Authority.  |
| Reason    | 3. | In the interest of the visual impact of the proposal on the amenity and character of the surrounding area.  |
| Condition | 4. | That the units hereby approved shall be used only for purposes falling within Class 1 or Class 2 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any subsequent order which re-enacts its provisions, unless North Ayrshire Council as Planning Authority gives consent to any variation.   |
| Reason    | 4. | To define the scope and limits of the planning permission in order to safeguard the amenity of the area.  |
| Condition | 5. | That the siting of the shipping containers at this location shall be limited to a period of 5 years from the date of the decision. Upon the expiry of the consent, the containers and all associated infrastructure, including the roof canopy, shall be removed and the site restored to its former condition to the satisfaction of North Ayrshire Council as Planning Authority. |
| Reason    | 5. | In recognition of the temporary nature of the development.  |

Reason(s) for approval 1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

Dated this : 5 March 2020

.....  
for the North Ayrshire Council



## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

<b>Reference No:</b>	20/00023/PP
<b>Proposal:</b>	Siting of 5 no. modified shipping containers for use as retail and hot food units, to include the erection of a glazed overhead canopy
<b>Location:</b>	67-71 Dockhead Street, Saltcoats, Ayrshire, KA21 5ED
<b>LDP Allocation:</b>	Town Centre/Retailing
<b>LDP Policies:</b>	SP1 - Towns and Villages Objective / Strategic Policy 2 / Detailed Policy 3 - Town Centres & Retail / Detailed Policy 10 - Listed Buildings /
<b>Consultations:</b>	Yes
<b>Neighbour Notification:</b>	Neighbour Notification carried out on 14.01.2020 Neighbour Notification expired on 04.02.2020
<b>Advert:</b>	Setting of Listed Building Published on:- 22.01.2020 Expired on:- 14.02.2020
<b>Previous Applications:</b>	96/00681/LBC for Removal of 8 stained glass window panels Approved subject to Conditions on 09.12.1996 06/01135/PP for Change of use from church to form (a) shop; and (b) cafe and hot food takeaway (retrospective) Application Refused on 20.06.2007 15/00416/PP for Change of use from class 1 to class 10 Approved with no Conditions on 18.09.2015

### Appeal History Of Site:

### Relevant Development Plan Policies

SP1 - Towns and Villages Objective  
Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within

the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

## 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 3 -Town Centres & Retail

### Policy 3:

#### Town Centres and Retail

Our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns.

In principle, we will support development in our network of centres shown in schedule 6 where it would be of a scale appropriate to that centre.

For development that has the potential to generate significant footfall, we will support proposals that have adopted a town centre first sequential approach. This includes retail and commercial leisure uses, offices, community and cultural facilities and where appropriate, public buildings such as education and health facilities. We will require that locations are considered, and a reasoned justification given for discounting them, in the order of preference:

- o Town centres (as defined in Strategic Policy 1).
- o Edge of town centres.
- o Other commercial centres (as defined above).
- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they intend to serve. We recognise that for some uses, such as sports centres and schools, a town centre location may not always be the appropriate location for them, particularly where sports pitches are part of the proposal.

When a development is proposed within our Network of Centres, we will support proposals which positively contribute to:

- o The role and function of the centre within the network, including by addressing an identified opportunity.
- o Quality of character and identity that creates a shared sense of place for users, visitors and residents
- o Community well-being, including by supporting the integration of residential uses and by enhancing links with surrounding residential areas and tourist attractions via the road and path network with associated blue & green network.
- o Vitality, viability and vibrancy of the centre, supporting it as a place for business to locate, expand and flourish by enhancing and diversifying the mix of uses including supporting economic and social activity.
- o Our important retail streets/areas (as described in schedule 6 and in our Town Centre Audits), recognising the fragile nature of some of our retail areas.
- o Accessibility of the town centre including considering the location of regular rail and bus routes.

In principle, we will also support proposals which align with town centre strategies and we will continue to encourage other regeneration initiatives, such as Conservation Area renewal projects, which improve the quality, accessibility and perception of town centre environments.

## Detailed Policy 10 - Listed Buildings

### Policy 10:

#### Listed Buildings

We will support proposals for the re-use and restoration of a Listed Building where the special architectural or historical interest of the building is preserved and enhanced. This can include the restoration of original features which have previously been lost due to development or demolition. The layout, design, materials, scale, siting and use of any development affecting a Listed Building or its setting should be appropriate to the character and appearance of the listed building.

Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

There is a presumption against the demolition of Listed Buildings and will only be supported in the following exceptional circumstances:

- i) The building is not of special interest; or
- ii) The building is incapable of repair and reuse through the submission and verification of a thorough structural condition report produced by a qualified structural engineer; or
- iii) The repair of the building is not economically viable, and it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period; or
- iv) The demolition of the building is essential to delivering significant benefits to the wider community economically, socially or environmentally

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## Description

This application (as amended) seeks planning permission for the siting of 5 no. modified shipping containers for use as retail and/or hot food units, to include the erection of a glazed overhead canopy. The application indicates that the proposal would operate under the name "Trinity Arcade". The proposal would occupy the forecourt area to the front of a church building, setback from the building line on a pedestrianised street. The shipping containers would line either side of the forecourt area, facing inwards to create an internal courtyard leading up to the church entrance door with the glass canopy overhead. The proposal, including the covered canopy area, would have a footprint of approx. 125.159sqm and would continue the established building line on Dockhead Street. The shipping containers would each measure 6m x 2.4m on plan and 2.6m to the highest point, with the exception of one container which would measure 6m x 3.2m. The glass canopy would have a curved shape, measure 3.45m to the highest point. The shipping containers would face lengthways onto the street, with glazed sections and shop signage above, connected by 2 no. glazed doors opening into the internal courtyard with adjacent glazed panels and further signage above. Roller shutters are proposed over the glazed sections and would be concealed and recessed with an open lattice design. To the internal courtyard elevations, the shipping containers would face inwards, modified with glazed frontages and signage above. Gate access for maintenance and night access is proposed to the rear of the courtyard area.

The application site is located at 67-71 Dockhead Street, Saltcoats. The existing building is the former Landsborough and Trinity Church building located on the north side of Dockhead Street in Saltcoats Town Centre. The building is a Category C Listed Building. The proposal relates to the forecourt area to the front of the church which is currently hard surfaced with concrete slabs, with planters and trees to either side. The trees were recently removed from the site at the time of the application. The forecourt area is connected to a slightly raised area above Dockhead Street, accessible by steps and ramps and flanked by sculpted metal columns. The site is surrounded by a mix of single, two and three storey buildings comprising mainly of commercial properties. To the rear of the site the former church hall is used as a soft

20/00023/PP



play area which is surrounded by a town centre car park, accessible from Vernon Street and Chapelwell Street.

Planning permission was approved in 2015 (ref. 15/00416/PP) for the change of use of the former church building from class 1 to class 10. This permission was not implemented, and has since lapsed. In addition, planning permission was refused in 2007 (ref. 06/01135/PP) for change of use from church to form (a) shop; and (b) café and hot foot takeaway (retrospective). Listed building consent was approved subject to conditions in 1996 (ref. 96/00681/LBC) for removal of 8 stained glass window panels.

The application site is within Saltcoats town centre in terms of the Adopted Local Development Plan (LDP) and therefore the Town and Villages Objective of Strategic Policy 1 (Spatial Strategy) applies. The application also requires to be assessed against Policy 3 (Town Centres and Retail), Policy 10 (Listed Buildings), and Strategic Policy 2 (Placemaking).

### **Consultations and Representations**

Neighbour notification was carried out for this application in accordance with statutory procedures and the application was advertised in the local press. One comment objecting to the planning application was received. The points raised are summarised below:

1. The proposal is unwelcome as it will spoil the location, produce even more litter than at present and will affect trade for existing providers of food and drink, which is already more than adequate. There are many vacant properties in both Dockhead Street and Hamilton Street which are an eyesore and would be better used for these units than containers.

Response: Noted. However, litter and competition between similar types of businesses in town centre locations are not material planning considerations. Issues relating to the appearance of the proposal and vacant properties in the surrounding area are addressed below.

Consultations:

Environmental Health - no objections to the development subject to the condition that the hot food units must be capable of operating without causing nuisance to neighbouring properties due to cooking odours or noise.

Response - Noted.

Scottish Water - no objection to this planning application. Further advice for the applicant provided.

Response - noted.

Estates - Confirmed that the site is non-NAC owned and that the pedestrianised area of Dockhead Street is an adopted roads area forming a straight, continuous boundary in line with the frontages of the neighbouring buildings.

Response - Noted. Amendments were sought and achieved to exclude the adopted roadway/footway from the area to be developed. A consequence of this amendment 20/00023/PP

was the reduction of the number of units from 7 to 5, with no units projecting beyond the established building line of Dockhead Street.

Saltcoats Community Council - Concern regarding the number of existing vacant shops, near the proposed planning location. It is considered that there is no benefit in introducing more retail units to the town when there is so many vacant premises. Concern regarding the proposed hot food units and potential damage to trade of existing food retailers within the town. Concern regarding the adverse impact to the character of the town.

Response - Noted. Concern regarding existing vacant shop premises in the town centre is acknowledged. However, it is considered that the proposal offers an opportunity for new/small business to occupy small (mostly 14 square metres), readily adaptable units in a "pop-up" or "start-up" capacity on under-utilised town centre land adjacent to the established pedestrianised area of Dockhead Street. The applicant considers that a small number of such units in Saltcoats would be better suited to the needs of small start-up ventures than conventional retail units, which typically have larger floor space. There are currently no similar opportunities in Saltcoats. It should also be noted that the number of the proposed units was reduced from 7 to 5, as discussed above. The total floor space to be provided would therefore be approximately 76 square metres, which would not be a significant amount in the context of Saltcoats town centre.

Regarding potential damage to trade of existing food retailers, competition between businesses is not a material planning consideration and the Planning Authority would not seek to reduce competition. Nonetheless, given the anticipated use of the units by small/new businesses, and the very limited amount of new floorspace provided, it is not considered that there would be an adverse impact to existing businesses within the town centre.

In terms of any adverse impact to the character of the town, it is agreed that the proposal in its original form would have had an adverse visual impact in relation to the established building line of Dockhead Street. Amendments were sought, resulting in a reduction in the number of proposed units in order to continue the established building line of the street. Furthermore, the shipping containers are to be modified, including glazing and signage to the front and a curved glass canopy above, forming a covered arcade. It is considered that these design changes would make the visual impact of the proposal suitable for a town centre location without causing significant adverse impacts on the setting of the category C listed building to the rear. The applicant has provided evidence of several successful examples of shipping containers being converted for use as retail units, most notably 'BOXPARK' in London.

Active Travel and Transport (Roads) - no transport related objection to the proposal.

Response - Noted.

## **Analysis**

In principle, the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) supports the social and economic functions of town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority. The application therefore falls to be assessed against the relevant policies of the LDP; Policy 3 (Town Centres and Retail), Policy 10

(Listed Buildings), and Strategic Policy 2 (Placemaking) which identifies certain qualities of a successful place which all applications for planning permission are expected to meet.

Located within Saltcoats Town Centre as identified in the LDP, it is considered that the proposed retail use of the units is appropriate for this location. The proposal has the potential to generate footfall and as such aligns with the town centre first sequential approach. The unique use of shipping containers would offer opportunities for a mix of small and new/emerging businesses to occupy a small-scale retail unit in a "pop-up" or "start-up" capacity, supporting Saltcoats Town Centre as a place for businesses to locate and grow.

In terms of Policy 10 (Listed Buildings), it is considered that the architectural/historical interest of the Category C Listed Building to the rear of the proposal would be preserved. Whilst the siting of the proposal within the forecourt of the Listed Building would indeed affect its setting, it is considered that any negative effects on the character or setting of the Listed Building would not be significant given the modest scale and temporary nature of the proposal in relation to the shipping containers, which are temporary structures and easily moveable. Furthermore, it should be noted that the proposal has potential benefits for economic growth and would connect and provide access from Dockhead Street, facilitating the re-use of the Listed Building.

The proposal would be readily visible from public viewpoints in the surrounding area. The original proposal was for 7 no. shipping containers which would have projected approx. 1.9m forward of the building line of the Street and onto the adopted road area. However, amendments were sought and achieved to bring the proposal back, reducing the number of shipping container units from 7 to 5, maintaining the established building line of Dockhead Street and significantly reducing the visual impact of the proposal on the surrounding area.

Given the mix of single, two, and three storey buildings in the area, it is considered that the modest height of the proposed units would be appropriate to the mix of building scales and forms in the surrounding area. Even when the curved roof canopy is taken into account, the overall height of the proposal would be low enough to ensure that the skyline of Saltcoats Town Centre and views of the Category C Listed Building to the rear would be maintained when viewed from street level. The proposal would adjoin and provide access to the church building, making more productive use of the forecourt area to the front of the building which is currently vacant and underused.

The proposed modifications to the shipping containers (including the glazed frontages and sections, signage, and the overhead curved glass canopy) would soften the appearance of the shipping containers and provide active frontages onto Dockhead Street. The proposed roller shutters would be concealed and recessed with an open lattice design, complying with the Council's approved Shopfront Design Guidance (dating from May 2016). Whilst no details were submitted regarding the proposed colour of the shipping containers, the drawings suggest that they would be grey. It is considered that a dark grey colour would be appropriate to the area, since it is a neutral colour and unlikely to result in adverse visual impacts. Conditions could be added to the consent requiring that prior to the commencement of the development, details and/or samples of the proposed external finishes and roller shutters shall be submitted for written approval.

The resource efficiency of re-using metal shipping containers as retail units should also be noted. The proposal would reduce levels of metal waste and the need for traditional building materials such as bricks and cement.

In terms of amenity, whilst Environmental Health has no objection to the proposal subject to the condition as noted above, it is considered that the proposed use of the units should be restricted to exclude hot food takeaways. There are many existing hot food takeaway and other food outlets in Saltcoats Town Centre area and it is considered that having additional hot food outlets concentrated together at this location would have an adverse impact on the amenity of the surrounding area. A condition could be attached to the consent restricting any hot food use of the units.

Furthermore, the unique use of shipping containers offers the opportunity for small/new businesses to occupy a small-scale Class 1 or Class 2 unit in a "pop-up" or "start-up" capacity. The installation of cooking/kitchen equipment and ventilation systems associated with hot food takeaways would require significant capital investment, the impact of which could deter other types of small business from leasing a unit. There would still be the opportunity for the sale of cold food and hot drinks. By restricting the use of the units to exclude hot food takeaways, the proposal would be adaptable to future users of the site and their needs.

Located within Saltcoats Town Centre and on a pedestrianised area of Dockhead Street, the proposal would be well connected for people travelling by sustainable and active travel choices, such as walking, cycling and public transport. The application site is connected to a slightly raised area on Dockhead Street accessible by stairs and ramps which would ensure that the proposal would be accessible to future users of the site and surrounding area. Active Travel and Transport (Roads) have no transport related objection to the proposal.

Whilst the benefits of the proposed development in terms of providing adaptable small-scale retail units for small/new businesses are acknowledged, the sensitivity of the proposed development and its relationship with the site and surrounding area in terms of its visual impact is also recognised. Planning permission should therefore be granted on a temporary basis of 5 years. After 5 years the applicant would be required to re-apply should they wish to continue siting the containers at this location, which would provide the opportunity for the applicant and the Planning Authority to review the suitability of the proposal at this location.

Based on the above observations, the proposal complies with the relevant policies of the LDP and there are no other material considerations to indicate otherwise. Therefore, planning permission should be granted subject to the conditions as noted above.

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## **Decision**

Approved subject to Conditions

Case Officer - Mr Joe Thompson

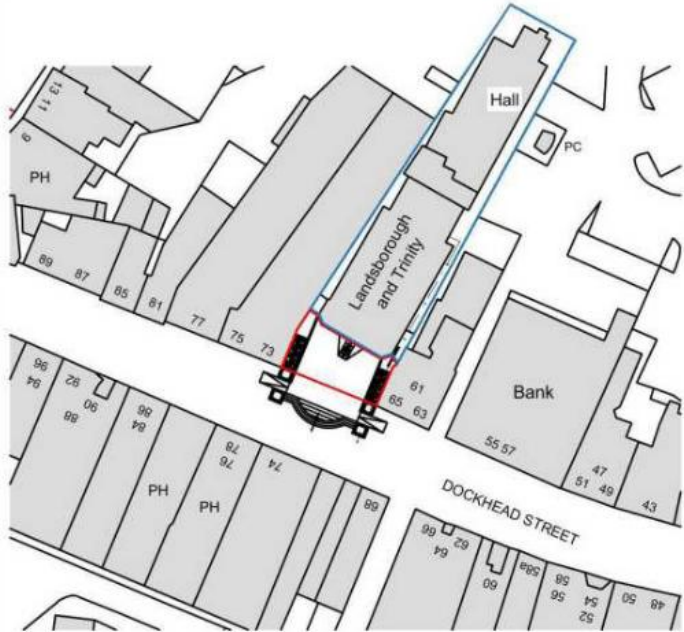
## Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Existing Elevations	AL(00)003	
Existing Elevations	AL(00)004	
Annotated Photos	AL(00)009	
Other	AL(00)010	
Block Plan / Site Plan	AL(00)001	Rev A
Block Plan / Site Plan	AL(00)002	REV C
Proposed Plan	AL(00)005	REV B
Proposed Elevations	AL(00)006	REV B
Proposed Elevations	AL(00)007	REV B
Proposed Elevations	AL(00)008	REV B

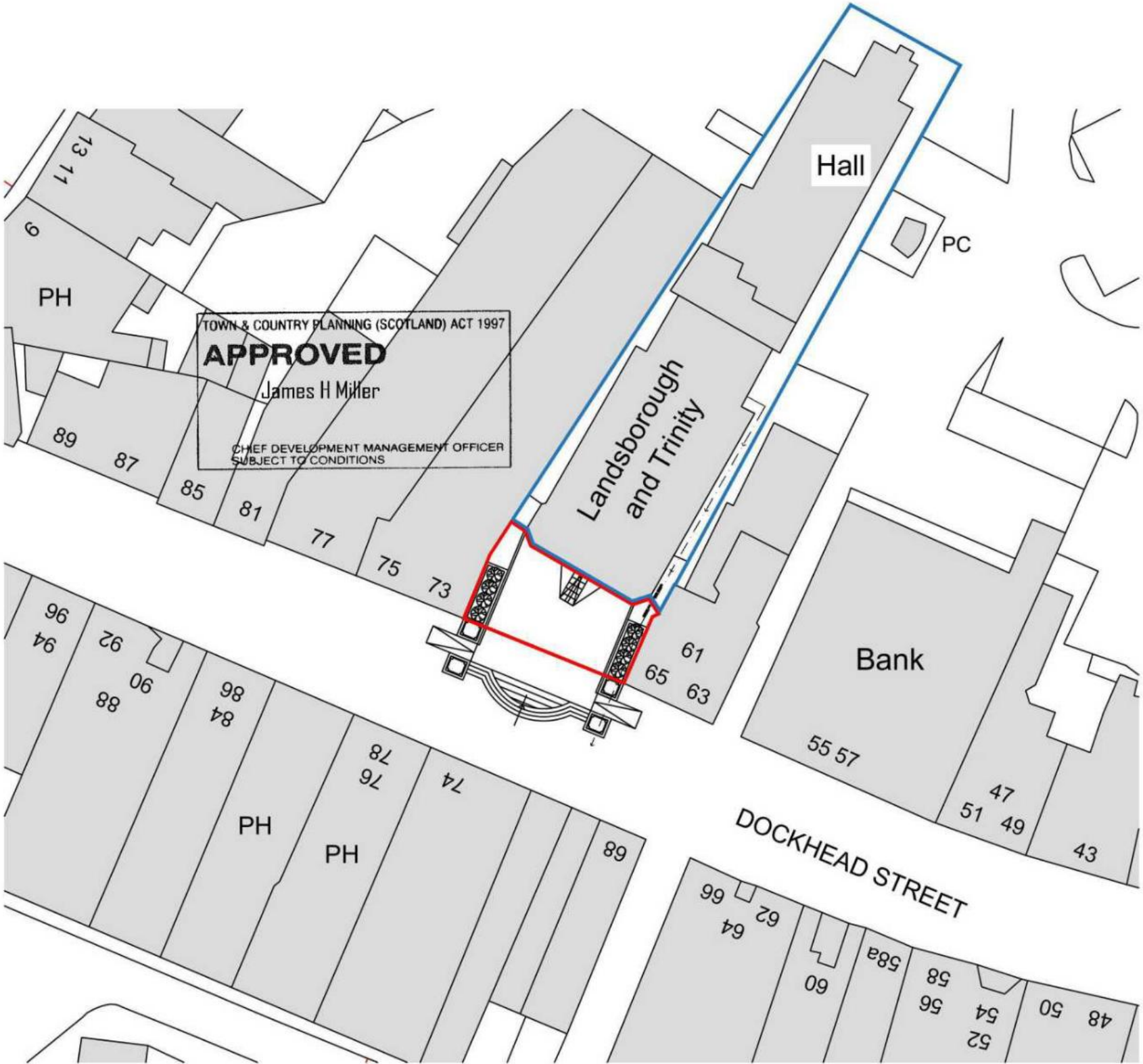


Note: The contractor will be held to have examined the site and determined all dimensions and levels before commencing construction work. No assumption should be made without reference to the architect. No dimensions should be scaled from drawing.

Revision	Description	Date	By
A	BOUNDARIES REVISED AS REQUESTED BY THE LOCAL AUTHORITY	16/01/2020	CK



LOCATION PLAN @ 1:1250



EXISTING BLOCK PLAN @ 1:500



TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997  
**APPROVED**  
James H Miller  
CHIEF DEVELOPMENT MANAGEMENT OFFICER  
SUBJECT TO CONDITIONS

t: 07403 232228  
e: colin@thehomearchitect.co.uk  
www.thehomearchitect.co.uk



Issue for <b>PLANNING</b>		
Client MR KAMAL MAGON		
Project Title TRINITY MARKET, DOCKHEAD STREET, SALTCOATS		
Drawing Title EXISTING LOCATION & BLOCK PLAN		
Scale 1:1250 & 1:500 @ A3	Date 30/12/2019	Job No. A034
Drawn by CK	Checked by CK	Sheet Size A3
Drawing No. AL(00)001		Rev. A



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

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

No N/20/00023/PP

(Original Application No. N/100223958-001)

CONDITIONAL PLANNING PERMISSION

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REGULATIONS 2013

To : Magon & Co Fao Kamal Magon  
c/o The Home Architect Fao Colin Kennedy  
15 James Shepherd Grove  
East Kilbride  
Glasgow  
South Lanarkshire  
G75 8WT

With reference to your application received on 14 January 2020 for planning permission under the above mentioned Acts and Orders for :-

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Reason(s) for approval 1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

Dated this : 5 March 2020

.....  
for the North Ayrshire Council

**Drawings relating to decision**

<b>Drawing Title</b>	<b>Drawing Reference</b>	<b>Drawing Version</b>
Existing Elevations	AL(00)003	
Existing Elevations	AL(00)004	
Annotated Photos	AL(00)009	
Other	AL(00)010	
Block Plan / Site Plan	AL(00)001	Rev A
Block Plan / Site Plan	AL(00)002	REV C
Proposed Plan	AL(00)005	REV B
Proposed Elevations	AL(00)006	REV B
Proposed Elevations	AL(00)007	REV B
Proposed Elevations	AL(00)008	REV B

(See accompanying notes.) (The applicant's attention is particularly drawn to note 5 (limit of duration of planning permission))



**NOTIFICATION OF INITIATION OF DEVELOPMENT**

**Please return notice when you intend to commence development**

5 March 2020

TO:

Enforcement Officer  
 Planning Services  
 Cunninghame House  
 Irvine  
 North Ayrshire  
 KA12 8EE

Our Ref: N/20/00023/PP

**Decision:** Approved subject to Conditions

**Decision Date:** 5 March 2020

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE
		The Home Architect Fao Colin Kennedy 15 James Shepherd Grove East Kilbride Glasgow South Lanarkshire G75 8WT

**Description of Development:** Siting of 5 no. modified shipping containers for use as retail and hot food units, to include the erection of a glazed overhead canopy

**Location of Development:** 67-71 Dockhead Street Saltcoats Ayrshire KA21 5ED

Date when work commences: \_\_\_\_\_

Signed: \_\_\_\_\_

Applicant/Agent\* \_\_\_\_\_

\* Delete where applicable

**Please read the following and retain for your information.**

1. Work must be carried out in accordance with the relevant docquetted plans and any conditions on the decision notice.
2. A grant of Planning Permission does not authorise work under the Building (Scotland) Act 2003.
3. A separate Building Warrant may be required. Please contact (01294) 324348 to ascertain the need for a warrant.
4. Should the docquetted plans not correspond with what you intend to construct/build, you must seek the Authority of the Council before proceeding.
5. If the development you intend to undertake is either a national or major development and of a type specified in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 you will be required to display a site notice.





**NOTIFICATION OF COMPLETION OF DEVELOPMENT**

**Please return notice when you have completed the development**

5 March 2020

TO:

Enforcement Officer  
 Planning Services  
 Cunninghame House  
 Irvine  
 North Ayrshire  
 KA12 8EE

Our Ref: N/20/00023/PP

**Decision:** Approved subject to Conditions

**Decision Date:** 5 March 2020

DETAILS OF APPLICANT AND/OR DEVELOPER	DETAILS OF OWNER	DETAILS OF AGENT IF APPLICABLE
		The Home Architect Fao Colin Kennedy 15 James Shepherd Grove East Kilbride Glasgow South Lanarkshire G75 8WT

**Description of Development:** Siting of 5 no. modified shipping containers for use as retail and hot food units, to include the erection of a glazed overhead canopy

**Location of Development:** 67-71 Dockhead Street Saltcoats Ayrshire KA21 5ED

Date when works complete: \_\_\_\_\_

Signed: \_\_\_\_\_

Applicant/Agent\* \_\_\_\_\_

\*Delete where applicable

**Please read the following and retain for your information.**

1. Work must have been carried out in accordance with the relevant docquetted plans and any conditions on the decision notice.
2. A grant of Planning Permission does not authorise work under the Building (Scotland) Act 2003.
3. A separate Building Warrant may be required. Please contact (01294) 324348 to ascertain the need for a warrant.
4. Should the docquetted plans not correspond with what you intend to construct/build, you must seek the Authority of the Council before proceeding.
5. If the development you intend to undertake is either a national or major development and of a type specified in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 you will be required to display a site notice.



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

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

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

**FORM 2**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



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## NORTH AYRSHIRE COUNCIL

2 September 2020

### Local Review Body

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**Title:** Notice of Review: 19/00882/PP – Sorbie Farm, Ardrossan, Ayrshire KA22 7NP

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

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

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### 1. Executive Summary

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

### 2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 19/00882/PP Section 42 application to vary condition 2 of planning permission 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m at Sorbie Farm, Ardrossan.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report: -
- Appendix 1 - Notice of Review documentation;
  - Appendix 2 - Report of Handling;
  - Appendix 3 - Location Plan;
  - Appendix 4 - Planning Decision Notice; and
  - Appendix 5 - Further representations from interested parties.

### 3. Proposals

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

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

##### **Financial**

4.1 None arising from the recommendation of this report.

##### **Human Resources**

4.2 None arising from the recommendation of this report.

##### **Legal**

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

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

4.4 None arising from the recommendation of this report.

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

4.5 None arising from the recommendation of this report.

##### **Key Priorities**

4.6 None arising from the recommendation of this report.

##### **Community Benefits**

4.7 None arising from the recommendation of this report.

#### **5. Consultation**

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations.

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

#### **Background Papers**

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# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)  
IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**  
**Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name	<input type="text"/>
Address	<input type="text"/>
Postcode	<input type="text"/>
Contact Telephone 1	<input type="text"/>
Contact Telephone 2	<input type="text"/>
Fax No	<input type="text"/>
E-mail*	<input type="text"/>

## Agent (if any)

Name	<input type="text"/>
Address	<input type="text"/>
Postcode	<input type="text"/>
Contact Telephone 1	<input type="text"/>
Contact Telephone 2	<input type="text"/>
Fax No	<input type="text"/>
E-mail*	<input type="text"/>

Mark this box to confirm all contact should be  
through this representative: ☐

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Planning authority

North Ayrshire Council

Planning authority's application reference number

19/00882/PP

Site address

Sorbie Farm, Ardrossan, KA22 7NP

Description of proposed  
development

Section 42 application to vary condition 2 of planning permission  
18/01061/PP to enable an increase of the consented wind turbine tip height  
from 104.3m to 125m

Date of application

27/11/19

Date of decision (if any)

05/02/2020

**Note:** This notice must be served on the planning authority within three months of the date of the decision  
notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- |  |                                     |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application)   | <input type="checkbox"/>            |
| 2. Application for planning permission in principle  | <input type="checkbox"/>            |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input checked="" type="checkbox"/> |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**Review procedure**

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input checked="" type="checkbox"/> |
| 3. Site inspection  | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Wind farm applications by their nature tend to raise complex and technical specialist issues relating to planning policy, potential effects and potential benefits. A hearing session would allow for a discussion and more exploration around some of these issues. A site visit would allow Members to understand the landscape and visual effects in context.

**Site inspection**

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

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

If Members intend to visit Sorbie Farm then we would request details to notify the landowner

## Statement

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see separate document 'Sorbie Wind Farm\_Review Statement (Feb 20)'

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

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

## List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

The following figures and documents were submitted with the planning application:

- Application Forms
- Covering Letter (19/11/19)
- Planning Statement
- Comparative Environmental Report (Nov 19)
- Comparative Environmental Report LVIA Annexes
- Figure 1.1 Rev A Location Plan
- Figure 1.2 Turbine Elevation
- Figure 1.3 Site Layout
- Figure 1.4 Rev A Woodland Planting Proposals

The following figures and documents are relevant to the planning history of the site:

- 18/01061/PP Decision Notice
- 13/00627/PP DPEA Intentions Letter and Report
- 13/00627/PP Decision Letter from DPEA

**Note:** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

## Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

## Declaration

**I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.**

Signed  Date



Energiekontor – 4330 Park Approach – Thorpe Park – Leeds – LS15 8GB

**Energiekontor  
UK Ltd**

North Ayrshire Council  
Cunningham House  
Irvine  
Scotland  
KA12 8EE

**FAO Anthony Hume**

**19 November 2019**

Our reference:

Dear Sirs

**Submission of a Planning Application by Energiekontor UK Ltd under Section 42 of the Town and Country Planning (Scotland) Act 1997 to Vary Condition 2 of Planning Permission 18/01061/PP  
At Sorbie Farm, North of Ardrossan, KA22 7NP**

On behalf of Energiekontor UK Ltd I hereby enclose a planning application made under Section 42 of the Town and Country Planning (Scotland) Act 1997 relating to the approved Sorbie Wind Farm (Council reference 18/01061/PP). The application is being submitted online via the ePlanning Portal (reference: 100204248-001) and consists of:

- Application forms;
- Planning Statement
- Comparative Environmental Report
- Comparative Environmental Report: LVIA Annexes
- The following plans and drawings:
  - Figure 1.1 Location Plan
  - Figure 1.2 Turbine Elevation
  - Figure 1.3 Site Layout
  - Figure 1.4 Woodland Planting Proposals

An electronic copy of the application will be also be provided in the post due to the large file size of certain documents.

## Application Fee

This planning application follows a previously refused proposal (reference: 19/00306/PP) to increase the wind turbine tip heights at Sorbie Wind Farm. As this is the first such resubmission following this refusal it benefits from a “free go”, and as such no application fee is payable.

## The Planning Application

The planning application seeks to vary the consented Sorbie Wind Farm permission to achieve the following amendments:

- Increase the turbine tip heights from 104.3m to 125m;
- Varying the internal track layout;
- Identification of an area that could be utilised for energy storage in the future, should the technology become commercially available within the operational lifetime of the wind farm. A separate planning application would be submitted in the future to seek detailed consent for the energy storage facility;
- Introduction of new woodland planting on the southern boundary of the Site; and
- Deletion of the approved 65m high permanent anemometer mast.

The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to achieve this tip height increase by varying condition 2 of planning permission 18/01061/PP. Condition 2 currently reads:

*“That, for the avoidance of doubt, all other conditions as set out in Appendix 1 attached to the decision letter of The Scottish Government (ref. AIR-NAY-001) dated 30th November 2015 shall continue to have effect.”*

It is proposed to vary condition 2 to read:

*“That, for the avoidance of doubt, all other conditions as set out in Appendix 1 attached to the decision letter of The Scottish Government (ref. AIR-NAY-001) dated 30th November 2015 shall continue to have effect except for conditions 4 and 7 which shall be amended to read:*

*4. That the turbines shall be erected and the site roads constructed in the locations identified on drawing Figure 1.3 Site Layout, save for the ability to vary these locations by 30m. Any movement greater than 30m would require the written approval of North Ayrshire Council as Planning*

*Authority. Before the turbine bases are concreted, the precise position of the turbines shall be notified to, and approved in writing by, North Ayrshire Council as Planning Authority.*

*7. That no turbines will be erected until details of the model, height, colour and finish of the turbines and of any external transformers, have been submitted to, and approved in writing by, the planning authority. The turbines shall not be illuminated and shall not carry any symbols, logos or other lettering except where required under other legislation. For the avoidance of doubt, the height of the wind turbines to blade tip shall not exceed 125 metres. The development shall be carried out thereafter in accordance with the approved details, unless any changes are subsequently agreed in writing by North Ayrshire Council as Planning Authority."*

Figure 1.2 included with this planning application provides illustrative elevation details of the turbine model now proposed. Figure 1.3 illustrates the proposed wind farm layout, including the identification of an area for energy storage and new planting areas.

### **Context and Addressing the Previous Reason for Refusal**

The planning application follows a previous refusal at Sorbie Wind Farm to vary the turbine tip heights to 125m. This application was refused by the Council in 2019 for the following reason:

*"The proposal would be contrary to the provisions of Local Development Plan Policy PI 9 criterion (a) and (d) and the General Policy of the adopted North Ayrshire Council Local Development Plan in the following ways: It is considered that the degree of change from 104.3m blade tip to 125m blade tip would be substantial and adverse in terms of landscape and visual impacts, especially given the locational context of the site within 2km to the north of the settlement of Ardrossan and in close proximity to the North Ayrshire Lowlands Landscape Character Type, being a landscape of smaller scale. Such a substantial increase in scale would contrast markedly with the turbine design approved in the previous consents, would overwhelm those parts of the North Ayrshire Lowlands Landscape Character Type close to the site and would have an adverse effect on the rural setting of Ardrossan Windfarm, resulting in conflict with the recommendations contained in the Council's Landscape Wind Capacity Study of 2018, all of which would adversely affect landscape character and visual amenity in the locality."*

Changes have been made to this application to address this reason for refusal, including:

- Varying the internal track layout would save 1.24km of new track from being constructed. This equates to 1,860m<sup>3</sup> less aggregate being required to build the wind farm, which improves its overall carbon balance.
- Identification of an area that could be utilised for energy storage in the future, should the technology become commercially available within the operational lifetime of the wind farm. This improves the overall renewable energy benefits of the wind farm.
- Introduction of new woodland planting on the southern boundary of the Site. This will serve to screen views towards the turbines from the closest viewpoints adjacent to the Site, namely views northwards from the A78 which are currently open in the direction of Sorbie Farm.
- Deletion of the approved 65m tall permanent anemometer mast from the development. This would reduce the visual effects of the wind farm development.

A Planning Statement has been prepared to accompany the application. This sets out a range of new supporting information, for example information on the commercial availability of 100m turbines (see Table 1.1), and information on the comparative heights of Sorbie and Ardrossan Wind Farms (see Figures 3.1 and 3.2). The Planning Statement also highlights that the planning policy context for this planning application has changed following the previous refusal. In particular there is a new planning policy within LDP2 for considering wind energy proposals (Policy 29), which is much more supportive and balanced than the policy in the previous LDP (Policy PI 9). The new policy also sets out a different approach to the use of landscape capacity studies, with proposals no longer required to “comply” with such studies. This is important because the landscape capacity study was a principal consideration in the refusal of the previous application.

Taken together these factors are sufficient to warrant a further consideration of larger turbines at Sorbie Wind Farm.

### **Next Steps**

We trust that this information is satisfactory and the application can be validated. If however you require any additional information or there is anything you want to discuss then please do not hesitate to contact me.

Energiekontor UK





Cunninghame House Friars Croft Irvine KA12 8EE Tel: 01294 324 319 Fax: 01294 324 372 Email: [eplanning@north-ayrshire.gov.uk](mailto:eplanning@north-ayrshire.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 100204248-001

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

## Type of Application

What is this application for? Please select one of the following: \*

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☒ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Please give the application reference no. of the previous application and date when permission was granted.

Application Reference No: \*

18/01061/PP

Date (dd/mm/yyyy): \*

11/01/2019

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Submission of a Planning Application by Energiekontor UK Ltd under Section 42 of the Town and Country Planning (Scotland) Act 1997 to Vary Condition 2 of Planning Permission 18/01061/PP

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☐ No ☒ Yes – Started ☐ Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

01/11/2018

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)

Works have been undertaken to implement the planning permission

## Applicant or Agent Details

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

☒ Applicant ☐ Agent

### Applicant Details

Please enter Applicant details

Title:

Mr

You must enter a Building Name or Number, or both: \*

Other Title:

Building Name:

First Name: \*

Michael

Building Number:

Last Name: \*

Briggs

Address 1  
(Street): \*

Company/Organisation

Address 2:

Telephone Number: \*

Town/City: \*

Extension Number:

Country: \*

Mobile Number:

Postcode: \*

Fax Number:

Email Address: \*

## Site Address Details

Planning Authority: North Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1: SORBIE FARM

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement: ARDROSSAN

Post Code: KA22 7NP

Please identify/describe the location of the site or sites

Northing

644638

Easting

224637

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☒ Meeting ☐ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Discussion around requirements for a further application

Title:

Mr

Other title:

First Name:

Anthony

Last Name:

Hume

Correspondence Reference Number:

Date (dd/mm/yyyy):

25/10/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

218.74

Please state the measurement type used:



Hectares (ha)



Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Sorbie dairy farm

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*



Yes



No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*



Yes



No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*



Yes



No

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*



Yes



No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*



Yes



No, using a private water supply



No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☒ Yes ☐ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☐ Yes ☒ No

Is any of the land part of an agricultural holding? \*

☒ Yes ☐ No

Do you have any agricultural tenants? \*

☐ Yes ☒ No

Are you able to identify and give appropriate notice to ALL the other owners? \*

☒ Yes ☐ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B



## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application:

or -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Alan Hogarth

Address:

Sorbie Farm, Sorbie Road, Ardrossan, KA22 7NP

Date of Service of Notice: \*

19/11/2019

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding:

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Mr Michael Briggs

On behalf of:

Date: 19/11/2019

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☒ Yes ☐ No ☐ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13, (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☒ Landscape plan.

☒ Photographs and/or photomontages.

☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Michael Briggs

Declaration Date: 19/11/2019

## Sorbie Wind Farm

Section 42 Application to Vary Tip Height  
from 104.3M to 125M

Planning Statement

November 2019





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## EXECUTIVE SUMMARY

*This Planning Statement has been prepared to support a planning application by Energiekontor UK Ltd ("the Applicant") to vary the consented Sorbie Wind Farm by increasing the tip heights of the wind turbines from 104.3m to 125m, amending the internal track layout, identifying an area for battery storage, providing additional new woodland planting and deleting the 65m high permanent met mast ("the Proposed Development") at Sorbie Farm, Ardrossan ("the Site").*

*Sorbie Wind Farm was previously approved by the Local Review Body (LRB) in 2014 due to non-determination, a decision that was subsequently ratified by Scottish Ministers in November 2015. The wind farm has not been constructed as it is no longer viable.*

*Since Sorbie was designed in 2013 there have been a number of significant changes to the onshore wind market, not least due to the complete removal of public subsidies in the UK. As a result, only one project has been delivered with no public subsidy in the UK (an Energiekontor project in the East Riding of Yorkshire), and despite the abundance of permissions for large schemes in Scotland, nothing has been delivered subsidy-free in the country to date.*

*Due to the site-specific conditions at Sorbie we will be able to deliver Sorbie as a subsidy-free project if we are able to use 125m modern turbines. These would generate an additional 87% of renewable energy compared to the original turbines (which incidentally are no longer available on the market) despite being just 19.8% taller. Sorbie could be the first subsidy-free wind farm in Scotland, providing a positive response from the wind industry to North Ayrshire Council's climate emergency declaration.*

*The scale of the threat we face through climate change is widely acknowledged by governments across the world. The Scottish Government has recently taken the decision to declare a climate emergency, citing the need for the world to act now and deliver transformative change. Everyone has a role to play in this global climate emergency, including businesses and local authorities. Extremely challenging targets have been set for decarbonising the economy: net zero emissions for Scotland by 2045, the most stringent target anywhere in the world. A significant step change in delivery of renewables is required to meet these targets.*

*When the landscape and visual effects that the Proposed Development would give rise to, over and above those of the consented 104.3m turbines, are considered it is clear that the Proposed Development is in accordance with the Development Plan and that planning permission should be granted.*

# 1 INTRODUCTION

## Background

- 1.1 This Planning Statement has been prepared to support a planning application by Energiekontor UK Ltd ("the Applicant") to vary the existing
- 1.2 This Planning Statement sets out the background and context to the Proposed Development before discussing the planning policy context that is relevant to the proposal.
- 1.3 This planning application follows a previous refusal at the Site for an application to vary the turbine tip heights to 125m (reference 19/00306/PP). This application was refused by the Council in 2019 for the following reason:

*"The proposal would be contrary to the provisions of Local Development Plan Policy PI 9 criterion (a) and (d) and the General Policy of the adopted North Ayrshire Council Local Development Plan in the following ways: It is considered that the degree of change from 104.3m blade tip to 125m blade tip would be substantial and adverse in terms of landscape and visual impacts, especially given the locational context of the site within 2km to the north of the settlement of Ardrossan and in close proximity to the North Ayrshire Lowlands Landscape Character Type, being a landscape of smaller scale. Such a substantial increase in scale would contrast markedly with the turbine design approved in the previous consents, would overwhelm those parts of the North Ayrshire Lowlands Landscape Character Type close to the site and would have an adverse effect on the rural setting of Ardrossan. This contrast would also be unfavourable against the design of the nearby Ardrossan Windfarm, resulting in conflict with the recommendations contained in the Council's Landscape Wind Capacity Study of 2018, all of which would adversely affect landscape character and visual amenity in the locality."*

- 1.4 This planning application seeks to address this reason for refusal.

## The Applicant

- 1.5 Energiekontor UK Ltd is a renewable energy development company with offices in Glasgow, Edinburgh and Leeds. The company was formed in 1999 and develops onshore wind and solar farms throughout the UK. We have eight operational sites in the UK with permissions in place for a further six wind farms, four of which are in Scotland. We are a complete service company who identifies potential wind farm sites and promotes them through the planning process. If permission is obtained, we manage the finance and construction processes before operating our sites for their full 25-year life cycles. We have an operations team in Glasgow who are responsible for operating and maintaining our sites in Scotland.
- 1.6 In 2018 we became the first developer to finance and construct a wind farm in the UK without any government subsidies or support mechanisms in place. Previously, onshore wind farms had access to a number of government initiatives to encourage renewable

energy deployment. The last UK program for onshore wind farms above 5MW (Contracts for Difference) was closed to new applicants in 2015. Since this time Energiekontor has endeavoured to find a “route to market” for onshore wind projects so that permitted developments can be realised. This first subsidy-free wind farm is located in England and we are also aiming to deliver the first subsidy-free wind farm in Scotland, which we hope will be Sorbie Wind Farm. However, we cannot do this based on the consented turbine tip heights as the scheme is not economically viable.

## The Site, Proposed Development and Context

### *The Site and its Surroundings*

- 1.7 Sorbie Wind Farm is approximately 1.5km to the north of Ardrossan. The Site is currently used for grazing cattle for Sorbie Dairy Farm and consists of a number of agricultural fields. The gradient of the land gently slopes from south to north with the highest point being approximately 157m Above Ordnance Datum (AOD) and the lowest point being approximately 75m AOD. There are a number of watercourses, patches of trees, a disused quarry, properties and buildings located within the Site. To the west of the Site is the B780 whilst to the north, east and south are agricultural field hedgerow boundaries. The Site is located within the Haupland Muir landscape character area as defined in the North Ayrshire Landscape Wind Capacity Study.

### *Description of Proposed Development*

- 1.8 This Proposed Development seeks to vary the consented Sorbie Wind Farm to achieve the following amendments:
- Increase of the turbine tip heights from 104.3m to 125m;
  - Varying the internal track layout to save 1.24km of new track from being constructed;
  - Identification of an area that could be utilised for energy storage in the future, should the technology become commercially available within the operational lifetime of the wind farm. A separate planning application would be submitted in the future to seek detailed consent for the energy storage facility;
  - Introduction of new woodland planting on the Site; and
  - Deletion of the approved 65m high permanent anemometer mast from the development.
- 1.9 It is proposed to achieve these variations through the use of Section 42 of the Town and Council Planning Act (Scotland) 1997 to amend planning condition 2 of permission 18/01061/PP from:

*“That, for the avoidance of doubt, all other conditions as set out in Appendix 1 attached to the decision letter of The Scottish Government (ref. AIR-NAY-001) dated 30<sup>th</sup> November 2015 shall continue to have effect.”*

To read:

*“That, for the avoidance of doubt, all other conditions as set out in Appendix 1 attached to the decision letter of The Scottish Government (ref. AIR-NAY-*

001) dated 30<sup>th</sup> November 2015 shall continue to have effect except for conditions 4 and 7 which shall be amended to read:

*4. That the turbines shall be erected and the site roads constructed in the locations identified on drawing Figure 1.3 Site Layout, save for the ability to vary these locations by 30m. Any movement greater than 30m would require the written approval of North Ayrshire Council as Planning Authority. Before the turbine bases are concreted, the precise position of the turbines shall be notified to, and approved in writing by, North Ayrshire Council as Planning Authority.*

*7. That no turbines will be erected until details of the model, height, colour and finish of the turbines and of any external transformers, have been submitted to, and approved in writing by, the planning authority. The turbines shall not be illuminated and shall not carry any symbols, logos or other lettering except where required under other legislation. For the avoidance of doubt, the height of the wind turbines to blade tip shall not exceed 125 metres. The development shall be carried out thereafter in accordance with the approved details, unless any changes are subsequently agreed in writing by North Ayrshire Council as Planning Authority."*

## Context

- 1.10 Sorbie Wind Farm was previously approved by the Local Review Body (LRB) in 2014 due to non-determination (reference 13/00627/PP and 14/00001/LRB), a decision that was subsequently ratified by Scottish Ministers in November 2015. The wind farm has not been constructed.
- 1.11 The original planning application for Sorbie Wind Farm was submitted to the Council in October 2013 at a time when public subsidies were still in place for onshore wind development. The tip heights originally applied for (104.3m) reflect this as, with subsidies in place, it was possible to realise viable wind projects at this height. That is reflected in a wind farm developments across North Ayrshire, a number of which have tip heights at ~100m (e.g. Ardrossan Wind Farm) and have been operational for a number of years.
- 1.12 Since Sorbie was designed in 2013 there have been a number of significant changes to the onshore wind market, not least due to the complete removal of public subsidies in the UK and gradual withdrawal of subsidy elsewhere in Europe. In the UK potential revenues for wind development have more than halved as a result; a change which has sent shockwaves through the industry and led to some significant adjustments in the way that developments are approached.
- 1.13 The most significant changes have been led by the turbine manufacturing industry, which in response to falling revenues have sought to push design envelopes further to allow individual turbines to generate more energy through the use of larger rotor diameters and higher tip heights. The rotor diameter is particularly important because it is the part of the turbine that captures the wind energy, so the larger the rotor, the more energy it can capture. Increased tip heights are required to accommodate larger diameters, and taller tip heights have the added benefit of enabling increased wind speeds at higher elevations to be captured.



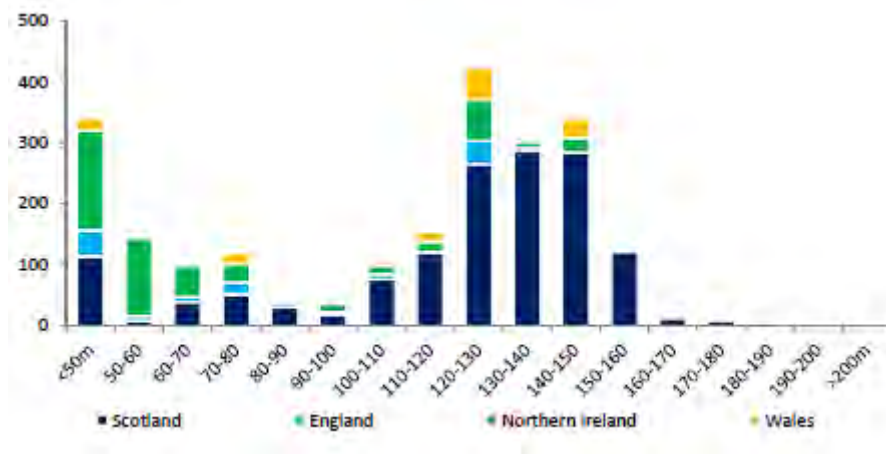
- 1.14 Table 1.1 below illustrates the availability of turbines from the major manufacturers that would fit within the consented turbine envelope. As the table shows, the turbines from the major manufacturers that would have fit within the consented turbine envelope in 2015 are no longer available for purchase.

Table 1.1 Turbine model availability within consented envelope

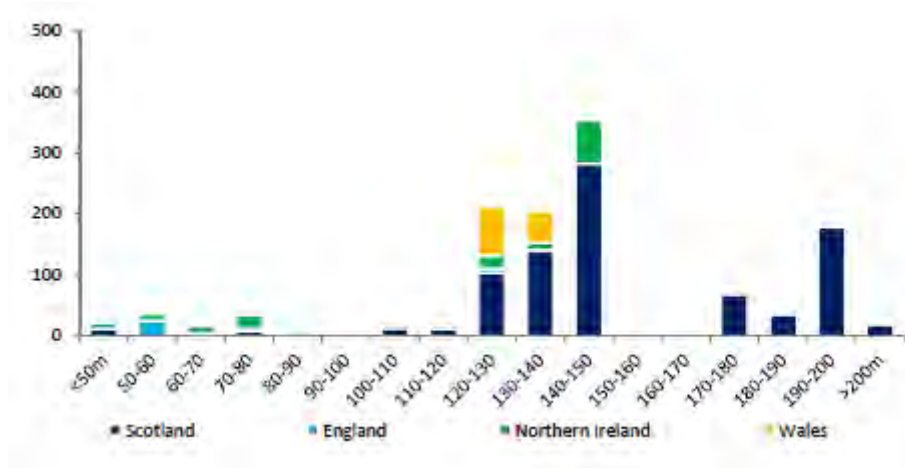
Turbine Model	Rotor Diameter	Tip Height	Capacity	Availability
Vestas V80	80m	100m	2.5MW	Not available, see manufacturer website.
Nordex N80	80m	100m	2MW	Not available, see manufacturer website.
Senvion MM82	82m	100m	2.05MW	Not available, manufacturer has entered administration.
Enercon E82	82m	100m	2.35/3MW	Not available, see correspondence with manufacturer at Appendix B.

- 1.15 Growing turbine sizes has helped lower the cost of wind energy to the point where it can be economically competitive with fossil-fuel alternatives in some locations, but individual schemes require the right combination of turbine scale, wind speed and other infrastructure costs to ultimately be delivered. The overall deployment picture in the UK however is stark: since 2015 only one project has been delivered with no public subsidy in the UK, and despite the abundance of permissions for large schemes in Scotland, nothing has been delivered subsidy-free in the country to date.
- 1.16 Energiekontor is aiming to take things further and position our wind projects to be the cheapest form of all energy available, which means being able to deliver projects at a cost that is lower than nuclear, coal and gas. We have a team dedicated to efficiency savings as part of this drive and every member of staff is actively involved in seeking to reduce the cost of developing wind and increasing energy output across a wide variety of initiatives. If we can be successful in our goal then the results will be transformative for the energy market in the UK; driving down consumer bills and accelerating progress towards net zero emissions. After all, if onshore wind is the cheapest form of energy, why would consumers choose more expensive fossil fuels?
- 1.17 Since subsidies were removed in the UK it is rare to see a project being promoted in Scotland with tip heights below 150m, which is rapidly becoming the new 'normal' for wind developments (that being the maximum height permitted before visible aviation lights are statutorily required to be installed on the turbine nacelle). Indeed, several projects are now being promoted with tip heights in excess of 200m, with support from stakeholders in the right locations (see Graphs 1.1 and 1.2 below which show either the consented maximum turbine height for onshore projects or the tip heights of application sites).

Graph 1.1 Tip heights of consented onshore wind projects (number of turbines)



Graph 1.2 Tip heights of onshore wind projects in planning (number of turbines)



- 1.18 At Sorbie, whilst we would of course like to use the latest turbine technology available and deliver a 150m+ development, that is not what is needed to make the project cost-competitive with fossil fuel alternatives. Due to the site-specific conditions at Sorbie, in particular the high wind speeds and relatively low infrastructure costs, we will be able to deliver Sorbie as a subsidy-free project if we are able to use 125m modern turbines. The 125m turbines that we are seeking consent for, as summarised in the table below, would generate an additional 87% of renewable energy compared to the original turbines (which in any event are no longer available on the market) despite being just 19.8% taller. This nearly doubling of renewable energy output is a disproportionate benefit compared to the modest increase in size.

Table 1.2 Summary of changes due to Proposed Development

Characteristic	Original Sorbie Wind Farm	Proposed Development
Number of turbines	3	3
Turbine capacity	2.05MW	4MW
Rotor diameter	82m	115m
Hub height	63.3m	67.5m
Tip height	104.3m	125m
Blades	3	3
Turbine colour	Light grey	Light grey
Turbine foundations	Approximately 18m width on a square base	Approximately 18m width on a square base
Approximate Annual Energy Yield (approx.)	23 GWh	43 GWh
Homes Powered <sup>1</sup> (approx.)	5,900 homes	11,050 homes
Annual CO <sub>2</sub> savings <sup>2</sup> (approx.)	55,500 tonnes	100,000 tonnes
Total length of new access track to be constructed	2.14 km	0.9 km
Aggregate required to construct access tracks	3,210 m <sup>3</sup>	1,350 m <sup>3</sup>
Area of new woodland planting	0 ha	1.1 ha
Energy storage area identified	No	Yes
Permanent anemometer mast included	Yes	No

- 1.19 The Proposed Development includes proposed amendments to the internal wind farm track layout which are being sought as part of a drive to further optimise the wind farm and reduce unnecessary carbon expenditure. The new proposed layout would result in a saving of 1.24km of new track as compared to the consented layout, meaning that 1,860m<sup>3</sup> of aggregate would be saved from the total amount required to construct the tracks.
- 1.20 The Proposed Development includes the identification of an area within the construction compound that could be utilised for energy storage in the future, should the technology become commercially viable within the operational lifetime of the wind farm. A separate planning application would be submitted in the future to seek detailed consent for the storage facility.
- 1.21 The tip height extension would allow Sorbie Wind Farm to power 11,050 homes with renewable energy, which is roughly equivalent to every home in Saltcoats and Ardrossan.

<sup>1</sup> Based on an average annual UK domestic electricity consumption figure of 3,889 KWh as set out in the BEIS publication "Energy Consumption in the UK" (2017)

<sup>2</sup> Based on BEIS's standard carbon dioxide savings figure of 430g/KWh

That represents an increase of 5,150 homes as compared to the original Sorbie Wind Farm; an increase which is roughly equivalent to all the homes in Saltcoats. In addition, the Proposed Development would save an additional 44,500 tonnes of CO<sub>2</sub> emissions every year as compared to the consented wind farm, meaning 100,000 tonnes of CO<sub>2</sub> could be saved annually by the wind farm. When compared to the annual CO<sub>2</sub> emissions for the whole of North Ayrshire, which in 2018 was 864,600 tonnes, Sorbie Wind Farm alone could reduce net emissions in North Ayrshire by 12%. Against the context of the global climate change emergency, these benefits are significant, weigh heavily in favour of the Proposed Development and should not be overlooked.

## Structure of this Planning Statement

1.22 This Review Statement is structured as follows:

- Section 2 provides a summary of the policy context that is relevant to the Proposed Development, including planning policy and renewable energy policy; and
- Section 3 identifies and discusses the principal planning issues before drawing together overall conclusions.

## 2 POLICY CONTEXT

### Introduction

- 2.1 This section sets out the planning policy context that is relevant to the Proposed Development. It covers local and national planning policy together with other material considerations.

### Development Plan

- 2.2 The current statutory Development Plan for the purposes of Section 25 of the Town and Country Planning (Scotland) Act 1997 consists of the North Ayrshire Council Local Development Plan (May 2014) (LDP).
- 2.3 The policy of most direct relevance to the Proposed Development is Policy PI 9: Renewable Energy. This policy states:

*“Proposals for the development of wind turbines, wind farms, biomass, solar powered, thermal, wave or run-of-river renewable energy development, or microrenewables, shall accord with the LDP subject to the proposal satisfying the following criteria:*

- a) The development is appropriate in design and scale to its surroundings; AND*
- b) It can be demonstrated that there is no unacceptable adverse impact on the intrinsic landscape qualities of the area (especially for areas with a specific landscape designation, and coastal areas); AND*
- c) In the case of individual wind turbine or wind farm development, that the proposed development is not in an area designated as “high sensitivity” in the “Landscape Capacity Study for Wind farm Development in North Ayrshire”; AND*
- d) The proposal shall not result in unacceptable intrusion, or have an unacceptable adverse effect on the natural, built, cultural or historic heritage of the locality; AND*
- e) It can be demonstrated that there are no unacceptable adverse impacts on the operation of tourism or recreation interests; AND*
- f) It can be demonstrated that any unacceptable adverse effects on telecommunications, transmitting, receiving, or radar systems for civil broadcasting, aviation or defence interests can be effectively overcome; AND*
- g) The proposal can be satisfactorily connected to the national grid without causing any unacceptable negative environmental impacts; AND*
- h) When considered in association with existing sites, sites formally engaged in the Environmental Assessment process or sites with planning permission, including those in neighbouring authorities, there are no unacceptable impacts due to the cumulative impact of development proposals; AND*
- i) In the case of individual wind turbine and wind farm development, that the proposal satisfies the contents of the Ayrshire supplementary Guidance: Wind Farm Development (October 2009); AND*
- j) Where appropriate, applicants will be required to demonstrate consideration of co-location with significant electricity or heat users.*

*The Council will require that any redundant apparatus will be removed within 6 months of it becoming non-operational and that the site will be restored, unless it can be demonstrated that said apparatus will return to productive use within a reasonable timeframe."*

- 2.4 The LDP was adopted in May 2014 and prior to the approval of the most recent Scottish Planning Policy (June 2014).
- 2.5 The Council is in the process of preparing a new LDP for adoption. It published its proposed LDP2 for Examination in April 2018, and in July 2019 Scottish Ministers issued their Examination Report on the proposed plan. More recently in September 2019 the Council's Local Development Plan Committee approved certain modifications to LDP2 and agreed to submit the Plan to Scottish Ministers for adoption. Final adoption of LDP2 is likely to take place before the end of 2019, meaning that it will constitute the statutory Development Plan when this planning application is determined by the Council. The planning policy context of this planning application is therefore different to the previous application for 125m at Sorbie Wind Farm.
- 2.6 LDP2 includes a new policy which sets out how the Council will consider wind development, *Policy 29 Energy Infrastructure Development*, which states:

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

*Environmental*

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

*Community*

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

*Public Safety*

- *Greenhouse gas emissions;*



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

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

- 2.7 There is a clear shift in tone in Policy 29 as compared to Policy PI 9. Policy PI 9 requires proposals to comply with a range of criteria before being considered acceptable. Policy 29 turns this on its head and says from the outset that the Council "will support" wind proposals which contribute to our transition to a low carbon economy. This support is subject to there being no unacceptable adverse environmental impacts, "taking into consideration" a range of criteria. Again there is a shift here with respect to which the various criteria area relevant; Policy PI 9 requires proposals to satisfy all of the criteria, whereas Policy 29 requires proposals to take the criteria "into consideration". In addition, the criteria listed in Policy PI 9 considered the extent to which proposals had the potential to result in adverse effects, with no consideration of or weight given to the benefits that individual schemes could bring. By contrast, the criteria in Policy 29 include a range of positive factors to be taken into account by the decision maker, namely:
- Providing a net economic impact – including socio-economic benefits such as employment, associated business and supply chain opportunities;
  - Scale of contribution to renewable energy generation targets; and
  - Specific locational opportunities for energy storage/generation.
- 2.8 Overall, there is a shift in tone and emphasis in the new policy where support from the Council for wind energy is explicit and a framework is provided for balancing the positive aspects of proposals against environmental effects.
- 2.9 Moreover, at the time the previous application for 125m turbines at Sorbie Wind Farm was being considered by planning officers, the emerging Policy 29 placed significantly more weight on the landscape capacity study than the current wording of Policy 29. Proposals were previously required to "comply" with the landscape capacity study, which is a much higher test than the current wording of Policy 29, which simply states that the landscape capacity study will be "used as a point of reference". The LDP Examination Report (July 2019) notes that the Scottish Government objected to this part of the original wording on the basis that:

*"wind energy developments do not need to 'comply' with landscape guidance in order to align with Scottish Planning Policy (CD02). [Scottish Government] suggests that development management could determine compliance and the [landscape guidance] should be used for information only as suggested in another part of the policy."*

2.10 The Reporter's conclusion on this matter note that:

*"The council failed to respond to the Scottish Government's suggestion to remove the requirement to comply with the current landscape capacity study for wind farm development in North Ayrshire...I consider that requiring proposals to 'comply' with the landscape capacity study is at odds with the final sentence of proposed policy 29 which suggests that 'this study will be used as a point of reference for assessing all wind energy proposals'. It would be reasonable and appropriate for the text to simply require proposals to consider the findings of the landscape capacity study. A change is justified on this basis."*

- 2.11 The requirements of Policy 29 have therefore been watered down in respect of the capacity study, with proposals now being required to simply "consider" the study, rather than "comply" with it. This is more in line with how landscape capacity studies should be used when considering individual applications for wind energy development, as discussed further in Section 3, and marks a change from what was before planning officers when they considered the previous application for 125m turbines at Sorbie.

## National Policy and Guidance

### National Planning Framework

- 2.12 National Planning Framework 3 (NPF 3) was published on 23 June 2014. NPF 3 is a long term strategy for Scotland and is the spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure.
- 2.13 The general and high level support for renewables is provided through the 'vision' which is referred to as *inter alia*:
- A successful, sustainable place – "we have a growing low carbon economy which provides opportunities...";
  - A low carbon place – "we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore"; and
  - A natural resilient place – "natural and cultural assets are respected; they are improving in condition and represent a sustainable economic, environmental and social resource for the nation".

### Scottish Planning Policy

- 2.14 Scottish Planning Policy (SPP) was adopted in June 2014 and sets out the Scottish Government's policy on how nationally important land use matters should be addressed across the country.

- 2.15 Both SPP and NPF3 share a vision for Scotland: “a growing, low carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing our emissions and which respects the quality of the environment, place and life and which makes our country so special” (para 11).
- 2.16 Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. SPP explains that Section 44 of the 2009 Act places a duty on public bodies to act in the best way to contribute to the delivery of emissions targets as set out in the Act, and to help deliver the Scottish Government's climate change adaptation programme.
- 2.17 The SPP sets out continued support for onshore wind in a similar manner to the previous SPP. However, it also now sets out a presumption in favour of development that contributes to sustainable development. The 'presumption in favour' is an important new aspect of national planning policy. Paragraphs 32 and 33 of SPP explain how this Policy Principle is given effect to in development management, as discussed in Section 3 of this Statement.
- 2.18 SPP addresses 'A Low Carbon Place' as a 'subject policy' and refer to 'delivering electricity'. Paragraph 152 refers to the NPF context and states that NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.
- 2.19 In terms of renewable energy, paragraph 154 sets out that the planning system should support the transformational change to a low Carbon economy, consistent with national objectives and targets. Important to this is the expansion of renewable energy generation capacity.

### *Onshore Wind Policy Statement*

- 2.20 In December 2017 the Scottish Government published its Onshore Wind Policy Statement. The ministerial forward by Paul Wheelhouse MSP highlights the “vital” role that onshore wind will continue to play in Scotland's future, “helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy, and meeting local and national demand”. The ministerial forward continues to highlight that this important role “means we must support development in the right places, and – increasingly – the extension and replacement of existing sites, where acceptable, with new and larger turbines, based on an appropriate, case by case assessment of their effects and impacts”.
- 2.21 Specifically in relation to the use of larger turbines, the policy statement makes the following points:

*“3. In order for onshore wind to play its vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further*

*progress towards the ambitious renewable targets which the Scottish Government has set.*

*4. This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated.*

*9. We know that new projects face a highly uncertain route to market. The arrangements which have enabled onshore wind to expand and to reduce its costs so successfully, are no longer in place. Continued innovation and cost reduction, a supportive and well-resourced planning system, and continued advances in turbine and blade technology will help close the gap that currently exists – but not sufficiently, and not for all developments.*

*23. ...We acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines, and that these – by necessity – will mean taller towers and blade tip heights.*

*24. The technology shift towards larger turbines may present challenges when identifying landscapes with the capacity to accommodate larger scale development, as not all will be suitable. However, fewer but larger wind turbines may also present an opportunity for landscape improvement, as well as increasing the amount of electricity generated.*

*25. The Scottish Government acknowledges the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts...*

## The Renewable Energy Legislative and Policy Context

### The COP21 UN Paris Agreement

- 2.22 The Paris Agreement (December 2015) is an international agreement on climate change, of which there are 195 countries, including the UK.
- 2.23 The Agreement came into force on November 4<sup>th</sup> 2016, having been ratified by at least 55% (the point which triggers ratification) of the 195 countries.
- 2.24 The meeting in Paris was considered a make-or-break opportunity to secure an international agreement on the approach to tackling climate change, commitment to a longer-term goal of near zero net emissions in the second half of the century, and supporting the transition to a clean economy and low carbon society.
- 2.25 Governments agreed:
- A long-term goal of keeping the increase in global average temperature to well below 2°C above pre-industrial levels.
  - To aim to limit the increase to 1.5°C, since this would significantly reduce risks and the impacts of climate change.

- On the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries.
- To undertake rapid reductions thereafter in accordance with the best available science.

2.26 Countries will also be legally obliged to make new post-2030 commitments to reduce emissions every five years.

### *UK 2050 Net Zero Target*

2.27 In June 2019 the UK became the first major economy in the world to pass laws to end its contribution to global warming by 2050. The target will require the UK to bring all greenhouse gas emissions to net zero by 2050, compared with the previous target of at least an 80% reduction from 1990 levels.

### *Scottish Energy Strategy: The future of energy in Scotland*

2.28 The Scottish Government published its Scottish Energy Strategy: The future of energy in Scotland in December 2017. The strategy sets two new targets for the Scottish energy system by 2030:

- The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources.
- An increase by 30% in the productivity of energy use across the Scottish economy.

2.29 In relation to renewable energy targets the strategy states the following:

*“Scotland’s long term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.*

*In 2009 the Scottish Government established a suite of renewable energy targets for 2020 – with a headline target of the equivalent of 30% of Scotland’s heat, transport and electricity consumption to be supplied from renewable sources. We have made good progress to date, with the equivalent of 17.8% being met by renewable sources in 2015.*

*Reaching 50% in 13 years time will be challenging, particularly in more uncertain market conditions compared to those in the preceding decade, and due to the fact that not all the relevant policy levers are devolved to the Scottish Government. But the target demonstrates the Scottish Government’s commitment to a low carbon system and to continued growth of the renewable energy sector in Scotland. It also underlines our belief in the sector’s ability to build on its huge achievements and progress thus far.”*

2.30 Specifically in relation to onshore wind the strategy states the following:

*“Onshore wind is now amongst the lowest cost forms of power generation of any kind, and is a vital component of the huge industrial opportunity that renewables create for Scotland. The sector supports an estimated 7,500 jobs in Scotland, and generated more than £3 billion in turnover in 2015.*

*Campbeltown is also currently home to the UK's only turbine tower fabricator.*

*Our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland's future – helping decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.*

*That means continuing to support development in the right places, and – increasingly – the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts.*

*It means continuing to provide a route to market for that power – in ways which reduce and ultimately eliminate any additional costs for consumers.*

*And it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefit and – where possible – economic benefits deriving from community ownership.*

*This can be done in a way which is compatible with Scotland's magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well under way, and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places."*

## *Scotland Climate Change Plan*

- 2.31 The Climate Change Plan (2018) provides the framework for Scotland's transition to a low-carbon economy, setting out how emissions will be reduced in every year to 2032.
- 2.32 The Climate Change Plan highlights that climate change is one of the greatest global threats we face and that Scotland must play its part to achieve the ambitions set out in the Paris Agreement, which mandates concerted, global action to deal with the threat. It notes that the path towards a low carbon future will require great effort across all parts of our society and economy, but it also presents tremendous opportunities.

## *The Global Climate Emergency – **Scotland's Response***

- 2.33 On 14 May 2019 the Climate Change Secretary Roseanna Cunningham made a statement to the Scottish Parliament regarding Scotland's response to the climate change emergency. Her statement highlighted *inter alia*:

*"There is a global climate emergency. The evidence is irrefutable. The science is clear. And people have been clear: they expect action. The Intergovernmental Panel on Climate Change issues a stark warning last year: the world must act now. By 2030 it will be too late to limit warming to 1.5 degrees...*

*...it's not too late for us to turn things around, but to do so requires transformative change. This is not just about government action. And it is not*



*something that only affects Scotland...We all have a part to play: individuals, communities, businesses, other organisations...*

*...Earlier this month, the Scottish Government received advice from the UK Committee on Climate Change in light of the IPCC report. We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions...these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...*

*...The CCC has been stark in saying that the proposed new targets will require a 'fundamental change' from the current piecemeal approach that focuses on specific actions in some sectors to an explicitly economy wide approach'. To deliver the transformational change that is required, we need structural changes across the board: to our planning, procurement, and financial policies, processes and assessments...that is exactly what we will do."*

## Summary

- 2.34 The scale of the threat we face through climate change is widely acknowledged by governments across the world. The Scottish Government has recently taken the decision to declare a climate emergency, citing the need for the world to act now and deliver transformative change. Everyone has a role to play in this global climate emergency, including businesses and local authorities. Extremely challenging targets have been set for decarbonising the economy: net zero emissions for Scotland by 2045, the most stringent target anywhere the world.
- 2.35 International and national commitments have been made to address the effects of climate change and to achieve greater security in the domestic supply of energy. This in turn has directly influenced a response through the land use planning system which through national planning policy strongly encourages renewable energy development and the evidence base demonstrates that wind energy is the key renewable resource for Scotland.
- 2.36 There remains a shortfall on a national basis against targets for renewable energy generation. National targets are not capped and decision makers are not prevented from consenting projects just because an interim target may be achieved.
- 2.37 In addition:
- It is clear from NPF3 that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming a 'low carbon place' which in turn is a key part of the 'vision' for Scotland.
  - Scottish Government has made it unequivocally clear that it wants to continue to "capitalise on our wind resource", including through the use of larger turbines where appropriate.
  - SPP sets out continued support for onshore wind in a similar manner to the previous SPP.
  - SPP also sets out a presumption in favour of development that contributes to sustainable development.

- The presumption in favour is an important new aspect of national planning policy and material to the consideration of planning applications.
- Policy 29 in LDP2 is more inherently supportive of wind energy proposals than Policy PI 9 in the previous LDP, allowing a range of positive factors such as economic benefit to be balanced against adverse effects.
- Policy 29 has also been watered down in respect of the relevance of the landscape capacity study,

### 3 PLANNING APPRAISAL

3.1 This section considers the planning issues raised by the Proposed Development against the planning policy context outlined in Section 2. In presenting an assessment of the overall planning policy case we firstly consider the following two questions:

- Does the Proposed Development accord with the provisions of the statutory Development Plan?
- Do material considerations outweigh the provisions of the statutory Development Plan?

#### Does the Proposed Development accord with the statutory Development Plan?

3.2 At the point at which this planning application is determined, the principal Development Plan policy for considering wind energy proposals will be LDP2 Policy 29. Prior to considering the Proposed Development against this policy, this section first considers the Council's reason for refusing the previous 125m turbine application on the Site.

3.3 The reason for refusal for the previous 125m turbine application sets out that the proposal's conflict with previous Policy PI 9 was due to the proposed increase in tip height from 104.3m to 125m (an increase of just 20.7m) being perceived by the case officer to be 'substantial'. The reason for refusal states:

*"It is considered that the degree of change from 104.3m blade tip to 125m blade tip would be substantial and adverse in terms of landscape and visual impacts, especially given the locational context of the site within 2km to the north of the settlement of Ardrossan and in close proximity to the North Ayrshire Lowlands Landscape Character Type, being a landscape of smaller scale. Such a substantial increase in scale would contrast markedly with the turbine design approved in the previous consents, would overwhelm those parts of the North Ayrshire Lowlands Landscape Character Type close to the site and would have an adverse effect on the rural setting of Ardrossan. This contrast would also be unfavourable against the design of the nearby Ardrossan Windfarm, resulting in conflict with the recommendations contained in the Council's Landscape Wind Capacity Study of 2018, all of which would adversely affect landscape character and visual amenity in the locality."*

3.4 There are a number of points raised against the Proposed Development in this reason for refusal, in particular in relation to the use of the Landscape Wind Capacity Study of 2018 (LWCS), the Site's location within 2km of Ardrossan, the landscape and visual effects of the Proposed Development, and contrasting turbine scale. These points are considered separately below.

#### Use of Landscape Capacity Studies

3.5 The general role of the LWCS is to guide wind farm development away from areas of higher sensitivity towards those areas that are best able to accommodate development. The importance of site-specific analysis (as opposed to over-reliance on generic high-level

guidance) is supported by recent appeal decisions, including the decision made by Scottish Ministers on the original Sorbie application. The Reporter in this case stated:

*"6.47 Landscape capacity studies can be useful tools in understanding the nature of impacts caused by wind turbines. However, I do not consider that it is appropriate to give them the attributes of detailed zonings of land for a particular number of turbines of a particular size."*

*"6.49 ...it would be impossible for any landscape capacity study to be able to properly anticipate all the multiple impacts of the many factors that influence the design of a wind farm. I therefore consider that the Local Review Body were correct to attach more weight to a proposal specific landscape and visual impact assessment compared to the general conclusions contained in the Landscape Capacity Study."*

- 3.6 In addition to this conclusion being-site specific and issue-specific, what is particularly interesting is that the landscape capacity study that was in place at the time (being a previous version of the current LWCS) did not identify any landscape capacity for a wind farm development at Sorbie.
- 3.7 Similar conclusions are reached by the Reporter in the Kirk Hill Wind Farm decision notice (ref: PPA-370-2052):

*"10. A review of the relative sensitivity of landscape character types, as provided by the landscape wind capacity study, is helpful in the assessment of a wind farm proposal's landscape impacts as required by the development plan's wind energy policy; it assists by identifying key characteristics of each landscape character type and their sensitivity to a range of wind turbine sizes. Beyond this, I attach limited weight to the conclusions drawn by the capacity study in regard to the capacity of each landscape character type to accommodate development. It would be unjustifiably simplistic to draw any conclusions on acceptability of wind turbine developments (which the capacity study attempts for each character type), in the absence of a full assessment of proposals on a case-by-case basis. To do so would be inconsistent with the spatial framework for wind farms set out in Table 1 of SPP, and as reflected in the local development plan".*

- 3.8 It is no doubt acknowledgement of these factors that led the Scottish Government to object to the original wording of Policy 29 which required proposals to "comply" with the landscape capacity study. The new wording of Policy 29 suggested as a modification by the Reporter into LDP2, which refers to the landscape capacity study as a "point of reference", is more in line with how such studies should be used in considering planning applications for individual proposals.
- 3.9 The wording of the reason for refusal for the previous planning application for 125m turbines at Sorbie is based around a paragraph within the LWCS relating to repowering operational and consented turbines within the Haupland Muir character area (which Sorbie is located within). This states that:

*"20.3.2 Turbines substantially above the height of existing turbines (which are around 100m) would overwhelm the relief of the low knolly hills of Haupland Muir. They would also adversely affect the setting of Ardrossan (and*

*potentially other coastal settlements such as West Kilbride depending on position and height). Cumulative effects could also occur with operational and consented wind energy developments sited in this and nearby LCT 19d. Annex E provides more detail on scope for repowering."*

- 3.10 In respect of this paragraph it should firstly be noted that this guidance is very broad brush and it applies to the entire Haupland Muir landscape character area, rather than providing site-specific guidance for repowering Sorbie with larger turbines. The detailed guidance at Annex E of the LWCS similarly does not provide any guidance on repowering Sorbie, indeed, Sorbie Wind Farm is excluded from any repowering scenarios considered in the study. This strategic guidance should therefore be read in the context of the conclusions reached by the previous Reporter on Sorbie Wind Farm, who highlighted that the LRB was right to attach more weight to a site-specific LVIA compared to the LWCS and that the LWCS could not be used to consider the acceptability of specific turbine numbers or sizes at individual sites.
- 3.11 Secondly, and more importantly, when the LWCS is read in context it becomes clear what the authors had in mind when they referred to turbines "substantially above" the height of existing turbines. This is because:
- The LWCS is clear at the outset that for any repowering scenarios considered in the assessment, turbines of 150m and 200m height have been assumed.
  - This is confirmed in paragraph 3.2.2 of the LWCS which states "an assessment has been undertaken to consider scope for accommodating 150m and 200m turbines as part of repowering (or amending) operational and consented wind farms".
  - This is evident at the detailed guidance for repowering at Annex E of the LWCS where all scenarios considered are either 150m or 200m.
  - The only repowering scenario considered in detail within the Haupland Muir character area is repowering Ardrossan Wind Farm (currently 100m to tip) with 150m and 200m turbines. As shown in Figures 3.1 and 3.2 below, the Ardrossan turbines are sited at higher elevations than Sorbie and so an increase in height to 150m/200m at Ardrossan would have completely different
  - It is clear then that the broad brush statement at paragraph 20.3.2 of the LWCS is referring to turbines 150m and 200m in height at Ardrossan Wind Farm when it says "turbines substantially above the height of existing turbines would overwhelm the relief of the low knolly hills of Haupland Muir". That is the case because only 150m and 200m turbines at Ardrossan Wind Farm have been assessed within Haupland Muir.
  - The word 'substantially' therefore means 150m or 200m turbines.
  - Nowhere does the LWCS consider the appropriateness of repowering Sorbie with 125m turbines, or repowering any developments within Haupland Muir with 125m turbines.
  - Indeed, despite the proposed increase in height at Sorbie, the turbines would still fall within the same 'Large' turbine typology used in the LWCS (which is for turbines in the height range of 70-130m). As far as the LWCS is concerned, the turbines at Sorbie are the same whether they are 104.3m or 125m.
- 3.12 The conclusions of the LWCS are therefore in no way directly applicable to the Proposed Development. It would be incorrect to rely on them to provide site-specific conclusions on the planning application. As far as the LWCS is concerned, the turbines could be 130m in

height without raising any additional effects, as the typology would still be the same as for 104.3m turbines.

- 3.13 Incidentally we would agree with the LWCS that turbines of 150m and 200m in height would not likely be appropriate for Sobie, hence why we have proposed a more modest increase up to 125m, which the LVIA submitted with the application concludes is acceptable and would not give rise to any new significant landscape, visual or cumulative effects over and above the consented scheme.

#### The Site's Location within 2km of Ardrossan

- 3.14 The reason for refusal indicates that the perceived adverse effect of the height increase is in someway exacerbated by Sorbie's location within 2km of the settlement of Ardrossan. It is important to highlight that in terms of the Spatial Framework approach in SPP the 2km separate distance from settlements is not absolute, and development can proceed within 2km where it can be demonstrated that a proposal would not have any "significant effects on the qualities" of a settlement. The Scottish Government's online *Onshore wind turbines: planning advice* further notes that "this 2km separation distance is a guide, not a rule, and decisions on individual developments should take into account specific local circumstances and geography". Finally, the Scottish Government's online *Onshore wind planning: frequently asked questions* states that the 2km separation "is not a ban on wind farm development in the identified area. The character of some settlements can in part be defined through their relationship with their surroundings. In some settlements this relationship is more important than in others. The separation distance allows for the important vistas out from a settlement that could be harmed by an insensitively sited or designed wind farm to be identified".
- 3.15 In relation to effects on the rural setting of Adrossan it is relevant that the current setting of the town is influenced by the existing Ardrossan Wind Farm, which is often seen either in a semi-urban context at the eastern settlement edges or from the western settlement edge (such as Ardrossan Harbour) with the rural backdrop including the Ardrossan Wind Farm appearing beyond the town. The LWCS states that "the area is visually dominated by the operational Ardrossan wind farm which is located within the upland core of this landscape and on gently graded southern slopes", and that "the Kelburn and Adrossan wind farms and the power stations and other infrastructure at Hunterston are key features in views from the sea and close offshore islands".
- 3.16 The Proposed Development would be visible within this same landscape context and would have a clear association with this particular wind farm influenced landscape, which provides a setting commensurate with the scale of the development. The LWCS confirms this point at paragraph 3.3.3, which states:

*"The operational wind farms of Kelburn, Dalry and Millour form a concentrated grouping in the southern part of the Clyde Muirshiel Uplands. The Ardrossan wind farm is slightly set apart from this grouping being associated with lower hills in the south of these uplands and closer to the settled coast. The consented Sorbie wind turbines will lie close to the operational Ardrossan wind farm at the transition of these uplands with more settled farmed hill slopes and lowlands."*



- 3.17 The proposed increase in turbine blade tip height would not materially alter the relationship that the consented development maintains with the settlement of Ardrossan. As such, it is clear that the Proposed Development would not have any significant effects on the qualities of Ardrossan, which is the key test in SPP for proposals within 2km of a settlement boundary.

#### Landscape and Visual Effects of the Proposed Development

- 3.18 The LVIA submitted in support of this planning application is supported by a range of visual material, including a set of photomontages comparing the larger proposed turbines against the consented turbines. These photomontages provide strong evidence that the proposed increase in turbine size would appear as more of a moderate increase from key views in the surrounding landscape, and not a 'substantial' change as cautioned against in the LWCS.
- 3.19 The reason for refusal also refers to the effects of the Proposed Development on the Ayrshire Lowlands Landscape Character Type (LCT). In relation to these effects, the influence of the Proposed Development on the landscape character of the Ayrshire Lowlands would be limited to the western part of this LCT, where the Ayrshire Lowlands rise to meet the Rugged Moorlands.
- 3.20 We would strongly disagree with the view that the three turbines at Sorbie at 125m height would 'overwhelm' the Ayrshire Lowlands LCT. The LWCS describes this LCT as being a "small to medium scale gently undulating to rolling landscape", however, "scale is increased where remnant mosses and pastures surrounding them are more open and less settled on the western edge of this character type where a more gradual transition occurs with the adjacent uplands of Haupland Muir". It is within this area of 'increased' scale and 'gradual transition' with the uplands that the Proposed Development is found to have most influence. The LVIA submitted in 2013 for the original Sorbie application found that the effects on this LCT would be significant within 3km of the Site (with a Medium-High magnitude of change) and not significant in the wider area of this LCT (with a Low magnitude of change). The LRB and Scottish Ministers agreed that these effects were acceptable. Crucially, the LVIA submitted for this Proposed Development does not find a material increase in the magnitude of effect on landscape character for the Ayrshire Lowlands LCT. The effects are therefore the same as those already accepted.

#### Contrasting Turbine Scale

- 3.21 The final point raised in the reason for refusal is that the different scales of turbines at Sorbie and Ardrossan would give rise to unacceptable adverse effects. We do not accept this point. The turbines at Ardrossan are sited at higher elevations than Sorbie, meaning that despite the proposed increase in height, the Ardrossan turbines will still have higher overall tip heights. This is illustrated on Figure 3.1 and Figure 3.2 below which illustrate the overall tip heights in metres Above Ordnance Datum (AOD) across the two wind farms based on the original consent (Figure 3.1) and the Proposed Development (Figure 3.2).
- 3.22 Indeed, if anything it is the Ardrossan turbines that appear larger in scale than the Sorbie turbines, and the overall tip height relationship will be more equally matched between the two wind farms if the Proposed Development goes ahead.

Figure 3.1 Comparison of tip heights in metres AOD between the consented Sorbie turbines (S T1-3, 104.3m to tip) and the existing Ardrossan turbines (A T1-15, 100m to tip)

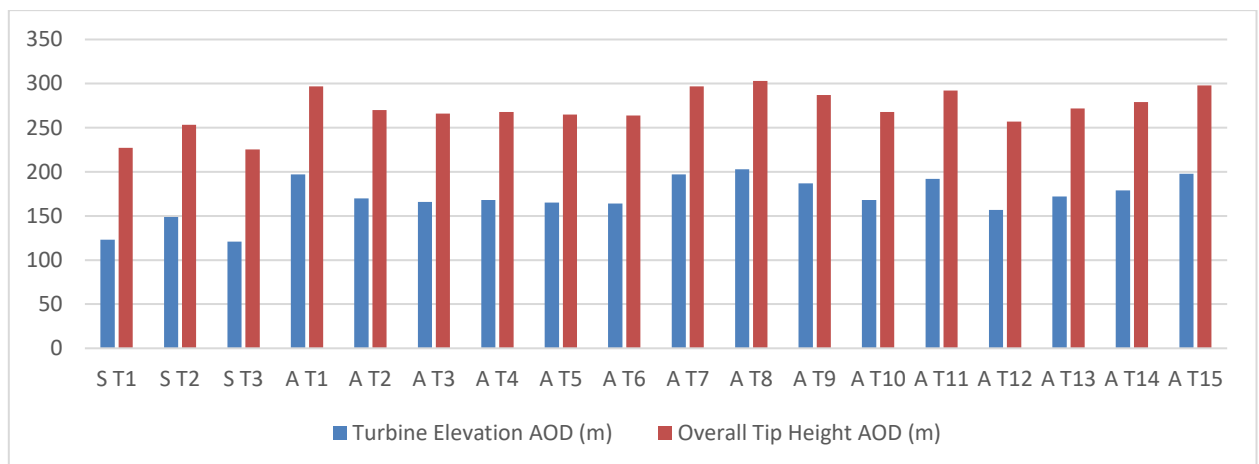
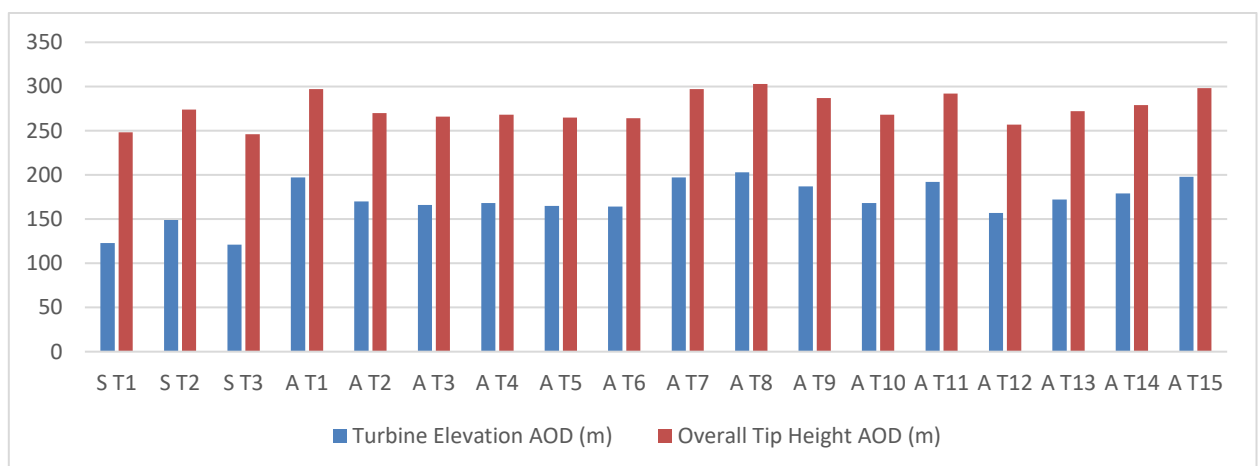


Figure 3.2 Comparison of tip heights in metres AOD between the proposed Sorbie turbines (S T1-3, 125m to tip) and the existing Ardrossan turbines (A T1-15, 100m to tip)



#### LDP 2 Policy 29

- 3.23 Policy 29 sets out that the Council will support wind developments where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts taking into consideration various criteria. These criteria are considered in turn below.

#### Communities and individual dwellings – including visual impact, residential amenity, noise and shadow flicker

- 3.24 Taking these issues in turn:

- Visual impact – The nearest community to the Site is Ardrossan and the proposed increase in turbine height would not materially alter the relationship that the consented wind farm maintains with the settlement of Ardrossan.

- Residential amenity – The Proposed Development would not result in any residential property becoming an unattractive place to live, which is the key planning test in terms of residential amenity.
- Noise – The noise assessment included within the Comparative Environmental Report confirms that the proposed 125m turbines would be able to operate within the existing noise limits in place for the consented wind farm. Noise levels from the Proposed Development would therefore be acceptable.
- Shadow flicker – Although theoretically there would be additional shadow flicker effects as a result of the Proposed Development owing to the larger rotor diameter, in practice mitigation would prevent the occurrence of flicker at receptor locations. This mitigation would be in the form of software which would automatically shut down the turbines at periods where flicker effects could theoretically occur.

#### Water quality

- 3.25 The Proposed Development would not lead to any additional effects on water quality over and above those of the consented wind farm.

#### Landscape – including avoiding unacceptable adverse impacts on our landscape designations

- 3.26 For the reasons set out in paragraphs 3.5 – 3.22 above, we consider that no unacceptable impacts on landscape would arise as a result of the Proposed Development.

#### Effects on the natural heritage – including birds

- 3.27 The Proposed Development would not lead to any additional effects on natural heritage over and above those of the consented wind farm.

#### Carbon rich soils including peat

- 3.28 The Proposed Development would not lead to any additional effects on carbon rich soils over and above those of the consented wind farm. By contrast, soil disturbance would be reduced owing to the reduced length of access track required to construct the Proposed Development.

#### Impacts on the historic environment – including scheduled monuments, listed buildings and their settings

- 3.29 The Proposed Development would not lead to any additional direct or indirect effects on the historic environment over and above those of the consented wind farm.

#### Establishing the use of the site for energy infrastructure development

- 3.30 It is not clear exactly what is meant by this criterion. If it refers to establishing the principle of wind farm use on individual sites, then that has already been established at Sorbie by the existing consent. If however it refers to the economic benefits that would flow to the local area by establishing/constructing the wind farm, then these benefits would be significant and are highlighted below with reference to the following criterion.

Providing a net economic impact – including socio-economic benefits such as employment, associated business and supply chain opportunities

3.31 The Proposed Development would deliver the following socio-economic benefits:

- The Proposed Development could give rise to a range of opportunities for civil engineering and associated works for local contractors during the construction phase, with investment in the local economy and supply chain. SPP paragraph 169 is clear that net economic impact, including the community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of onshore wind proposals.
- Utilising RenewableUK assumptions the Applicant will invest more than £14.5 million in the project. This is a significant investment with a strong policy fit both regionally and nationally.
- The total value of contracts that could be secured in North Ayrshire has been estimated at £3 million and in Scotland as a whole businesses could secure contracts worth £6.1 million.
- Energiekontor is keen to maximise these local economic benefits and would put a local contracting procurement policy in place for the Proposed Development (see Appendix A) which will give price advantage to local firms in bidding for contracts.
- The Proposed Development would be expected to generate significant business rates revenue over its 25 year lifetime. It is estimated that approximately £120,000 every year could be paid, **which would be retained by the Council. Over the project's 25 year operational life that could equate to £3 million of business rates funding for the Council.**
- A Community Fund would be established that could deliver £60,000 of funding a year for local causes based on a rate of £5,000 per MW of installed capacity. That could equate to £1.5 million of funding over the lifetime of the project.

Scale of contribution to renewable energy generation targets

3.32 The 125m turbines would generate an additional 87% of renewable energy compared to the consented wind farm despite being just 19.8% taller. This nearly doubling of renewable energy output is a disproportionate benefit compared to the modest increase in size. Similarly the wind farm would have an installed capacity of 12MW compared to the 6.15MW of the existing consent.

3.33 The tip height extension would allow Sorbie Wind Farm to power 11,050 homes with renewable energy, which is roughly equivalent to every home in Saltcoats and Ardrossan. That represents an increase of 5,150 homes as compared to the original Sorbie Wind Farm; an increase which is roughly equivalent to all the homes in Saltcoats. In addition, the Proposed Development would save an additional 44,500 tonnes of CO<sub>2</sub> emissions every year as compared to the consented wind farm, meaning 100,000 tonnes of CO<sub>2</sub> could be saved annually by the wind farm. When compared to the annual CO<sub>2</sub> emissions for the whole of North Ayrshire, which in 2018 was 864,600 tonnes, Sorbie Wind Farm alone could reduce net emissions in North Ayrshire by 12%. Against the context of the global climate change emergency, these benefits are significant, weigh heavily in favour of the Proposed Development and should not be overlooked.

Public access – including impact on long distance walking and cycling routes and scenic routes and scenic routes identified in the National Planning Framework

- 3.34 The Proposed Development would not lead to any additional effects on public access over and above those of the consented wind farm.

Impacts on tourism and recreation

- 3.35 The Proposed Development would not lead to any additional effects on tourism and recreation over and above those of the consented wind farm.

Specific locational opportunities for energy storage/generation

- 3.36 The Proposed Development includes the identification of an area within the construction compound that could be utilised for energy storage in the future, should the technology become commercially viable within the operational lifetime of the wind farm. A separate planning application would be submitted in the future to seek detailed consent for the storage facility.
- 3.37 In terms of locational opportunities for energy generation, Sorbie benefits from several factors that make it a suitable location for the generation of wind energy. In particular, the wind resource available at the Site is very good, benefitting as it does from south westerly winds blowing in straight off the Firth of Clyde and rising up to the elevated ground at the Site. The presence of nearby settlements, in particular the three towns of Ardrossan, Saltcoats and Stevenston means that there is ample demand for the electricity to be used locally, rather than exported long distances on the transmission network. This combination of factors means that it is possible to realise a subsidy-free wind farm at Sorbie using tip heights of 125m, which is **still comparatively small in Scotland's subsidy-free wind industry**, and would make North Ayrshire Council the first in Scotland to deliver a subsidy-free wind farm. There is also sufficient separation at the Site from residential properties to be able to operate a wind farm without creating any unacceptable noise, shadow flicker or other residential amenity effects. In addition, the landscape in the locality is also already influenced by wind farm development (Ardrossan Wind Farm) and the principle of wind farm development is also established on the Site itself by the existing consent. Sorbie is therefore an excellent location for the generation of wind energy.

Greenhouse gas emissions

- 3.38 Wind turbines do not generate greenhouse gas emissions whilst they are operating. The only activities with the potential to generate greenhouse gas emissions during the 25 year operational period would be for routine maintenance of the wind farm by service personnel, which would involve only a handful of vehicle trips each year. Any greenhouse gas emissions generated during the turbine manufacture and wind farm construction and decommissioning phases would be greatly exceeded by the amount of fossil fuel energy generation displaced by the renewable energy generated by the wind farm over the **operational period. This 'carbon payback period' would be shorter for the Proposed Development** as compared to the consented wind farm, as the Proposed Development would generate nearly double the amount of renewable energy for only a modest increase in turbine component material.

Aviation and defence interests and seismological recording

- 3.39 The Proposed Development would not lead to any additional effects on aviation, defence and seismological recording over and above those of the consented wind farm.

Telecommunications and broadcasting installations – particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets

- 3.40 The Proposed Development would not lead to any additional effects on telecommunications and broadcasting installations over and above those of the consented wind farm.

Road traffic and adjacent trunk roads

- 3.41 The Proposed Development would not lead to any additional effects on road traffic and adjacent trunk roads over and above those of the consented wind farm.

Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies)

- 3.42 The Proposed Development would not lead to any effects on hydrology, the water environment, flood risk and drinking water quality over and above those of the consented wind farm.

Decommissioning of developments – including ancillary infrastructure, and site restoration and aftercare

- 3.43 The Applicant would be willing accept a requirement for a decommissioning bond to be included as a condition to any grant of planning permission.

Development Plan Conclusions

- 3.44 Overall it is considered that the Proposed Development is in general accordance with the Development Plan. This is because:
- The Proposed Development would comply with the LWCS and would not overwhelm local landscape character or lead to unacceptable cumulative effects.
  - The Proposed Development would comply with the criteria set out in Policy 29 and as such benefits from support from the Council as it would support our transition to a low carbon economy.

Do material considerations outweigh the provisions of the statutory Development Plan?

- 3.45 Section 2 of this Planning Statement set out the renewable energy, national planning policy and other material considerations which, in terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, must be considered. The material considerations which we consider to be particularly relevant are set out below.



- 3.46 NPF3 is clear that planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the Scottish Government's Report on Proposals and Policies. Nnshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming 'a low carbon place' which in turn will be a key part of the 'vision' for Scotland. Furthermore, the Government has made it unequivocally clear that it wants to continue to "capitalise on our wind resource".
- 3.47 SPP sets out continued support for onshore wind in a similar manner to the previous SPP. However, it also now sets out a presumption in favour of development that contributes to sustainable development. The 'presumption in favour' is an important new aspect of national planning policy, which requires that benefits must be "significantly and demonstrably" outweighed by other considerations before a development should be refused planning permission.
- 3.48 The Scottish Government's Onshore Wind Policy Statement highlights the "vital" role that onshore wind will continue to play in Scotland's future, *"helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy, and meeting local and national demand"*. The Policy Statement further adds that this important role *"means we must support development in the right places, and – increasingly – the extension and replacement of existing sites, where acceptable, with new and larger turbines, based on an appropriate, case by case assessment of their effects and impacts"*.
- 3.49 More recently, it is clear that national and international efforts to combat climate change have been ramped up. The Scottish Government has recently taken the decision to declare a climate emergency, citing the need for the world to act now and deliver transformative change. Extremely challenging targets have been set for decarbonising the economy: net zero emissions for Scotland by 2045, the most stringent target anywhere the world.
- 3.50 North Ayrshire Council has recently declared its own climate change emergency and has made good progress towards decarbonisation through the establishment of its Climate Change Strategy, first published in 2014 and updated in 2017. The Council has also delivered almost 10MW of installed renewable or low-carbon energy generation through its solar retrofit programme, biomass retrofit programme and landfill gas recovery schemes, as well as replacing over 60 per cent of street lighting across North Ayrshire with more energy-efficient LED lighting. These efforts are to be lauded.
- 3.51 It is important to stress however that everybody has a role to play in the global climate emergency, and we would ask the Council not to overlook the role that businesses can play. Energiekontor is ready and able to build Sorbie Wind Farm and deliver the renewable energy benefits that it would bring – the equivalent of powering all the homes in Ardrossan and Saltcoats with renewable energy and reducing the carbon emissions of the Council area by a net 12% – but we need assistance from the Council; we need access to modern turbine hardware at 125m heights to make Sorbie cost-competitive with fossil fuel alternatives.
- 3.52 Other material considerations and benefits of the Proposed Development include:

- The Proposed Development could give rise to a range of opportunities for civil engineering and associated works for local contractors during the construction phase, with investment in the local economy and supply chain. SPP paragraph 169 is clear that net economic impact, including the community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of onshore wind proposals.
- Utilising RenewableUK assumptions the Applicant will invest more than £14.5 million in the project. This is a significant investment with a strong policy fit both regionally and nationally.
- The total value of contracts that could be secured in North Ayrshire has been estimated at £3 million and in Scotland as a whole businesses could secure contracts worth £6.1 million.
- Energiekontor is keen to maximise these local economic benefits and would put a local contracting procurement policy in place for the Proposed Development (see Appendix A) which will give price advantage to local firms in bidding for contracts.
- The Proposed Development would be expected to generate significant business rates revenue over its 25 year lifetime. It is estimated that approximately £120,000 every year could be paid, which would be retained by the Council. Over the project's 25 year operational life that could equate to £3 million of business rates funding for the Council.
- A Community Fund would be established that could deliver £60,000 of funding a year for local causes based on a rate of £5,000 per MW of installed capacity. That could equate to £1.5 million of funding over the lifetime of the project.

3.53 The Proposed Development would therefore result in a wide range of benefits which should be afforded significant weight in the planning balance when determining this application.

3.54 These local and wider benefits can only be delivered if this application is successful.

## Summary and Conclusions

3.55 As we have identified, the Proposed Development would comply with relevant elements of the Development Plan. We can identify no particular issue that deserves significant weight such that planning permission should be refused. Specifically in drawing our conclusions, our view is that:

- Scottish Government has made it unequivocally clear that it wants to continue to “capitalise on our wind resource”. The Proposed Development would contribute to the unmet 2020 target set out in NPF3.
- The ‘presumption in favour’ is a material consideration and the Proposed Development is considered to be consistent with the principles of sustainable development.
- Significant weight should be afforded to the contribution that the Proposed Development would make towards meeting the renewable energy targets and Government objectives that we have referred to in section 2 above.

3.56 The Proposed Development would only result in some minor incremental changes to the local area over and above the consented wind farm, but change in itself is not unacceptable. Wind energy development will always give rise to significant landscape

and visual effects. In this case however, none of the likely environmental effects that would result from the Proposed Development would, in our view, be unacceptable in the public interest which the planning system serves.

- 3.57 There are forceful material considerations that lend support to the case that planning permission should be granted for the reasons explained above. A key consideration in this regard is the presumption in favour of sustainable development as set out in SPP. It is our view that the presumption is engaged.
- 3.58 It is important that developments which are acceptable in planning terms are granted consent, particular renewable energy schemes which can make a difference in the global climate emergency. This Proposed Development can pave the way for the first subsidy-free wind farm to be constructed in Scotland, delivering a range of benefits at a cost that is competitive with fossil fuel alternatives.
- 3.59 Accordingly we respectfully consider the planning permission should be granted for the Proposed Development.

## APPENDICES

## APPENDIX A: Energiekontor Contractor Procurement Policy

### Aims

Many local companies are ideally placed to supply materials and services for our projects but may find it difficult to compete with national suppliers. Balance of Plant (BoP) construction contracts are normally selected on the basis of the 'most economically advantageous offer'. The aim of this policy is to ensure that the community and local employment benefits offered by contractors are recognised in the evaluation and award of Balance of Plant (BoP) construction contracts.

### Justification

By recognising the economic advantage that the contract may bring to local communities and individuals, our policy seeks to foster a closer relationship between Energiekontor and local communities. The construction of the development will be the first physical activity in a project that will exist for at least 25 years and a close relationship between those parties is desirable for all concerned.

### Policy Statement

We have defined our strategy in the following policy statement:

*When assessing bids for supply of materials and services to construct our projects, Energiekontor will give significant weight to bids from suppliers who demonstrate they have an established local presence, employ local people and source materials within the respective local authority region. Regional suppliers who meet our procurement qualification standards will be given a 5% price advantage on local market prices over National suppliers through the bidding process.*

## APPENDIX B: Wind Turbine Manufacturer Correspondence

Subject: ENERCON E-82 Availability

Morning Peter,

As discussed this morning ENERCON as Wind Turbine Manufacturers are currently in a period of transition and the direction of travel is to produce larger turbines in the +5MW sector as dictated by global demand.

As such we are in the process of streamlining our turbine portfolio and many of our EP1 and EP2 turbines will be discontinued.

Regarding the E-82 I cannot guarantee this will be available as we foresee demand to be very limited for this size and scale of machine moving forward.

The new EP3 range (including the E-115) is designed with the latest technology and provides a far better Levelised Cost Of Energy.

Mit freundlichen Grüßen / With kind regards

Nick Hudson



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## Sorbie Wind Farm

Section 42 Application to Vary Tip Height  
from 104.3M to 125M

Review Statement

February 2020



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## EXECUTIVE SUMMARY

*This Review Statement has been prepared to support a planning application by Energiekontor UK Ltd ("the Applicant") to vary the consented Sorbie Wind Farm by increasing the tip heights of the wind turbines from 104.3m to 125m, amending the internal track layout, identifying an area for battery storage, providing additional new woodland planting, and deleting the 65m high permanent met mast ("the Proposed Development") at Sorbie Farm, Ardrossan ("the Site").*

*Since Sorbie was designed in 2013 there have been a number of significant changes to the onshore wind market, not least due to the complete removal of public subsidies in the UK. As a result, only one project has been delivered with no public subsidy in the UK.*

*Due to the site-specific conditions at Sorbie we will be able to deliver Sorbie as a subsidy-free project if we are able to use 125m modern turbines. These would generate an additional 87% of renewable energy compared to the original turbines (which incidentally are no longer available on the market) despite being just 19.8% taller.*

*The scale of the threat we face through climate change is widely acknowledged by governments across the world. The Scottish Government has recently taken the decision to declare a climate emergency, citing the need for the world to act now and deliver transformative change. Extremely challenging targets have been set for decarbonising the economy: net zero emissions for Scotland by 2045, the most stringent target anywhere the world. A significant step change in delivery of renewables is required to meet these targets.*

*The Council's planning officers have mis-applied their own, as well as national planning policies relating to spatial frameworks for wind farms. Officers consider the location of the Site within 2km of Ardrossan to be an "in principle" reason why this development should be refused. That approach is based on a basic and concerning mis-interpretation of planning policy. It is clear that spatial strategies are guides for developers, and that wind farms can be acceptable within 2km of settlements. There is no ban on wind farms within 2km of settlements within local or national policy, contrary to what Council officers would have you believe. That Council officers should misdirect themselves in this way in the face of clear national policy is a matter of grave concern to the Applicant, as it should be to Council Members. To illustrate this point, the 2km separation guide was already in place as part of SPP (June 2014) when the original 2015 permission was granted by Scottish Ministers, (November 2015) yet it was still approved despite being within a Group 2 area. Policy on spatial frameworks has not changed since then, as the spatial framework within LDP2 mirrors that within SPP. The Site was in a Group 2 area in 2015 as it is now. Planning officers have not considered the relevant planning test that applies for wind farms within 2km of settlements, and when considered correctly it is clear that the Proposed Development is acceptable in terms of the spatial strategy.*

*When the landscape and visual effects that the Proposed Development would give rise to, over and above those of the consented 104.3m turbines, are considered it is clear that the Proposed Development is in accordance with the Development Plan and that planning permission should be granted.*

# 1 INTRODUCTION

## Background

- 1.1 This Review Statement has been prepared to support a Review by Energiekontor UK Ltd ("the Applicant") following a delegated decision to refuse an application to amend the existing planning permission for Sorbie Wind Farm ("the Proposed Development").
- 1.2 This Review Statement sets out the background and context to the Proposed Development before discussing the planning policy context and the reasons for refusing the application. This Review Statement has been prepared by the Applicant with specialist input on landscape and visual impact assessment matters provided by a qualified landscape architect.
- 1.3 This planning application follows a previous refusal at the Site for an application to vary the turbine tip heights to 125m (reference 19/00306/PP). This application was refused by the Council in 2019 for the following reason:

*"The proposal would be contrary to the provisions of Local Development Plan Policy PI 9 criterion (a) and (d) and the General Policy of the adopted North Ayrshire Council Local Development Plan in the following ways: It is considered that the degree of change from 104.3m blade tip to 125m blade tip would be substantial and adverse in terms of landscape and visual impacts, especially given the locational context of the site within 2km to the north of the settlement of Ardrossan and in close proximity to the North Ayrshire Lowlands Landscape Character Type, being a landscape of smaller scale. Such a substantial increase in scale would contrast markedly with the turbine design approved in the previous consents, would overwhelm those parts of the North Ayrshire Lowlands Landscape Character Type close to the site and would have an adverse effect on the rural setting of Ardrossan. This contrast would also be unfavourable against the design of the nearby Ardrossan Windfarm, resulting in conflict with the recommendations contained in the Council's Landscape Wind Capacity Study of 2018, all of which would adversely affect landscape character and visual amenity in the locality."*

- 1.4 This planning application has sought to address this reason for refusal.

## Procedural Background

- 1.5 This planning application was submitted to the Council on 19 November 2019 and subsequently validated on 27 November 2019. The application as submitted comprised the following documents:
  - Application forms;
  - Planning Statement;
  - Comparative Environmental Report;
  - Comparative Environmental Report: LVIA Annexes; and
  - The following plans and drawings:



- Figure 1.1 Location Plan
- Figure 1.2 Turbine Elevation
- Figure 1.3 Site Layout
- Figure 1.4 Woodland Planting Proposals

- 1.6 Following a request from local Members, on 22 January 2020 the Planning Committee met to consider whether the planning application should be called-in for its own determination, or whether it should be left to the delegated authority of officers. The Planning Committee voted to leave determination of the application with officers.
- 1.7 Following this Planning Committee meeting, planning officers contacted the Applicant to request that additional tree planting be provided within the Site boundary to further mitigate the landscape and visual effects of the Proposed Development. The Applicant agreed to this request and a revised *Figure 1.4 Woodland Planting Proposals* was submitted to the Council on 30 January 2020 in line with the officer's request. This resulted in an increased area of proposed woodland planting within the Site from 1.1ha to 2.2ha.
- 1.8 Despite meeting this request, on 5 February 2020 the planning application was refused by officers under delegated powers for the following reasons:

*"1. The proposal would be contrary to the provisions of Policy 29 of the adopted North Ayrshire Local Development Plan (LDP) in the following ways: It is considered that the degree of change from 104.3m blade tip to 125m blade tip would be adverse in terms of landscape and visual impacts, especially given the locational context of the site within 2km to the north of the settlement of Ardrossan, which is afforded protection in terms of the Windfarm Spatial Framework as set out in the LDP. Such an increase in scale would contrast markedly with the turbine design approved in the previous consents and would have a significant adverse effect on the rural setting of Ardrossan. This contrast would also be unfavourable against the design of the nearby Ardrossan Windfarm, resulting in adverse effects on the landscape character and visual amenity of the locality.*

*2. The proposed development would set an undesirable precedent for a scale of windfarm development that is unjustified at a location within 2km of a settlement, which would undermine the Policies of the adopted North Ayrshire Local Development Plan."*

## The Applicant

- 1.9 Energiekontor UK Ltd is a renewable energy development company with offices in Glasgow, Edinburgh and Leeds. The company was formed in 1999 and develops onshore wind and solar farms throughout the UK. We have eight operational sites in the UK with permissions in place for a further six wind farms, five of which are in Scotland. We are a complete service company who identifies potential wind farm sites and promotes them through the planning process. If permission is obtained, we manage the finance and construction processes before operating our sites for their full 25-year life cycles. We have an operations team in Glasgow who are responsible for operating and maintaining our sites in Scotland.

- 1.10 In 2018 we became the first developer to finance and construct a wind farm in the UK without any government subsidies or support mechanisms in place. Previously, onshore wind farms had access to a number of government initiatives to encourage renewable energy deployment. The last UK program for onshore wind farms above 5MW (Contracts for Difference) was closed to new applicants in 2015. Since this time Energiekontor has endeavoured to find a “route to market” for onshore wind projects so that permitted developments can be realised. This first subsidy-free wind farm is located in England and we are also aiming to deliver the first subsidy-free wind farm in Scotland, which we hope will be Sorbie Wind Farm. However, we cannot do this based on the consented turbine tip heights as the scheme is not economically viable.

## The Site, Proposed Development and Context

### *The Site and its Surroundings*

- 1.11 Sorbie Wind Farm is approximately 1.5km to the north of Ardrossan. The Site is currently used for grazing cattle for Sorbie Dairy Farm and consists of a number of agricultural fields. The gradient of the land gently slopes from south to north with the highest point being approximately 157m Above Ordnance Datum (AOD) and the lowest point being approximately 75m AOD. There are a number of watercourses, patches of trees, a disused quarry, properties and buildings located within the Site. To the west of the Site is the B780 whilst to the north, east and south are agricultural field hedgerow boundaries. The Site is located within the Haupland Muir landscape character area as defined in the North Ayrshire Landscape Wind Capacity Study.

### *Description of Proposed Development*

- 1.12 This Proposed Development seeks to vary the consented Sorbie Wind Farm to achieve the following amendments:
- Increase of the turbine tip heights from 104.3m to 125m;
  - Varying the internal track layout to save 1.24km of new track from being constructed;
  - Identification of an area that could be utilised for energy storage in the future, should the technology become commercially available within the operational lifetime of the wind farm. A separate planning application would be submitted in the future to seek detailed consent for the energy storage facility;
  - Introduction of new woodland planting on the Site; and
  - Deletion of the approved 65m high permanent anemometer mast from the development.
- 1.13 It is proposed to achieve these variations through the use of Section 42 of the Town and Council Planning Act (Scotland) 1997 to amend planning condition 2 of permission 18/01061/PP from:

*“That, for the avoidance of doubt, all other conditions as set out in Appendix 1 attached to the decision letter of The Scottish Government (ref. AIR-NAY-001) dated 30<sup>th</sup> November 2015 shall continue to have effect.”*

To read:

*“That, for the avoidance of doubt, all other conditions as set out in Appendix 1 attached to the decision letter of The Scottish Government (ref. AIR-NAY-001) dated 30<sup>th</sup> November 2015 shall continue to have effect except for conditions 4 and 7 which shall be amended to read:*

*4. That the turbines shall be erected and the site roads constructed in the locations identified on drawing Figure 1.3 Site Layout, save for the ability to vary these locations by 30m. Any movement greater than 30m would require the written approval of North Ayrshire Council as Planning Authority. Before the turbine bases are concreted, the precise position of the turbines shall be notified to, and approved in writing by, North Ayrshire Council as Planning Authority.*

*7. That no turbines will be erected until details of the model, height, colour and finish of the turbines and of any external transformers, have been submitted to, and approved in writing by, the planning authority. The turbines shall not be illuminated and shall not carry any symbols, logos or other lettering except where required under other legislation. For the avoidance of doubt, the height of the wind turbines to blade tip shall not exceed 125 metres. The development shall be carried out thereafter in accordance with the approved details, unless any changes are subsequently agreed in writing by North Ayrshire Council as Planning Authority.”*

## Context

- 1.14 Sorbie Wind Farm was previously approved by the Local Review Body (LRB) in 2014 due to non-determination (reference 13/00627/PP and 14/00001/LRB), a decision that was subsequently ratified by Scottish Ministers in November 2015. The wind farm has not been constructed.
- 1.15 The original planning application for Sorbie Wind Farm was submitted to the Council in October 2013 at a time when public subsidies were still in place for onshore wind development. The tip heights originally applied for (104.3m) reflect this as, with subsidies in place, it was possible to realise viable wind projects at this height. That is reflected in a wind farm developments across North Ayrshire, a number of which have tip heights at ~100m (e.g. Ardrossan Wind Farm) and have been operational for a number of years.
- 1.16 Since Sorbie was designed in 2013 there have been a number of significant changes to the onshore wind market, not least due to the complete removal of public subsidies in the UK and gradual withdrawal of subsidy elsewhere in Europe. In the UK potential revenues for wind development have more than halved as a result; a change which has sent shockwaves through the industry and led to some significant adjustments in the way that developments are approached.
- 1.17 The most significant changes have been led by the turbine manufacturing industry, which in response to falling revenues have sought to push design envelopes further to allow individual turbines to generate more energy through the use of larger rotor diameters and higher tip heights. The rotor diameter is particularly important because it is the part of the turbine that captures the wind energy, so the larger the rotor, the more energy it can capture. Increased tip heights are required to accommodate larger diameters, and taller

tip heights have the added benefit of enabling increased wind speeds at higher elevations to be captured.

- 1.18 Table 1.1 below illustrates the availability of turbines from the major manufacturers that would fit within the consented turbine envelope. As the table shows, the turbines from the major manufacturers that would have fit within the consented turbine envelope in 2015 are no longer available for purchase.

Table 1.1 Turbine model availability within consented envelope

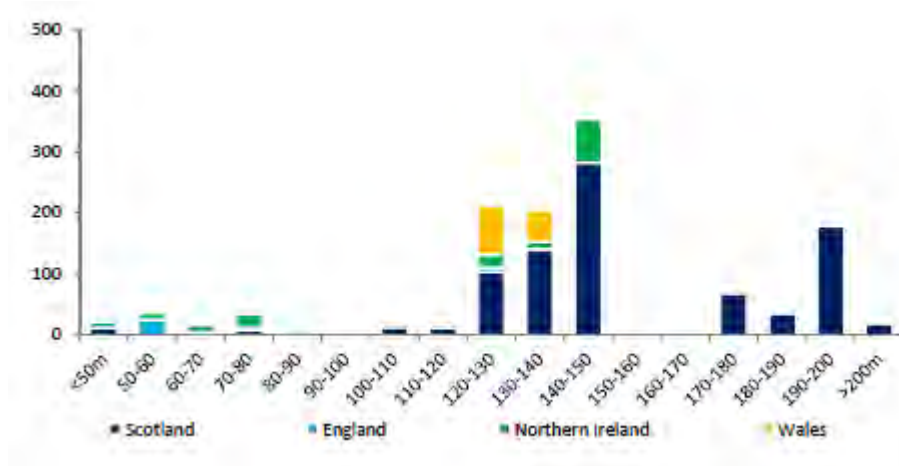
Turbine Model	Rotor Diameter	Tip Height	Capacity	Availability
Vestas V80	80m	100m	2.5MW	Not available
Nordex N80	80m	100m	2MW	Not available
Senvion MM82	82m	100m	2.05MW	Not available
Enercon E82	82m	100m	2.35/3MW	Not available

- 1.19 Growing turbine sizes has helped lower the cost of wind energy to the point where it can be economically competitive with fossil-fuel alternatives in some locations, but individual schemes require the right combination of turbine scale, wind speed and other infrastructure costs to ultimately be delivered. The overall deployment picture in the UK however is stark: since 2015 only one project has been delivered with no public subsidy in the UK, and despite the abundance of permissions for large schemes in Scotland, nothing has been delivered subsidy-free in the country to date.
- 1.20 Energiekontor is aiming to take things further and position our wind projects to be the cheapest form of all energy available, which means being able to deliver projects at a cost that is lower than nuclear, coal and gas. We have a team dedicated to efficiency savings as part of this drive and every member of staff is actively involved in seeking to reduce the cost of developing wind and increasing energy output across a wide variety of initiatives. If we can be successful in our goal then the results will be transformative for the energy market in the UK; driving down consumer bills and accelerating progress towards net zero emissions. After all, if onshore wind is the cheapest form of energy, why would consumers choose more expensive fossil fuels?
- 1.21 Since subsidies were removed in the UK it is rare to see a project being promoted in Scotland with tip heights below 150m, which is rapidly becoming the new 'normal' for wind developments (that being the maximum height permitted before visible aviation lights are statutorily required to be installed on the turbine nacelle). Indeed, several projects are now being promoted with tip heights in excess of 200m, with support from stakeholders in the right locations (see Graphs 1.1 and 1.2 below which show either the consented maximum turbine height for onshore projects or the tip heights of application sites).

Graph 1.1 Tip heights of consented onshore wind projects (number of turbines)



Graph 1.2 Tip heights of onshore wind projects in planning (number of turbines)



- 1.22 At Sorbie, whilst we would of course like to use the latest turbine technology available and deliver a 150m+ development, that is not what is needed to make the project cost-competitive with fossil fuel alternatives. Due to the site-specific conditions at Sorbie, in particular the high wind speeds and relatively low infrastructure costs, we will be able to deliver Sorbie as a subsidy-free project if we are able to use 125m modern turbines. The 125m turbines that we are seeking consent for, as summarised in the table below, would generate an additional 87% of renewable energy compared to the original turbines (which in any event are no longer available on the market) despite being just 19.8% taller. This nearly doubling of renewable energy output is a disproportionate benefit compared to the modest increase in size.

Table 1.2 Summary of changes due to Proposed Development

Characteristic	Original Sorbie Wind Farm	Proposed Development
Number of turbines	3	3
Turbine capacity	2.05MW	4MW
Rotor diameter	82m	115m
Hub height	63.3m	67.5m
Tip height	104.3m	125m
Blades	3	3
Turbine colour	Light grey	Light grey
Turbine foundations	Approximately 18m width on a square base	Approximately 18m width on a square base
Approximate Annual Energy Yield (approx.)	23 GWh	43 GWh
Homes Powered <sup>1</sup> (approx.)	5,900 homes	11,050 homes
Annual CO <sub>2</sub> savings <sup>2</sup> (approx.)	55,500 tonnes	100,000 tonnes
Total length of new access track to be constructed	2.14 km	0.9 km
Aggregate required to construct access tracks	3,210 m <sup>3</sup>	1,350 m <sup>3</sup>
Area of new woodland planting	0 ha	2.2 ha
Energy storage area identified	No	Yes
Permanent anemometer mast included	Yes	No

- 1.23 The Proposed Development includes proposed amendments to the internal wind farm track layout which are being sought as part of a drive to further optimise the wind farm and reduce unnecessary carbon expenditure. The new proposed layout would result in a saving of 1.24km of new track as compared to the consented layout, meaning that 1,860m<sup>3</sup> of aggregate would be saved from the total amount required to construct the tracks.
- 1.24 The Proposed Development includes the identification of an area within the construction compound that could be utilised for energy storage in the future, should the technology become commercially viable within the operational lifetime of the wind farm. A separate planning application would be submitted in the future to seek detailed consent for the storage facility.
- 1.25 The tip height extension would allow Sorbie Wind Farm to power 11,050 homes with renewable energy, which is roughly equivalent to every home in Saltcoats and Ardrossan.

<sup>1</sup> Based on an average annual UK domestic electricity consumption figure of 3,889 KWh as set out in the BEIS publication "Energy Consumption in the UK" (2017)

<sup>2</sup> Based on BEIS's standard carbon dioxide savings figure of 430g/KWh



That represents an increase of 5,150 homes as compared to the original Sorbie Wind Farm; an increase which is roughly equivalent to all the homes in Saltcoats. In addition, the Proposed Development would save an additional 44,500 tonnes of CO<sub>2</sub> emissions every year as compared to the consented wind farm, meaning 100,000 tonnes of CO<sub>2</sub> could be saved annually by the wind farm. When compared to the annual CO<sub>2</sub> emissions for the whole of North Ayrshire, which in 2018 was 864,600 tonnes, Sorbie Wind Farm alone could reduce net emissions in North Ayrshire by 12%. Against the context of the global climate change emergency, these benefits are significant, weigh heavily in favour of the Proposed Development and should not be overlooked.

## Structure of this Review Statement

1.26 This Review Statement is structured as follows:

- Section 2 provides a summary of the policy context that is relevant to the Proposed Development, including planning policy and renewable energy policy; and
- Section 3 identifies and discusses the principal planning issues before drawing together overall conclusions.

## 2 POLICY CONTEXT

### Introduction

- 2.1 This section sets out the planning policy context that is relevant to the Proposed Development. It covers local and national planning policy together with other material considerations.

### Development Plan

- 2.2 The current statutory Development Plan for the purposes of Section 25 of the Town and Country Planning (Scotland) Act 1997 consists of the North Ayrshire Council Local Development Plan (November 2019) (LDP).
- 2.3 The LDP includes a policy which sets out how the Council will consider wind development, *Policy 29 Energy Infrastructure Development*, which states:

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

#### *Environmental*

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

#### *Community*

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

#### *Public Safety*

- *Greenhouse gas emissions;*
- *Aviation and defence interests and seismological recording;*

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

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

- 2.4 The Spatial Strategy for wind farms is set out on page 99 of the LDP. This sets out where the various Group 1, Group 2 and Group 3 areas within North Ayrshire are located in broad terms. Group 1 areas are locations where wind farms will not be acceptable, Group 2 areas are defined as "areas of significant protection", and Group 3 areas are locations with potential for wind farm development. The Site is located within a 'Group 2' area due to its location within 2km of the settlement of Ardrossan. The Spatial Strategy on page 99 makes it clear that the classification of these Groups comes from Scottish Planning Policy Table 1: Spatial Frameworks, a matter which we refer to later in this Review Statement.
- 2.5 The previous planning applications for Sorbie Wind Farm, including the most recent tip height increase application in 2019, were considered against the previous LDP from May 2014, in particular Policy PI 9 which dealt with wind energy proposals. Comparing the new Policy 29 with the previous Policy PI 9, it is clear that there is a shift in tone between the two policies. Policy PI 9 requires proposals to demonstrate compliance with a range of criteria before they can be considered acceptable. Policy 29 meanwhile turns this on its head and states from the outset that the Council "will support" wind proposals which contribute to our transition to a low carbon economy. This support is subject to there being no unacceptable adverse environmental impacts, "taking into consideration" a range of criteria. Again there has been a shift here with respect to which the various criteria are relevant; Policy IP 9 required proposals to satisfy all of the criteria, whereas Policy 29 requires proposals to take the criteria "into consideration". In addition, the criteria listed in Policy PI 9 considered the extent to which proposals had the potential to result in adverse effects, with no consideration of or weight given to the benefits that individual schemes could bring. By contrast, the criteria in Policy 29 include a range of positive factors to be taken into account by the decision maker, namely:
- Providing a net economic impact – including socio-economic benefits such as employment, associated business and supply chain opportunities;
  - Scale of contribution to renewable energy generation targets; and
  - Specific locational opportunities for energy storage/generation.

2.6 Overall, there is a shift in tone and emphasis in the new policy where support from the Council for wind energy is explicit and a framework is provided for balancing the positive aspects of proposals against environmental effects.

2.7 Moreover, at the time the previous application for 125m turbines at Sorbie Wind Farm was being considered by planning officers, the emerging Policy 29 placed significantly more weight on the landscape capacity study than the current wording of Policy 29. Proposals were previously required to “comply” with the landscape capacity study, which is a much higher test than the current wording of Policy 29, which simply states that the landscape capacity study will be “used as a point of reference”. The LDP Examination Report (July 2019) notes that the Scottish Government objected to this part of the original wording on the basis that:

*“wind energy developments do not need to ‘comply’ with landscape guidance in order to align with Scottish Planning Policy (CD02). [Scottish Government] suggests that development management could determine compliance and the [landscape guidance] should be used for information only as suggested in another part of the policy.”*

2.8 The Reporter’s conclusion on this matter note that:

*“The council failed to respond to the Scottish Government’s suggestion to remove the requirement to comply with the current landscape capacity study for wind farm development in North Ayrshire...I consider that requiring proposals to ‘comply’ with the landscape capacity study is at odds with the final sentence of proposed policy 29 which suggests that ‘this study will be used as a point of reference for assessing all wind energy proposals’. It would be reasonable and appropriate for the text to simply require proposals to consider the findings of the landscape capacity study. A change is justified on this basis.”*

2.9 The requirements of Policy 29 have therefore been watered down in respect of the capacity study, with proposals now being required to simply “consider” the study, rather than “comply” with it. This is more in line with how landscape capacity studies should be used when considering individual applications for wind energy development, as discussed further in Section 3, and marks a change from what was before planning officers when they considered the previous application for 125m turbines at Sorbie.

## National Policy and Guidance

### National Planning Framework

2.10 National Planning Framework 3 (NPF 3) was published on 23 June 2014. NPF 3 is a long term strategy for Scotland and is the spatial expression of the Government’s Economic Strategy and plans for development and investment in infrastructure.

2.11 The general and high level support for renewables is provided through the ‘vision’ which is referred to as *inter alia*:

- A successful, sustainable place – “we have a growing low carbon economy which provides opportunities...”;

- A low carbon place – “we have seized the opportunities arising from our ambition to be a world leader in low carbon generation, both onshore and offshore”; and
- A natural resilient place – “natural and cultural assets are respected; they are improving in condition and represent a sustainable economic, environmental and social resource for the nation”.

### *Scottish Planning Policy*

- 2.12 Scottish Planning Policy (SPP) was adopted in June 2014 and sets out the Scottish Government's policy on how nationally important land use matters should be addressed across the country.
- 2.13 Both SPP and NPF3 share a vision for Scotland: “a growing, low carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing our emissions and which respects the quality of the environment, place and life and which makes our country so special” (para 11).
- 2.14 Paragraph 18 makes reference to the Climate Change (Scotland) Act 2009 which sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. SPP explains that Section 44 of the 2009 Act places a duty on public bodies to act in the best way to contribute to the delivery of emissions targets as set out in the Act, and to help deliver the Scottish Government's climate change adaptation programme.
- 2.15 The SPP sets out continued support for onshore wind in a similar manner to the previous SPP. However, it also now sets out a presumption in favour of development that contributes to sustainable development. The 'presumption in favour' is an important new aspect of national planning policy. Paragraphs 32 and 33 of SPP explain how this Policy Principle is given effect to in development management, as discussed in Section 3 of this Statement.
- 2.16 SPP addresses 'A Low Carbon Place' as a 'subject policy' and refer to 'delivering electricity'. Paragraph 152 refers to the NPF context and states that NPF3 is clear that planning must facilitate the transition to a low carbon economy and help to deliver the aims of the Scottish Government. It is stated that Scotland has significant renewable energy resources, both onshore and offshore.
- 2.17 In terms of renewable energy, paragraph 154 sets out that the planning system should support the transformational change to a low Carbon economy, consistent with national objectives and targets. Important to this is the expansion of renewable energy generation capacity.
- 2.18 Paragraph 161 sets out the approach that should be taken by local authorities in preparing spatial strategies. It states that planning authorities “should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out below in Table 1”. Table 1 is reproduced in full below:

SPP Table 1: Spatial Frameworks

<p>Group 1: Areas where wind farms will not be acceptable:</p> <p>National Parks and National Scenic Areas</p>		
<p>Group 2: Areas of significant protection:</p> <p>Recognising the need for significant protection, <u>in these areas wind farms may be appropriate in some circumstances</u>. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</p>		
<p>National and international designations:</p> <ul style="list-style-type: none"> <li>▪ World Heritage Sites;</li> <li>▪ Natura 2000 and Ramsar sites;</li> <li>▪ Sites of Special Scientific Interest;</li> <li>▪ National Nature Reserves;</li> <li>▪ Sites identified in the Inventory of Gardens and Designed Landscapes;</li> <li>▪ Sites identified in the Inventory of Historic Battlefields.</li> </ul>	<p>Other nationally important mapped environmental interests:</p> <ul style="list-style-type: none"> <li>▪ Areas of wild land as shown on the 2014 SNH map of wild land areas;</li> <li>▪ Carbon rich soils, deep peat and priority peatland habitat.</li> </ul>	<p>Community separation for consideration of visual impact:</p> <ul style="list-style-type: none"> <li>▪ An area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.</li> </ul>
<p>Group 3: Areas with potential for wind farm development:</p> <p>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p>		

## Onshore Wind Policy Statement

- 2.19 In December 2017 the Scottish Government published its Onshore Wind Policy Statement. The ministerial forward by Paul Wheelhouse MSP highlights the “vital” role that onshore wind will continue to play in Scotland's future, “helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy, and meeting local and national demand”. The ministerial forward continues to highlight that this important role “means we must support development in the right places, and – increasingly – the extension and replacement of existing sites, where acceptable, with new



and larger turbines, based on an appropriate, case by case assessment of their effects and impacts".

- 2.20 Specifically in relation to the use of larger turbines, the policy statement makes the following points:

*"3. In order for onshore wind to play its vital role in meeting Scotland's energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set.*

*4. This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated.*

*9. We know that new projects face a highly uncertain route to market. The arrangements which have enabled onshore wind to expand and to reduce its costs so successfully, are no longer in place. Continued innovation and cost reduction, a supportive and well-resourced planning system, and continued advances in turbine and blade technology will help close the gap that currently exists – but not sufficiently, and not for all developments.*

*23. ...We acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful (i.e. higher capacity) turbines, and that these – by necessity – will mean taller towers and blade tip heights.*

*24. The technology shift towards larger turbines may present challenges when identifying landscapes with the capacity to accommodate larger scale development, as not all will be suitable. However, fewer but larger wind turbines may also present an opportunity for landscape improvement, as well as increasing the amount of electricity generated.*

*25. The Scottish Government acknowledges the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts..."*

## The Renewable Energy Legislative and Policy Context

### The COP21 UN Paris Agreement

- 2.21 The Paris Agreement (December 2015) is an international agreement on climate change, of which there are 195 countries, including the UK.
- 2.22 The Agreement came into force on November 4<sup>th</sup> 2016, having been ratified by at least 55% (the point which triggers ratification) of the 195 countries.
- 2.23 The meeting in Paris was considered a make-or-break opportunity to secure an international agreement on the approach to tackling climate change, commitment to a

longer-term goal of near zero net emissions in the second half of the century, and supporting the transition to a clean economy and low carbon society.

2.24 Governments agreed:

- A long-term goal of keeping the increase in global average temperature to well below 2°C above pre-industrial levels.
- To aim to limit the increase to 1.5°C, since this would significantly reduce risks and the impacts of climate change.
- On the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries.
- To undertake rapid reductions thereafter in accordance with the best available science.

2.25 Countries will also be legally obliged to make new post-2030 commitments to reduce emissions every five years.

### *UK 2050 Net Zero Target*

2.26 In June 2019 the UK became the first major economy in the world to pass laws to end its contribution to global warming by 2050. The target will require the UK to bring all greenhouse gas emissions to net zero by 2050, compared with the previous target of at least an 80% reduction from 1990 levels.

### *Scottish Energy Strategy: The future of energy in Scotland*

2.27 The Scottish Government published its *Scottish Energy Strategy: The future of energy in Scotland* in December 2017. The strategy sets two new targets for the Scottish energy system by 2030:

- The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources.
- An increase by 30% in the productivity of energy use across the Scottish economy.

2.28 In relation to renewable energy targets the strategy states the following:

*"Scotland's long term climate change targets will require the near complete decarbonisation of our energy system by 2050, with renewable energy meeting a significant share of our needs.*

*In 2009 the Scottish Government established a suite of renewable energy targets for 2020 – with a headline target of the equivalent of 30% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. We have made good progress to date, with the equivalent of 17.8% being met by renewable sources in 2015.*

*Reaching 50% in 13 years time will be challenging, particularly in more uncertain market conditions compared to those in the preceding decade, and due to the fact that not all the relevant policy levers are devolved to the Scottish Government. But the target demonstrates the Scottish*

*Government's commitment to a low carbon system and to continued growth of the renewable energy sector in Scotland. It also underlines our belief in the sector's ability to build on its huge achievements and progress thus far."*

2.29 Specifically in relation to onshore wind the strategy states the following:

*"Onshore wind is now amongst the lowest cost forms of power generation of any kind, and is a vital component of the huge industrial opportunity that renewables create for Scotland. The sector supports an estimated 7,500 jobs in Scotland, and generated more than £3 billion in turnover in 2015. Campbeltown is also currently home to the UK's only turbine tower fabricator.*

*Our energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland's future – helping decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand.*

*That means continuing to support development in the right places, and – increasingly – the extension and replacement of existing sites with new and larger turbines, all based on an appropriate, case by case assessment of their effects and impacts.*

*It means continuing to provide a route to market for that power – in ways which reduce and ultimately eliminate any additional costs for consumers.*

*And it means developers and communities working together and continuing to strike the right balance between environmental impacts, local support, benefit and – where possible – economic benefits deriving from community ownership.*

*This can be done in a way which is compatible with Scotland's magnificent landscapes, including our areas of wild land. This means that the relevant planning and consenting processes will remain vitally important. A major review of the Scottish planning system is well under way, and will continue as now to fully reflect the important role of renewable energy and energy infrastructure, in the right places."*

## *Scotland Climate Change Plan*

2.30 The Climate Change Plan (2018) provides the framework for Scotland's transition to a low-carbon economy, setting out how emissions will be reduced in every year to 2032.

2.31 The Climate Change Plan highlights that climate change is one of the greatest global threats we face and that Scotland must play its part to achieve the ambitions set out in the Paris Agreement, which mandates concerted, global action to deal with the threat. It notes that the path towards a low carbon future will require great effort across all parts of our society and economy, but it also presents tremendous opportunities.

## *The Global Climate Emergency – Scotland's Response*

- 2.32 On 14 May 2019 the Climate Change Secretary Roseanna Cunningham made a statement to the Scottish Parliament regarding Scotland's response to the climate change emergency. Her statement highlighted *inter alia*:

*"There is a global climate emergency. The evidence is irrefutable. The science is clear. And people have been clear: they expect action. The Intergovernmental Panel on Climate Change issues a stark warning last year: the world must act now. By 2030 it will be too late to limit warming to 1.5 degrees..."*

*...it's not too late for us to turn things around, but to do so requires transformative change. This is not just about government action. And it is not something that only affects Scotland...We all have a part to play: individuals, communities, businesses, other organisations...*

*...Earlier this month, the Scottish Government received advice from the UK Committee on Climate Change in light of the IPCC report. We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions...these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...*

*...The CCC has been stark in saying that the proposed new targets will require a 'fundamental change from the current piecemeal approach that focuses on specific actions in some sectors to an explicitly economy wide approach'. To deliver the transformational change that is required, we need structural changes across the board: to our planning, procurement, and financial policies, processes and assessments...that is exactly what we will do."*

## Summary

- 2.33 The scale of the threat we face through climate change is widely acknowledged by governments across the world. The Scottish Government has recently taken the decision to declare a climate emergency, citing the need for the world to act now and deliver transformative change. Everyone has a role to play in this global climate emergency, including businesses and local authorities. Extremely challenging targets have been set for decarbonising the economy: net zero emissions for Scotland by 2045, the most stringent target anywhere the world.
- 2.34 International and national commitments have been made to address the effects of climate change and to achieve greater security in the domestic supply of energy. This in turn has directly influenced a response through the land use planning system which through national planning policy strongly encourages renewable energy development and the evidence base demonstrates that wind energy is the key renewable resource for Scotland.

2.35 There remains a shortfall on a national basis against targets for renewable energy generation. National targets are not capped and decision makers are not prevented from consenting projects just because an interim target may be achieved.

2.36 In addition:

- It is clear from NPF3 that onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming a 'low carbon place' which in turn is a key part of the 'vision' for Scotland.
- Scottish Government has made it unequivocally clear that it wants to continue to "capitalise on our wind resource", including through the use of larger turbines where appropriate.
- SPP sets out continued support for onshore wind in a similar manner to the previous SPP.
- SPP also sets out a presumption in favour of development that contributes to sustainable development.
- The presumption in favour is an important new aspect of national planning policy and material to the consideration of planning applications.
- Policy 29 in LDP2 is more inherently supportive of wind energy proposals than Policy PI 9 in the previous LDP, allowing a range of positive factors such as economic benefit to be balanced against adverse effects.
- Policy 29 has also been watered down in respect of the relevance of the landscape capacity study,
- A Spatial Strategy is contained within the LDP as required by SPP. The Site is located within a Group 2 area where, according to SPP, "wind farms may be appropriate in some circumstances".

### 3 PLANNING APPRAISAL

3.1 This section considers the planning issues raised by the Proposed Development against the planning policy context outlined in Section 2. In presenting an assessment of the overall planning policy case we firstly consider the following two questions:

- Does the Proposed Development accord with the provisions of the statutory Development Plan?
- Do material considerations outweigh the provisions of the statutory Development Plan?

3.2 Before addressing these two questions however it is first worth considering the Council's reasons for refusal, and the perceived Development Plan conflict that they raise.

#### The Reasons for Refusal

3.3 The two stated reasons for refusal are:

*"1. The proposal would be contrary to the provisions of Policy 29 of the adopted North Ayrshire Local Development Plan (LDP) in the following ways: It is considered that the degree of change from 104.3m blade tip to 125m blade tip would be adverse in terms of landscape and visual impacts, especially given the locational context of the site within 2km to the north of the settlement of Ardrossan, which is afforded protection in terms of the Windfarm Spatial Framework as set out in the LDP. Such an increase in scale would contrast markedly with the turbine design approved in the previous consents and would have a significant adverse effect on the rural setting of Ardrossan. This contrast would also be unfavourable against the design of the nearby Ardrossan Windfarm, resulting in adverse effects on the landscape character and visual amenity of the locality.*

*2. The proposed development would set an undesirable precedent for a scale of windfarm development that is unjustified at a location within 2km of a settlement, which would undermine the Policies of the adopted North Ayrshire Local Development Plan."*

3.4 There are three principal issues raised in these reasons for refusal, namely landscape and visual impact, contrasting turbine scale, and the location of the Site within 2km of Ardrossan. Each of these issues is said by the planning officers to raise conflict with Policy 29. We will deal with each issue separately below.

#### Landscape and Visual Effects of the Proposed Development

3.5 The LVIA submitted in support of this planning application is supported by a range of visual material, including a set of photomontages comparing the larger proposed turbines against the consented turbines. These photomontages provide strong evidence that the proposed increase in turbine size would appear as more of a moderate increase from key views in the surrounding landscape, and not a 'substantial' change as cautioned against in the LWCS.



- 3.6 In terms of effects on landscape, the LWCS describes the host Landscape Character Type (LCT) (Ayrshire Lowlands) as being a “small to medium scale gently undulating to rolling landscape”, however, “scale is increased where remnant mosses and pastures surrounding them are more open and less settled on the western edge of this character type where a more gradual transition occurs with the adjacent uplands of Haupland Muir”. It is within this area of ‘increased’ scale and ‘gradual transition’ with the uplands that the Proposed Development is found to have most influence. The LVIA submitted in 2013 for the original Sorbie application found that the effects on this LCT would be significant within 3km of the Site (with a Medium-High magnitude of change) and not significant in the wider area of this LCT (with a Low magnitude of change). The LRB and Scottish Ministers agreed that these effects were acceptable. Crucially, the LVIA submitted for this Proposed Development does not find a material increase in the magnitude of effect on landscape character for the Ayrshire Lowlands LCT. The effects are therefore the same as those already accepted by Scottish Ministers in 2015.

#### Contrasting Turbine Scale

- 3.7 The second point raised in the first reason for refusal is that the different scales of turbines at Sorbie and Ardrossan would give rise to unacceptable adverse effects. We do not accept this point. The turbines at Ardrossan are sited at higher elevations than Sorbie, meaning that despite the proposed increase in height, the Ardrossan turbines will still have higher overall tip heights. This is illustrated on Figure 3.1 and Figure 3.2 below which illustrate the overall tip heights in metres Above Ordnance Datum (AOD) across the two wind farms based on the original consent (Figure 3.1) and the Proposed Development (Figure 3.2).
- 3.8 Indeed, if anything it is the Ardrossan turbines that appear larger in scale than the Sorbie turbines, and the overall tip height relationship will be more equally matched between the two wind farms if the Proposed Development goes ahead.

Figure 3.1 Comparison of tip heights in metres AOD between the consented Sorbie turbines (S T1-3, 104.3m to tip) and the existing Ardrossan turbines (A T1-15, 100m to tip)

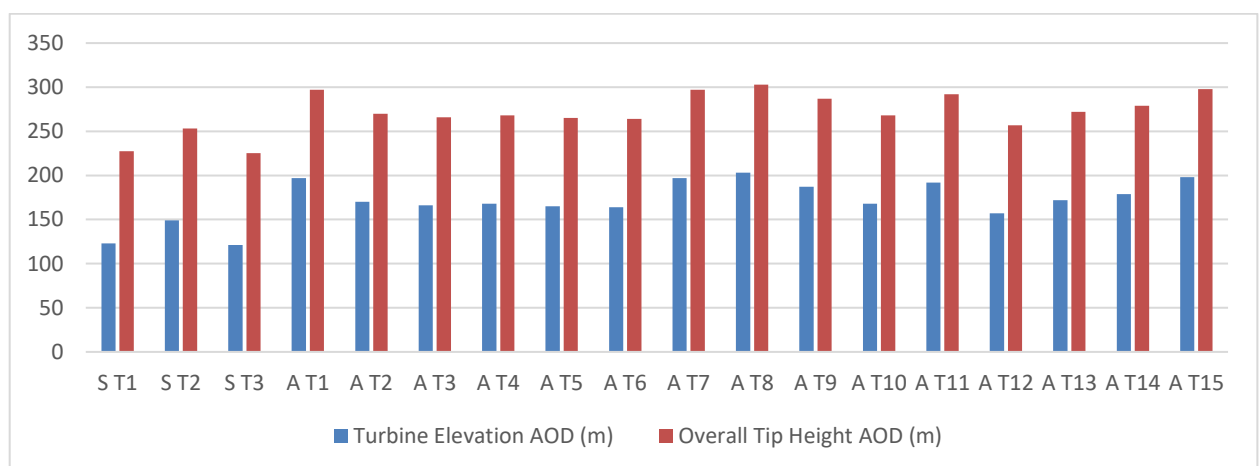
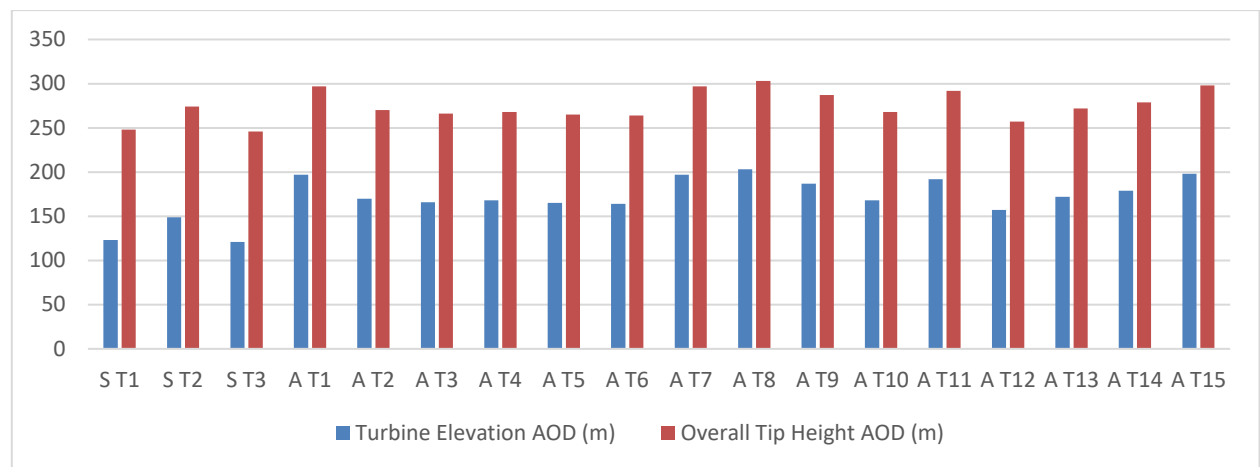


Figure 3.2 Comparison of tip heights in metres AOD between the proposed Sorbie turbines (S T1-3, 125m to tip) and the existing Ardrossan turbines (A T1-15, 100m to tip)



### The Site's Location within 2km of Ardrossan

- 3.9 The Report of Handling sets out the position of the planning officers in terms of applying the 2km separation guide, which is reflected in the reasons for refusal. It states:

*"In summary, it is considered that there would be a precedent set by supporting a proposal of a scale that exceeds the previously agreed wind turbine height at this location, within 2km of a built-up area. The applicant is of the view that the 2km figure is simply a 'guideline' – however, as clearly illustrated in the recently adopted LDP, the Council's spatial strategy for wind farm development seeks to safeguard the 2km buffer around settlements from wind farm development as a matter of principle..."*

- 3.10 This analysis by planning officers is deeply concerning. Officers appear to be labouring under the misapprehension that the spatial framework for wind places a ban on wind farm development within 2km as "a matter of principle". This approach is clearly flawed for the following reasons:

- The spatial framework contained in the LDP is based on the requirements of SPP (to which it refers), which identifies Group 1, Group 2 and Group 3 areas.
- The 2km separation guide from settlements is a 'Group 2' consideration.
- There is no outright restriction on wind farms within Group 2 areas. Instead, SPP stresses that within these areas "wind farms may be appropriate in some circumstances". That is not an 'in principle' ban by any stretch.
- That can be contrasted with Group 1 areas (National Parks and National Scenic Areas, where SPP is clear that wind farms will definitely "not be acceptable" in principle. Why would SPP differentiate between Group 1 and Group 2 areas if they are both to be treated as unacceptable places in principle for wind farms.
- By using the 2km separation guide as an 'in principle' objection to wind farms, officers have therefore made a very basic error in applying the spatial strategy, which has resulted in the wrong decision being made on the acceptability of the Proposed Development. The 2km separation guide should never be used as an 'in principle' objection to wind farms, as it is a Group 2 consideration, not a Group 1 consideration.

- 3.11 To illustrate the point and make the correct position clear beyond any doubt, SPP introduced spatial frameworks in 2014 before the original 2015 permission was granted by Scottish Ministers. The Site was therefore in Group 2 area when it was approved, which was a matter accepted by the parties at the time **including the Council's planning officers**. If locations within 2km of settlements were not suitable in principle for wind farms then the 2015 permission would not have been granted by Scottish Ministers, as it would have contravened national policy. Instead, the Reporter noted the guidance on spatial frameworks within SPP and went on to approve the application anyway. He stated:

*"6.51 It was accepted at the hearing that the proposal is within 2 kilometres of a settlement and would therefore fall within group 2 – Areas of Significant Protection in Table 1. However, the commentary does not preclude development in every case and it may be appropriate in some circumstances. The relationship with the surrounding settlements was assessed in the submitted landscape and visual impact assessment. In summary, in the context of the existing Ardrossan Wind Farm, the impacts were found to be acceptable".*

- 3.12 Nothing has changed to planning policy on spatial frameworks since 2015: the Site was in a Group 2 area when it was approved in 2015; it is still in a Group 2 area today; and the relevant policy tests remain the same notwithstanding the adoption of LDP2 in 2019. The spatial framework in LDP2 is derived from SPP and aligned with it; it does not introduce anything different or new.
- 3.13 The Report of Handling highlights that planning officers consider the 2km separation distance is not a guide, but operates as a pass or fail. SPP states however at paragraph 161 that it is "a guide to developers". SPP could not be clearer on this point. The Scottish Government's online *Onshore wind turbines: planning advice* further notes that "this 2km separation distance is a guide, not a rule", and decisions on individual developments should take into account specific local circumstances and geography". Finally, the Scottish Government's online *Onshore wind planning: frequently asked questions* states that the 2km separation "is not a ban on wind farm development in the identified area". The character of some settlements can in part be defined through their relationship with their surroundings. In some settlements this relationship is more important than in others. The separation distance allows for the important vistas out from a settlement that could be harmed by an insensitively sited or designed wind farm to be identified".
- 3.14 For wind farm developments proposed within 2km of settlements, SPP is clear at Table 1 that the relevant test is whether it can be demonstrated that a proposal would not have any **"significant effects on the qualities" of a settlement**. Planning officers have given no consideration to this test.
- 3.15 Overall, planning policy on this point could not be clearer: the 2km separation distance is a guide, not a pass or fail. Planning officers have incorrectly applied the 2km distance as an **'in principle' objection to the Proposed Development**, which is a serious error in considering the merits of the application. Wind farms within 2km of settlements can, according to planning policy, be acceptable in some circumstances and the relevant planning test is whether any significant effects on the qualities of the settlement can be substantially overcome by siting, design or other mitigation. Planning officers have not considered this planning test. This was all set out by the Reporter for the 2015 application,

and nothing has changed to the relevant policy tests since then, notwithstanding the adoption of LDP2.

3.16 In relation to this planning test, specifically whether any significant effects on the qualities of Ardrossan have been substantially overcome by siting, design or other mitigation, it is relevant that the current setting of the town is influenced by the existing Ardrossan Wind Farm, which is often seen either in a semi-urban context at the eastern settlement edges or from the western settlement edge (such as Ardrossan Harbour) with the rural backdrop including the Ardrossan Wind Farm appearing beyond the town. The LWCS states that “the area is visually dominated by the operational Ardrossan wind farm which is located within the upland core of this landscape and on gently graded southern slopes”, and that “the Kelburn and Ardrossan wind farms and the power stations and other infrastructure at Hunterston are key features in views from the sea and close offshore islands”.

3.17 The Proposed Development would be visible within this same landscape context and would have a clear association with this particular wind farm influenced landscape, which provides a setting commensurate with the scale of the Proposed Development. The LWCS confirms this point at paragraph 3.3.3, which states:

*“The operational wind farms of Kelburn, Dalry and Millour form a concentrated grouping in the southern part of the Clyde Muirshiel Uplands. The Ardrossan wind farm is slightly set apart from this grouping being associated with lower hills in the south of these uplands and closer to the settled coast. The consented Sorbie wind turbines will lie close to the operational Ardrossan wind farm at the transition of these uplands with more settled farmed hill slopes and lowlands.”*

3.18 The proposed increase in turbine blade tip height would not materially alter the relationship that the consented development maintains with the settlement of Ardrossan. As such, it is clear that the Proposed Development would not have any significant effects on the qualities of Ardrossan, which is the key test in SPP for proposals within 2km of a settlement boundary.

3.19 In summary on this issue:

- Planning officers have made a basic error in applying the spatial framework for wind energy development, treating the 2km separation distance as an ‘in principle’ ban.
- SPP is clear that wind farms can still proceed within 2km of settlements, and that the relevant planning test is whether any significant effects on the qualities of the settlement can be substantially overcome by reason of siting, design or other mitigation. This test has not been considered by officers.
- In that respect, the proposed increase in turbine blade tip height would not materially alter the relationship that the consented wind farm maintains with the settlement of Ardrossan and it is clear that the Proposed Development would not have any significant effects on the qualities of Ardrossan.
- The spatial framework in LDP2 is derived from and aligned with the spatial framework in SPP; it does not introduce anything different or new.
- The policy position on spatial frameworks is therefore the same as when the original 2015 permission was approved by Scottish Ministers. The Site was a Group 2 area then

as it is now, and nothing has changed to policy for strategic frameworks in the intervening period notwithstanding the adoption of LDP2.

## Does the Proposed Development accord with the statutory Development Plan?

- 3.20 In terms of the Proposed Development's compliance with the statutory Development Plan, Policy 29 sets out that the Council will support wind developments where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts taking into consideration various criteria. These criteria are considered in turn below.

### Communities and individual dwellings – including visual impact, residential amenity, noise and shadow flicker

- 3.21 Taking these issues in turn:

- Visual impact – The nearest community to the Site is Ardrossan and the proposed increase in turbine height would not materially alter the relationship that the consented wind farm maintains with the settlement of Ardrossan.
- Residential amenity – The Proposed Development would not result in any residential property becoming an unattractive place to live, which is the key planning test in terms of residential amenity.
- Noise – The noise assessment included within the Comparative Environmental Report confirms that the proposed 125m turbines would be able to operate within the existing noise limits in place for the consented wind farm. Noise levels from the Proposed Development would therefore be acceptable.
- Shadow flicker – Although theoretically there would be additional shadow flicker effects as a result of the Proposed Development owing to the larger rotor diameter, in practice mitigation would prevent the occurrence of flicker at receptor locations. This mitigation would be in the form of software which would automatically shut down the turbines at periods where flicker effects could theoretically occur.

### Water quality

- 3.22 The Proposed Development would not lead to any additional effects on water quality over and above those of the consented wind farm.

### Landscape – including avoiding unacceptable adverse impacts on our landscape designations

- 3.23 For the reasons set out in paragraphs 3.5 – 3.22 above, we consider that no unacceptable impacts on landscape would arise as a result of the Proposed Development.

### Effects on the natural heritage – including birds

- 3.24 The Proposed Development would not lead to any additional effects on natural heritage over and above those of the consented wind farm.

Carbon rich soils including peat

- 3.25 The Proposed Development would not lead to any additional effects on carbon rich soils over and above those of the consented wind farm. By contrast, soil disturbance would be reduced owing to the reduced length of access track required to construct the Proposed Development.

Impacts on the historic environment – including scheduled monuments, listed buildings and their settings

- 3.26 The Proposed Development would not lead to any additional direct or indirect effects on the historic environment over and above those of the consented wind farm.

Establishing the use of the site for energy infrastructure development

- 3.27 It is not clear exactly what is meant by this criterion. If it refers to establishing the principle of wind farm use on individual sites, then that has already been established at Sorbie by the existing consent. If however it refers to the economic benefits that would flow to the local area by establishing/constructing the wind farm, then these benefits would be significant and are highlighted below with reference to the following criterion.

Providing a net economic impact – including socio-economic benefits such as employment, associated business and supply chain opportunities

- 3.28 The Proposed Development would deliver the following socio-economic benefits:
- The Proposed Development could give rise to a range of opportunities for civil engineering and associated works for local contractors during the construction phase, with investment in the local economy and supply chain. SPP paragraph 169 is clear that net economic impact, including the community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of onshore wind proposals.
  - Utilising RenewableUK assumptions the Applicant will invest more than £14.5 million in the project. This is a significant investment with a strong policy fit both regionally and nationally.
  - The total value of contracts that could be secured in North Ayrshire has been estimated at £3 million and in Scotland as a whole businesses could secure contracts worth £6.1 million.
  - Energiekontor is keen to maximise these local economic benefits and would put a local contracting procurement policy in place for the Proposed Development (see Appendix A) which will give price advantage to local firms in bidding for contracts.
  - The Proposed Development would be expected to generate significant business rates revenue over its 25 year lifetime. It is estimated that approximately £120,000 every year could be paid, which would be retained by the Council. Over the project's 25 year operational life that could equate to £3 million of business rates funding for the Council.
  - A Community Fund would be established that could deliver £60,000 of funding a year for local causes based on a rate of £5,000 per MW of installed capacity. That could equate to £1.5 million of funding over the lifetime of the project.



Scale of contribution to renewable energy generation targets

- 3.29 The 125m turbines would generate an additional 87% of renewable energy compared to the consented wind farm despite being just 19.8% taller. This nearly doubling of renewable energy output is a disproportionate benefit compared to the modest increase in size. Similarly the wind farm would have an installed capacity of 12MW compared to the 6.15MW of the existing consent.
- 3.30 The tip height extension would allow Sorbie Wind Farm to power 11,050 homes with renewable energy, which is roughly equivalent to every home in Saltcoats and Ardrossan. That represents an increase of 5,150 homes as compared to the original Sorbie Wind Farm; an increase which is roughly equivalent to all the homes in Saltcoats. In addition, the Proposed Development would save an additional 44,500 tonnes of CO<sub>2</sub> emissions every year as compared to the consented wind farm, meaning 100,000 tonnes of CO<sub>2</sub> could be saved annually by the wind farm. When compared to the annual CO<sub>2</sub> emissions for the whole of North Ayrshire, which in 2018 was 864,600 tonnes, Sorbie Wind Farm alone could reduce net emissions in North Ayrshire by 12%. Against the context of the global climate change emergency, these benefits are significant, weigh heavily in favour of the Proposed Development and should not be overlooked.

Public access – including impact on long distance walking and cycling routes and scenic routes and scenic routes identified in the National Planning Framework

- 3.31 The Proposed Development would not lead to any additional effects on public access over and above those of the consented wind farm.

Impacts on tourism and recreation

- 3.32 The Proposed Development would not lead to any additional effects on tourism and recreation over and above those of the consented wind farm.

Specific locational opportunities for energy storage/generation

- 3.33 The Proposed Development includes the identification of an area within the construction compound that could be utilised for energy storage in the future, should the technology become commercially viable within the operational lifetime of the wind farm. A separate planning application would be submitted in the future to seek detailed consent for the storage facility.
- 3.34 In terms of locational opportunities for energy generation, Sorbie benefits from several factors that make it a suitable location for the generation of wind energy. In particular, the wind resource available at the Site is very good, benefitting as it does from south westerly winds blowing in straight off the Firth of Clyde and rising up to the elevated ground at the Site. The presence of nearby settlements, in particular the three towns of Ardrossan, Saltcoats and Stevenston means that there is ample demand for the electricity to be used locally, rather than exported long distances on the transmission network. This combination of factors means that it is possible to realise a subsidy-free wind farm at Sorbie using tip heights of 125m, which is still comparatively small in Scotland's subsidy-free wind industry, and would make North Ayrshire Council the first in Scotland to deliver a subsidy-free wind farm. There is also sufficient separation at the Site from residential properties to be able to

operate a wind farm without creating any unacceptable noise, shadow flicker or other residential amenity effects. In addition, the landscape in the locality is also already influenced by wind farm development (Ardrossan Wind Farm) and the principle of wind farm development is also established on the Site itself by the existing consent. Sorbie is therefore an excellent location for the generation of wind energy.

#### Greenhouse gas emissions

- 3.35 Wind turbines do not generate greenhouse gas emissions whilst they are operating. The only activities with the potential to generate greenhouse gas emissions during the 25 year operational period would be for routine maintenance of the wind farm by service personnel, which would involve only a handful of vehicle trips each year. Any greenhouse gas emissions generated during the turbine manufacture and wind farm construction and decommissioning phases would be greatly exceeded by the amount of fossil fuel energy generation displaced by the renewable energy generated by the wind farm over the operational period. This 'carbon payback period' would be shorter for the Proposed Development as compared to the consented wind farm, as the Proposed Development would generate nearly double the amount of renewable energy for only a modest increase in turbine component material.

#### Aviation and defence interests and seismological recording

- 3.36 The Proposed Development would not lead to any additional effects on aviation, defence and seismological recording over and above those of the consented wind farm.

#### Telecommunications and broadcasting installations – particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets

- 3.37 The Proposed Development would not lead to any additional effects on telecommunications and broadcasting installations over and above those of the consented wind farm.

#### Road traffic and adjacent trunk roads

- 3.38 The Proposed Development would not lead to any additional effects on road traffic and adjacent trunk roads over and above those of the consented wind farm.

#### Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies)

- 3.39 The Proposed Development would not lead to any effects on hydrology, the water environment, flood risk and drinking water quality over and above those of the consented wind farm.

#### Decommissioning of developments – including ancillary infrastructure, and site restoration and aftercare

- 3.40 The Applicant would be willing accept a requirement for a decommissioning bond to be included as a condition to any grant of planning permission.

### Development Plan Conclusions

- 3.41 Overall it is considered that the Proposed Development is in general accordance with the Development Plan. This is because:
- The Proposed Development would comply with the LWCS and would not overwhelm local landscape character or lead to unacceptable cumulative effects.
  - The Proposed Development would comply with the criteria set out in Policy 29 and as such benefits from support from the Council as it would support our transition to a low carbon economy.
  - The Proposed Development would comply with the spatial framework set out in LDP2, as the Proposed Development would not lead to any unacceptable significant effects on the qualities of Ardrossan.

### Do material considerations outweigh the provisions of the statutory Development Plan?

- 3.42 Section 2 of this Review Statement set out the renewable energy, national planning policy and other material considerations which, in terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, must be considered. The material considerations which we consider to be particularly relevant are set out below.
- 3.43 NPF3 is clear that planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the Scottish Government's Report on Proposals and Policies. Onshore wind development is recognised as a key technology in the energy mix which will contribute to Scotland becoming 'a low carbon place' which in turn will be a key part of the 'vision' for Scotland. Furthermore, the Government has made it unequivocally clear that it wants to continue to "capitalise on our wind resource".
- 3.44 SPP sets out continued support for onshore wind in a similar manner to the previous SPP. However, it also now sets out a presumption in favour of development that contributes to sustainable development. The 'presumption in favour' is an important new aspect of national planning policy, which requires that benefits must be "significantly and demonstrably" outweighed by other considerations before a development should be refused planning permission.
- 3.45 The Scottish Government's Onshore Wind Policy Statement highlights the "vital" role that onshore wind will continue to play in Scotland's future, "*helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy, and meeting local and national demand*". The Policy Statement further adds that this important role "*means we must support development in the right places, and – increasingly – the extension and replacement of existing sites, where acceptable, with new and larger turbines, based on an appropriate, case by case assessment of their effects and impacts*".
- 3.46 More recently, it is clear that national and international efforts to combat climate change have been ramped up. The Scottish Government has recently taken the decision to declare a climate emergency, citing the need for the world to act now and deliver transformative change. Extremely challenging targets have been set for decarbonising

the economy: net zero emissions for Scotland by 2045, the most stringent target anywhere the world.

- 3.47 North Ayrshire Council has recently declared its own climate change emergency and has made good progress towards decarbonisation through the establishment of its Climate Change Strategy, first published in 2014 and updated in 2017. The Council has also delivered almost 10MW of installed renewable or low-carbon energy generation through its solar retrofit programme, biomass retrofit programme and landfill gas recovery schemes, as well as replacing over 60 per cent of street lighting across North Ayrshire with more energy-efficient LED lighting. These efforts are to be lauded.
- 3.48 It is important to stress however that everybody has a role to play in the global climate emergency, and we would ask the Council not to overlook the role that businesses can play. Energiekontor is ready and able to build Sorbie Wind Farm and deliver the renewable energy benefits that it would bring – the equivalent of powering all the homes in Ardrossan and Saltcoats with renewable energy and reducing the carbon emissions of the Council area by a net 12% – but we need assistance from the Council; we need access to modern turbine hardware at 125m heights to make Sorbie cost-competitive with fossil fuel alternatives.
- 3.49 Other material considerations and benefits of the Proposed Development include:
- The Proposed Development could give rise to a range of opportunities for civil engineering and associated works for local contractors during the construction phase, with investment in the local economy and supply chain. SPP paragraph 169 is clear that net economic impact, including the community socio-economic benefits such as employment, associated business and supply chain opportunities are relevant material considerations in the determination of onshore wind proposals.
  - Utilising RenewableUK assumptions the Applicant will invest more than £14.5 million in the project. This is a significant investment with a strong policy fit both regionally and nationally.
  - The total value of contracts that could be secured in North Ayrshire has been estimated at £3 million and in Scotland as a whole businesses could secure contracts worth £6.1 million.
  - Energiekontor is keen to maximise these local economic benefits and would put a local contracting procurement policy in place for the Proposed Development (see Appendix A) which will give price advantage to local firms in bidding for contracts.
  - The Proposed Development would be expected to generate significant business rates revenue over its 25 year lifetime. It is estimated that approximately £120,000 every year could be paid, which would be retained by the Council. Over the project's 25 year operational life that could equate to £3 million of business rates funding for the Council.
  - A Community Fund would be established that could deliver £60,000 of funding a year for local causes based on a rate of £5,000 per MW of installed capacity. That could equate to £1.5 million of funding over the lifetime of the project. However, although this Community Fund is noteworthy, it is not a relevant material consideration for the purposes of decision-making.

3.50 The Proposed Development would therefore result in a wide range of benefits which should be afforded significant weight in the planning balance when determining this application.

3.51 These local and wider benefits can only be delivered if this application is successful.

## Summary and Conclusions

3.52 As we have identified, the Proposed Development would comply with relevant elements of the Development Plan. We can identify no particular issue that deserves significant weight such that planning permission should be refused. Specifically in drawing our conclusions, our view is that:

- Scottish Government has made it unequivocally clear that it wants to continue to “capitalise on our wind resource”. The Proposed Development would contribute to the unmet 2020 target set out in NPF3.
- The ‘presumption in favour’ is a material consideration and the Proposed Development is considered to be consistent with the principles of sustainable development.
- Significant weight should be afforded to the contribution that the Proposed Development would make towards meeting the renewable energy targets and Government objectives that we have referred to in section 2 above.
- The Proposed Development is in compliance with the Development Plan.

3.53 The Proposed Development would only result in some minor incremental changes to the local area over and above the consented wind farm, but change in itself is not unacceptable. Wind energy development will always give rise to significant landscape and visual effects. In this case however, none of the likely environmental effects that would result from the Proposed Development would, in our view, be unacceptable in the public interest which the planning system serves.

3.54 There are forceful material considerations that lend support to the case that planning permission should be granted for the reasons explained above. A key consideration in this regard is the presumption in favour of sustainable development as set out in SPP. It is our view that the presumption is engaged.

3.55 It is important that developments which are acceptable in planning terms are granted consent, particular renewable energy schemes which can make a difference in the global climate emergency. This Proposed Development can pave the way for the first subsidy-free wind farm to be constructed in Scotland, delivering a range of benefits at a cost that is competitive with fossil fuel alternatives.

3.56 Accordingly we respectfully consider the planning permission should be granted for the Proposed Development.

## APPENDICES



## APPENDIX A:

### Energiekontor Contractor Procurement Policy

#### Aims

Many local companies are ideally placed to supply materials and services for our projects but may find it difficult to compete with national suppliers. Balance of Plant (BoP) construction contracts are normally selected on the basis of the 'most economically advantageous offer'. The aim of this policy is to ensure that the community and local employment benefits offered by contractors are recognised in the evaluation and award of Balance of Plant (BoP) construction contracts.

#### Justification

By recognising the economic advantage that the contract may bring to local communities and individuals, our policy seeks to foster a closer relationship between Energiekontor and local communities. The construction of the development will be the first physical activity in a project that will exist for at least 25 years and a close relationship between those parties is desirable for all concerned.

#### Policy Statement

We have defined our strategy in the following policy statement:

*When assessing bids for supply of materials and services to construct our projects, Energiekontor will give significant weight to bids from suppliers who demonstrate they have an established local presence, employ local people and source materials within the respective local authority region. Regional suppliers who meet our procurement qualification standards will be given a 5% price advantage on local market prices over National suppliers through the bidding process.*



# Sorbie Wind Farm Tip Height Extension

## Comparative Environmental Appraisal

November 2019



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Appendix 4.1: Operational noise assessment methodology

### ANNEXES (bound separately)

Annex 1: Comparative Landscape & Visual Impact Assessment Tables

Annex 2: Comparative GIS Figures

Annex 3: Comparative Visualisations (to SNH standards)

Annex 4: Comparative Cumulative Wirelines





# 1 INTRODUCTION

## Background

- 1.1 This Comparative Environmental Report is submitted in support of a planning application by Energiekontor UK Ltd ("the Applicant") to North Ayrshire Council ("the Council") to vary the existing planning permission for Sorbie Wind Farm.
- 1.2 Planning permission was originally granted for Sorbie Wind Farm by the Scottish Ministers in November 2015 (reference: 13/00627/PP) subject to 16 planning conditions. The original planning application for Sorbie Wind Farm was **deemed to not be 'EIA Development' for the purposes of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations** and was accompanied by an Environmental Appraisal dated October 2013, with accompanying figures.
- 1.3 In January 2019 an application made under Section 42 of the Town and Country Planning Act (Scotland) 1997 (reference: 18/01061/PP) was approved to vary one of the planning conditions attached to the original consent. This resulted in a fresh planning permission being granted for the wind farm subject to 2 individual planning conditions, the second of which (planning condition 2) reaffirms the planning conditions set out in the original planning consent.
- 1.4 This Proposed Development seeks to vary the consented Sorbie Wind Farm to achieve the following amendments:
  - Increase of the turbine tip heights from 104.3m to 125m;
  - Varying the internal track layout to save 1.24km of new track from being constructed;
  - Identification of an area that could be utilised for energy storage in the future, should the technology become commercially available within the operational lifetime of the wind farm. A separate planning application would be submitted in the future to seek detailed consent for the energy storage facility;
  - Introduction of new woodland planting on the Site; and
  - Deletion of the approved 65m high permanent anemometer mast from the development.
- 1.5 It is proposed to achieve these variations through the use of Section 42 of the Town and Council Planning Act (Scotland) 1997 to amend planning condition 2 of permission 18/01061/PP from:

*"That, for the avoidance of doubt, all other conditions as set out in Appendix 1 attached to the decision letter of The Scottish Government (ref. AIR-NAY-001) dated 30<sup>th</sup> November 2015 shall continue to have effect."*

To read:

*"That, for the avoidance of doubt, all other conditions as set out in Appendix 1 attached to the decision letter of The Scottish Government (ref.*

AIR-NAY-001) dated 30<sup>th</sup> November 2015 shall continue to have effect except for conditions 4 and 7 which shall be amended to read:

4. That the turbines shall be erected and the site roads constructed in the locations identified on drawing Figure 1.3 Site Layout, save for the ability to vary these locations by 30m. Any movement greater than 30m would require the written approval of North Ayrshire Council as Planning Authority. Before the turbine bases are concreted, the precise position of the turbines shall be notified to, and approved in writing by, North Ayrshire Council as Planning Authority.

7. That no turbines will be erected until details of the model, height, colour and finish of the turbines and of any external transformers, have been submitted to, and approved in writing by, the planning authority. The turbines shall not be illuminated and shall not carry any symbols, logos or other lettering except where required under other legislation. For the avoidance of doubt, the height of the wind turbines to blade tip shall not exceed 125 metres. The development shall be carried out thereafter in accordance with the approved details, unless any changes are subsequently agreed in writing by North Ayrshire Council as Planning Authority."

- 1.6 More recently an application was refused by North Ayrshire Council in October 2019 (reference: 19/00306/PP) to increase the tip height of the consented turbines to 125m. The sole reason for refusal states:

*"The proposal would be contrary to the provisions of the Local Development Plan Policy PL 9 criterion (a) and (d) and the General Policy on the adopted North Ayrshire Council Local Development Plan in the followings ways: It is considered that the degree of change from 104.3m blade tip to 125m blade tip would be substantial and adverse in terms of landscape and visual impacts, especially given the locational context of the site within 2km to the north of the settlement of Ardrossan and in close proximity to the North Ayrshire Lowlands Landscape Character Type, being a landscape of smaller scale. Such a substantial increase in scale would contrast markedly with the turbine design approved in the previous consents, would overwhelm those parts of the North Ayrshire Lowlands Landscape Character Type close to the site and would have an adverse effect on the rural setting of Ardrossan. This contrast would also be unfavourable against the design of the nearby Ardrossan Windfarm, **resulting in a conflict with the recommendations contained in the Council's Landscape Wind Capacity Study of 2018, all of which would adversely affect landscape character and visual amenity in the locality.**"*

- 1.7 This planning application seeks to address this reason for refusal. A Planning Statement accompanies the application which sets out how the Proposed Development responds to the issues raised in the reason for refusal.
- 1.8 This Comparative Environmental Appraisal has been prepared by Energiekontor UK Ltd and sets out the findings of a comparative analysis which has been undertaken to consider whether the Proposed Development would result in any additional adverse environmental effects not identified in the Environmental Appraisal dated October 2013.

## Site Location and Proposed Development

### *The Site and its Surroundings*

- 1.9 Sorbie Wind Farm is located approximately 1.5km north of Ardrossan. The Site is currently used for grazing cattle for Sorbie Dairy Farm and consists of a number of agricultural fields. The gradient of the land gently slopes from south to north with the highest point being approximately 157m Above Ordnance Datum (AOD), and the lowest point being approximately 75m AOD. There are a number of watercourses, patches of trees, a disused quarry, properties and buildings located within the Site. To the west of the Site is the B780, whilst to the north, east and south are agricultural field hedgerow boundaries.

### *Description of Proposed Development*

- 1.10 The key changes to Sorbie Wind Farm introduced by the Proposed Development are set out in Table 1.1 below.

Characteristic	Original Sorbie Wind Farm	Proposed Development
Number of turbines	3	3
Turbine capacity	2.05MW	4MW
Rotor diameter	82m	115m
Hub height	63.3m	67.5m
Tip height	104.3m	125m
Blades	3	3
Turbine colour	Light grey	Light grey
Turbine foundations	Approximately 18m width on a square base	Approximately 18m width on a square base
Approximate Annual Energy Yield (approx.)	23 GWh	43 GWh
Homes Powered <sup>1</sup> (approx.)	5,900 homes	11,050 homes
Annual CO <sub>2</sub> savings <sup>2</sup> (approx.)	55,500 tonnes	100,000 tonnes
Total length of new access track to be constructed	2.14 km	0.9 km
Aggregate required to construct access tracks	3,210 m <sup>3</sup>	1,350 m <sup>3</sup>
Area of new woodland planting	0 ha	1.1 ha
Energy storage area identified	No	Yes
Permanent anemometer mast	Yes	No

<sup>1</sup> Based on an average annual UK domestic electricity consumption figure of 3,889 KWh as set out in the BEIS publication "Energy Consumption in the UK" (2017)

<sup>2</sup> Based on BEIS's standard carbon dioxide savings figure of 430g/KWh

included		
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Table 1.1: Summary of Changes due to Proposed Development

- 1.11 The Proposed Development includes proposed amendments to the internal wind farm track layout which are being sought as part of a drive to further optimise the wind farm and reduce unnecessary carbon expenditure. The new proposed layout would result in a saving of 1.24km of new track as compared to the consented layout, meaning that 1,860m<sup>3</sup> of aggregate would be saved from the total amount required to construct the tracks.
- 1.12 Table 1.1 illustrates that the proposed 19.8% increase in turbine tip height would result in a 87% increase in energy production. This is a substantial increase in energy production which would be transformative for the economic viability and deliverability of the wind farm, particularly given that the original wind farm was planned at a time before public subsidy for wind farm development was removed.
- 1.13 The renewable energy benefits associated with larger wind turbines have been acknowledged by the Scottish Government in its Onshore Wind Policy Statement published in December 2017. The ministerial forward to this policy statement by Paul Wheelhouse MSP highlights the “vital” role that onshore wind will continue to play in Scotland’s future, “helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy, and meeting local and national demand”. The ministerial forward continues to highlight that this important role “means we must support development in the right places, and – increasingly – the extension and replacement of existing sites, where acceptable, with new and larger turbines, based on an appropriate, case by case assessment of their effects and impacts”.
- 1.14 Specifically in relation to the use of larger turbines, the policy statement makes the following points:

*“3. In order for onshore wind to play its vital role in meeting Scotland’s energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set.*

*4. This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated.*

*9. We know that new projects face a highly uncertain route to market. The arrangements which have enabled onshore wind to expand and to reduce its costs so successfully, are no longer in place. Continued innovation and cost reduction, a supportive and well-resourced planning system, and continued advances in turbine and blade technology will help close the gap that currently exists – but not sufficiently, and not for all developments.*

*23. ...We acknowledge that onshore wind technology and equipment manufacturers in the market are moving towards larger and more powerful*

*(i.e. higher capacity) turbines, and that these – by necessity – will mean taller towers and blade tip heights.*

*24. The technology shift towards larger turbines may present challenges when identifying landscapes with the capacity to accommodate larger scale development, as not all will be suitable. However, fewer but larger wind turbines may also present an opportunity for landscape improvement, as well as increasing the amount of electricity generated.*

*25. The Scottish Government acknowledges the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts..."*

## Structure of Report

- 1.15 This Comparative Environmental Appraisal has been prepared by Energiekontor UK Ltd and sets out the findings of a comparative analysis which has been undertaken to consider whether the Proposed Development would result in any additional adverse environmental effects not identified in the Environmental Appraisal dated October 2013.
- 1.16 Three areas with the potential for materially different effects from those reported in the October 2013 Environmental Appraisal have been identified. These are:
- Landscape and visual effects;
  - Noise effects; and
  - Shadow flicker effects
- 1.17 This Comparative Environmental Appraisal is structured as follows:
- Section 1 provides a background to the Proposed Development;
  - Section 2 presents a review of the key topics in the Environmental Appraisal dated October 2013 and any specific items within these topics which have the potential for materially different environmental effects as a result of the Proposed Development;
  - Sections 3 to 5 provide a consideration of detailed assessments of the Proposed Development in relation to the following areas:
    - Section 3 assesses the landscape and visual effects
    - Section 4 assesses the operational noise effects
    - Section 5 assesses the shadow flicker effects
  - Section 6 provides a summary of the findings of the comparative environmental appraisal.

## The Applicant

- 1.18 Energiekontor UK Ltd is a renewable energy development company with offices in Glasgow and Leeds. The company was formed in 1999 and develops small to medium-sized onshore wind and solar farms throughout the United Kingdom. The company operates seven existing wind farms in the UK with consents for a further five projects. EK also has a number of other wind and solar projects at various stages of the development process throughout the UK.
- 1.19 Energiekontor UK Ltd is part of the Energiekontor Group. The parent company, Energiekontor AG, was established in 1990 in Bremerhaven in Northern Germany. It has since grown to become one of the leading wind energy companies in Europe and is active in Germany, France, The Netherlands, Portugal, the USA and the UK. The company has built more than 100 onshore wind farms in Europe.



## 2 COMPARATIVE ENVIRONMENTAL APPRAISAL

### Introduction

- 2.1 This section provides a summary appraisal of the potential for additional adverse environmental effects to occur as a result of the Proposed Development over and above those identified in the October 2013 Environmental Appraisal.

### Comparative Environmental Appraisal

- 2.2 Table 2.1 below sets out the findings of the comparative environmental appraisal exercise.

Landscape and Visual Amenity	
Key findings from October 2013 Environmental Appraisal	<p>In common with all onshore wind farms, the introduction of three wind turbines would lead to some visual and landscape effects.</p> <p>The main changes to the landscape study area as a result of the wind farm would arise in the <i>Rugged Moorland: Hauptland Muir</i>, <i>Ayrshire Lowlands</i> and <i>Raised Beach Coast</i> landscape units. The wind farm would increase the influence of wind farm development on the existing landscape character, such that wind farms appear as repeating components, but would not introduce an entirely new feature into the landscape character.</p> <p>The assessment of effects on views indicates that seven viewpoints would experience significant effects, of which all are in close proximity to the Site (within 3.4km). Significant visual effects would also occur at the settlement of Ardrossan, and on limited close range sections of the A78, B714, B780 and B781.</p>
Potential for material change / significant effects as a result of the Proposed Development	There is potential for changes to the landscape and visual amenity effects associated with the wind farm as a result of the increased turbine dimensions.
Comment	Further assessment to determine the landscape and visual amenity effects associated with the Proposed Development is provided in Section 3.
Ecology and Ornithology	
Key findings from October 2013 Environmental Appraisal	<p>The Site is considered to be of low ecological sensitivity.</p> <p>Any effects of the construction phase on protected species populations would be minimised through mitigation measures to comply with relevant protected species legislation.</p> <p>In terms of ornithology, the Site is considered to be of low sensitivity and no effects were predicted that would have any</p>

	<p>measurable effect on ornithological features.</p> <p>Overall, it was concluded that the wind farm would not have a significant effect on the ecology or nature conservation value of the Site and its setting.</p>
Potential for material change / significant effects as a result of the Proposed Development	There is not considered to be any potential for material change or any alteration of the assessment of adverse effects. These effects remain unchanged with the longer blades and higher tip height.
Comment	No change is predicted.
Hydrology	
Key findings from October 2013 Environmental Appraisal	With the implementation of construction good practice measures, it is unlikely that a pollution incident or disruption to the hydrological environment would arise from the construction and operation of the wind farm.
Potential for material change / significant effects as a result of the Proposed Development	There is not considered to be any potential for material change or any alteration of the assessment of adverse effects. These effects remain unchanged with the longer blades and higher tip height.
Comment	No change is predicted.
Cultural Heritage	
Key findings from October 2013 Environmental Appraisal	<p>The wind farm would not have any direct impact upon nationally designated cultural heritage features.</p> <p>There is moderate potential for direct impacts to affect unknown archaeological remains if encountered within the development footprint. It was recommended that the implementation of a suitable phased programme of archaeological work could be secured through the imposition of a planning condition.</p> <p>In terms of indirect, the wind farm would not adversely affect the site or setting or any nationally designated cultural heritage assets.</p>
Potential for material change / significant effects as a result of the Proposed Development	There is not considered to be any potential for material change or any alteration of the assessment of adverse effects. These effects remain unchanged with the longer blades and higher tip height.
Comment	No change is predicted.
Noise	
Key findings from October 2013 Environmental Appraisal	<p>Background noise measurements were carried out at a number of locations in order to determine suitable noise limits. The procedure for establishing noise limits is set out in the document <i>ETSU-R-97 Assessment and Rating of Noise from Wind Farms</i>.</p> <p>Environmental noise predictions were made for a range of wind</p>

	speeds for the proposed wind farm. The predictions found that the most stringent noise limits established by ETSU-R-97 would be satisfied. Operational noise from the wind farm was assessed in accordance with national planning guidance and demonstrated to be within acceptable levels.
Potential for material change / significant effects as a result of the Proposed Development	There is potential for changes to the operational noise emission levels of the wind farm from the increased rotor diameter at the nearest noise sensitive receptors.
Comment	Further assessment to determine the operational noise effects from the Proposed Development is provided in Section 4.
Aviation and Existing Infrastructure	
Key findings from October 2013 Environmental Appraisal	<p>Wind turbines can interfere with broadcast transmissions such as radio and television. Consultation was undertaken with those organisations whose transmissions may be affected including mobile telephone service providers, emergency services, television companies etc. From the replies received it was predicted that there would be no disturbance to communications systems.</p> <p>Wind turbines have the potential to affect aviation safety both through the interference with radar and navigation systems. A planning condition was proposed to mitigate the effects of the wind farm on Glasgow Prestwick Airport.</p>
Potential for material change / significant effects as a result of the Proposed Development	There is not considered to be any potential for material change or any alteration of the assessment of adverse effects. These effects remain unchanged with the longer blades and higher tip height. A suspensive planning condition would continue to safeguard the aviation safety interests of Glasgow Prestwick Airport.
Comment	No change is predicted.
Socioeconomics, Tourism, Recreation and Land Use	
Key findings from October 2013 Environmental Appraisal	The wind farm would have beneficial social and economic effects during the construction, operational and decommissioning phases, specifically in terms of employment, although these would be minimal. There are only a limited number of recreational opportunities within the immediate area and there would be a negligible effect on tourism as a result of the wind farm development.
Potential for material change / significant effects as a result of the Proposed Development	There is not considered to be any potential for material change or any alteration of the assessment of adverse effects. These effects remain unchanged with the longer blades and higher tip height.
Comment	No change is predicted.
Shadow Flicker	

Key findings from October 2013 Environmental Appraisal	Rotating wind turbine blades can cast moving shadows which can affect neighbouring properties. As the blades rotate, there can be alternating light and shadow, an effect known as shadow flicker. The effect occurs inside buildings, where the shadow falls on a window. The impact of shadow flicker was assessed for properties within an arc of 130 degrees either side of north and within 10 rotor diameters (in this case 820 metres) of any turbine position. This assessment quantified the likelihood of shadow flicker effects occurring at nearby properties as a result of the proposed wind farm, along with their times and durations.
Potential for material change / significant effects as a result of the Proposed Development	There is potential for increased levels of shadow flicker at nearby receptors owing to the increased turbine dimensions.
Comment	Further assessment to determine the operational shadow flicker effects from the Proposed Development is provided in Section 5.

Table 2.1: Comparative Environmental Appraisal Summary

## Summary

2.3 Three topic areas with the potential for materially different effects from those reported in the October 2013 Environmental Appraisal have been identified. These are:

- Landscape and visual effects;
- Noise effects; and
- Shadow flicker effects

2.4 These topic areas are discussed in turn in the following sections of this Comparative Environmental Appraisal.

### 3 LANDSCAPE AND VISUAL AMENITY

#### Introduction

- 3.1 This Section provides an update of the original Landscape and Visual Impact Assessment (LVIA) set out within the October 2013 Environmental Appraisal to take account of the increased dimensions associated with the Proposed Development. This section has been prepared by Optimised Environments Limited ('OPEN').
- 3.2 The original planning permission for Sorbie Wind Farm was considered on the basis of unaccompanied site inspections on 22 October and 19 November 2014, hearing sessions on 28 January 2015 and an accompanied site inspection on 29 January 2015 by Dan Jackman BA(Hons) MRTPI, a Reporter appointed by Scottish Ministers. OPEN wrote the LVIA for the October 2013 Environmental Appraisal and presented evidence to the hearing. OPEN's LVIA findings were agreed as 'reasonable' by the Reporter who heard the hearing in January 2015, as noted in his Report:
- "6.12 As is frequently the case for wind farm development, there is a significant dispute over the conclusions reached in the landscape and visual impact assessment. However, I am not aware of any criticisms of the methodology or the individual assessments regarding the significance of any changes. Having visited most of the viewpoints and driven around the locality, I find the assessment of significant changes to be reasonable."*
- 3.3 The consented layout consists of three, 2.3 MW wind turbines, each with a hub height of 64m and of a maximum height to blade tip of 104.3 metres and supporting infrastructure, located approximately 1 kilometre north of the edge of Ardrossan on agricultural land mainly used for cattle grazing. The western boundary of the site is formed by the B780. The other boundaries relate to existing field boundaries. Approximately 1.4 kilometres to the north west of the site is the operational Ardrossan Wind Farm, which comprises 12 turbines with a tip height of 100 metres and a further three turbines with a tip height of 106.5 metres.
- 3.4 In January 2019, OPEN was commissioned by EnergieKontor UK Ltd to undertake a review of the published LVIA for the consented Sorbie Wind Farm, in light of a potential increase in the hub and blade tip height of the turbines in the development, and to identify whether any changes to its findings would result from the proposed alteration to the consented turbine height.
- 3.5 The proposed revision to the consented layout focussed on an increase to the hub height of these turbines to a hub height of 68m (+4m), with a larger rotor diameter of 114m leading to an increase in blade tip height to 125m (+20.7m), in order to enhance the effectiveness of the wind generation capability of the approved scheme. The proposed turbine locations would remain in the same locations as the consented scheme.

## Scope of Assessment

- 3.6 This Section describes the implications of the proposed revisions to the consented wind farm in terms of effects on the landscape and visual resource, as previously assessed in the 2013 Environmental Appraisal (Chapter 4) and supporting Figures. As the Application to North Ayrshire Council by Energiekontor UK Ltd seeks to vary an existing consent, as opposed to amounting to a new planning application, this review focusses only on those landscape and visual receptors that were assessed as likely to experience significant environmental effects, as agreed by the Reporter and Scottish Ministers in their decision for the consented scheme. In addition, **all 'not significant' effects previously identified by OPEN** for the consented scheme have been carefully reviewed in light of the proposed turbine height change and, where relevant, have been included in the table in Annex 1.
- 3.7 The assessment of the increased hub and blade tip height is supported by four Annexes, which contain the following supporting information:
- Annex 1: Comparative Landscape & Visual Impact Assessment Tables;
  - Annex 2: Comparative GIS Figures;
  - Annex 3: Comparative Visualisations (to SNH standards); and
  - Annex 4: Comparative Cumulative Wirelines.

## Methodology and Approach

- 3.8 The assessment methodology used in this report to predict effects on landscape and visual receptors is consistent with that used by OPEN in the 2013 LVIA. It should be noted that the 2013 LVIA utilised the methodology described within Guidelines for Landscape and Visual Impact Assessment: Second Edition (The Landscape Institute and Institute of Environmental Management and Assessment 2002) (GLVIA2), which was best practice guidance at that time. In April 2013, around the time of the submission of the 2013 LVIA, the third edition of Guidelines for Landscape and Visual Impact Assessment (GLVIA3) was published, replacing the second edition.
- 3.9 The principal change in GLVIA 3 relevant to the Proposed Development is that receptor sensitivity comprises two specific **considerations of 'value' and 'susceptibility'** in GLVIA 3, whereas GLVIA 2 recommended a singular approach when establishing sensitivity. OPEN has reviewed the sensitivity of each of the receptors used in the 2013 LVIA and has concluded that the ratings provided for sensitivity remain an accurate representation of receptor sensitivity.
- 3.10 This report has considered the landscape and visual effects of the Proposed Development in **terms of GLVIA3, which is current best practice guidance**. OPEN's current Methodology, which complies with GLVIA3, is provided in Appendix 3.1 to this report.
- 3.11 The assessment carried out in this Section and Annexes is based on a comparative review of Proposed Development with the consented Sorbie Windfarm. This comparative



approach is considered appropriate in this case because there is no prospect of both wind farms being built. The comparative assessment, figures and visualisations serve to illustrate the differences between the two schemes that would arise through the Proposed Development, given that the principle of a wind farm on the site has already been established through the conditional granting of consent in 2015.

## Illustrative Tools

3.12 Two types of visualisations are included in this Section:

- Figures in Annex 3 comprise comparative visualisations to current SNH standards, based on photography taken in 2019, that show the consented wind farm layout and the Proposed Development in order that a comparison of the visibility of the two schemes can be made. These illustrate the effects at Viewpoints 1, 2, 3, 4, 5, 7 and 18, which are the only viewpoint locations where significant visual effects were identified in 2013.
- Figures in Annex 4 comprise comparative wirelines (with a 90-degree field of view) that show the consented wind farm layout and the Proposed Development on the same sheet in order that a comparison of the visibility of the two schemes can be made. These wirelines have been produced for Viewpoints 1, 2, 3, 4, 5, 7 and 18 and extend around each viewpoint in 90 degree segments where necessary in order to capture the full cumulative baseline evident at each location. The cumulative wind farms shown in the 2019 wirelines reflect the current cumulative context at April 2019.

## North Ayrshire Council Landscape Wind Capacity Study 2018

3.13 The Council published its North Ayrshire Landscape Wind Capacity Study ("the Study") in October 2018, which post-dates the original consent for Sorbie Wind Farm. The Summary to the Study notes the following by way of an Introduction:

*"This study revises and updates the 2009 and 2013 North Ayrshire Landscape Wind Capacity studies (NALWCS). It aims to inform strategic planning for wind energy development in line with Scottish Planning Policy and to also provide guidance on the appraisal of individual wind farm and wind turbine proposals in North Ayrshire. The study considers the landscape and visual sensitivity of landscape character types within North Ayrshire to a range of wind turbine developments; these principally categorised on the basis of turbine height. This study also considers scope for repowering existing wind farms using larger wind turbines. Potential cumulative issues associated with operational and consented wind farm developments are additionally considered. Guidance on the constraints and opportunities for wind energy development within each landscape character type is set out in the study."*

3.14 This type of sensitivity study is now commonplace across Scotland and is recognised for the strategic guidance it provides to developers and decision makers alike. It does not replace the need for EIA of individual development proposals, which provide a much more detailed and site-specific basis of knowledge to inform decision making. This fact

was recognised by the Reporter in his Report for the Sorbie Wind Farm, where he found at paragraph 6.28:

*"I accept that the Landscape Capacity Study 2009 states that there is no capacity for an additional wind farm close to the existing Ardrossan Wind Farm. However, I consider that a proposal specific landscape and visual impact assessment is a better basis for reaching a conclusion on the cumulative impacts compared to the generalised assessment contained in a landscape capacity study."*

- 3.15 Notwithstanding this qualification, the Council's Study does recognise the consented Sorbie Wind Farm as part of the baseline cumulative context, as shown in Figure 2 of the Study and recorded at paragraph 20.1.1: "The operational Ardrossan wind farm is located in this character area. This wind farm comprises 15 turbines, 100 m high. The consented Sorbie Farm turbines (3 turbines, 104m high) also lies at the transition of this landscape with adjacent LCTs 7a and 8c."
- 3.16 The landscape characterisation within the Study is slightly different to the SNH dataset used in the 2013 LVIA. In the Council's Study, Landscape Character Type 19E: Haupland Moor, in which the Sorbie site is located, is a sub-type of the Rugged Moorland Hills and Valleys LCA so the guidance relates to a smaller part of the overall character area, which was assessed as a whole in 2013.
- 3.17 In relation to the LCT 19E, Section 20.3 provides Guidance for development within the LCT. Under the heading "20.3.1 Additional new development of larger turbines", the Study identifies no scope "for additional very large, large, medium and small medium typologies (turbines >30m high) to be accommodated in this landscape". This finding assumes that Sorbie Wind Farm is part of the baseline, so this assumption applies to additional development, above and beyond the consented Sorbie scheme.
- 3.18 Repowering of operational and consented wind turbines within the Haupland Moor LCT is addressed in section 20.3.2, which advises "Turbines substantially above the height of existing turbines (which are around 100m) would overwhelm the relief of the low knolly hills of Haupland Muir. They would also adversely affect the setting of Ardrossan (and potentially also other coastal settlements such as West Kilbride depending on position and height). Cumulative effects could also occur with other operational and consented wind energy developments sited in this and nearby LCT 19d. Annex E provides more detail on scope for repowering" (Note: Sorbie wind farm is not mentioned in Annex E).
- 3.19 The operational turbines at Ardrossan Wind Farm and consented turbines at Sorbie are approximately 104m in height. The key question that this raises is whether the proposed turbines, at 125m to blade tip, are 'substantially above the height of existing turbines'. The Study makes clear elsewhere that 'substantially' larger turbines are 150m or 200m in height (see Planning Statement for further details). The visualisations included within Annexes 3 and 4 demonstrate in OPEN's opinion, that the increase in height of 20 metres is not substantial, but of a more moderate proportion.
- 3.20 In OPEN's assessment, the Proposed Development would comply with the Study and would not overwhelm the relief or lead to unacceptable cumulative effects.

## Baseline Conditions

- 3.21 The landscape and visual baseline conditions have not materially altered subsequent to those recorded in the 2013 LVIA and conditions may therefore be assumed to be as described in the previous assessments, and which informed the Reporter's findings.
- 3.22 As part of this reassessment process, key viewpoints have been revisited in order to establish the degree of change in the intervening timescale. Viewpoint photography was re-taken for viewpoints 1, 2, 3, 4, 5, 7 and 18 which demonstrate the consistency in the appearance of the Site and surrounding area with the conditions that existed in 2015, when the Reporter conducted his site inspections.
- 3.23 The findings have been incorporated into the viewpoint assessment that is presented in Annex 1 and into the updated visualisations in Annex 3.

## Cumulative Assessment

- 3.24 There have been few notable alterations to the cumulative situation that prevailed at the time of the 2013 LVIA. The current cumulative context is illustrated in Figure 11 in Annex 2. The relevant changes within a 15km radius of the Site, within which significant cumulative effects are most likely to arise, are described below:
- The change in status of Hunterston and Shewalton Moss wind turbines from consented in 2013 to operational in 2019;
  - The removal of the scoping stage Blackshaw Wind Farm from the current cumulative context;
  - The addition of the proposed wind turbine at Hunterston II, which is consented, approximately 9km to the north-west of the Proposed Development and located within the existing Hunterston wind farm;
  - The addition of two proposed wind turbines at GSK Shewalton, which are at the Application/ Appeal stage, approximately 12.5km to the south-east of the Proposed Development and located adjoining the existing Shewalton Moss/ Glaxo wind farm.
- 3.25 The changes noted above are illustrated in the comparative cumulative wirelines that are contained within Annex 4 to this Report. Cumulative wind farms (that are not operational) have not been shown in the comparative visualisations.
- 3.26 The 2013 LVIA found significant cumulative effects only in relation to one receptor, the A78, Prestwick to Greenock road where a sequential effect was identified between West Kilbride and Fairlie with Hunterston Wind Farm. The updated assessment considers that significant cumulative effect would also arise with the Proposed Development.
- 3.27 No other significant cumulative effects were identified in 2013 and a review of the cumulative context by OPEN has indicated that finding continues to be the case in 2019.

## Landscape and Visual Effects of the Consented Scheme

- 3.28 The table in Annex 1 presents OPEN's re-assessment of the significant and potentially significant landscape, visual and cumulative receptors and effects that were identified in the 2013 LVIA and undertakes a comparative assessment to determine whether the proposed increase in turbine height of 20 metres is sufficient to increase the magnitude of any of the findings.
- 3.29 In OPEN's professional opinion, while the increased height and rotor diameter may slightly increase the magnitude of change from some receptors (Viewpoints 1, 3 and 5) the effects at these locations will only marginally increase.
- 3.30 In OPEN's opinion, no 'new' significant landscape, visual or cumulative effects would arise as a consequence of the increased turbine height and blade length.

### The Reporter's Findings

- 3.31 In his Report (dated 3rd September 2015), the Reporter sets out his findings and conclusions on the various relevant aspects of Sorbie Wind Farm, including landscape and visual effects and residential amenity. The overall conclusion on landscape and visual effects (paragraph 6.82) notes that:

*"6.82 For the reasons set out above, I find that the proposal would have acceptable landscape and visual impacts, including cumulative impacts and the impact on nearby residential property."*

- 3.32 In reaching this overall conclusion, the Reporter formed the following key conclusions relevant to landscape and visual effects (emphasis added by OPEN):

*"6.13 The extent of the significant landscape and visual impacts are generally illustrated spatially in figures 4.9 and 4.22 of volume 2 of CD 1. These show that any impacts are localised. It has to be recognised that an inevitable consequence of Scottish Government energy policy is that there will be some significant changes to the landscape and views. However, significant change does not necessarily equate to unacceptable or harmful impacts."*

*6.14 Overall, I do not find the proposal in the context of the existing Ardrossan Wind Farm to be excessively prominent or dominant to the point of being inappropriate. I consider it to be in scale with its surroundings."*

*6.16...In my judgement, the increased extent of landscape and visual influences over and above either the Ardrossan Wind Farm or a specifically designed three turbine extension would be marginal. In the context of planning policies supporting wind turbine development, I cannot agree the impacts are unacceptable or harmful in planning terms."*

*6.17 I accept that those people living close to the proposal (such as Mr and Mrs Slater) would experience most frequently the significant landscape and visual impacts described above. However, it has been generally held in previous planning decisions on wind farms that a significant change to a **local resident's outlook does not mean the proposal is unacceptable in***

*planning terms. To be unacceptable the wind farm would have to be over bearing and excessively dominant overall.*

*6.18..... Overall, I do not find the proposal to be so visually dominant or overbearing to the residential visual amenities of Tower Lodge as to justify the refusal of planning permission.*

*6.21..... I cannot accept that the addition of three turbines to the existing views would have any significant impact on the landscape and visual qualities of the Clyde Muirshiel Regional Park.*

*6.22 Figure 4.5 shows the various landscape and other designations. The assessment in the environmental appraisal concluded that there would be no unacceptable impacts. As stated above, I found the assessment in the environmental appraisal to be a fair one.*

*6.23 As concluded in the assessment of criterion a), the proposal would have some landscape and visual impacts but such impacts are inevitable for any tall vertical structures. Overall, I do not find the proposal to be out of scale. I conclude that the landscape impacts are proportionate and not unexpected for a three turbine wind farm.*

*6.27 The dominant cumulative impact is with the operational Ardrossan Wind Farm. For the reasons set out above, I find the cumulative landscape and visual impacts to be acceptable.*

*6.49.... I have concluded in paragraph 6.12 above that the landscape and visual impact assessment submitted for the proposal is fair and that overall the impacts are acceptable."*

- 3.33 On the basis of its review of the current Proposed Development, OPEN considers that the assessment of landscape and visual effects by the Reporter for the previous Sorbie wind farm remains valid and relevant to the current Proposed Development.

## Summary and Conclusions

- 3.34 The proposed revision to the blade tip height and blade length of the consented Sorbie Wind Farm has led to a marginal increase in the theoretical extent and magnitude of visibility of the Proposed Development at some locations, as shown on ZTVs and in visualisations. This increase is, however, minor and no new significant landscape, visual and/or cumulative effects are likely to arise.
- 3.35 Significant landscape effects are likely to arise in localised parts of the following receptors:
- Rugged Moorland: Haupland Muir LCA
  - Ayrshire Lowlands LCA
  - Raised Beach Coast LCA
- 3.36 Significant visual effects are likely to arise at the following receptors:

- Viewpoint 1: B780 near site
- Viewpoint 2: Ardrossan, Chapelhill
- Viewpoint 3: A78 Layby
- Viewpoint 4: B780 and B781 Junction
- Viewpoint 5: B714, Muirslaught Farm
- Viewpoint 7: Stevenston, Cambuskeith Road
- Viewpoint 18: Ardrossan Harbour
- A78, Prestwick to Greenock road
- B714, Saltcoats to Dalry road
- B780, Ardrossan to Dalry road
- B781, West Kilbride to Dalry road

3.37 Significant cumulative effects are likely to arise at the following receptors:

- A78, Prestwick to Greenock road

3.38 All of the above significant effects would arise with the consented development too. As with the consented development, there would be no significant effects on landscape-related designated areas.

3.39 Other than in relation to people using the A78 between West Kilbride and Fairlie, there would also be no significant cumulative effects on any landscape character receptors, viewpoints or principal visual receptors when the Proposed Development is added to a cumulative scenario of operational, under construction, consented or application stage wind farms.

3.40 In the process of assessing the Proposed Development, OPEN has been mindful of the **Reporter's comments, ensuring that the effects of the revised proposal will continue to be acceptable** in relation to key sensitivities of the landscape and visual resource.

3.41 The significant effects of which the Reporter was aware of in reaching his conclusions on the acceptability of the previous development proposal in 2015 will remain and, whilst discernible, the increased magnitude of change will not be significant in its own right.

3.42 In no case will effects that were previously identified as not significant become significant. It is considered by OPEN that the proposed dimension increase of the turbines can be accommodated into the landscape and visual resource without unacceptable impacts arising.



## 4 NOISE

### Introduction

- 4.1 This Section provides the results of an updated operational noise assessment for the Proposed Development to confirm whether it would be able to operate within the approved noise limits on the original Sorbie Wind Farm consent.

### Legislation and policy context

- 4.2 The relevant set of reference documentation is provided at Appendix 4.1.

### Assessment Methodology and significance criteria

- 4.3 The following effects have been assessed:

- Construction noise; and
- Operational noise.

- 4.4 These are discussed in turn below.

#### Construction Noise

- 4.5 The construction noise limits prescribed within BS5228:2009 are designed to offer residents a reasonable level of protection with the regard to the typical short-term duration and typical noise levels associated with construction noise. In this case an assumed 65 dB  $L_{Aeq,12hr}$  daytime significance criterion would be adopted for the purposes of the assessment. However, noise associated with construction may be controlled through planning condition or through discussions with the relevant authorities. Due to the temporary nature of construction works, including the excavation and filling works associated with turbine bases, and the typically large distances between turbines and neighbouring receptors, noise levels associated with the erection of wind turbines are relatively low and are rarely a cause for concern.
- 4.6 Noise associated with heavy goods vehicles (HGV) and site traffic movements along local roads during the construction of the development would cause a temporary increase in noise levels, particularly for dwellings located along the proposed routes to the Proposed Development and given the rural nature of the area. However, even during the most intensive periods of deliveries to the construction site it is unlikely that noise limits (i.e. those specified within BS5228) would be breached, particularly for typical daytime periods, due to the sporadic and intermittent nature of the noise from vehicles passing the neighbouring dwellings and the slow speeds at which HGVs would pass the dwellings. Any planned deliveries during night-time and/or other sensitive hours would have the potential to wake or disturb the residents of neighbouring dwellings. As a result, any such events, if unavoidable, would be agreed with the Environmental Health Officer (EHO) dealing with the development and residents would be kept informed of these activities prior to any night-time deliveries taking place.

- 4.7 Construction noise from turbine erection, borrow pit extraction, construction compound construction and access track upgrades is highly unlikely to cause significant impacts due to separation distances from dwellings.

#### Operational Noise

- 4.8 The assessment has been undertaken in accordance with the guidance contained in the report *ETSU-R-97 The Assessment and Rating of Noise from Wind Farms*<sup>3</sup>.
- 4.9 The ISO 9613-2 model<sup>4</sup> was used to calculate the noise immission levels at the selected nearest residential noise sensitive premises. All noise level predictions have been undertaken using a receiver height of four metres above local ground level, mixed ground ( $G=0.5$ ) and an air absorption based on a temperature of 10°C and 70% relative humidity. All wind farm noise levels are presented in terms of the  $L_{A90,T}$  noise indicator in accordance with the recommendations of the ETSU-R-97 report, obtained by subtracting 2 dB(A) from the calculated  $L_{Aeq,T}$  noise levels based on the turbine sound power levels.
- 4.10 This method is consistent with the recommendations of the Institute of Acoustics Good Practice Guide (IOA GPG)<sup>5</sup> which provides agreement on the appropriate approach when predicting wind turbine noise levels. The IOA GPG has been endorsed by the UK Government as current industry good practice.
- 4.11 Appendix 4.1 describes in detail the methodology used to predict the expected turbine noise resulting from the Proposed Development and its compliance with planning conditions.

#### Baseline Conditions

- 4.12 The 18 Noise Sensitive Receptors (NSRs) that were assessed in the 2013 Environmental Appraisal are listed in the Sorbie Wind Farm noise condition and form the basis of this updated assessment.

#### Identification and evaluation of key effects

- 4.13 This section provides a comparison of the consented noise limits and the predicted turbine noise levels resulting from the introduction of the Proposed Development.
- 4.14 Tables 4.2 and 4.3 below set out the consented noise limits for Sorbie Wind Farm at nearby noise sensitive receptors.

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<sup>3</sup> ETSU-R-97, The Assessment and Rating of Noise from Wind Farms, Final Report for the Department of Trade & Industry, September 1996. The Working Group on Noise from Wind Turbines.

<sup>4</sup> ISO 9613 2:1996 'Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation', International Standards Organisation, 1996

<sup>5</sup> A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise, M. Cand, R. Davis, C. Jordan, M. Hayes, R. Perkins, Institute of Acoustics, May 2013.

Property	Standardised Wind Speed (m/s)								
	4	5	6	7	8	9	10	11	12
Darleith Farm	34.3	31.9	30.7	35.7	39.3	43.6	45.1	47.2	49.2
Knockrivoch Farm	36.2	38.6	41.3	44.5	47.6	50.7	53.5	56.0	58.0
Meikle Busbie Cottage	34.8	35.5	37.5	42.6	46.7	50.7	53.2	55.7	57.8
Sorbie Farm Cottage	36.1	38.4	41.2	44.4	47.6	50.7	53.4	56.0	58.0
Tower Lodge	36.1	38.5	41.2	44.4	47.6	50.7	53.5	56.0	58.0
Knockrivoch Cottages	36.2	38.6	41.4	44.5	47.6	50.7	53.5	56.0	58.0
1 Mill Farm	36.1	38.3	41.1	44.3	47.5	50.7	53.4	56.0	58.0
2 Bluebell Gardens	36.1	38.5	41.2	44.4	47.6	50.7	53.5	56.0	58.0
12 Millglen Gardens	36.1	38.4	41.2	44.4	47.6	50.7	53.4	56.0	58.0
Arran View	36.2	38.6	41.4	44.5	47.6	50.7	53.5	56.0	58.0
Little Busbie	34.5	34.6	36.1	42.1	46.5	50.6	53.1	55.7	57.8
Little Ittington	34.6	33.5	34.3	37.5	40.3	43.6	45.5	47.6	49.4
Meikle Busbie Farm	34.8	35.3	37.2	42.5	46.6	50.7	53.1	55.7	57.8
Meikle Ittington	34.5	32.8	33.0	36.8	39.9	43.6	45.3	47.4	49.3
Meikle Laught	36.2	38.6	41.4	44.5	47.6	50.7	53.5	56.0	58.0
Muirlaught Bungalow	34.8	34.3	35.6	38.2	40.8	43.7	45.7	47.7	49.5
Muirlaught Farm	34.8	34.2	35.4	38.1	40.7	43.7	45.6	47.7	49.5
Rashley	35.7	37.5	40.1	43.7	47.2	50.7	53.3	55.9	57.9

Table 4.2 – Consented day-time noise limits for Sorbie Wind Farm (07:00 to 23:00), dB LA90

Property	Standardised Wind Speed (m/s)								
	4	5	6	7	8	9	10	11	12
Darleith Farm	42.9	42.6	42.2	42.0	41.8	42.9	44.0	43.6	43.6
Knockrivoch Farm	43.0	42.9	42.8	42.8	43.6	46.3	48.1	48.1	48.1
Meikle Busbie Cottage	42.7	42.0	40.5	39.7	40.6	46.2	46.9	46.3	46.3
Sorbie Farm Cottage	43.0	42.9	42.7	42.6	43.5	46.3	48.0	48.0	48.0
Tower Lodge	43.0	42.9	42.7	42.7	43.5	46.3	48.1	48.0	48.0
Knockrivoch Cottages	43.0	42.9	42.8	42.8	43.6	46.3	48.1	48.1	48.1
1 Mill Farm	43.0	42.8	42.6	42.5	43.4	46.3	48.0	47.9	47.9
2 Bluebell Gardens	43.0	42.9	42.7	42.7	43.5	46.3	48.0	48.0	48.0
12 Millglen Gardens	43.0	42.9	42.7	42.6	43.4	46.3	48.0	48.0	48.0

Arran View	43.0	42.9	42.8	42.8	43.6	46.3	48.1	48.1	48.1
Little Busbie	42.7	41.8	39.8	38.7	39.7	46.2	46.5	45.8	45.8
Little Ittington	42.9	42.8	42.6	42.5	42.4	42.9	44.5	44.3	44.3
Meikle Busbie Farm	42.7	42.0	40.3	39.5	40.4	46.2	46.8	46.2	46.2
Meikle Ittington	42.9	42.7	42.4	42.2	42.1	42.9	44.3	44.0	44.0
Meikle Laught	43.0	42.9	42.8	42.8	43.6	46.3	48.1	48.1	48.1
Muirlaught Bungalow	43.0	42.9	42.8	42.7	42.7	43.0	44.7	44.6	44.6
Muirlaught Farm	43.0	42.9	42.7	42.7	42.6	43.0	44.7	44.6	44.6
Rashley	42.9	42.6	42.0	41.7	42.5	46.2	47.6	47.4	47.4

Table 4.2 – Consented night-time noise limits for Sorbie Wind Farm (23:00 to 07:00), dB LA90

- 4.15 Table 4.4 below shows the predicted noise levels from the operation of the Proposed Development, using the methodology described in Appendix 4.1.

Property	Standardised Wind Speed (m/s)								
	4	5	6	7	8	9	10	11	12
Darleith Farm	23.1	27.9	29.8	34.7	35.4	36.1	36.3	36.7	37
Knockrivoch Farm	22.4	27.2	31.3	34	34.7	35.4	35.6	36	36.3
Meikle Busbie Cottage	26.6	31.4	35.5	38.2	38.9	39.5	39.8	40.1	40.5
Sorbie Farm Cottage	27.1	31.9	36	38.7	39.4	40	40.3	40.6	40.9
Tower Lodge	23	27.8	31.9	34.6	35.3	35.9	36.2	36.5	36.9
Knockrivoch Cottages	11.4	16.2	20.3	23	23.7	24.4	24.6	25	25.3
1 Mill Farm	19.7	24.5	28.6	31.3	32	32.6	32.9	33.2	33.5
2 Bluebell Gardens	17.2	22	26.1	28.8	29.5	30.1	30.4	30.7	31
12 Millglen Gardens	17.4	22.2	26.3	29	29.7	30.3	30.6	30.9	31.2
Arran View	22	26.9	30.9	33.6	34.3	34.9	35.2	35.5	35.9
Little Busbie	21.6	26.4	30.5	33.2	33.9	34.5	34.8	35.1	35.4
Little Ittington	14.2	19	21.1	25.8	26.5	27.1	27.4	27.7	28
Meikle Busbie Farm	26.5	31.3	35.4	38.1	38.8	39.4	39.7	40	40.3
Meikle Ittington	15.1	19.9	24	26.7	27.4	28	28.3	28.6	29
Meikle Laught	19.3	24.1	28.2	30.9	31.6	32.2	32.5	32.8	33.1
Muirlaught Bungalow	17.1	21.9	26	28.7	29.4	30.1	30.3	30.7	31
Muirlaught Farm	17.2	22	26.1	28.8	29.5	30.1	30.4	30.7	31
Rashley	19.5	24.3	28.4	31.1	31.8	32.4	32.7	33	33.3

Table 4.4 – Predicted noise levels (dB LA90) – the Proposed Development

- 4.16 The comparison provided in Tables 4.5 and 4.6 show predicted noise levels of the Proposed Development against day-time and night-time noise limits. A positive number indicates compliance.

Property	Standardised Wind Speed (m/s)								
	4	5	6	7	8	9	10	11	12
Darleith Farm	11.2	4	0.9	1	3.9	7.5	8.8	10.5	12.2
Knockrivoch Farm	13.8	11.4	10	10.5	12.9	15.3	17.9	20	21.7
Meikle Busbie Cottage	8.2	4.1	2	4.4	7.8	11.2	13.4	15.6	17.3
Sorbie Farm Cottage	9	6.5	5.2	5.7	8.2	10.7	13.1	15.4	17.1
Tower Lodge	13.1	10.7	9.3	9.8	12.3	14.8	17.3	19.5	21.1
Knockrivoch Cottages	24.8	22.4	21.1	21.5	23.9	26.3	28.9	31	32.7
1 Mill Farm	16.4	13.8	12.5	13	15.5	18.1	20.5	22.8	24.5
2 Bluebell Gardens	18.9	16.5	15	15.5	18	20.6	23	25.3	27
12 Millglen Gardens	18.7	16.2	14.9	15.4	17.9	20.4	22.8	25.1	26.8
Arran View	14.2	11.7	10.5	10.9	13.3	15.8	18.3	20.5	22.1
Little Busbie	12.9	8.2	5.6	8.9	12.6	16.1	18.3	20.6	22.4
Little Ittington	20.4	14.5	13.2	11.7	13.8	16.5	18.1	19.9	21.4
Meikle Busbie Farm	8.3	4	1.8	4.4	7.8	11.3	13.4	15.7	17.5
Meikle Ittington	19.4	12.9	9	10.1	12.5	15.6	17	18.8	20.3
Meikle Laught	16.9	14.5	13.2	13.6	16	18.5	21	23.2	24.9
Muirlaught Bungalow	17.7	12.4	9.6	9.5	11.4	13.6	15.4	17	18.5
Muirlaught Farm	17.6	12.2	9.3	9.3	11.2	13.6	15.2	17	18.5
Rashley	16.2	13.2	11.7	12.6	15.4	18.3	20.6	22.9	24.6

Table 4.5 – Amenity Hours Noise Limits Met by, dB

Property	Standardised Wind Speed (m/s)								
	4	5	6	7	8	9	10	11	12
Darleith Farm	19.8	14.7	12.4	7.3	6.4	6.8	7.7	6.9	6.6
Knockrivoch Farm	20.6	15.7	11.5	8.8	8.9	10.9	12.5	12.1	11.8
Meikle Busbie Cottage	16.1	10.6	5	1.5	1.7	6.7	7.1	6.2	5.8
Sorbie Farm Cottage	15.9	11	6.7	3.9	4.1	6.3	7.7	7.4	7.1
Tower Lodge	20	15.1	10.8	8.1	8.2	10.4	11.9	11.5	11.1
Knockrivoch Cottages	31.6	26.7	22.5	19.8	19.9	21.9	23.5	23.1	22.8
1 Mill Farm	23.3	18.3	14	11.2	11.4	13.7	15.1	14.7	14.4

2 Bluebell Gardens	25.8	20.9	16.6	13.9	14	16.2	17.6	17.3	17
12 Millglen Gardens	25.6	20.7	16.4	13.6	13.7	16	17.4	17.1	16.8
Arran View	21	16	11.9	9.2	9.3	11.4	12.9	12.6	12.2
Little Busbie	21.1	15.4	9.3	5.5	5.8	11.7	11.7	10.7	10.4
Little Ittington	28.7	23.8	21.5	16.7	15.9	15.8	17.1	16.6	16.3
Meikle Busbie Farm	16.2	10.7	4.9	1.4	1.6	6.8	7.1	6.2	5.9
Meikle Ittington	27.8	22.8	18.4	15.5	14.7	14.9	16	15.4	15
Meikle Laught	23.7	18.8	14.6	11.9	12	14.1	15.6	15.3	15
Muirlaught Bungalow	25.9	21	16.8	14	13.3	12.9	14.4	13.9	13.6
Muirlaught Farm	25.8	20.9	16.6	13.9	13.1	12.9	14.3	13.9	13.6
Rashley	23.4	18.3	13.6	10.6	10.7	13.8	14.9	14.4	14.1

Table 4.6 – Night-time Noise Limits Met by, dB

## Conclusions

- 4.17 The operational noise assessment has been undertaken in accordance with the recommendations of ETSU-R-97, The Assessment and Rating of Noise from Wind Farms, as referred to within relevant planning guidance, and the Institute of Acoustics document, A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise.
- 4.18 Background monitoring has been undertaken as part of the noise assessment provided in the 2013 Environmental Appraisal. Planning conditions issued as part of the granting of consent provide the ETSU-R-97 noise limit against which operational noise has been assessed at all relevant NSRs for the Proposed Development.
- 4.19 Results of the assessment show that noise levels from the Proposed Development are below ETSU-R-97 noise limits at all properties and at all wind speeds. As a result, no mitigation measures are necessary or proposed beyond the noise reduced modes used in the assessment and it is considered that the resulting impacts are not significant.



## 5 SHADOW FLICKER

### Introduction

- 5.1 This Section provides the results of an updated shadow flicker assessment for the Proposed Development.

### Methodology

- 5.2 A study<sup>6</sup> on behalf of the Department of Energy and Climate Change drew the following conclusions in relation to shadow flicker effects:
- A study area of 130 degrees north of each turbine position is appropriate;
  - There is unlikely to be any significant effects at distances greater than 10 rotor diameters; and
  - The frequency of flicker caused by modern wind turbines is unlikely to cause any health effects and nuisance and is not considered a significant risk.
- 5.3 As outlined in Section 1, this Proposed Development is for three wind turbines with a maximum height to blade tip of 125m. The final choice of turbine would be dependent on the technology available at the time of construction, however, for the purposes of this shadow flicker assessment it has been assumed that the maximum rotor diameter will not exceed 115m in width.
- 5.4 The 'shadow flicker zone' for the purposes of this assessment extends out to 1,150m from the turbine positions (being 10x the rotor diameter) and 130 degrees either side of north from each turbine position. Within this zone 7 shadow flicker receptors have been identified, although one of these properties (Craigspark) has not been included within the assessment as it is an uninhabited building.
- 5.5 A recognised computer software package<sup>7</sup> has been used to calculate theoretical specific times and durations of shadow flicker effects for each of the identified shadow flicker receptors. This software creates a mathematical model of the Proposed Development and its surroundings, based on:
- Turbine locations, hub height and rotor diameter;
  - Topography (obtained from Ordnance Survey Land-Form Panorama elevation data on a 50m horizontal grid); and
  - Latitude and longitude of the Site (used to calculate the position of the sun in relation to time of day and year).

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<sup>6</sup> Parsons Brickerhoff Consultants on behalf of DECC (2010) Update of UK Shadow Flicker Evidence Base

<sup>7</sup> windPRO, Version 3.1.633

5.6 Certain worse-case assumptions are made in the calculation, including:

- Weather conditions are such that shadows are always cast during each day of the year, i.e. bright sunshine every day;
- The turbine rotor will always be facing directly towards a given window, maximising the size of the shadow and hence the frequency and duration of the effect;
- The turbines will always be rotating; and
- There will not be any intervening structures or vegetation (other than topography) that may restrict the visibility of a turbine, preventing or reducing the effect.

## Baseline Conditions

5.7 Six shadow flicker receptors properties have been identified within 1,150m and 130 degrees either side of north of the proposed turbine positions. Craigsark has been omitted as it is uninhabited, however, the remaining properties have been assessed below.

Name	Easting	Northing
Meikle Busbie Farm Cottage	223941	645709
Meikle Busbie Farm	223944	645734
Darleith Farm	225061	646294
Towerlodge	225633	645299
Little Busbie	223518	645671
Millglen Lodges	223399	644821

Table 5.1 – Shadow flicker receptors

## Potential Effects

5.8 Table 5.2 details the results of the shadow flicker calculations carried out for each receptor location. The table details the maximum duration of effects which would theoretically occur throughout the year, along with the predicted likely number of hours of shadow flicker per annum (assuming 30% per annum bright sunshine). It also shows the potential effects from the 2013 Environmental Appraisal for reference.

Name	2013 Environmental Appraisal		Proposed Development	
	Theoretical maximum hours per annum	Likely hours per annum	Theoretical maximum hours per annum	Likely hours per annum
Meikle Busbie Farm Cottage	38.3	11.49	68.8	20.6
Meikle Busbie Farm	38.0	11.4	85.7	25.7
Darleith Farm	26.9	8.1	33.6	10.1

Towerlodge	N/A	N/A	28.6	8.6
Little Busbie	N/A	N/A	24.5	7.4
Millglen Lodges	N/A	N/A	49.5	14.9

Table 5.2 – Potential shadow flicker effects

- 5.9 The likely predicted hours of effect set out in Table 5.2 are considered to be not significant in line with the guidance set out above.
- 5.10 Notwithstanding that these effects are considered to be not significant, control measures would be implemented in order to prevent shadow flicker from occurring at these shadow flicker receptors. Shadow flicker effects can be avoided completely by programming individual wind turbines to shut down at specified times when shadow flicker effects could occur.
- 5.11 In the event that reports or complaints of shadow flicker are received by the Applicant or local authority, and an appropriate investigation confirms the occurrence, these measures could be used to prevent re-occurrence to ensure that residential amenities at the properties are not unacceptably affected by shadow flicker effects. Planning condition 15 of the original Sorbie Wind Farm consent already provides a mechanism for this.

## Conclusions

- 5.12 Six properties have been identified as being within the shadow flicker zone. Mitigation measures would be implemented to minimise the effect of shadow flicker and ensure that there is no unacceptable effect as a result of the Proposed Development.

## 6 CONCLUSIONS

### Introduction

- 6.1 This Comparative Environmental Report is submitted in support of a planning application by Energiekontor UK Ltd ("the Applicant") to North Ayrshire Council ("the Council") for a variation of the consented Sorbie Wind Farm to increase the tip height from 104.3m to 125m.

### Comparative Environmental Appraisal

- 6.2 Three topic areas with the potential for materially different effects from those reported in the 2013 Environmental Appraisal have been identified. These are:
- Landscape and visual effects;
  - Noise effects; and
  - Shadow flicker effects

### Landscape and Visual Effects

- 6.3 In the process of assessing the landscape and visual effects of the Proposed Development, OPEN has been mindful of the Reporter's comments, ensuring that the effects of the revised proposal will continue to be acceptable in relation to key sensitivities of the landscape and visual resource.
- 6.4 The significant effects of which the Reporter was aware of in reaching his conclusions on the acceptability of the previous development proposal in 2015 will remain and, whilst discernible, the increased magnitude of change will not be significant in its own right.
- 6.5 In no case will effects that were previously identified as not significant become significant. It is considered by OPEN that the proposed dimension increase of the turbines can be accommodated into the landscape and visual resource without unacceptable impacts arising.

### Noise Effects

- 6.6 Planning conditions issued as part of the granting of the original Sorbie Wind Farm consent provide the noise limits within which the Proposed Development would need to operate.
- 6.7 An operational noise assessment has been carried out for all relevant noise sensitive receptors for the Proposed Development. The results of the assessment show that noise levels from the Proposed Development are below ETSU-R-97 noise limits at all properties and at all wind speeds. As a result, no mitigation measures are necessary or proposed beyond the noise reduced modes used in the assessment and it is considered that the resulting impacts are not significant.

## Shadow Flicker Effects

- 6.8 Six properties have been identified as being within the shadow flicker zone. Mitigation measures would be implemented to minimise the effect of shadow flicker and ensure that there is no unacceptable effect as a result of the Proposed Development.

## Overall

- 6.9 In summary it is considered that the Proposed Development is an acceptable variation to the original Sorbie Wind Farm consent. Whilst the proposed changes would be discernible in some respects, the overall character of the development would not change and no unacceptable effects would occur as a result of the proposals.

## Appendix 3.1

### **OPEN's methodology for assessing landscape and visual effects of wind farms**

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#### Methodology for assessing Landscape and Visual effects of wind farms

##### 1.1 Introduction

**1.1.1** This appendix describes in detail the methodology that OPEN uses to carry out Landscape and Visual Impact Assessment (LVIA) for wind farm development. This Appendix is structured as follows:

- Categories of effects;
- Assessment of effects;
- Assessment of physical landscape effects;
- Assessment of effects on landscape character;
- Assessment of effects on views;
- Assessment of cumulative effects;
- Nature of effects; and
- Duration and reversibility of effects.

**1.1.2** The following sources have been used in the formulation of methodology for the assessment:

- Assessing the Cumulative Impact of Onshore Wind Energy Developments (SNH, 2012);
- Guidelines for Landscape and Visual Impact Assessment: Third Edition (Landscape Institute and IEMA, 2013) (GLVIA3); and
- Visual Representation of Wind Farms Version 2.2 (SNH, February 2017).

##### 1.2 Categories of Effects

**1.2.1** For the purpose of assessment, the potential effects on the landscape and visual resource are grouped into five categories:

**1.2.2** Physical effects are restricted to the area within the proposed development site boundary and are the direct effects on the existing fabric of the site, such as alteration to ground cover. This category of effects is made up of landscape elements, which are the components of the landscape such as rough grassland/moorland that may be directly and physically affected by the proposed development.

**1.2.3** Effects on landscape character: landscape character is the distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape, and the way that this pattern is perceived. Effects on landscape character arise either through the introduction of new elements that physically alter this pattern of elements, or through visibility of the proposed development, which may alter the way in which the pattern of elements is perceived. This category of effects is made up of landscape character



receptors, which fall into two groups: landscape character types and landscape-related designated areas.

**1.2.4** Effects on views: the assessment of effects on views is an assessment of how the introduction of the proposed development will affect views throughout the study area. The assessment of effects on views is carried out in two parts:

- An assessment of the effects that the proposed development will have on a series of viewpoints around the study area; and
- An assessment of the effects that the proposed development will have on views from principal visual receptors, which are relevant settlements, routes and tourism features found throughout the study area.

**1.2.5** Cumulative effects arise where the study areas for two or more wind farms overlap so that both/all of the wind farms are experienced at a proximity where they may have a greater incremental effect, or where wind farms may combine to have a sequential effect. In accordance with GLVIA3 and SNH guidance (SNH, 2012), the LVIA assesses the effect arising from the addition of the proposed development to the cumulative situation, and not the overall effect of multiple wind farms.

### 1.3 Assessment of Effects

**1.3.1** The objective of the assessment of the proposed development is to predict the likely significant effects on the landscape and visual resource. In accordance with the Environmental Impact Assessment (Scotland) Regulations 2017, the LVIA effects are assessed to be either significant or not significant. The LVIA does not define intermediate levels of significance as the EIA Regulations do not provide for these.

**1.3.2** The broad principles used in the assessment of the significance of effects on categories listed above (with the exception of the assessment of effects on wild land) are the same and are described below. The detailed methodology for the assessment of significance does, however, vary for each category, and the specific criteria used are described in this Appendix.

**1.3.3** The significance of effects is assessed through a combination of two considerations; the sensitivity of the landscape receptor or view and the magnitude of change that will result from the addition of the proposed development. The way that these two criteria are combined to result in a significant or not significant effect is shown in Table 1 below.

**1.3.4** Sensitivity is an expression of the ability of a landscape receptor or view to accommodate the proposed development. Sensitivity is determined through a combination of the value of the receptor and its susceptibility to the proposed development.

**1.3.5** Magnitude of change is an expression of the extent of the effect on landscape receptors and views that will result from the introduction of the proposed development. The magnitude of change is assessed in terms of a number of variables, including the size and scale of the impact and the geographical extent of the affected area.

#### Assessing Significance of Effects

**1.3.6** The significance of effects is assessed through a combination of the sensitivity of the landscape receptor or view and the magnitude of change that will result from the

addition of the proposed development. While this methodology is not reliant on the use of a matrix to arrive at the conclusion of a significant or not significant effect, a matrix is included below to illustrate how combinations of sensitivity and magnitude of change ratings can give rise to significant effects. The matrix also gives an understanding of the threshold at which significant effects may arise.

Table 1 – Illustrative Significance Matrix

<b>Magnitude Sensitivity</b>	<b>High</b>	<b>Medium-High</b>	<b>Medium</b>	<b>Medium-Low</b>	<b>Low</b>	<b>Negligible</b>
<b>High</b>	Significant	Significant	Significant	Significant/ Not Significant	Not Significant	Not Significant
<b>Medium-High</b>	Significant	Significant	Significant/ Not Significant	Significant/ Not Significant	Not Significant	Not Significant
<b>Medium</b>	Significant	Significant/ Not Significant	Significant/ Not Significant	Not Significant	Not Significant	Not Significant
<b>Medium-Low</b>	Significant/ Not Significant	Significant/ Not Significant	Not Significant	Not Significant	Not Significant	Not Significant
<b>Low</b>	Significant/ Not Significant	Not Significant	Not Significant	Not Significant	Not Significant	Not Significant

**1.3.7** Effects within the dark grey boxes in the matrix are considered to be significant in terms of the EIA Regulations. Effects within the light grey boxes may be significant or not significant depending on the specific relevant factors that arise at a particular landscape or visual receptor. In accordance with GLVIA3, experienced professional judgement is applied to the assessment of all effects and reasoned justification is presented in respect of the findings of each case.

**1.3.8** A significant effect occurs where the proposed development will provide a defining influence on a landscape element, landscape character receptor or view. A not significant effect occurs where the effect of the proposed development is not material, and the baseline characteristics of the landscape element, landscape character receptor, view or visual receptor continue to provide the definitive influence. In this instance the proposed development may have an influence but this influence will not be definitive. A significant cumulative effect occurs where the additional effect of the proposed development, when combined with other existing and/or proposed wind farms, will result in a landscape character or view that is defined by the presence of more than one wind farm and is characterised primarily by wind farms.

- 1.3.9** This assessment assumes clear weather and optimum viewing conditions. This means that effects that are assessed to be significant may be not significant under different, less clear conditions.

#### 1.4 Assessment of Physical Landscape Effects

- 1.4.1** Physical effects are the direct effects on the fabric of the site such as the removal of trees and alteration to ground cover and are restricted to the area of the site. The objective of the assessment of physical effects is to determine which landscape elements will be affected and whether these effects will be significant or not significant. The variables considered in the sensitivity of landscape elements, and the magnitude of change upon them, are described below.

##### Sensitivity of Landscape Elements

- 1.4.2** The sensitivity of a landscape element is an expression of its ability to accommodate the proposed development. This is dependent on the value of the landscape element and its susceptibility to the change that will arise from the addition of the proposed development.
- The value of a landscape element is a reflection of its importance in the pattern of elements which constitute the landscape character of the area. For example, the value of woodland is likely to be increased if it provides an important component of the local landscape character. If a landscape element is particularly rare - as a remnant of a historic landscape layout for example - its value is likely to be increased; and
  - The susceptibility of a landscape element is a reflection of the degree to which the element can be restored, replaced or substituted. For example, it may be possible to restore ground cover following the excavation required for the building of turbine foundations, and this would reduce the susceptibility of this element.
- 1.4.3** The sensitivity of each receptor is a product of the specific combination of value and susceptibility to the proposed development as evaluated by professional judgement. The evaluation of sensitivity is described for each receptor in the assessment, and levels of sensitivity - high, medium or low - are applied. Interim levels of sensitivity – medium-high and medium-low - may also be applied where appropriate for the combination of value and susceptibility.

##### Magnitude of Change on Landscape Elements

- 1.4.4** The magnitude of change on landscape elements is quantifiable and is expressed in terms of the degree to which a landscape element will be removed or altered by the proposed development. Definitions of magnitude of change are applied in order that the process of assessment is made clear. These are:
- High, where the proposed development will result in the complete removal of a landscape element or substantial alteration to a key landscape element;
  - Medium, where the proposed development will result in the removal of a notable part of a landscape element or a notable alteration to a key landscape element;
  - Low, where the proposed development will result in the removal of a minor part of a landscape element or a minor alteration to a key landscape element; and

- Negligible, where the alteration to the landscape element is barely discernible.

**1.4.5** There may also be intermediate levels of magnitude of change – medium-high and medium-low - where the change falls between two of the definitions.

#### Significance of Effects on Landscape Elements

**1.4.6** The significance of the effect on landscape elements is dependent on all of the factors considered in the sensitivity of the receptor and the magnitude of change upon it. A significant effect will occur where the degree of removal or alteration of the landscape element is such that the form of the element will be redefined. If the landscape element is of a high sensitivity, a significant effect can occur with a relatively limited degree of removal or alteration. A not significant effect will occur where the form of the landscape element is not redefined as a result of the proposed development. If the landscape element is of lower sensitivity, it may undergo a higher level of removal or alteration yet remain as a not significant effect.

#### 1.5 Assessment of Effects on Landscape Character

**1.5.1** Landscape character is the distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape, and the way that this pattern is perceived. Effects on landscape character arise through the introduction of new elements that physically alter this pattern of elements, the removal of characterising elements, or through visibility of the proposed development, which may alter the way in which the pattern of elements is perceived. This category of effects is made up of landscape character receptors, which fall into two groups; landscape character types and designated areas.

**1.5.2** The objective of the assessment of effects on landscape character is to determine which landscape character receptors will be affected by the proposed development, and whether these effects will be significant or not significant. The assessment of effects on landscape character involves an evaluation of sensitivity and magnitude of change, and the resultant assessment of significance.

#### Sensitivity of Landscape Character Receptors

**1.5.3** The sensitivity of a landscape character receptor is an expression of its ability to accommodate the proposed development as part of its own character or as part of the visual setting or context to the character receptor. This is dependent on the value of the landscape receptor and its susceptibility to change.

#### Value of Landscape Character Receptors

**1.5.4** The value of a landscape character receptor is a reflection of the value that is attached to that landscape. The landscape value is classified as high, medium or low, and the basis for this evaluation is determined through the application of professional judgement to the following factors:

- Landscape designations: a receptor that lies within a recognised landscape-related planning designation will generally have an increased value, depending on the proportion of the receptor that is covered and the level of importance of the designation (international, national, regional or local). It is important to note that the absence of designations does not preclude local resource value, as an

undesigned landscape character receptor may be important as a resource in the local or immediate environment, particularly when experienced in comparison with other nearby landscapes;

- Landscape quality: the quality of a landscape character receptor is a reflection of its attributes, such as scenic quality, sense of place, rarity and representativeness and the extent to which these attributes have remained intact. A landscape with consistent, intact and well-defined, distinctive attributes is generally considered to be of higher quality and, in turn, higher value, than a landscape where the introduction of inappropriate elements has detracted from its inherent attributes; and
- Landscape experience: the experience of the landscape character receptor can add to its value and relates to a number of factors including the perceptual responses it evokes, the cultural associations that may exist in literature or history, or the iconic status of the landscape in its own right, the recreational value of the landscape for outdoor pursuits, and the contribution of other values relating to the nature conservation or archaeology of the area.

#### Susceptibility to Change of Landscape Character Receptors

**1.5.5** The susceptibility of a landscape character receptor to change is a reflection of its ability to accommodate the changes that will occur as a result of the addition of the proposed development. The assessment of the susceptibility of the landscape receptor to change is classified as high, medium or low, as determined through the application of professional judgement to the following factors:

- The specific nature of the proposed development: the susceptibility of landscape receptors is specific to the change arising from the particular development that is proposed, including its individual components and features, and its size, scale, location, context and characteristics;
- Landscape character: the key characteristics of the existing landscape character of the receptor are considered in the evaluation of susceptibility as they determine the degree to which the receptor may accommodate the influence of the proposed development. For example, a landscape that is of a particularly wild and remote character may have a high susceptibility to the influence of the proposed development due to the contrast that it would have with the landscape, whereas a developed landscape where built elements and structures are already part of the landscape character may have a lower susceptibility. However, there are instances when the quality of a landscape may have been degraded to an extent whereby it is considered to be in a fragile state and therefore a degraded landscape may have a higher susceptibility to the proposed development; and
- Landscape association: the extent to which the proposed development will influence the character of the landscape receptors across the study area also relates to the associations that exist between the landscape within which the proposed development is located and the landscape receptor from which the proposed development is being experienced. This association will be most important where the landscapes are directly related; for example, if the proposed development is located in an upland landscape that has a strong enclosing influence on an adjacent valley landscape. Elsewhere, the association may be less important; for example, where the proposed development lies inland of a coastal landscape that has its main focus outwards over the sea.

#### Levels of Sensitivity

- 1.5.6** The sensitivity of each receptor is a product of the specific combination of value and susceptibility to the proposed development as evaluated by professional judgement. The sensitivity of the landscape receptor is evaluated as high, medium or low. Interim levels of sensitivity – medium-high and medium-low - may also be applied where appropriate.

#### Magnitude of Change on Landscape Character Receptors

- 1.5.7** The magnitude of change that the proposed development will have on landscape receptors is assessed in terms of the size or scale of the change, the geographical extent of the area influenced and its duration and reversibility. The key elements of the proposed development that will influence the level of change on landscape character are the movement, form, material, colour and scale of the turbines, although infrastructure is also considered.

#### Size or Scale

- 1.5.8** This criterion relates to the size or scale of change to the landscape that will arise as a result of the addition of the proposed development, based on the following factors:
- The degree to which the pattern of elements that makes up the landscape character will be altered by the proposed development, through removal or addition of elements in the landscape. The magnitude of change will generally be higher if key features that make up the landscape character are extensively removed or altered, and if many new components are added to the landscape;
  - The extent to which the proposed development will change - physically or perceptually - the characteristics that may be important in the creation of the distinctive character of the landscape. This may include the scale of the landform, its relative simplicity or irregularity, the nature of the landscape context, the grain or orientation of the landscape, the degree to which the receptor is influenced by external features and the juxtaposition of the proposed development with these key characteristics;
  - The distance between the landscape character receptor and the proposed development. Generally, the greater the distance, the lower the scale of change as the proposed development will constitute a less apparent influence on the landscape character; and
  - The extent of the proposed development that will be seen from the landscape receptor. Visibility of the proposed development may range from one turbine blade tip to all of the turbines, and generally the greater the extent of the proposed development that can be seen, the greater the change.

#### Geographical Extent

- 1.5.9** The geographic area over which the landscape effects will be experienced is also evaluated. The extent of the effect will vary depending on the specific nature of the proposed development and is principally a reflection of the extent of the landscape receptor that will be affected by visibility of the proposed development.

#### Duration and Reversibility

- 1.5.10** The duration and reversibility of landscape effects are based on the period over which the proposed development is likely to exist and the extent to which the proposed



development will be removed and its effects reversed at the end of that period. Duration and reversibility are not always incorporated into the overall magnitude of change, and may be stated separately.

#### Levels of Magnitude of Change

**1.5.11** An evaluation of the magnitude of change on landscape receptors is made by combining the considerations of size or scale of change, geographical extent and, where relevant, duration and reversibility. The magnitude of change is assessed as high, medium, low or negligible according to the following definitions:

- High, where the proposed development will result in a major alteration to the baseline character of the landscape, providing a prevailing influence and/or introducing elements that are substantially uncharacteristic in the receiving landscape;
- Medium, where the proposed development will result in a moderate alteration to the baseline character of the landscape, providing a readily apparent influence and/or introducing elements that may be prominent but are not uncharacteristic in the receiving landscape;
- Low, where the proposed development will result in a minor alteration to the baseline character of the landscape, providing a slightly apparent influence and/or introducing elements that are characteristic in the receiving landscape; and
- Negligible, where the alteration to landscape character is barely discernible.

**1.5.12** There may also be intermediate levels of magnitude of change – medium-high and medium-low - where the change falls between two of the definitions.

#### Significance of Effects on Landscape Character Receptors

**1.5.13** The significance of the effect on each landscape character receptor is dependent on the factors that are considered in the sensitivity of the receptor and the magnitude of change upon it. These factors are combined using professional judgement to arrive at an overall assessment as to whether the proposed development will have a significant or not significant effect on the receptor. The matrix shown in Table 1 above is also used to inform the threshold of significance when combining sensitivity and magnitude of change.

**1.5.14** A significant effect will occur where the combination of the variables results in the proposed development having a defining effect on the receptor. A not significant effect will occur where the effect of the proposed development is not definitive, and the landscape character of the receptor continues to be characterised principally by its baseline characteristics. In this instance, a not significant effect would indicate that the proposed development may have an influence on the landscape character of the receptor, but this influence will not be a defining one.

### 1.6 Assessment of Effects on Views

**1.6.1** The assessment of effects on views evaluates how the introduction of the proposed development will affect views and visual amenity. The assessment of visual effects is carried out in two parts:

- An assessment of the effects that the proposed development will have on a series of viewpoints around the study area; and

- An assessment of the effects that the proposed development will have on views from principal visual receptors, which are relevant settlements, routes and tourism features found throughout the study area.

**1.6.2** The objective of the assessment of effects on visual receptors is to determine what the likely effects of the proposed development will be on views across the study area, and whether these effects will be significant or not significant. The assessment of effects on views involves an evaluation of sensitivity and magnitude of change, and the resultant assessment of significance.

#### Sensitivity of Visual Receptors

**1.6.3** The sensitivity of views and visual receptors is determined by a combination of the value of the view and the susceptibility of the viewer or visual receptor to the proposed development.

#### Value of Views

**1.6.4** The value of a view is a reflection of the recognition and the importance attached formally through identification as a viewpoint on mapping, by signposting or through planning designation; or informally through the value which society attaches to the view. The value of a view is classified as high, medium or low, based on the following factors:

- Formal recognition: the value of views can be formally recognised through their identification on maps as formal viewpoints, are signposted and provide facilities to facilitate the enjoyment of the view such as parking, seating and interpretation boards. Specific views may be afforded protection in local planning policy, where they are recognised as valued views. Specific views can also be cited as being of importance in relation to landscape or heritage planning designations; for example the value of a view may be increased if it presents an important vista from a designed landscape or lies within or overlooks a designated area such as a National Scenic Area (NSA), which implies a greater value to the visible landscape;
- Informal recognition: views that are well-known at a local level or have particular scenic qualities can have an increased value, even if there is no formal recognition or designation. Views or viewpoints are sometimes informally recognised through references in art or literature and this can also add to their value; and
- Scenic quality: the value of the view is a reflection of the scenic qualities gained in the view. This relates to the content and composition of the landscape, whereby certain patterns and features can increase the scenic quality while others may reduce the scenic quality.

#### Susceptibility to Change

**1.6.5** Susceptibility relates to the nature of the viewer and how susceptible they are to the potential effects of the proposed development. This is determined by the nature of the viewer, which is the occupation or activity in which the viewer is engaged at the viewpoint, and is classified as high, medium or low. The most common groups of viewers considered in the visual assessment include residents, road-users, workers and walkers.

**1.6.6** Viewers whose attention is focussed on the landscape – walkers or cyclists on recognised walking or cycling routes, for example - are likely to have a high susceptibility, as will residents of properties that gain views of the proposed development.

**1.6.7** Viewers travelling in cars or on trains will tend to have a medium susceptibility as their view is transient and moving. However, people travelling in cars on a national tourist route can have a heightened susceptibility as they are likely to have an awareness of the surrounding landscape.

**1.6.8** The least sensitive viewers, with a low susceptibility, are usually people at their place of work as they are often less sensitive to changes in the view, although this depends on the nature of their work.

#### Levels of Sensitivity

**1.6.9** The sensitivity of each receptor is a product of the specific combination of value and susceptibility to the proposed development as evaluated by professional judgement. The sensitivity of the view or visual receptor is evaluated as high, medium or low by combining the value and susceptibility to change. Interim levels of sensitivity – medium-high and medium-low - may also be applied where appropriate for the combination of value and susceptibility.

#### Magnitude of Change on Views

**1.6.10** The magnitude of change on visual receptors and views is assessed in terms of the size or scale of the change, the geographical extent of the visual effect and, in some situations, its duration and reversibility. The key elements of the proposed development that will influence the level of change on views are the movement, form, material, colour and scale of the turbines, although infrastructure is also considered.

#### Size or Scale

**1.6.11** This criterion relates to the size or scale of change to the view that will arise as a result of the proposed development, based on the following factors:

- The scale of the change in the view, with respect to the loss or addition of features in the view and changes in its composition;
- The distance between the visual receptor and the proposed development. Generally, the greater the distance, the lower the magnitude of change as the proposed development will constitute a smaller-scale component of the view;
- The proportion of the proposed development that will be seen. Visibility may range from one blade tip to all of the turbines. Generally, the more of the proposed development that can be seen, the higher the magnitude of change;
- The field of view available and the proportion of the view that is affected by the proposed development. Generally, the more of a view that is affected, the higher the magnitude of change will be. If the proposed development extends across the whole of the open part of the outlook, the magnitude of change will generally be higher. Conversely, if the proposed development covers just a part of an open, expansive and wide view, the magnitude of change is likely to be reduced as the proposed development will not affect the whole open part of the outlook;
- The scale and character of the context within which the proposed development will be seen and the degree of contrast or integration of any new features with existing landscape elements, in terms of scale, form, mass, line, height, colour and texture. The scale of the landform and the patterns of the landscape, the existing land use and vegetation cover, and the degree and type of development and settlement seen in the view will be relevant; and

- The consistency of the appearance of the proposed development. If the proposed development appears in a similar setting and form, and from a similar angle each time it is apparent, it will appear as a single, familiar site, and this can reduce the magnitude of change. If, on the other hand, it appears from a different angle and is seen in a different form and setting, the magnitude of change is likely to be higher.

#### Geographical Extent

**1.6.12** The extent of effects on views is based on the following factors:

- The extent of a receptor (a road, footpath or settlement, for example) from which the proposed development may be seen. If the proposed development is visible from extensive areas, the overall magnitude of change is likely to be higher than if it is visible from a limited part of a receptor;
- The extent to which the change would affect views; whether this is unique to a particular viewpoint or if similar visual changes occur over a wider area represented by the viewpoint; and
- The position of the proposed development in relation to the principal orientation of the view and activity of the receptor. If the proposed development is seen in a specific, directional vista, the magnitude of change will generally be greater than if it were seen in a glimpsed view at an oblique angle of view.

#### Duration and Reversibility

**1.6.13** The duration and reversibility of effects on views are based on the period over which the proposed development is likely to exist and the extent to which it will be removed and its effects reversed at the end of that period. Duration and reversibility are not always incorporated into the overall magnitude of change, and may be stated separately.

#### Levels of Magnitude of Change

**1.6.14** The magnitude of change on views and visual receptors is evaluated by combining the considerations of size or scale of change, geographical extent and, where relevant, duration and reversibility. The magnitude of change is assessed as high, medium, low or negligible according to the following definitions:

- High, where the proposed development will result in a major alteration to the baseline view, providing a prevailing influence and/or introducing elements that are substantially uncharacteristic in the view;
- Medium, where the proposed development will result in a moderate alteration to the baseline view, providing a readily apparent influence and/or introducing elements that may be prominent but are not uncharacteristic in the view;
- Low, where the proposed development will result in a minor alteration to the baseline view, providing a slightly apparent influence and/or introducing elements that are characteristic in the view; and
- Negligible, where the alteration to the view is barely discernible.

**1.6.15** There may also be intermediate levels of magnitude of change – medium-high and medium-low - where the change falls between two of the definitions.

#### Significance of Effects on Views

**1.6.16** The significance of the effect on each view or visual receptor is dependent on the factors that are considered in the sensitivity of the view or receptor and the magnitude

of change upon it. These factors are combined using professional judgement to arrive at an overall assessment as to whether the proposed development will have a significant or not significant effect on the view or visual receptor. The matrix shown in Table 1 above is also used to inform the threshold of significance when combining sensitivity and magnitude of change.

- 1.6.17** A significant effect will occur where the combination of the variables results in the proposed development having a defining effect on the view or visual receptor. A not significant effect will occur where the effect of the proposed development is not definitive, and the view continues to be characterised principally by its baseline characteristics. In this instance, a not significant effect would indicate that the proposed development may have an influence on the view, but this influence will not be a defining one.

## 1.7 Assessment of Cumulative Effects

### Introduction

- 1.7.1** Cumulative effects are the incremental effects that arise through the interaction of two or more developments within the landscape and visual baseline context. Cumulative effects arise where the study areas for two or more wind energy developments (or other relevant development) overlap so that both are experienced at a proximity where they may have a greater incremental effect, or where wind energy developments may combine to have a sequential effect irrespective of any overlap in study areas. The cumulative effect assessed is that which will arise from the addition of the proposed development to the existing or predicted cumulative situation, and not the overall effect of multiple wind farms.

### Types of Cumulative Effect

- 1.7.2** Cumulative effects on landscape character arise when the influence of two or more wind farms becomes a characteristic of a landscape receptor. This can occur to varying extents.
- 1.7.3** Cumulative effects on views consist of combined visibility and sequential effects. Combined visibility occurs where the observer is able to see two or more developments from one viewpoint. Combined visibility may either be 'in combination', where several wind farms are within the observer's main angle of view at the same time, or 'in succession', where the observer has to turn to see the various wind farms. Sequential effects occur when the observer has to move to another viewpoint to see different developments, and may arise assessed on roads, railway lines and footpaths.
- 1.7.4** The significance of cumulative effects is determined through a combination of the sensitivity of the landscape receptor or visual receptor/view and the cumulative magnitude of change arising from the addition of the proposed development. The sensitivity of landscape receptors and visual receptors/views is taken from the main assessment, while the cumulative magnitude of change is evaluated according to additional criteria, described below.

## Cumulative Magnitude of Change

**1.7.5** The cumulative magnitude of change is an expression of the degree to which landscape character receptors and visual receptors/views will be changed by the addition of the proposed development to wind farm developments that are already operational, consented or at application stage. The cumulative magnitude of change is assessed based on a number of criteria, as follows:

- The location of the proposed development in relation to other wind farm developments. If the proposed development is seen in a part of the view or setting to a landscape receptor that is not affected by other wind farm development, this will generally increase the cumulative magnitude of change as it will extend wind farm influence into an area that is currently unaffected. Conversely, if the proposed development is seen in the context of other sites, the cumulative magnitude of change may be lower as wind farm influence is not being extended to otherwise undeveloped parts of the outlook or setting. This is particularly true where the scale and layout of the proposed development is similar to that of the other sites as where there is a high level of integration and cohesion with an existing wind farm site the various developments may appear as a single site;
- The extent of the developed skyline. If the proposed development will add notably to the developed skyline in a view, the cumulative magnitude of change will tend to be higher as skyline development can have a particular influence on both views and landscape receptors;
- The number and scale of wind farm developments seen simultaneously or sequentially. Generally, the greater the number of clearly separate developments that are visible, the higher the cumulative magnitude of change will be. The addition of the proposed development to a view or landscape where a number of smaller developments are apparent will usually have a higher cumulative magnitude of change than one or two large developments as this can lead to the impression of a less co-ordinated or strategic approach;
- The scale comparison between wind farm developments. If the proposed development is of a similar scale to other visible wind farms, particularly those seen in closest proximity to it, the cumulative magnitude of change will generally be lower as it will have more integration with the other sites and will be less apparent as an addition to the cumulative situation;
- The consistency of image of the proposed development in relation to other wind farm developments. The cumulative magnitude of change of the proposed development is likely to be lower if its turbine height, arrangement and layout design are broadly similar to other wind farms in the landscape, as they are more likely to appear as relatively simple and logical components of the landscape;
- The context in which the wind farm developments are seen. If developments are seen in a similar landscape context, the cumulative magnitude of change is likely to be lower due to visual integration and cohesion between the sites. If developments are seen in a variety of different landscape settings, this can lead to a perception that wind farm development is unplanned and uncoordinated, affecting a wide range of landscape characters and blurring the distinction between them; and
- The magnitude of change of the proposed development as assessed in the main assessment. The lower this is assessed to be, the lower the cumulative magnitude of change is likely to be. Where the proposed development itself is assessed to



have a negligible magnitude of change on a view or receptor there will not be a cumulative effect as the contribution of the proposed development will equate to the 'no change' situation.

**1.7.6** Definitions of cumulative magnitude of change are applied in order that the process of assessment is made clear. These are:

- High, the addition of the proposed development to other wind energy developments in the landscape or view will result in a major change to the cumulative wind farm situation;
- Medium, the addition of the proposed development to other wind energy developments in the landscape or view will result in a moderate change to the cumulative wind farm situation;
- Low, the addition of the proposed development to other wind energy developments in the landscape or view will result in a minor change to the cumulative situation; and
- Negligible, where the alteration to the cumulative situation is barely discernible, or there may be 'no change'.

**1.7.7** There may also be intermediate levels of cumulative magnitude of change – medium-high and medium-low - where the change falls between two of the definitions.

#### Significance of Cumulative Effects

**1.7.8** Significant cumulative landscape and visual effects arise where a 'wind farm' landscape is created as a result of the addition of the proposed development to other existing or proposed wind farms, which results in wind turbines becoming so prolific that they become a prevailing landscape and visual characteristic. The creation of a wind farm landscape may evolve as follows:

- A small-scale, single wind farm will often be perceived as a new or 'one-off' landscape feature or landmark within the landscape. Except at a local site level, it will not usually change the overall existing landscape character, or become a new characteristic element of a wider landscape;
- With the addition of further wind farm development, wind farms can become a characteristic element of the landscape, as the wind farms appear as repeated landscape elements. Providing there is sufficient separation, physically, visually and perceptually, between each development, coalescence is avoided and the wind farms are likely to appear as a series of wind farms within the landscape, without becoming the dominant or defining characteristic of the landscape; and
- The next stage is to consider larger commercial wind farms or an increase in the number of wind farms that appear to physically, visually and perceptually coalesce. This may lead to a 'wind farm landscape' where multiple wind farms are the prevailing or defining characteristic of the landscape. A wind farm landscape may already exist as part of the baseline landscape context.

**1.7.9** In this context, the addition of the proposed development may lead to the final step of a landscape or view becoming defined by the presence of wind farms, so that other patterns and components are no longer definitive. In this case, the cumulative effect would be assessed as significant. In some cases, significant cumulative effects may arise where the proposed development lies in close proximity to other developments, but with notable differences between them in terms of scale and setting. However, provided that the proposed development is designed to achieve a high level of visual integration with adjacent or nearby wind farms, these effects would be reduced.

**1.7.10** Significant cumulative effects may also result from the creation of a situation where wind farms have some geographical separation but remain highly inter-visible, potentially resulting in a proliferation of wind farm development on the skyline, or the creation of multiple discrete wind farm landscapes.

**1.7.11** It is important to remember that the objective of the cumulative assessment is different from the assessment of effects of the proposed development itself. In the cumulative assessment, the intention is to establish whether or not the addition of the proposed development, in combination with other relevant existing and proposed wind farms, may lead to a landscape character or view that is characterised primarily by wind farms so that other patterns and components are no longer definitive. The assessment of the effects of the proposed development itself focusses on the effect that the proposed development will have on the viewpoints, principal visual receptors and landscape character receptors, taking baseline wind farms into consideration but not assessing the contribution of the proposed development to the cumulative situation. Baseline (operational, under construction and consented) cumulative wind farms are taken into consideration in both the assessment of the proposed development itself and the cumulative assessment, while application-stage wind farms are considered only in the cumulative assessment.

## 1.8 The Nature of Effects

**1.8.1** The 'nature of effects' relates to whether the effects of the proposed development are positive/beneficial or negative/adverse. Guidance provided in GLVIA3 states that *"thought must be given to whether the likely significant landscape and visual effects are judged to be positive (beneficial) or negative (adverse) in their consequences for landscape or for views and visual amenity"*, but does not provide an indication as to how that may be established in practice. The nature of effect is therefore one that requires interpretation and reasoned professional opinion.

**1.8.2** In relation to many forms of development, the ES will identify positive and negative effects under the term 'nature of effect'. The landscape and visual effects of wind farms are difficult to categorise as either positive or negative as, unlike other disciplines, there are no definitive criteria by which these effects can be measured as being categorically positive or negative. For example, in disciplines such as noise or ecology it is possible to identify the nature of the effect of a wind farm by objectively quantifying its effect and assessing the nature of that effect in prescriptive terms. However, this is not the case with landscape and visual effects, where the approach combines quantitative and qualitative assessment.

**1.8.3** In this assessment, positive, neutral and negative effects are defined as follows:

- Positive effects contribute to the landscape and visual resource through the enhancement of desirable characteristics or the introduction of new, beneficial attributes. The removal of undesirable existing elements or characteristics can also be beneficial, as can their replacement with more appropriate components;
- Neutral effects occur where the proposed development neither contributes to nor detracts from the landscape and visual resource and is accommodated with neither beneficial nor adverse effects, or where the effects are so limited that the change is hardly noticeable. A change to the landscape and visual resource is

not considered to be adverse simply because it constitutes an alteration to the existing situation; and

- Negative effects are those that detract from or weaken the landscape and visual resource through the introduction of elements that contrast, in a detrimental way, with the existing characteristics of the landscape and visual resource, or through the removal of elements that are key in its characterisation.

**1.8.4** A precautionary approach has been adopted which assumes that significant landscape and visual effects will be weighed on the negative side of the planning balance, although positive or neutral effects may arise in certain situations. Unless it is stated otherwise, the effects on the landscape and visual amenity of the proposed development are therefore considered to be negative.

## **1.9** Duration and Reversibility of Effects

**1.9.1** The effects of the proposed development are of variable duration, and are assessed as short-term or long-term, and permanent or reversible. It is anticipated that the operational life of the proposed development will be 25 years. The turbines, site access tracks, hardstandings and substation building will be apparent during this time, and these effects are considered to be long-term.

**1.9.2** Other infrastructure and operations such as the construction processes and plant, and construction and storage compounds will be apparent only during the initial construction period of the proposed development and are considered to be short-term effects. Borrow pit excavation will also be short-term as borrow pits will be restored at the end of the construction process, although a permanently altered ground profile may remain evident.

**1.9.3** The reversibility of effects is variable. The most apparent effects on the landscape and visual resource, which arise from the presence of the turbines, are reversible as the turbines will be removed on decommissioning. The effects of the tall cranes and heavy machinery used during the construction and decommissioning periods are also reversible.

**1.9.4** It is anticipated that access tracks will remain at decommissioning. Turbine foundations and underground cabling will be left in-situ below ground with no residual landscape and visual effects.

## Appendix 4.1

### Operational noise assessment methodology

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#### Introduction

This appendix to chapter 4 sets out the methodology used for the operational noise assessment.

#### Legislation & Policy Context

The relevant set of reference documentation is set out below.

#### *Planning Advice Note PAN1/2011, Planning and Noise*

PAN1/2011 identifies two sources of noise from wind turbines; mechanical noise and aerodynamic noise. It states that “*good acoustical design and siting of turbines is essential to minimise the potential to generate noise*”. It refers to the ‘web based planning advice’ on renewables technologies for onshore wind turbines.

#### *Scottish Government 2014, Web Based Planning Advice, Onshore Wind Turbines*

The web based planning advice on onshore wind turbines states that the sources of noise are “the mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air” and that “there has been significant reduction in the mechanical noise generated by wind turbines through improved turbine design”. It states that “the Report, ‘The Assessment and Rating of Noise from Wind Farms’ (Final Report, Sept 1996, DTI), (ETSU-R-97), describes a framework for the measurement of wind farm noise, which should be followed by applicants and consultees, and used by planning authorities to assess and rate noise from wind energy developments, until such time as an update is available”. It notes that “this gives indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable burdens on wind farm developers, and suggests appropriate noise conditions”. The document goes on to reference the GPG document discussed below in terms of assessing noise associated with wind turbine developments.

#### *ETSU-R-97, The Assessment and Rating of Noise from Wind Farms*

ETSU-R-97, *The Assessment and Rating of Noise from Wind Farms*, presents the recommendations of the Working Group on Noise from Wind Turbines, set up in 1993 by the Department of Trade and Industry (DTI) as a result of difficulties experienced in applying the noise guidelines existing at the time to wind farm noise assessments. The group comprised independent experts on wind turbine noise, wind farm developers, DTI personnel and local authority Environmental Health Officers. In September 1996 the

Working Group published its findings by way of report ETSU-R-97. This document describes a framework for the measurement of wind farm noise and contains suggested noise limits, which were derived with reference to existing standards and guidance relating to noise emission from various sources.

ETSU-R-97 recommends that, although noise limits should be set relative to existing background and should reflect the variation of both turbine and background noise with wind speed, this can imply very low noise limits in particularly quiet areas, in which case *'it is not necessary to use a margin above background in such low-noise environments. This would be unduly restrictive on developments which are recognised as having wider global benefits. Such low limits are, in any event, not necessary in order to offer a reasonable degree of protection to the wind farm neighbour.'*

For day-time periods, the noise limit is between 35-40 dB  $L_{A90}$  or 5 dB(A) above the 'quiet daytime hours' prevailing background noise, whichever is the greater. The actual value within the 35-40 dB  $L_{A90}$  range depends on the number of dwellings in the vicinity; the effect of the limit on the number of kWh generated; and the duration of the level of exposure.

For night-time periods the noise limit is 43 dB  $L_{A90}$  or 5 dB(A) above the prevailing night-time hours background noise, whichever is the greater. The 43 dB(A) lower limit is based on a sleep disturbance criteria of 35 dB(A) with an allowance of 10 dB(A) for attenuation through an open window and 2 dB(A) subtracted to account for the use of  $L_{A90}$  rather than the  $L_{Aeq}$  (see Paragraph 10.13).

Where the occupier of a property has some financial involvement with the proposal, the day and night-time lower noise limits are increased to 45 dB  $L_{A90}$  and consideration can be given to increasing the permissible margin above background. These limits are applicable up to a wind speed of 12 m/s measured at 10 m height on the site.

Quiet day-time periods are defined as evenings from 18:00-23:00 plus Saturday afternoons from 13:00-18:00 and Sundays from 0700-1800. Night-time is defined as 23:00-07:00. The prevailing background noise level is set by calculation of a best fit curve through values of background noise plotted against wind speed as measured during the appropriate time period with background noise measured in terms of  $L_{A90,t}$ . The  $L_{A90,t}$  is the noise level which is exceeded for 90% of the measurement period 't'. It is recommended that at least 1 weeks' worth of measurements is required.

Where predicted noise levels are low at the nearest residential properties a simplified noise limit can be applied, such that noise is restricted to the minimum ETSU-R-97 level of 35 dB  $L_{A90}$  for wind speeds up to 10 m/s at 10 m height. This removes the need for extensive background noise measurements for smaller or more remote schemes.

It is stated that the  $L_{A90,10min}$  noise descriptor should be adopted for both background and wind farm noise levels and that, for the wind farm noise, this is likely to be between 1.5 and 2.5 dB less than the  $L_{Aeq}$  measured over the same period. The  $L_{Aeq,t}$  is the equivalent continuous 'A' weighted sound pressure level occurring over the measurement period t. It is often used as a description of the average noise level. Use of the  $L_{A90}$  descriptor for

wind farm noise allows reliable measurements to be made without corruption from relatively loud, transitory noise events from other sources.

ETSU-R-97 also specifies that a penalty should be added to the predicted noise levels, where any tonal component is present. The level of this penalty is described and is related to the level by which any tonal components exceed audibility.

With regard to multiple wind farms in a given area, ETSU-R-97 specifies that the absolute noise limits and margins above background should relate to the cumulative effect of all wind turbines in the area contributing to the noise received at the properties in question. Existing wind farms should therefore be included in cumulative predictions of noise level for proposed wind turbines and not considered as part of the prevailing background noise.

### *Institute of Acoustics, A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise*

In May 2013, the Institute of Acoustics (IoA) published A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise. This was subsequently endorsed by the Secretary of State for Energy and Climate Change and by the Scottish Ministers. The publication of the Good Practice Guide (GPG) followed a review of current practice carried out for the Department of Energy and Climate Change (DECC) and an IoA discussion document which preceded the GPG.

The GPG includes sections on Context; Background Data Collection; Data Analysis and Noise Limit Derivation; Noise Predictions; Cumulative Issues; Reporting; and Other Matters including Planning Conditions; Amplitude Modulation; Post Completion Measurements; and Supplementary Guidance Notes. The Context section states that the guide '**presents current good practice in the application of the ETSU-R-97 assessment methodology for all wind turbine development above 50 kW, reflecting the original principles within ETSU-R-97, and the results of research carried out and experience gained since ETSU-R-97 was published**'. It adds that '**the noise limits in ETSU-R-97 have not been examined as these are a matter for Government**'.

As well as expanding on and, in some areas, clarifying issues which are already referred to in ETSU-R-97, additional guidance is provided on noise prediction and a preferred methodology for dealing with wind shear. These are referred to in the relevant sections below.

#### *Blade Swish (Amplitude Modulation of Aerodynamic Noise)*

The variation in noise level associated with turbine operation, at the rate at which turbine blades pass any fixed point of their rotation (the blade passing frequency), is often referred to as blade swish and amplitude or aerodynamic modulation (AM) and is an inherent feature of wind turbine noise. This affect is identified within ETSU-R-97, where it is envisaged that '**... modulation of blade noise may result in variation of the overall A-Weighted noise level by as much as 3 dB(A) (peak to trough) when measured close to a wind turbine...** ' and that at distances further from the turbine where there are '**... more**



*than two hard, reflective surfaces, then the increase in modulation depth may be as much as 6 dB(A) (peak to trough)'.*

It has been noted that complaints about wind farm noise have, in many cases, been specifically concerned with amplitude modulation. This is also apparent from ETSU-R-97, where it is noted that *'it is the regular variation of the noise with time that, in some circumstances, enables the listener to distinguish the noise of the turbines from the surrounding noise'*. The modulation of noise may affect perceived annoyance for sounds with the same overall sound pressure level.

RenewableUK (RUK), the main renewable energy trade association in the UK, completed research into the causes and subjective effects of AM following various reports of increased levels of AM being experienced at dwellings neighbouring some wind turbine sites. This has concluded that the predominant cause is likely to be from individual blades going in and out of stall as they pass through regions of higher wind speed at the top of their rotation under high wind shear conditions. Subjective tests carried out by Salford University, using loudness matching techniques, have demonstrated the extent to which higher levels of modulation depth result in increased perceived loudness.

This resulted in the inclusion of a mechanism to assess and regulate AM effects in the standard form of a condition, frequently applied to wind farm developments as included in the IoA GPG. The IoA reviewed this mechanism and released a discussion document which reviews several different methods for rating amplitude modulation in wind turbine noise and subsequently released a recommended method by which to characterise the peak to trough level in any given 10 minute period.

Although this document provides a definitive approach for the quantification of amplitude modulation, it does not provide any comment on what could be defined as an unacceptable level of AM nor any kind of penalty scheme, such as for tonal content, by which the overall turbine noise level should be corrected to account for its presence. This has subsequently been covered by a DECC-commissioned project looking at human response to the amplitude modulated component of wind turbine noise; results were presented, prior to the publication of the final report, at the IoA Acoustics 2016 conference.

The combination of these two documents provides both a method of quantification of the level of amplitude modulation over a given 10 minute period and the appropriate penalty to apply where necessary. It should be noted that this is in addition to any penalty for tonal noise.

However, there are no standard or agreed methods by which to predict, with any certainty, the likelihood of amplitude modulation occurring at a level requiring a penalty at a particular development, only some indicators such as relatively high wind shear conditions under certain circumstances or particular turbine designs and/or dimensions for example.

### *Wind Shear*

Wind shear, or more specifically vertical wind shear, is the rate at which wind speed increases with height above ground level. This has particular significance to wind turbine noise assessment where background noise measurements are referenced to measurements of wind speed at 10 metres height, which is suggested as appropriate by ETSU-R-97, but which is not representative of wind at hub-height, which is what affects the noise generated by the turbines.

The preferred method of accounting for wind shear in noise assessments is by referencing background noise measurements to hub height wind speed. Hub height wind speed may be determined directly by using a tall mast or remote sensing technology (eg. LiDAR or SoDAR) or indirectly from measurements at a number of heights below hub height in order to calculate the hub height wind speed during the background noise survey period, as described in the GPG. The hub height wind speeds are then converted to 'standardised 10 m wind speeds', assuming standardised conditions as used by turbine manufacturers when specifying turbine sound power levels.

### *Tonal Noise*

ETSU-R-97 notes that, at the time the report was written, where complaints had been made over noise from existing wind farms, the tonal character of the noise from machinery in the nacelle had been the feature that had caused greatest annoyance. The recommendation was, therefore, that any assessment carried out should include a correction to the predicted noise levels according to the level of any tonal components in the noise. A specific tonal assessment methodology is described in the report which is based on the well-established Joint Nordic Method for the Evaluation of Tones in Broadband Noise which has now been superseded by a revised version although this revision makes no substantive difference to the ETSU-R-97 methodology. A scale of corrections for tonal noise is included where the penalty is increased as the tone level increases above audibility to a maximum of 5 dB. The necessity of minimising tonal components in the noise output from the turbines is well understood by the turbine manufacturers and a guarantee should always be sought that any tonal noise will be below that requiring a penalty under the ETSU-R-97 scheme.

### *Infra-sound*

Infra-sound is noise occurring at frequencies below that at which sound is normally audible, i.e. at less than about 20 Hz, due to the significantly reduced sensitivity of the ear at such frequencies. In this frequency range, infra-sound has to be very high in amplitude for sound to be perceptible and it is generally considered that when such sounds are perceptible then they can cause considerable annoyance.

Wind turbines have been cited by some as producers of infra-sound. This has, however, been due to the high levels of such noise, as well as audible low frequency thumping noise, occurring on older 'downwind' turbines of which many were installed in the USA prior to the large scale take up of wind power production in the UK. Downwind turbines are configured with the blades downwind of the tower such that the blades pass through the wake left in the wind stream by the tower resulting in a regular audible thump, with

infra-sonic components, each time a blade passes the tower. Virtually all modern larger turbines are of the upwind design; that is with the blades upwind of the tower, such that this effect is eliminated.

A study into low frequency noise from wind farms concluded that 'infrasound noise emissions from wind turbines are significantly below the recognised threshold of perception for acoustic energy within this frequency range. Even assuming that the most sensitive members of the population have a hearing threshold which is 12 dB lower than the median hearing threshold, measured infrasound levels **are well below this criterion**'. It goes on to state that, based on information from the World Health Organisation, '**there is no reliable evidence that infrasound below the hearing threshold produce physiological or psychological effects**' and that '**it may therefore be concluded that infrasound associated with modern wind turbines is not a source which may be injurious to the health of a wind farm neighbour**'.

A considerable amount of research has been conducted in regards to the levels of infrasound that wind turbines emit. All reliable evidence suggests that at typical residential distances (e.g. at 500 m or more), the levels of infrasound from a wind farm are well below accepted thresholds of perception. Even when measured in close proximity to a wind turbine, the measured levels of infrasound are below accepted thresholds of perception. This suggests that infrasound is not an issue for neighbours in the vicinity of wind turbines.

#### *Low Frequency Noise*

Noise from modern wind turbines is essentially broad band in nature in that it contains similar amounts of noise energy in all frequency bands from low to high frequency. As the distance from a wind farm site increases, the noise level decreases as a result of the spreading out of the sound energy and also due to air absorption which increases with increasing sound frequency. This means that, although the energy across the whole frequency range is reduced, higher frequencies are reduced more than lower frequencies with the effect that as distance from the site increases the ratio of low to high frequencies also increases. This effect is not specific to wind turbines and may be observed with road traffic noise or natural sources, such as the sea, where higher frequency components are diminished relative to lower frequency components at long distances. At such distances, where residential properties are typically located in relation to wind farm developments, the overall noise level is so low, such that any bias in the frequency spectrum is insignificant.

#### *Vibration*

An ETSU study found that vibration from wind turbines, as measured at 100 m from the nearest machine, was well below the BS6472-1:2008 criteria recommended for human exposure in critical working areas such as precision laboratories. At greater distances from turbines vibration levels are even lower. This has been confirmed through a study by Keele University study, which showed vibration levels of around  $10^{-8} \text{ m.s}^{-2}$  at a distance of 2.4 km from the Dun Law Wind Farm site under high wind conditions, orders of magnitude lower than the criteria referred to above which specify levels in the region of  $0.005 \text{ m.s}^{-2}$ .

### *Audibility*

The potential audibility of noise from the proposed wind turbines depends to a large extent on the amount by which the predicted turbine noise level exceeds the noise from other sources (the baseline or background noise level) and the presence of any acoustical 'features' which distinguish it. Such other noise may be steady and unchanging, but is more likely to be continuously variable depending on time of day and other factors including, particularly in rural areas, wind speed. The potential audibility of wind turbine noise, for the quiet day-time and night-time hours and for worst case downwind propagation towards the various measurement locations, can be determined by comparing the predicted turbine noise with the measured background noise level for each 10 minute measurement period. Where predicted noise levels are around the same level as the background noise this suggests that the noise source may be just audible, with perceived audibility increasing with margin above background and also when taking into account any significant acoustic features such as tonality or amplitude modulation. Similarly, where predicted noise levels are lower than the existing background noise levels, audibility decreases with margin below other background noise. Background monitoring has been undertaken at many of the NSRs under assessment for the Proposed Development, although no monitoring has been undertaken by the Applicant.

### *Sleep Disturbance*

The potential for sleep disturbance depends on the average and maximum levels of noise in sleeping areas during the night time period. The night-time noise limits in ETSU-R-97 aim to protect against sleep disturbance by limiting the amount of turbine noise external to dwellings assuming a worst case of inhabitants sleeping with the windows open for ventilation. The internal noise levels in such circumstances can be calculated by assuming a 10 - 15 dB reduction in noise from outside to inside. The World Health Organisation (WHO) published recommendations in 1999 to the effect that average night-time noise levels in sleeping areas should not exceed 30 dB  $L_{Aeq}$ . Although this figure relates to overall noise level in sleeping areas, the potential for sleep disturbance specifically from turbine noise, for worst case downwind propagation with windows open, can be evaluated for each dwelling by subtracting 10-15 dB from the predicted turbine noise level and comparing with this criterion, after also adding 2 dB to convert the predicted turbine noise level to an  $L_{Aeq}$  value.

It should be noted that the latest guidance from the WHO on night noise levels is in the form of the Night Noise Guidelines for Europe, published in 2009, which recommends that the population is not exposed to average external night-time noise levels, over a whole year, of more than 40 dB  $L_{Aeq}$ . This average yearly noise level will depend on the variation in wind speed, wind direction and noise from other sources over each year period.

It should also be noted that potential difficulty in getting to sleep, either at the start of the night or once awoken by other sources, may be more related to audibility indoors under specific circumstances (see above) than by average noise level.

## BS 5228: 2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites

This document provides example criteria for the assessment of the significance of construction noise effects and a method for the prediction of noise levels from construction activities. Two example methods are provided for assessing significance.

The first is based on the use of criteria defined in Department of the Environment Advisory Leaflet (AL) 72, Noise Control On Building Sites which sets a fixed limit of 70 dB(A) in rural suburban and urban areas away from main roads and traffic. Noise levels are generally taken as façade  $L_{Aeq}$  values with free-field levels taken to be 3 dB lower giving an equivalent noise criterion of 67 dB  $L_{Aeq}$ .

The second is based on noise change but applies minimum criteria of 45, 55 and 65 dB  $L_{Aeq}$  for night-time (23:00-07:00), evening and weekends (19:00-23:00 weekdays, 13:00-23:00 Saturdays and 07:00-23:00 Sundays), and daytime (07:00-19:00) including Saturdays (07:00-13:00) respectively, applicable when existing noise levels are low, which they would be at this location, and subject to a duration of one month or more. It should be noted that the time period to which each limit applies also defines the time averaging period for the calculated  $L_{Aeq}$ .

## Operational Noise Assessment Methodology

Noise predictions have been carried out using International Standard ISO 9613, Acoustics - Attenuation of Sound During Propagation Outdoors, as referred to within the GPG. The propagation model described in Part 2 of this standard provides for the prediction of sound pressure levels based on either short-term downwind (i.e. worst case) conditions or long term overall averages.

The ISO propagation model calculates the predicted sound pressure level by taking the source sound power level for each turbine in separate octave bands and subtracting a number of attenuation factors according to the following:

$$\text{Predicted Octave Band Noise Level} = L_W + D - A_{geo} - A_{atm} - A_{gr} - A_{bar} - A_{misc}$$

These factors are discussed in detail below. The predicted octave band levels from the turbine are summed together to give the overall 'A' weighted predicted sound level.

### *$L_W$ - Source Sound Power Level*

The sound power level of a noise source is normally expressed in dB re:1pW. Noise predictions for the Proposed Development are based on the stated apparent sound power levels for Nordex turbines of varying dimensions and capacity. The turbine locations and candidate turbine models for installation are shown at Table 1.

Table 1: Turbine Locations & Details

Turbine	Easting	Northing	Hub-Height (m)	Model	Capacity (MW)
T1	224654	645574	67.5	E115	4.0

Turbine	Easting	Northing	Hub-Height (m)	Model	Capacity (MW)
T2	224406	645286	67.5	E115	4.0
T3	224770	645236	67.5	E115	4.0

Table 1 above shows that the candidate turbine for the purposes of this assessment is the Enercon E115 4.0 MW model with serrated blade technology. The stated apparent source noise levels have been taken from specification documents provided by Enercon, with 2 dB added to the levels in order to account for uncertainty. This approach follows the guidance within with the GPG.

Where source noise levels are not available for the specific hub-height of turbine stated above, data associated with a taller hub height has been assumed. This provides a marginally more conservative basis for the assessment.

Tables 2-7 below provide the source noise levels to which a 2 dB uncertainty has been added.

The octave band noise spectrum used for the noise predictions are provided at Tables 3, 5 and 7. These data are taken from available specification data for the turbine models considered here, and shown normalised to the sound power level for a standardised 10 m height wind speed of 10 m/s. Windpro noise modelling software is used for inter/extrapolation across the range of wind speeds assessed.

Table 2: Enercon E115 4.0 MW Turbine Source Sound Power Levels, dB L<sub>WA</sub>

Standardised 10 m Height Wind Speed (m/s)									
3	4	5	6	7	8	9	10	11	12
87.6	92.8	97.6	101.7	104.4	105.1	105.7	106	106	106

Table 3: Enercon E115 4.0MW Octave Band Noise Spectra - Standardised 10 m Height Wind Speed

10m height wind speed (m/s)	Overall, dB L <sub>WA</sub>	Octave Band Centre Frequency (Hz)								
		31.5	63	125	250	500	1k	2k	4k	8k
9.5	97.8	77.7	89.2	95.0	98.0	100.3	100.2	98.3	91.7	76.8

T1 is proposed to operate in noise reduced mode de-rated to 500 KW at 6 m/s. The source noise levels and octave band noise spectrum data for this noise reduced mode are provided below:

Table 4: Enercon E115 500 KW Noise Reduction Mode Turbine Source Sound Power Levels, dB L<sub>WA</sub>

Standardised 10 m Height Wind Speed (m/s)									
3	4	5	6	7	8	9	10	11	12
85.3	92.8	94.8	94.8	94.8	94.8	94.8	94.8	94.8	94.8



Table 5: Enercon E115 500 KW Noise Reduction Mode Octave Band Noise Spectra - Standardised 10 m Height Wind Speed

10m height wind speed (m/s)	Overall, dB L <sub>WA</sub>	Octave Band Centre Frequency (Hz)								
		31.5	63	125	250	500	1k	2k	4k	8k
4.5	94.8	68.1	78.7	84.4	87.5	89.3	88.6	86.4	79.4	63.7

T3 is proposed to operate in noise reduced mode de-rated to 1 MW at 6 m/s. The source noise levels and octave band noise spectrum data for this noise reduced mode are provided below:

Table 6: Enercon E115 1 MW Noise Reduction Mode Turbine Source Sound Power Levels, dB L<sub>WA</sub>

Standardised 10 m Height Wind Speed (m/s)									
3	4	5	6	7	8	9	10	11	12
85.3	92.8	97.6	99.2	99.2	99.2	99.2	99.2	99.2	99.2

Table 7: Enercon E115 1 MW Noise Reduction Mode Octave Band Noise Spectra - Standardised 10 m Height Wind Speed

10m height wind speed (m/s)	Overall, dB L <sub>WA</sub>	Octave Band Centre Frequency (Hz)								
		31.5	63	125	250	500	1k	2k	4k	8k
5.5	99.2	71.7	82.6	88.5	91.7	93.7	93.2	90.9	84.1	68.6

Table 8: Sorbie wind farm operational modes used for noise assessment

Turbine number	Wind speed (m/s)								
	4	5	6	7	8	9	10	11	12
1	4 MW	4 MW	500 KW	4 MW	4 MW	4 MW	4 MW	4 MW	4 MW
2	4 MW	4 MW	4 MW	4 MW	4 MW	4 MW	4 MW	4 MW	4 MW
3	4 MW	4 MW	1000 KW	4 MW	4 MW	4 MW	4 MW	4 MW	4 MW

The ETSU-R-97 noise limits assume that the wind turbine noise contains no audible tones. Where tones are present, a correction should be added to the measured or predicted noise level before comparison with the recommended limits. The audibility of any tones can be assessed by comparing the narrow band level of such tones with the masking level contained in a band of frequencies around the tone called the critical band. The ETSU-R-97 recommendations suggest a tone correction, which depends on the amount by which the tone exceeds the audibility threshold. A warranty should be sought from the supplier of turbines for the Proposed Development to ensure that no tonal penalty site would be required in practice.

### *D - Directivity Factor*

The directivity factor allows for an adjustment to be made where the sound radiated in the direction of interest is higher than that for which the sound power level is specified. In this case the sound power level is measured in a downwind direction, corresponding to the worst case propagation conditions considered here and needs no further adjustment.

### *A<sub>geo</sub> - Geometrical Divergence*

The geometrical divergence accounts for spherical spreading in the free-field from a point sound source resulting in an attenuation which depends on distance, according to:

$$A_{geo} = 20 \times \log(d) + 11$$

where, d = distance from the turbine

The wind turbine may be considered as a point source beyond distances corresponding to one rotor diameter.

### *A<sub>atm</sub> - Atmospheric Absorption*

The atmospheric absorption accounts for the frequency dependant linear attenuation with distance over the frequency spectrum according to:

$$A_{atm} = d \times a$$

where, a = the atmospheric absorption coefficient for the relevant frequency band

Published values of 'a' from ISO9613 Part 1 have been used, corresponding to a temperature of 10°C and a relative humidity of 70%, which give relatively low levels of atmospheric attenuation, as given at Table 6 and according to the requirements of the GPG.

Table 6: Atmospheric Absorption Coefficients

Octave Band Centre Frequency (Hz)	63	125	250	500	1k	2k	4k	8k
Atmospheric Absorption Coefficient (dB/m)	0.0001	0.0004	0.0010	0.0019	0.0037	0.0097	0.0328	0.1170

### *A<sub>gr</sub> - Ground Effect*

Ground effect is the interference of sound reflected by the ground interfering with the sound propagating directly from source to receiver. The prediction of ground effects are inherently complex and depend on the source height, receiver height, propagation height between the source and receiver and the ground conditions. The ground conditions are described according to a variable G which varies between 0 for 'hard' ground (includes paving, water, ice, concrete and any sites with low porosity) and 1 for 'soft' ground (includes ground covered by grass, trees or other vegetation). The GPG recommends that the use of G = 0.5 and a receptor height of 4 m in rural areas are

appropriate assumptions for the determination of noise emission levels at receptor locations downwind of wind turbines, provided that an appropriate margin for uncertainty has been included within the source levels for the proposed turbine. Accordingly, predictions in this report are based on  $G = 0.5$  with a receptor height of 4 m due to the apparent conservatism in the sound power levels assumed here.

#### *A<sub>bar</sub> - Barrier Attenuation*

The effect of any barrier between the noise source and the receiver position is that noise will be reduced according to the relative heights of the source, receiver and barrier and the frequency spectrum of the noise. The barrier attenuations predicted by the ISO 9613 model have, however, been shown to be significantly greater than that measured in practice under downwind conditions. The results of a study of propagation of noise from wind farm sites carried out for ETSU concludes that an attenuation of just 2 dB(A) should be allowed where the direct line of site between the source and receiver is just interrupted and that 10 dB(A) should be allowed where a barrier lies within 5 m of a receiver and provides a significant interruption to the line of site. The effect of barrier attenuation, including the for effects of increased distance from the turbine to surrounding dwellings as a result of the surrounding topography as compared with a 'flat-earth' model, has been included within the prediction model.

The potential attenuation of noise due to the topography of the site has been determined through the inclusion of a terrain map within the prediction model. The resultant attenuation due to the topographical barriers has been calculated using VDI 2720 Noise Control by Barriers Outdoors. The relevant inputs, C1, C2 and C3, account for the proportional attenuation effects associated with line of sight between the source and receiver, the relative path difference and the presence of any localised reflections near the barrier respectively. These factors have been calibrated, minimising the overall effect of each such that the resultant attenuation due to topography at neighbouring residences is limited to approximately 2 dB where there is clearly no line of site between a turbine and the receptor, 5 dB in situations where there is a significant topographical barrier between a particular turbine and a receptor and 10 dB in exceptional situations where receptors are located relatively close to particularly large barriers such as tall cliff faces that obstruct any view from the wind farm site.

An assessment of topography between the Proposed Development and each NSR confirms there will be no barrier attenuation.

#### *A<sub>misc</sub> - Miscellaneous Other Effects*

ISO 9613 includes effects of propagation through foliage and industrial plants as additional attenuation effects. The attenuation due to foliage has not been included here and any such effects are unlikely to significantly reduce noise levels below those predicted.

#### *Concave Ground Profile*

Studies have shown that sound propagation across a valley or 'concave ground profile' can result in noise levels which are higher than predicted due to a reduced ground

effect and/or the focussing effect of the ground shape. Calculating the precise effect of this phenomenon is particularly difficult. However, a simplified approach to allow for it has been suggested in the GPG. Paragraph 4.3.9 in the GPG states that 'A further correction of +3 dB (or +1.5 dB if using  $G=0.0$ ) should be added to the calculated overall A-weighted noise level for propagation "across a valley", i.e. a concave ground profile, or where the ground falls away significantly, between the turbine and the receiver location. The following criterion of application is recommended:

$$h_m \geq 1.5 \cdot (\text{abs}(h_s - h_r)/2)$$

where,  $h_m$  is the mean height above the ground of the direct line of sight from the receiver to the source (as defined in ISO 9613-2, Figure 3), and  $h_s$  and  $h_r$  are the heights above local ground level of the source and receiver respectively.'

It should be noted that 'Care needs to be exercised when evaluating this condition, as small changes in distances and height may trigger (or not) the criterion when the actual situation has not changed significantly'. It is also evident that the criterion may also be triggered in situations where there is more than one valley between a particular source and receiver, where, in reality, the stated causes of the 'concave ground profile' effect could not occur.

An analysis of the ground profile between each NSR and the proposed turbines indicates that the above criteria would not be triggered.



# SORBIE WIND FARM TIP HEIGHT EXTENSION Comparative Environmental Appraisal: LVIA Annexes

Energiekontor UK Ltd

April 2019

April 2019

Sorbie Repowering Wind Farm

## ANNEX 1: Updated Landscape & Visual Impact Assessment Tables



Sorbie Repowering Wind Farm							
Landscape and Visual Impact Assessment Table							
Category of Effect	Receptor Type	Receptor Name	2013 LVIA Findings for Consented Project			2019 Re-assessment Findings	
			Sensitivity	Magnitude	Significance	Magnitude	Significance
Physical effects	Residual Landscape Effects	Arable and Semi-improved grassland	<p><b>Low</b></p> <p>The most important consideration that reduces the sensitivity is the fact that the <b>arable and semi-improved grassland are grown as a commercial crop</b>, with the intention that it would be cropped at an appropriate time. It is <b>not indigenous or naturalised and does not contribute to the integrity of the landscape or typify its inherent character</b>.</p> <p>It does, however, have some value as it has become a <b>notable characteristic of the area</b>.</p>	<p><b>Low</b></p> <p>The <b>area of arable and semi-improved grassland to be removed in the course of the Development is very limited in relation to the total area of this landscape element within the Development site boundary</b> and elsewhere within the Rugged Moorland: Haupland Moor LCA.</p>	<p><b>Construction</b> <b>Not Significant</b></p> <p>The landscape element has a <b>low sensitivity to change and the extent of removal will not constitute a redefinition of the arable and semi-improved grassland</b> ground cover within the Development site boundary.</p> <p><b>Development</b> <b>Not Significant</b></p> <p>Temporary, but long term effect, as the <b>arable and semi-improved grassland will be either fully or partially reinstated following the operational phase (25 years) of the Development</b>.</p>	No material increase in the magnitude of effect.	<p><b>Construction:</b> <b>Not Significant</b></p> <p><b>Development:</b> <b>Not Significant</b></p>
Landscape effects	Landscape Character Areas	Rugged Moorland: Haupland Muir	<p><b>Medium</b></p> <p>Ardrossan Windfarm forms a single windfarm feature and a characteristic element of this LCT. <b>The Development will increase the influence of the wind farm element of the existing landscape character</b>, such that windfarms appear as repeating components.</p>	<p><b>Operation</b> <b>Medium-High</b></p> <p>Localised area of Rugged Moorland: Haupland Muir LCA within –1.5 km of the Development in the area to the east of the B780</p> <p><b>Low to negligible</b></p> <p>Wider Rugged Moorland: Haupland Muir LCA</p> <p>The Development contributes to increase <b>the influence of wind turbines in a limited area of the southern part of this LCT, where it is visible, with much of the LCT to the north of Ardrossan Windfarm having no visibility of the Development</b>.</p> <p>Ardrossan Windfarm forms a single windfarm feature and a characteristic element of this LCT. <b>The Development will increase the influence of the wind farm element of the existing landscape character</b>, such that windfarms appear as repeating components.</p> <p><b>Construction and decommissioning:</b> <b>Medium-High</b></p>	<p><b>Operation</b> <b>Significant</b></p> <p>Localised area of LCA within 1.5 km:</p> <p><b>Not Significant</b></p> <p>Wider LCA</p> <p><b>Construction and decommissioning:</b> <b>Significant</b></p> <p>Localised area of LCA within 1.5 km of the Development</p> <p><b>Not Significant</b></p> <p>Wider LCA</p>	No material increase in the magnitude of effect.	<p><b>Operation:</b> <b>Significant</b></p> <p>Localised area of LCA within 1.5 km:</p> <p><b>Not Significant</b></p> <p>Wider LCA</p> <p><b>Construction and decommissioning:</b> <b>Significant</b></p> <p>Localised area of LCA within 1.5 km of the Development</p> <p><b>Not Significant</b></p> <p>Wider LCA</p>

				<p>Localised area of LCA within 1.5 km of the Development in the area to the east of the B780:</p> <p><b>Low to negligible</b> Wider LCA</p>			
Landscape effects	Landscape Character Areas	Ayrshire Lowlands	<b>Medium</b>	<p><b>Operation</b> <b>Medium-high</b> Localised area of LCA within 3 km</p> <p><b>Influence of the Development on the landscape character of the Ayrshire Lowlands will be greatest on this localised western part of the LCA, where the Ayrshire lowlands rise to meet the Rugged Moorlands, and there is visibility of the proposed Development at distances within 4 km.</b></p> <p><b>The Development will increase the cumulative influence of windfarms on this localised part of the Ayrshire Lowlands LCA</b>, in addition to existing windfarm groups at Ardrossan and Dalry/Kelburn/Millour Hill in the adjacent Rugged Moorlands that provide part of the landscape context of this transitional LCT.</p> <p><b>Low</b> Wider Ayrshire Lowlands LCT</p> <p>Wider areas of the Ayrshire Lowlands are located over 5 km to the east, extending to the outer edges of the study area and have intermittent, more distant visibility of the Development.</p> <p><b>Construction and Decommissioning</b></p> <p><b>Medium-High</b> Localised area of LCA within 3 km</p> <p><b>Low</b> Wider LCT</p>	<p><b>Operation</b> <b>Significant</b> Localised area of Ayrshire Lowlands LCA within 3 km.</p> <p><b>Low</b> Wider Ayrshire Lowlands LCT</p> <p><b>Construction and decommissioning:</b></p> <p><b>Not Significant</b> Localised area of Ayrshire Lowlands LCA within 3 km.</p> <p><b>Not Significant</b> Wider Ayrshire Lowlands LCT.</p>	No material increase in the magnitude of effect.	<p><b>Operation:</b> <b>Significant</b> Localised area of Ayrshire Lowlands LCA within 3 km.</p> <p><b>Low</b> Wider Ayrshire Lowlands LCT</p> <p><b>Construction and decommissioning:</b></p> <p><b>Not Significant</b> Localised area of Ayrshire Lowlands LCA within 3 km.</p> <p><b>Not Significant</b> Wider Ayrshire Lowlands LCT.</p>
Landscape effects	Landscape Character Areas	Raised Beach Coast	<b>Medium</b>	<p><b>Operation</b> <b>Medium-High</b> Localised area of Raised Beach Coast LCA within 2 km</p> <p><b>Low to negligible</b> Wider LCT</p> <p><b>Construction and Decommissioning</b> <b>Medium-High</b> Localised area of LCA within 2 km</p> <p><b>Low to negligible</b> Wider LCT</p>	<p><b>Operation</b> <b>Significant</b> Localised area of Raised Beach Coast LCA within 2 km</p> <p><b>Low to negligible</b> Wider Raised Beach Coast LCT</p> <p><b>Construction and Decommissioning</b> <b>Not Significant</b> Localised area of Raised Beach Coast LCA within 2 km</p> <p><b>Not Significant</b> Wider Raised Beach Coast LCT.</p>	No material increase in the magnitude of effect.	<p><b>Operation:</b> <b>Significant</b> Localised area of Raised Beach Coast LCA within 2 km</p> <p><b>Low to negligible</b> Wider Raised Beach Coast LCT</p> <p><b>Construction and Decommissioning:</b> <b>Not Significant</b> Localised area of Raised Beach Coast LCA within 2 km</p> <p><b>Not Significant</b> Wider Raised Beach Coast LCT.</p>

Landscape effects	Gardens and Designed Landscape (GDL)	Blair Estate	High	Low Mature woodland around the boundary blocks the majority of views to the landscape beyond, such that <b>the Development will not be visible from the lower lying areas of the GDL and the main house, only becoming partially visible from the slightly more elevated areas near the eastern boundary of the GDL.</b>	<u>Operation</u> Not Significant  <u>Construction and Decommissioning</u> Not Significant	No material increase in the magnitude of effect.	<u>Operation:</u> Not Significant  <u>Construction and Decommissioning:</u> Not Significant
Landscape effects	Gardens and Designed Landscape (GDL)	Eglington Castle	High	Low The Country Park occupies a low lying position along the Lugton Water. Although the ZTV indicates theoretical visibility of up to 3 turbines for much of the GDL, <b>actual views from the Country Park are restricted by both mature woodlands within the GDL and intervening settlement at Kilwinning.</b>  Most views towards the Development occur along the northern edge of the GDL and along the B785 – a relatively open area where the distant hills are visible above the surrounding treeline and settlement of Kilwinning.	<u>Operation</u> Not Significant  <u>Construction and Decommissioning</u> Not Significant	No material increase in the magnitude of effect.	<u>Operation:</u> Not Significant  <u>Construction and Decommissioning:</u> Not Significant
Landscape effects	Gardens and Designed Landscape (GDL)	Kelburn Castle	High	None There will be <b>no visibility of the Development from Kelburn Castle GDL, which is outside the ZTV for the Development</b>	<u>Operation</u> Not Significant  <u>Construction and Decommissioning</u> Not Significant	No material increase in the magnitude of effect.	<u>Operation:</u> Not Significant  <u>Construction and Decommissioning:</u> Not Significant
Landscape effects	Gardens and Designed Landscape (GDL)	Annick Lodge	High	Low The ZTV indicates theoretical visibility of up to 3 turbines from the southern edge of the GDL, but <b>actual views from the GDL are restricted by mature woodlands within the GDL.</b>	<u>Operation</u> Not Significant  <u>Construction and Decommissioning</u> Not Significant	No material increase in the magnitude of effect.	<u>Operation:</u> Not Significant  <u>Construction and Decommissioning:</u> Not Significant
Landscape effects	Sensitive Landscape Area (SLA)	Clyde Muirshiel Regional Park and North Ayrshire	Medium-Medium-High	<u>Operation</u> Medium Localised area of CMRP and SLA within the Haupland Muir LCA  Overall visibility of the Development from the CMRP and SLA is limited, with <b>the large majority of the central and northern parts of the CMRP and SLA having no visibility of the Development</b>  <b>Visibility of the Development is limited to the southern and eastern hill slopes of the CMRP and SLA: parts of the Knockewart Hills and Crosbie Hills; the central hills of the CMRP extending from Blaeloch Hill and Kaim Hill to Cock Law and Cockrobin Hill; and the</b>	<u>Operation</u> Not Significant  <u>Construction and Decommissioning</u> Not Significant	No material increase in the magnitude of effect.  Marginal increase in theoretical visibility in central areas to the North of Kilbirnie.	<u>Operation:</u> Not Significant  <u>Construction and Decommissioning:</u> Not Significant

			<p>north eastern hills around Greenside Hill and Ladyland Moor.</p> <p><b>Low to negligible</b> Wider CMRP and SLA</p> <p>The southern part of the CMRP and SLA are <b>already very much influenced in character terms by Ardrossan Windfarm and Dalry/Kelburn/Millour Hill Windfarm Group and the resulting change will only be through additional visibility of the Development in a landscape in which windfarms are a characteristic.</b></p> <p><b>Construction and Decommissioning Medium</b> Localised area of CMRP and SLA within the Haupland Muir LCA</p> <p><b>Low to Negligible</b> Wider CMRP and SLA</p>				
Category of Effect	Receptor Type	Receptor Name	2013 LVIA Findings for Consented Project			2019 Re-assessment Findings	
			Sensitivity	Magnitude	Significance	Magnitude	Significance
Visual effects	Viewpoint 1	B780 near site	<p><b>Medium</b> Open view over agricultural fields (mixture of arable and improved grassland / grazing).</p> <p>Ardrossan Windfarm is visible in the main orientation of the view along the road travelling north.</p> <p>Pylons and telegraph poles form vertical elements in the middle ground and on the skyline in the view.</p>	<p><b>Operation High</b> Most of the Development will be seen in the view, including 3 turbines to blade tip height, although turbine 1 will be partially screened behind broadleaf woodland.</p> <p>The Development will form a separate windfarm feature in the view from Ardrossan Windfarm on the opposite site of the road.</p> <p><b>The Development will form a smaller three turbine cluster than the larger Ardrossan Windfarm. The turbine heights are of a similar scale, but the Development turbines appear larger in this view due to their closer proximity.</b></p> <p><b>Construction and Decommissioning High</b></p>	<p><b>Operation Significant</b></p> <p><b>Construction and Decommissioning Significant</b></p>	<p>No material increase in the magnitude of effect.</p> <p>The increased rotor diameter and blade length is discernible in the comparative wirelines but would not alter the finding of significance.</p>	<p><b>Operation: Significant</b></p> <p><b>Construction and Decommissioning Significant:</b></p>
Visual effects	Viewpoint 2	Ardrossan, Chapelhill	<p><b>Medium-High</b> Representative of views obtained by residents on the northern edge of Ardrossan, however such views are less elevated and generally have some degree of foreground screening/filtering of views</p>	<p><b>Operation High</b> <b>The Development will form a separate windfarm feature in the view from Ardrossan and Dalry / Millour Hill Windfarms.</b></p> <p>The turbine heights are of a similar scale, but the <b>Development turbines appear</b></p>	<p><b>Operation Significant</b></p> <p><b>Construction and Decommissioning Significant</b></p>	<p>No material increase in the magnitude of effect.</p>	<p><b>Operation: Significant</b></p> <p><b>Construction and Decommissioning: Significant</b></p>

			<p>Ardrossan Windfarm is visible on the skyline of the view on the Rowanside Hills to the north.</p> <p>Pylons, street lighting and telegraph poles form vertical elements in the view.</p> <p>The landscape in the view towards the Development is not designated, but the wider view includes Arran and the Isle of Bute which are designated as NSA/APQ.</p>	<p><b>larger in this view due to their closer proximity to the viewpoint / settlement.</b></p> <p><b><u>Construction and Decommissioning</u></b></p> <p><b>High</b></p>			
Visual effects	Viewpoint 3	A78 Layby	<p><b>Medium</b></p> <p>Ardrossan Windfarm is visible on the skyline of the view on the Rowanside Hills to the north.</p> <p>Pylons and telegraph poles form vertical elements in the view. Pylons seen on the skyline to the north west of the view.</p> <p>The landscape in the view towards the Development is not designated.</p>	<p><b><u>Operation</u></b></p> <p><b>High to medium</b></p> <p>The Development will be seen in the context of smaller scale features of large farmstead and broadleaf woodland in the foreground, which form a recognisable scale comparison</p> <p><b>The Development would be oblique to the principle orientation of the view</b> (along the line of the road to the west).</p> <p>The scale comparison between the Development and Ardrossan Windfarm is very evident; <b>the turbine heights are of a similar scale, but the Development turbines appear larger in this view due to their closer proximity to the viewpoint.</b></p> <p>The <b>angle of view</b> is such that the <b>Development and Ardrossan Windfarm visually relate to each other. The Development draws the extent of turbines across the skyline of the view – the scale difference prevents it being viewed as an extension, although it does occupy a similar part of the views from this location.</b></p> <p><b><u>Construction and Decommissioning</u></b></p> <p><b>High to Medium</b></p>	<p><b><u>Operation</u></b></p> <p><b>Significant</b></p> <p><b><u>Construction and Decommissioning</u></b></p> <p><b>Significant</b></p>	<p><b><u>Operation:</u></b></p> <p><b>High</b></p> <p><b><u>Construction and Decommissioning:</u></b></p> <p><b>High</b></p>	<p><b><u>Operation:</u></b></p> <p><b>Significant</b></p> <p><b><u>Construction and Decommissioning:</u></b></p> <p><b>Significant</b></p>
Visual effects	Viewpoint 4	B780 and B781 Junction	<p><b>Medium to High</b></p> <p>View shows the transition of the landscape character from the Knockewart Hills in the south west to the gently undulating farmland to the south and south east.</p> <p>Landscape features in the immediate landscape include</p>	<p><b><u>Operation</u></b></p> <p><b>Medium-High</b></p> <p>The Development is seen in the context of the lowlands landscape in the view - visually relating to the farmed landscape. This is in contrast to Ardrossan Windfarm which visually relates to the rugged moorland landscape in the view.</p>	<p><b><u>Operation</u></b></p> <p><b>Significant</b></p> <p><b><u>Construction and Decommissioning</u></b></p> <p><b>Significant</b></p>	No material increase in the magnitude of effect.	<p><b><u>Operation:</u></b></p> <p><b>Significant</b></p> <p><b><u>Construction and Decommissioning:</u></b></p> <p><b>Significant</b></p>



			<p>Munnoch Reservoir with fence and stone wall boundaries.</p> <p>Viewpoint situated <b>near the eastern edge of the Clyde Muirshiel Regional Park and the North Ayrshire Sensitive Landscape Area</b> (seen in views to the west and southwest and not in the direction of the windfarm).</p> <p>Ardrossan Windfarm is visible on the skyline of the view beyond the Knockwart Hills and there is built form seen on the lower lying areas in the form of farmsteads and individual properties</p>	<p>The Development is not within the designated 'valued' part of the view which relates more to the rugged moorland landscape.</p> <p><b>Designated part of the view (the Clyde Muirshiel Regional Park and the North Ayrshire Sensitive Landscape Area) is already influenced by windfarm development.</b></p> <p>The <b>position of the Development on the skyline interrupts the transition in the view from a more rugged landscape to the smoother rolling landscape of the Ayrshire lowlands.</b></p> <p><b>The Development will form a separate windfarm feature in the view from Ardrossan Windfarm due to the degree of separation between the two, thus extending the influence of windfarms across a greater field of view.</b></p> <p>The Development will appear slightly smaller in scale in comparison to Ardrossan Windfarm turbines.</p> <p><b><u>Construction and Decommissioning</u></b></p> <p><b>Medium-High</b></p>			
Visual effects	Viewpoint 5	B714, Muirslaught Farm	<p><b>Medium to Low</b></p> <p>Ardrossan Windfarm is visible on the skyline of the view beyond the Knockwart Hills. Dalry/Kelburn/Millour Hill Windfarm Group are visible on the skyline at the Braidland Hills to the north.</p> <p>Pylons are features on the skyline and in the landscape to the west and north. Telegraph poles are also features on the skyline looking towards the Development to the southwest. None of the view in the direction of the Development is designated due to landscape value.</p> <p>The landscape in the view towards the Development is not designated, but the wider view to the north includes the</p>	<p><b><u>Operation</u></b></p> <p><b>Medium-High</b></p> <p><b>The Development will form a separate windfarm feature in the view from Ardrossan Windfarm due to the degree of separation between the two.</b></p> <p>The <b>Development will visually draw windfarm development further into the agricultural lowland landscape in the view</b>, in which Ardrossan Windfarm appears to be partially located in this view.</p> <p><b>The scale comparison between the Development and Ardrossan Windfarm is very evident; the turbine heights are of a similar scale, but the Development turbines appear larger in this view due to their closer proximity to the viewpoint.</b></p> <p><b><u>Construction and Decommissioning</u></b></p> <p><b>Medium-High</b></p>	<p><b><u>Operation</u></b></p> <p><b>Significant</b></p> <p><b><u>Construction and Decommissioning</u></b></p> <p><b>Significant</b></p>	<p><b><u>Operation:</u></b></p> <p><b>High</b></p> <p><b><u>Construction and Decommissioning:</u></b></p> <p><b>High</b></p>	<p><b><u>Operation:</u></b></p> <p><b>Significant</b></p> <p><b><u>Construction and Decommissioning</u></b></p> <p><b>Significant:</b></p>



			southern edges of the CMRP.				
Visual effects	Viewpoint 7	Stevenston, Cambuskeith Road	<p><b>Medium-High</b> View is from the northern edge of the settlement and is <b>more representative of a localised northern part of the settlement rather than all of it.</b></p> <p>Properties are orientated with their gable end towards the Development with <b>no direct view from their principal orientation.</b></p> <p>Grassland used for grazing in the foreground. Shelterbelt woodland and mature riparian woodland along Stevenson Burn is visible in the mid-ground of the view with the woodland at Knockrivoch and Craigsark visible on the skyline.</p> <p>Ardrossan Windfarm turbines are seen on the skyline of the view, visible mainly at hub height.</p> <p>Shelterbelt planting to the north blocks theoretical views to the Dalry/Kelburn/Millour Hill Windfarm Group.</p> <p>The landscape in the view towards the Development is not designated.</p>	<p><b>Operation</b> <b>Medium</b></p> <p>View towards the Development is across grassland, but is broken up by intervening broadleaf woodland blocks. The <b>development is partially screened by the woodland such that one turbine is only visible as blades and two as upper rotor / blades.</b></p> <p>The Development turbines in the view are seen in the context of Ardrossan Windfarm but the scale comparison between the two is very evident; the turbine heights are of a similar scale, but the <b>Development turbines appear approximately twice the size in this view due to their closer proximity to the viewpoint.</b></p> <p>The angle of view is such that the Development and Ardrossan Windfarm visually relate to each other with the <b>Development appearing as an extension to Ardrossan Windfarm.</b> This increases the presence of windfarm development in the settled areas around Stevenston and appears to bring windfarm development closer to Stevenston.</p> <p><b>Construction and Decommissioning</b> <b>Low</b></p>	<p><b>Operation</b> <b>Significant</b></p> <p><b>Construction and Decommissioning</b> <b>Not Significant</b></p>	No material increase in the magnitude of effect.	<p><b>Operation:</b> <b>Significant</b></p> <p><b>Construction and Decommissioning:</b> <b>Not Significant</b></p>
Visual effects	Viewpoint 18	Ardrossan Harbour	<p><b>Medium-High</b> View taken from the northern edge of the marina looking across a small harbour area. Situated adjacent to dwellings / apartments and representative of views experienced by residents in this part of Ardrossan.</p> <p>The view shows the undulating hill formations to the north and west of the settlement of Ardrossan.</p> <p>Hill formations visible include the Rowanside Hills to the north of the view and the</p>	<p><b>Operation</b> <b>High</b> <b>The Development would be an additional influence of windfarm development on the backdrop to the settlement.</b></p> <p>Turbines appear larger in scale than other existing turbines in the view at Ardrossan Windfarm.</p> <p><b>The view shows an inconsistency of image between the development spacing and the larger cluster formed by Ardrossan Windfarm combined with Dalry and Millour Hill windfarms.</b></p>	<p><b>Operation</b> <b>Significant</b></p> <p><b>Construction and Decommissioning</b> <b>Significant</b></p>	No material increase in the magnitude of effect.	<p><b>Operation:</b> <b>Significant</b></p> <p><b>Construction and Decommissioning:</b> <b>Significant</b></p>

			<p>minor Craigsark Hill to the north east.</p> <p>The muted tones of the fields and hills in the background give a contrast to the colourful urban environment. Where the settlement appears to reach to the skyline at the dip between hill formations this draws the eye to this low point</p> <p>The landscape in the foreground of the view towards the Development is not designated, but the upland skyline further north is designated within the CMRP and SLA.</p>	<p><b>The Development will introduce a new focal point and compete with the broadleaf woodland on the skyline of the hill as the focal point of this part of the view.</b></p> <p>The eye will continue to be drawn to the colour and variety of urban form in the foreground and the wider view across the harbour to the Firth of Clyde.</p> <p>The Development will to some degree, provide some visual balance to Ardrossan Windfarm in the view, with turbines appearing on rising hill formations behind the urban form.</p> <p><b><u>Construction and Decommissioning</u></b> <b>High</b></p>			
Visual effects	Road Corridors	A78, Prestwick to Greenock		<p><b>High</b> Between Stevenston (A738 Junction) and Ardrossan (A738 Junction). <b>Medium to low</b> Between Prestwick and Stevenston (A738 Junction). <b>None</b> Between Ardrossan (A738 Junction) and Greenock.</p> <p>On the southbound journey on the A78, the Development will be behind the direction of travel or not visible for almost all of the route, with the exception of a short stretch past Ardrossan.</p>	<p><b>Significant</b> Between Stevenston (A738 Junction) and Ardrossan (A738 Junction). This occurs between the A738 junction to the east Stevenson and a location perpendicular to the Development when travelling west and between the A738 junction in Ardrossan to perpendicular to the site when travelling east.</p> <p><b>Not significant</b> Between Prestwick and Stevenston (A738 Junction) and between Ardrossan (A738 Junction) and Greenock.</p>	No material increase in the magnitude of effect.	<p><b>Significant</b> Between Stevenston (A738 Junction) and Ardrossan (A738 Junction). This occurs between the A738 junction to the east Stevenson and a location perpendicular to the Development when travelling west and between the A738 junction in Ardrossan to perpendicular to the site when travelling east.</p> <p><b>Not significant</b> Between Prestwick and Stevenston (A738 Junction) and between Ardrossan (A738 Junction) and Greenock.</p>
		B714, Saltcoats to Dalry		<p><b>High</b> Between northern edge of Saltcoats and southern edge of Dalry.</p>	<p><b>Significant</b> Between northern edge of Saltcoats and southern edge of Dalry.</p>	No material increase in the magnitude of effect.	<p><b>Significant</b> Between northern edge of Saltcoats and southern edge of Dalry.</p>
		B780, Ardrossan to Dalry		<p><b>High to medium-high</b> Between Ardrossan and B781.</p>	<p><b>Significant</b> Between Ardrossan and B781</p>	No material increase in the magnitude of effect.	<p><b>Significant</b> Between Ardrossan and B781</p>
		B781, West Kilbride to Dalry		<p><b>High</b> Between Dalry and Munnoch (Knockewart Hills). <b>None</b> Between Munnoch (Knockewart Hills) and West Kilbride.</p>	<p><b>Significant</b> Between Dalry and Munnoch (Knockewart Hills). <b>Not significant</b> between Munnoch (Knockewart Hills) and West Kilbride.</p>	No material increase in the magnitude of effect.	<p><b>Significant</b> Between Dalry and Munnoch (Knockewart Hills). <b>Not significant</b> between Munnoch (Knockewart Hills) and West Kilbride.</p>
Cumulative effects	Assessment of Cumulative Visual Effects on Road Corridors	A78, Prestwick to Greenock		<p><b><u>Consented</u></b> <b>Medium</b> Between Prestwick and Stevenston (A738 Junction) as a result of Shewalton Moss Windfarm. <b>High</b> Sequential change between West Kilbride and Fairlie with Hunterston Windfarm.</p> <p><b><u>Application</u></b> <b>Low</b> Between Prestwick and Stevenston (A738 Junction).</p>	<p><b><u>Consented</u></b> <b>Significant</b> Sequential effect between West Kilbride and Fairlie with Hunterston Windfarm. <b>Not significant</b> Between Prestwick and Stevenston (A738 Junction) and between Fairlie and Greenock.</p> <p><b><u>Application</u></b> <b>Not significant</b></p>	<p>No material change to the cumulative context within 15km since 2013.</p> <p>Hunterston II (single turbine) has been consented next to Hunterston at 9km distance.</p> <p>GSK Shewalton (2 turbines) application stage next to Shewalton Moss at 13km distance.</p>	<p><b><u>Consented:</u></b> <b>Significant</b> Sequential effect between West Kilbride and Fairlie with Hunterston Windfarm.</p> <p><b>Not significant</b> Between Prestwick and Stevenston (A738 Junction) and between Fairlie and Greenock.</p> <p><b><u>Application:</u></b> <b>Not significant</b></p>

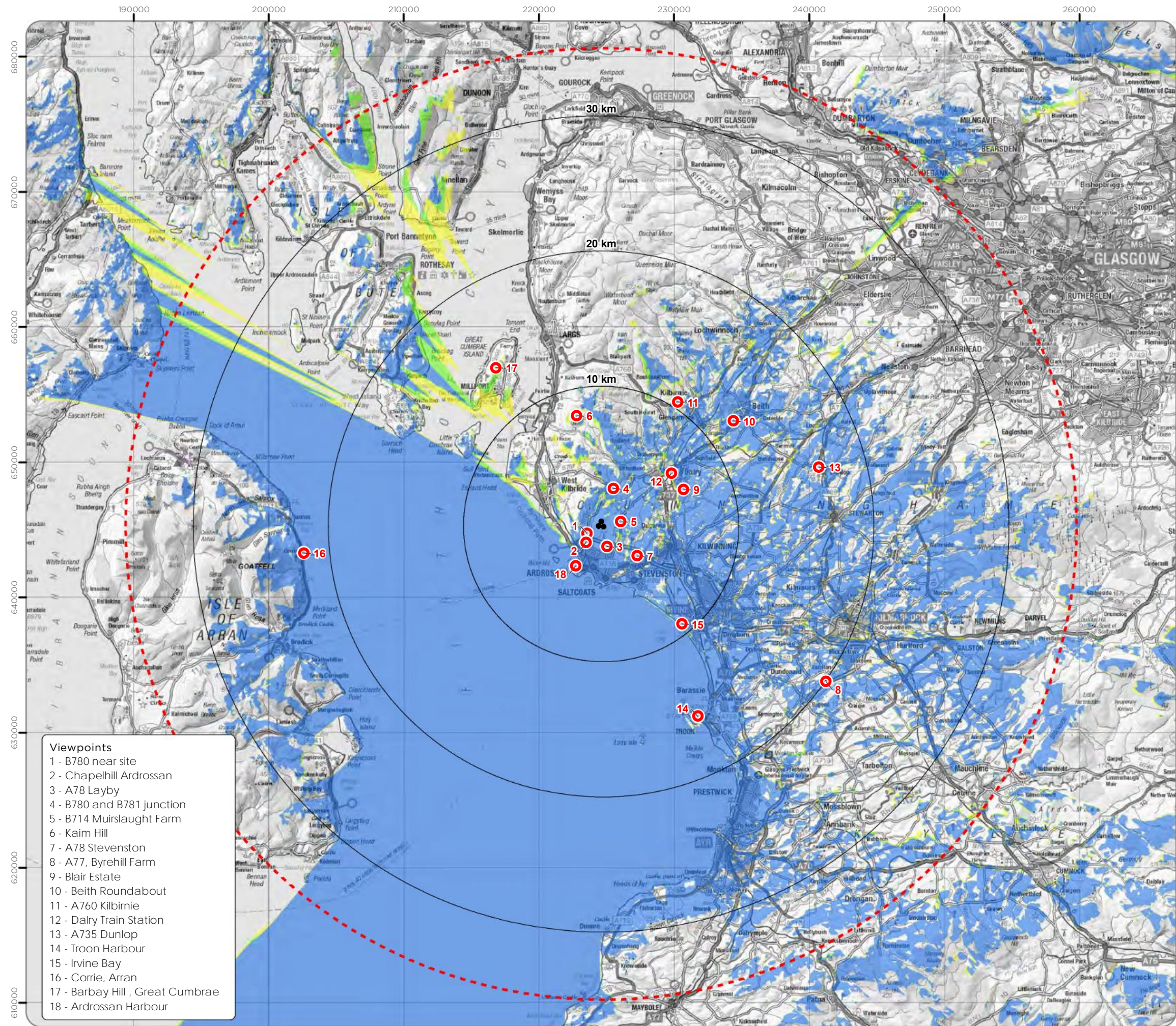
April 2019

Sorbie Repowering Wind Farm

## ANNEX 2: GIS Figures

Supporting Updated Landscape & Visual Impact Assessment Tables





**Legend**

- Consented Turbine Location (105m tip)
- 10km Turbine Radii
- 35km Study Area
- Viewpoint Location

**Blade Tip ZTV**

No. of Turbines Theoretically Visible

- 1
- 2
- 3

Blade Tip:	105m	Observer height:	2m
DTM:	OS T5 OS T50	Surface features:	Excluded
DTM resolution:	10m	Earth curvature:	Included

0 2.5 5 10 km

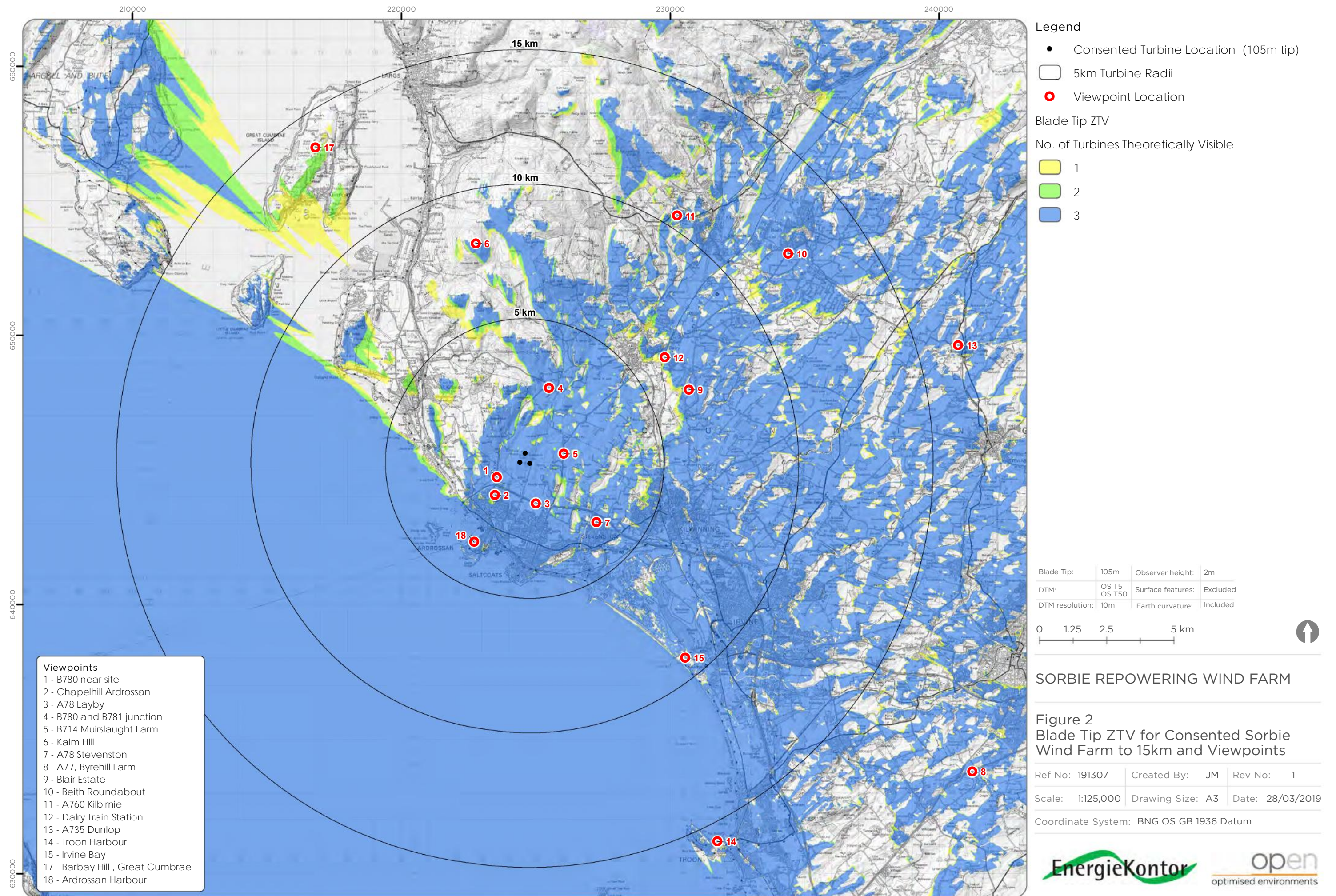
↑

SORBIE REPOWERING WIND FARM

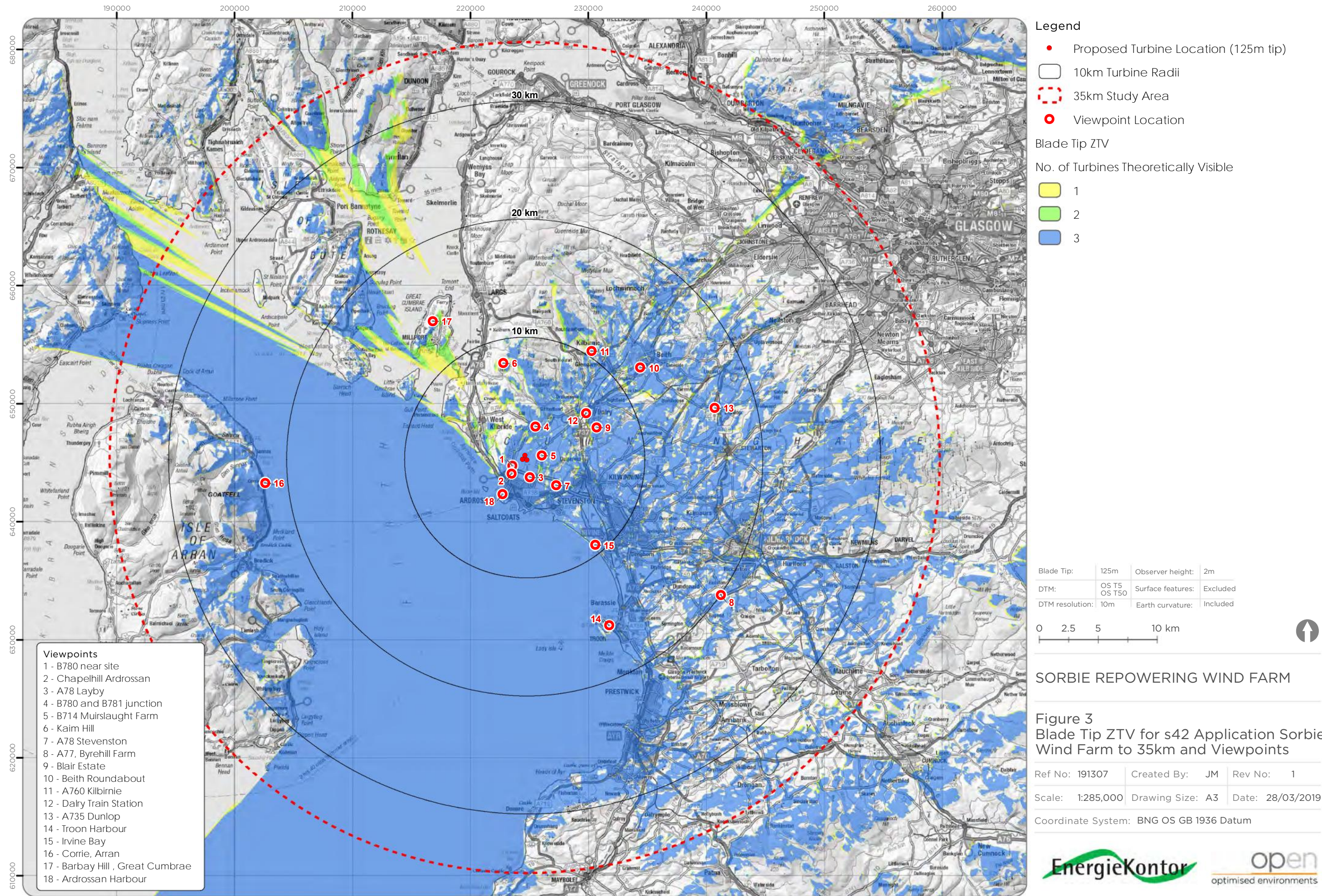
Figure 1  
Blade Tip ZTV for Consented Sorbie Wind Farm to 35km and Viewpoints

Ref No: 191307	Created By: JM	Rev No: 1
Scale: 1:285,000	Drawing Size: A3	Date: 28/03/2019
Coordinate System: BNG OS GB 1936 Datum		

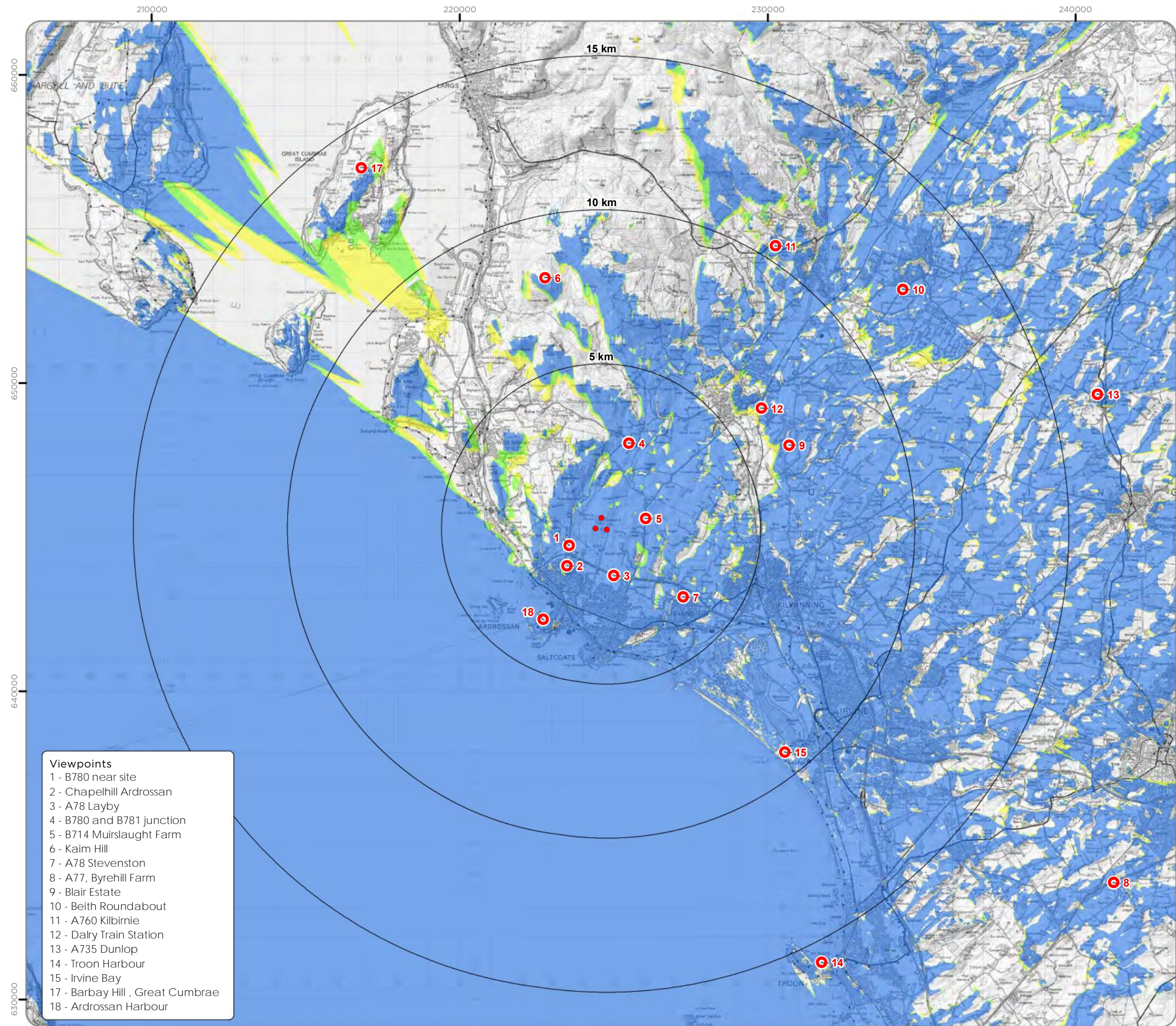












**Legend**

- Proposed Turbine Location (125m tip)
- 5km Turbine Radii
- Viewpoint Location

**Blade Tip ZTV**

No. of Turbines Theoretically Visible

- 1
- 2
- 3

Blade Tip:	125m	Observer height:	2m
DTM:	OS T5 OS T50	Surface features:	Excluded
DTM resolution:	10m	Earth curvature:	Included

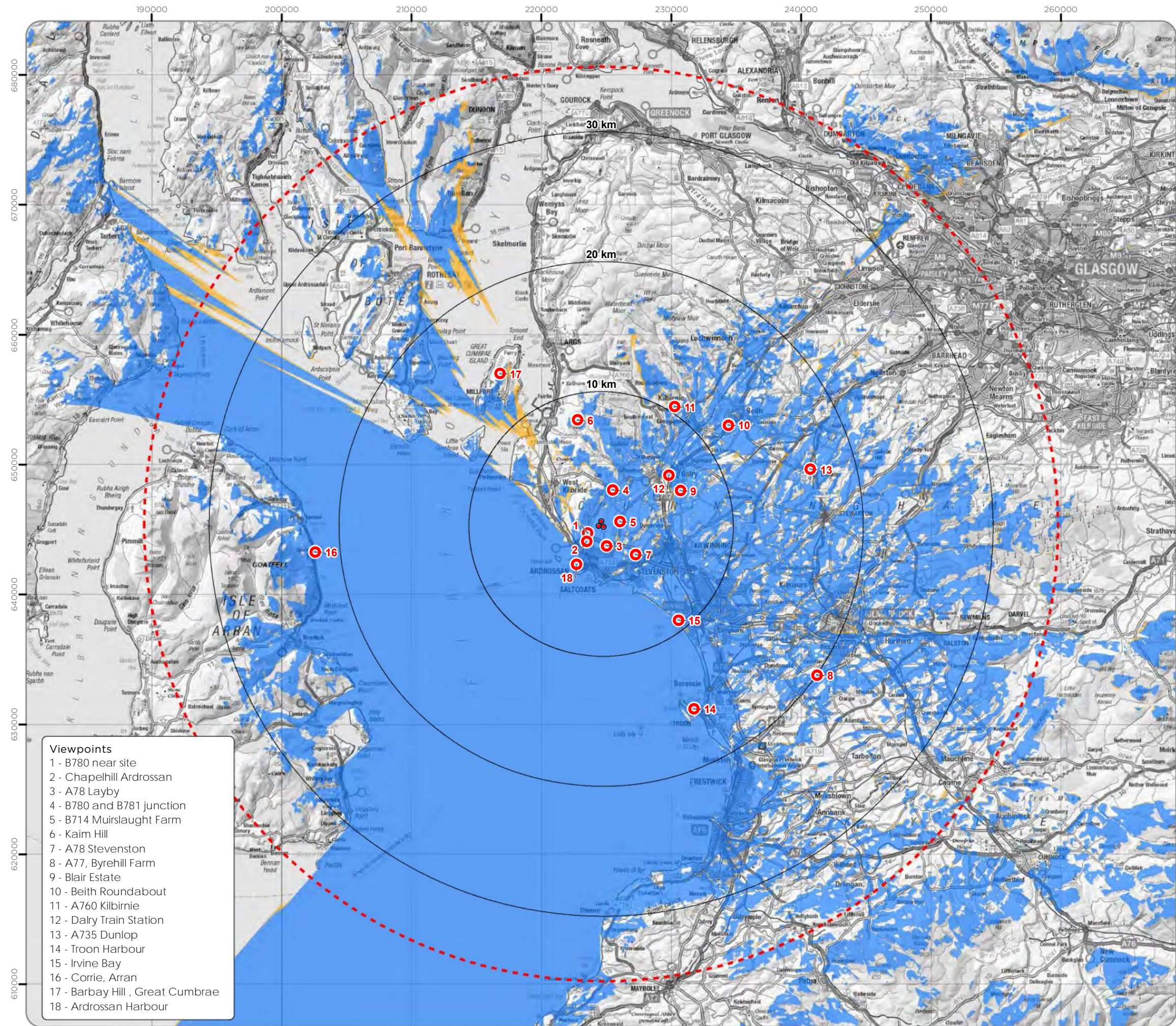
01.252.55 km

SORBIE REPOWERING WIND FARM

Figure 4  
Blade Tip ZTV for s42 Application Sorbie Wind Farm to 15km and Viewpoints

Ref No: 191307	Created By: JM	Rev No: 1
Scale: 1:125,000	Drawing Size: A3	Date: 28/03/2019
Coordinate System: BNG OS GB 1936 Datum		





- Legend
- Proposed Turbine Location (125m tip)
  - Consented Turbine Location (105m tip)
  - 10km Turbine Radii
  - 35km Study Area
  - Viewpoint Location
  - only s42 Application Layout Theoretical Visibility
  - both Consented and s42 Application Layouts Theoretical Visibility

Blade Tip:	105m 125m	Observer height:	2m
DTM:	OS T5 OS T50	Surface features:	Excluded
DTM resolution:	10m	Earth curvature:	Included

0 2.5 5 10 km



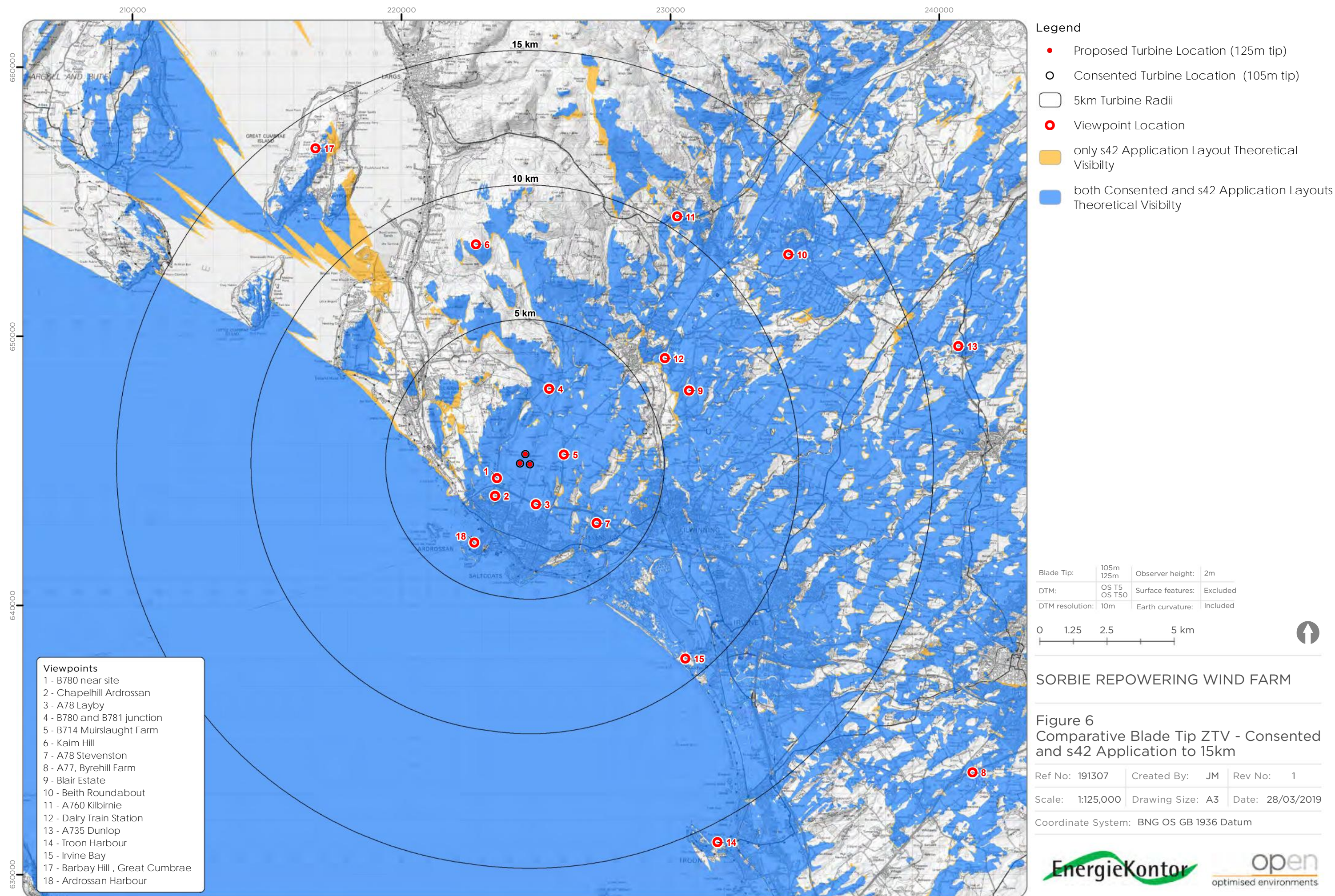
## SORBIE REPOWERING WIND FARM

Figure 5  
Comparative Blade Tip ZTV - Consented  
and s42 Application to 35km

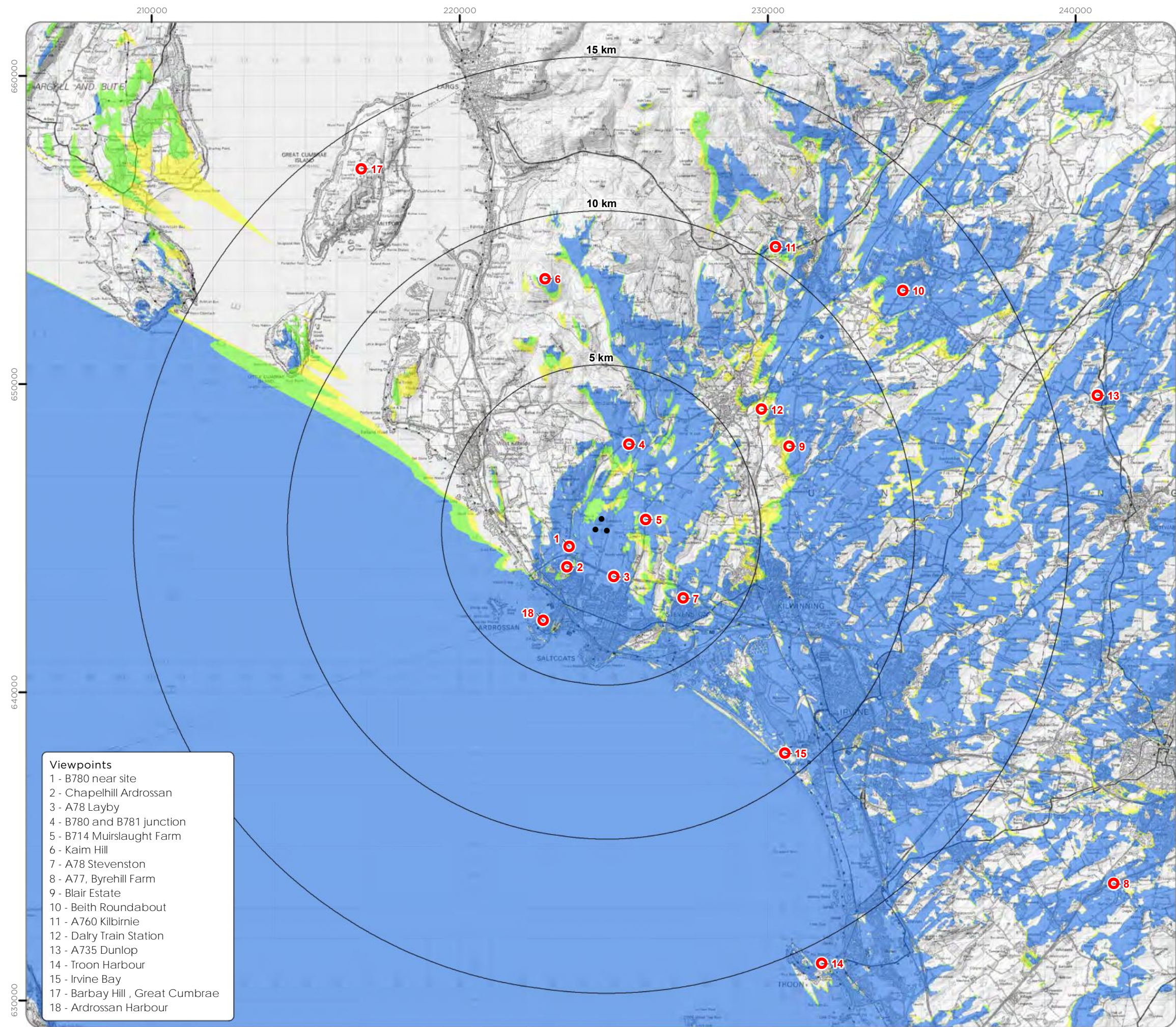
Ref No: 191307	Created By: JM	Rev No: 1
Scale: 1:296,154	Drawing Size: A3	Date: 28/03/2019
Coordinate System: BNG OS GB 1936 Datum		











**Legend**

- Consented Turbine Location (64m tip)
- 5km Turbine Radii
- Viewpoint Location

Hub Height ZTV

No. of Turbines Theoretically Visible

- 1
- 2
- 3

Hub Height:	64m	Observer height:	2m
DTM:	OS T5 OS T50	Surface features:	Excluded
DTM resolution:	10m	Earth curvature:	Included

01.252.55 km

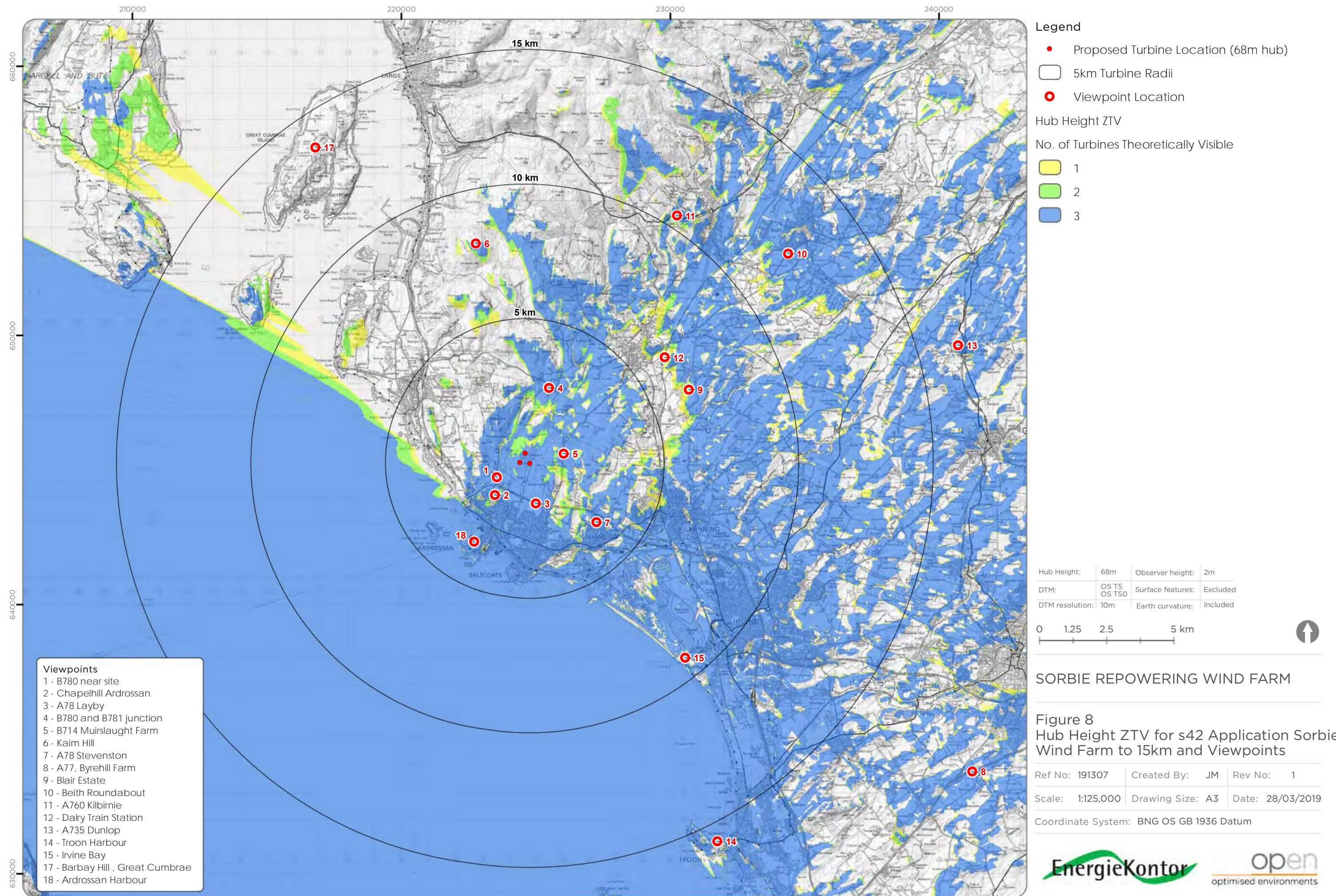
SORBIE REPOWERING WIND FARM

Figure 7  
Hub Height ZTV for Consented Sorbie Wind Farm to 15km and Viewpoints

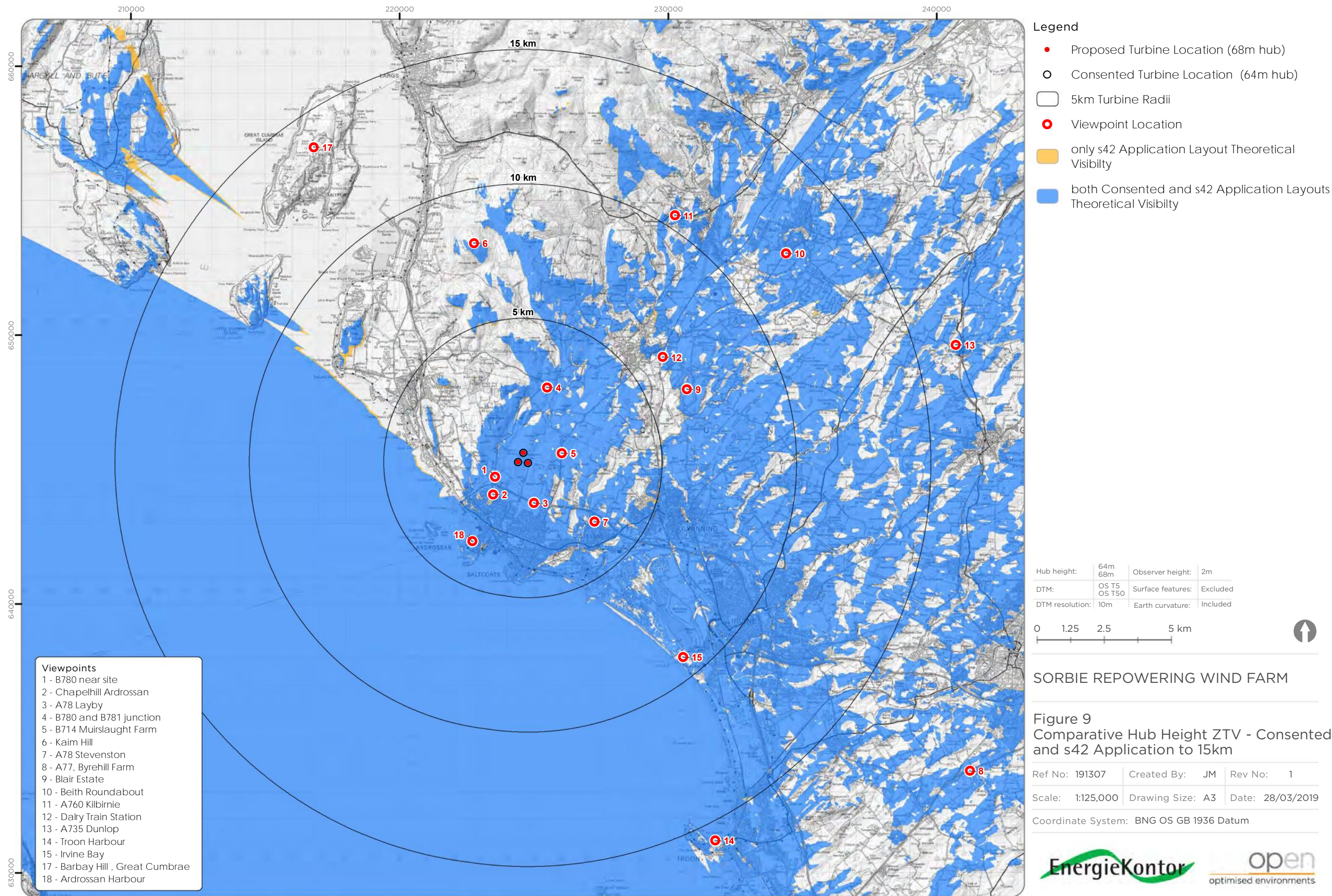
Ref No: 191307	Created By: JM	Rev No: 1
Scale: 1:125,000	Drawing Size: A3	Date: 28/03/2019
Coordinate System: BNG OS GB 1936 Datum		



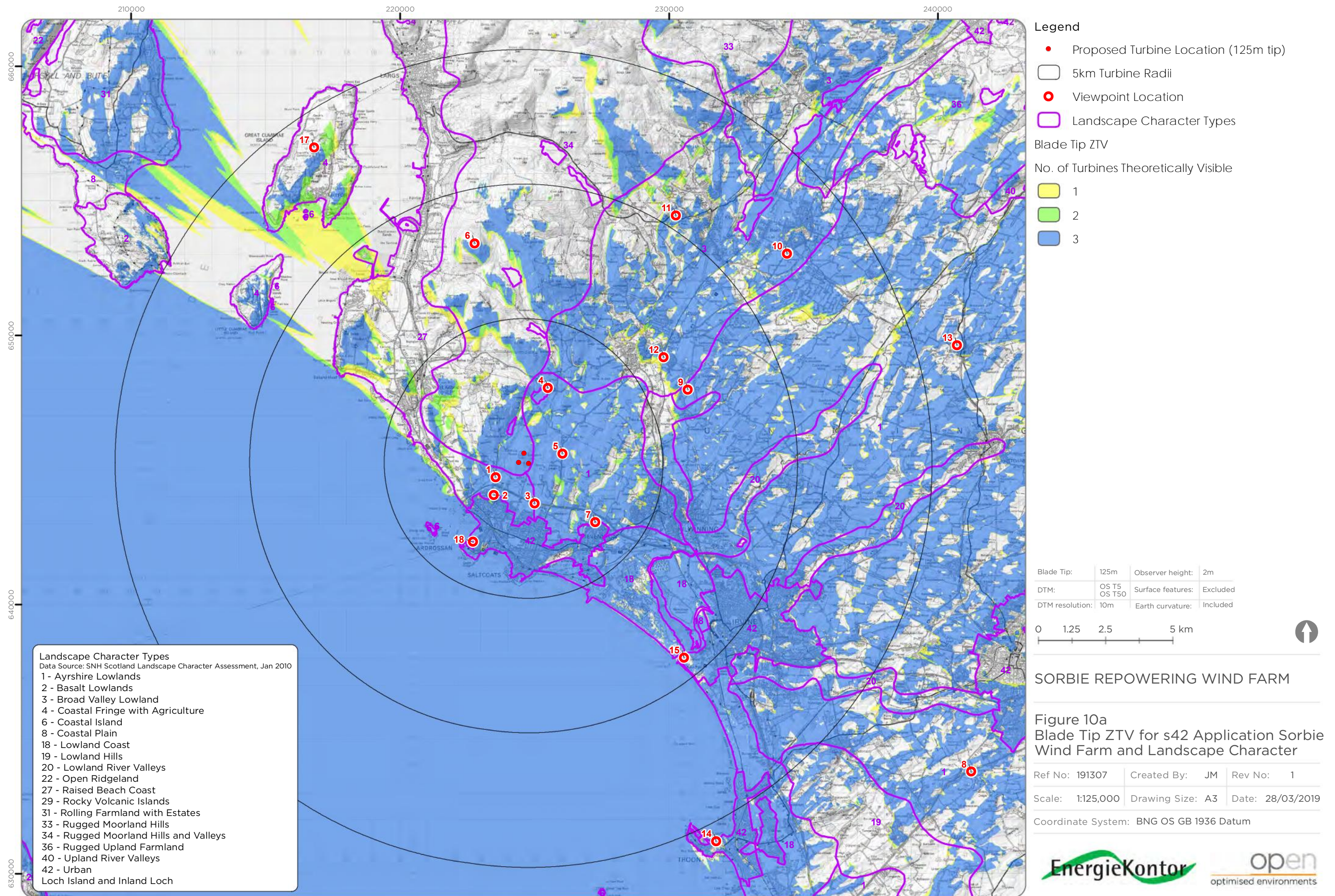




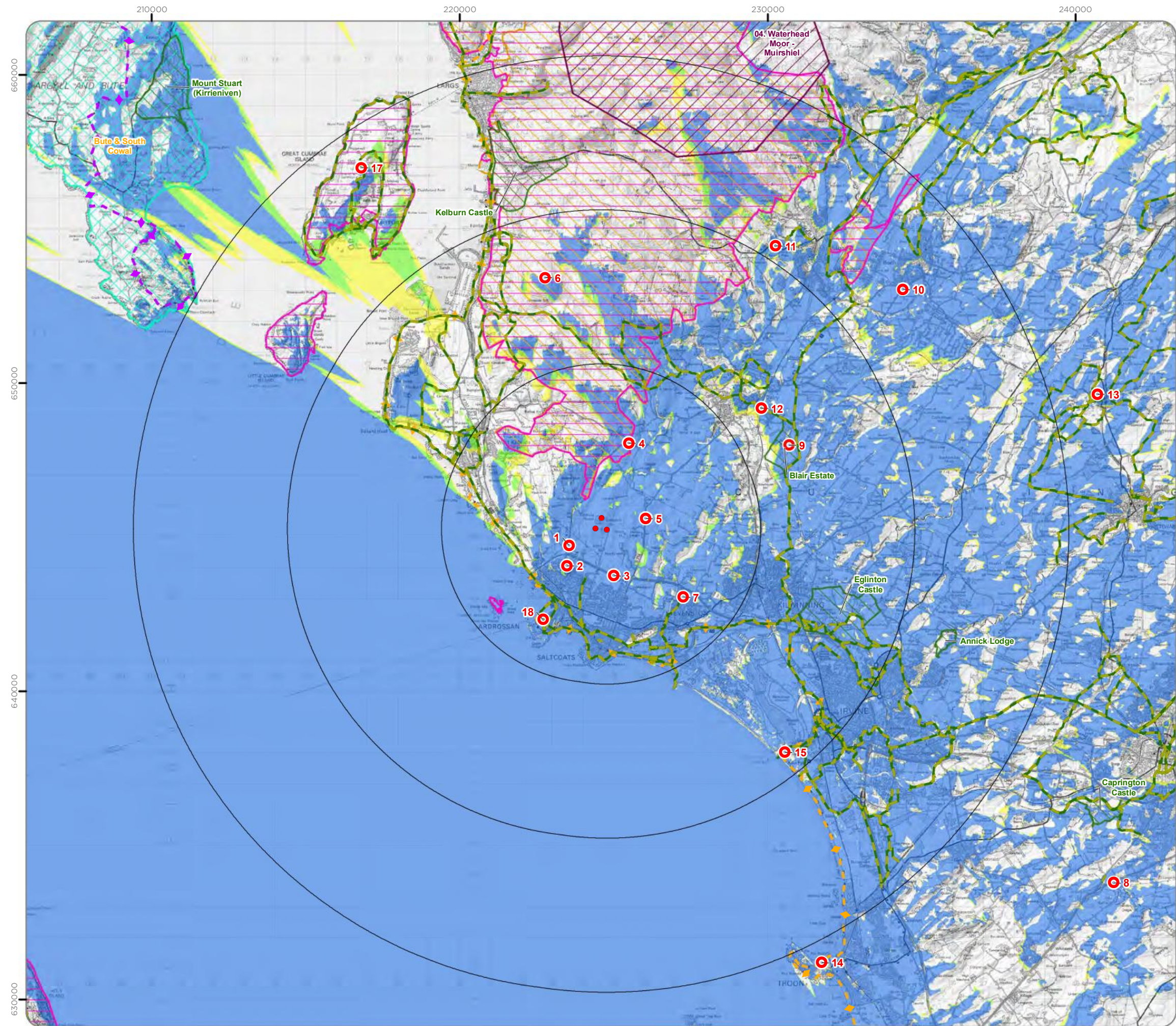












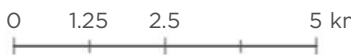
- Legend**
- Proposed Turbine Location (125m tip)
  - 5km Turbine Radii
  - Viewpoint Location
  - Corepaths
  - Ayrshire Coastal Path
  - The West Island Way
  - ▨ Wild Land Area
  - ▨ Garden & Designed Landscape
  - ▭ Special Landscape Area
  - ▨ Area of Panoramic Quality
  - ▨ Clyde Muirshiel Regional Park

Blade Tip ZTV

No. of Turbines Theoretically Visible

- 1
- 2
- 3

Blade Tip:	125m	Observer height:	2m
DTM:	OS T5 OS T50	Surface features:	Excluded
DTM resolution:	10m	Earth curvature:	Included



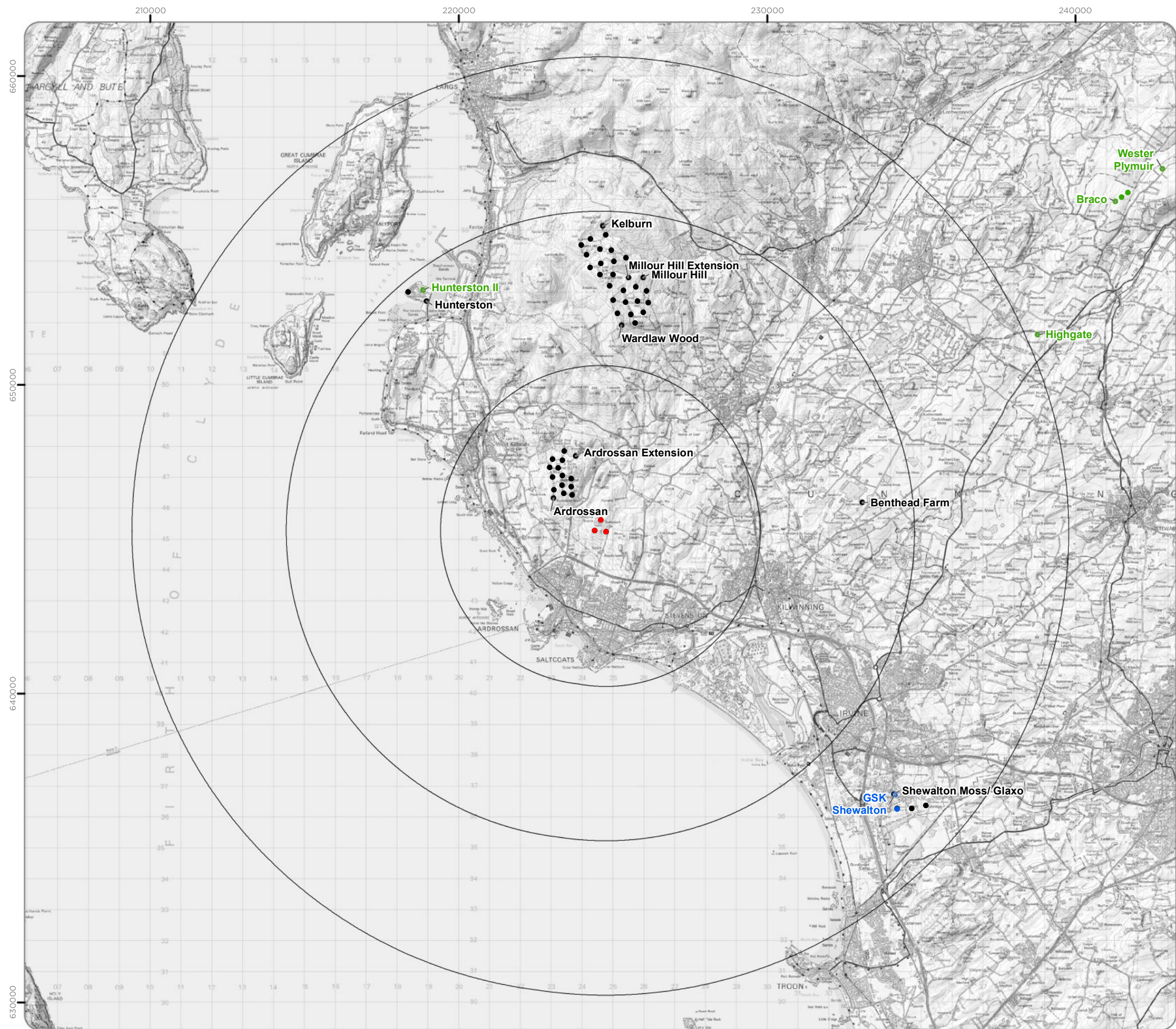
## SORBIE REPOWERING WIND FARM

Figure 10b  
Blade Tip ZTV for s42 Application Sorbie Wind Farm and Landscape Designations

Ref No: 191307	Created By: JM	Rev No: 1
Scale: 1:125,000	Drawing Size: A3	Date: 28/03/2019
Coordinate System: BNG OS GB 1936 Datum		







#### Legend

- Proposed Turbine Location (125m tip)
  - 5km Turbine Radii
  - 35 km Study Area
- Cumulative Windfarm Status
- Operational
  - Consented
  - Appeal / Application

0 1.25 2.5 5 km



#### SORBIE REPOWERING WIND FARM

Figure 11  
Cumulative Wind Farms  
within 15km radius

Ref No: 191307	Created By: JM	Rev No: 1
Scale: 1:125,000	Drawing Size: A3	Date: 28/03/2019
Coordinate System: BNG OS GB 1936 Datum		

**EnergieKontor**

**open**  
optimised environments



April 2019

Sorbie Repowering Wind Farm

## ANNEX 3: SNH Visualisations

Supporting Updated Landscape & Visual Impact Assessment Tables











Baseline photograph

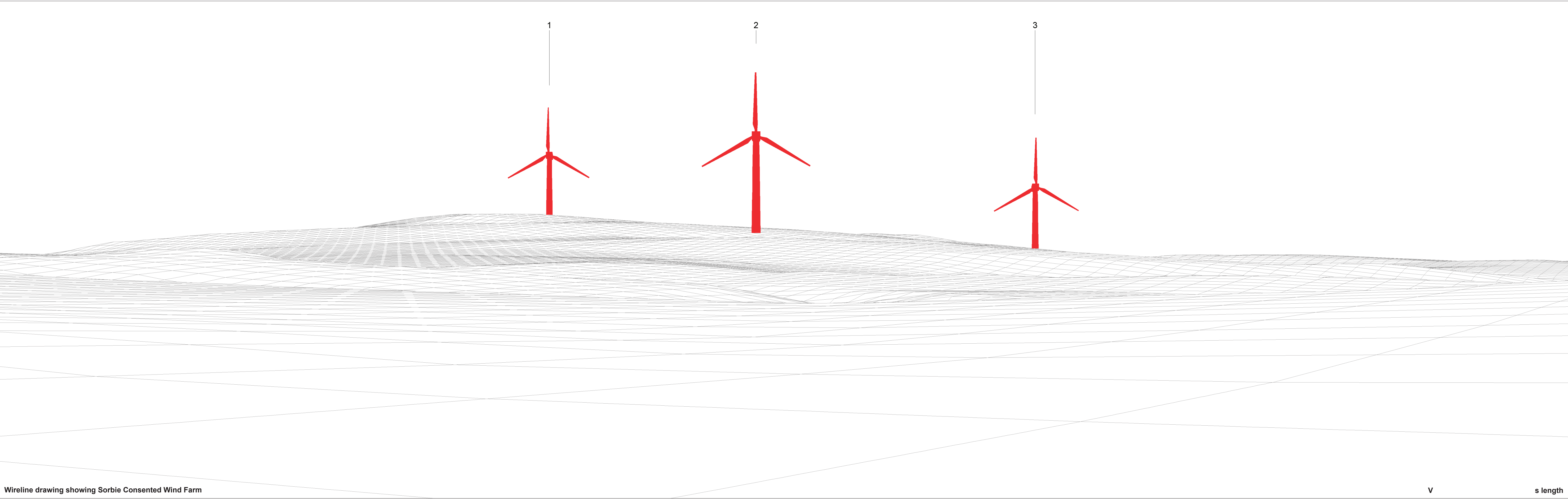
This image provides landscape and visual context only



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference:	223535 E 644741 N	Principal distance	90° (cylindrical projection)	Camera:	Canon EOS 5D Mark II	Figure: 12c
Eye level:	57.61 m AOD		522 mm	Lens:	50mm (Canon EF 50mm f/1.4)	Viewpoint 1: B780 near site
Direction of view:	59.00°			Camera height:	1.5 m AGL	
Nearest turbine:	1.027 km			Date and time:	27/03/19, 14:44	

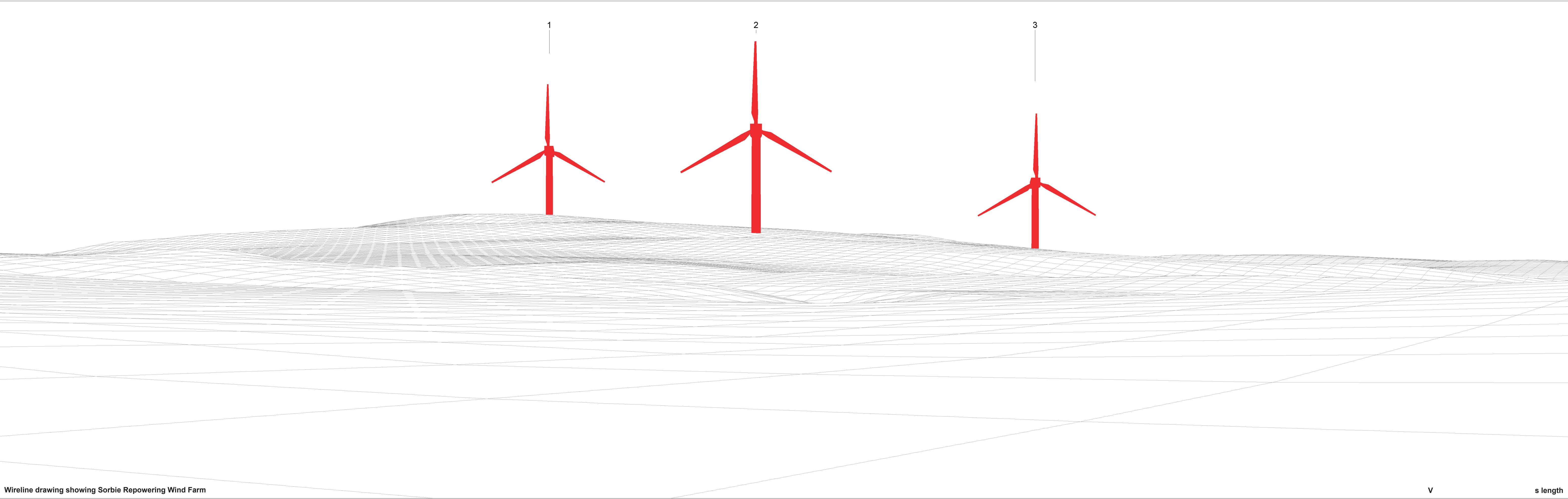




Wireline drawing showing Sorbie Consented Wind Farm

OS reference:	223535 E 644741 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II
Eye level:	57.61 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)
Direction of view:	59.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL
Nearest turbine:	1.027 km	Correct printed image size:	820 x 260 mm	Date and time:	27/03/19, 14:44

Figure: 12d  
Viewpoint 1: B780 near site



Wireline drawing showing Sorbie Repowering Wind Farm

V

s length

OS reference:	223535 E 644741 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II
Eye level:	57.61 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)
Direction of view:	59.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL
Nearest turbine:	1.027 km	Correct printed image size:	820 x 260 mm	Date and time:	27/03/19, 14:44

Figure: 12e  
Viewpoint 1: B780 near site





Photomontage showing Sorbie Consented Wind Farm

OS reference:	223535 E 644741 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II	Figure: 12f
Eye level:	57.61 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)	Viewpoint 1: B780 near site
Direction of view:	59.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL	
Nearest turbine:	1.027 km	Correct printed image size:	820 x 260 mm	Date and time:	27/03/19, 14:44	





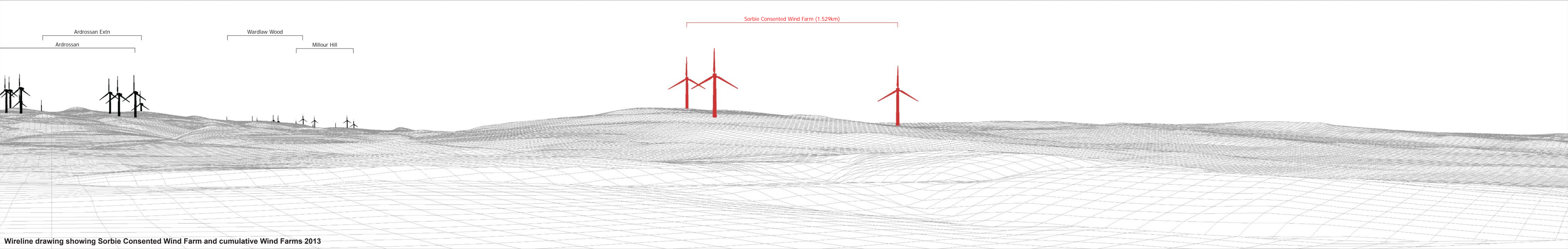
Photomontage showing Sorbie Repowering Wind Farm

OS reference:	223535 E 644741 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II	Figure: 12g
Eye level:	57.61 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)	Viewpoint 1: B780 near site
Direction of view:	59.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL	
Nearest turbine:	1.027 km	Correct printed image size:	820 x 260 mm	Date and time:	27/03/19, 14:44	







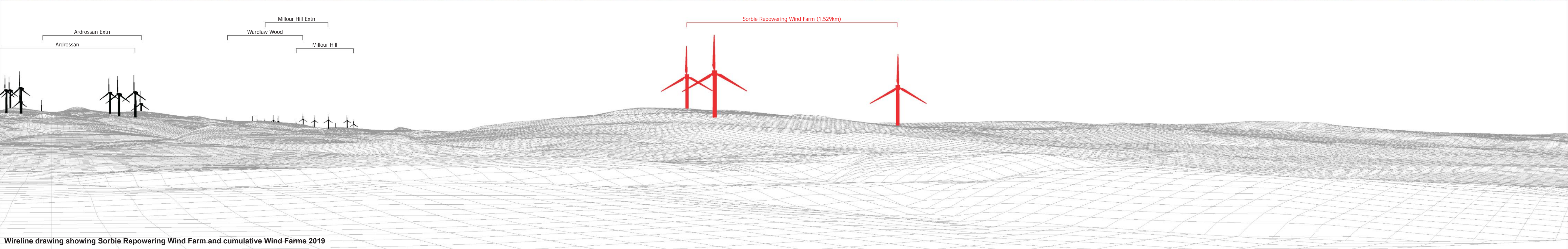






Baseline photograph

This image provides landscape and visual context only

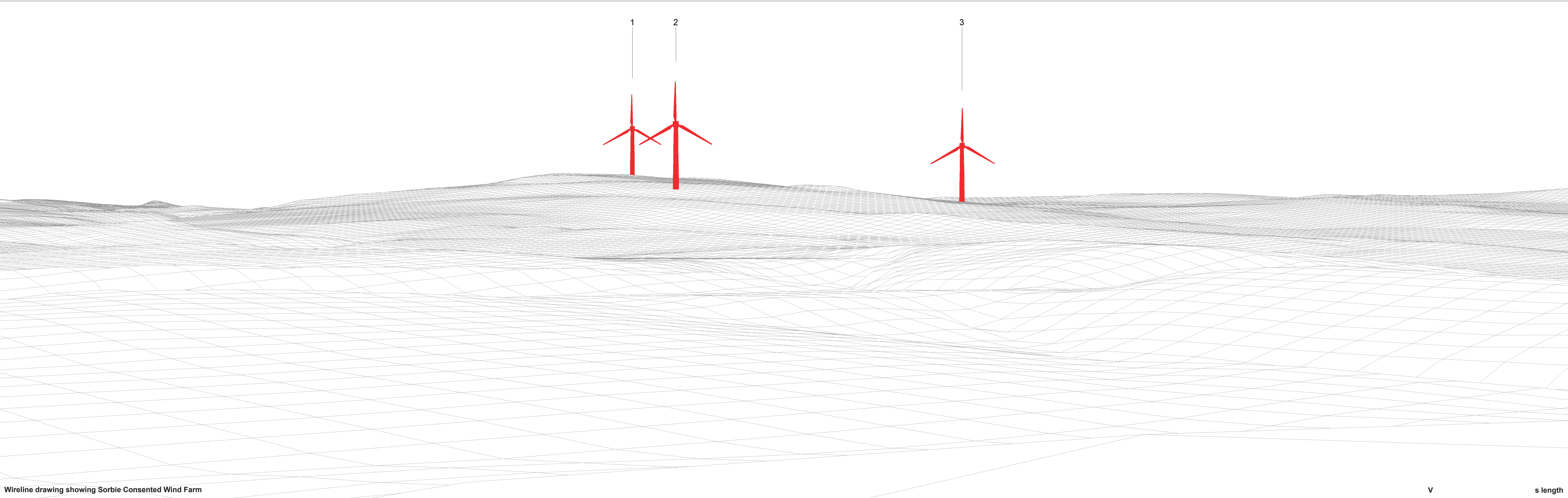


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference:	223464 E 644081 N	Principal distance	90° (cylindrical projection)	Camera:	Canon EOS 5D Mark II
Eye level:	60.25 m AOD		522 mm	Lens:	50mm (Canon EF 50mm f/1.4)
Direction of view:	42.00°			Camera height:	1.5 m AGL
Nearest turbine:	1.529 km			Date and time:	27/03/19, 15:01

Figure: 13c  
Viewpoint 2: Chapelhill Ardrossan





Wireline drawing showing Sorbie Consented Wind Farm

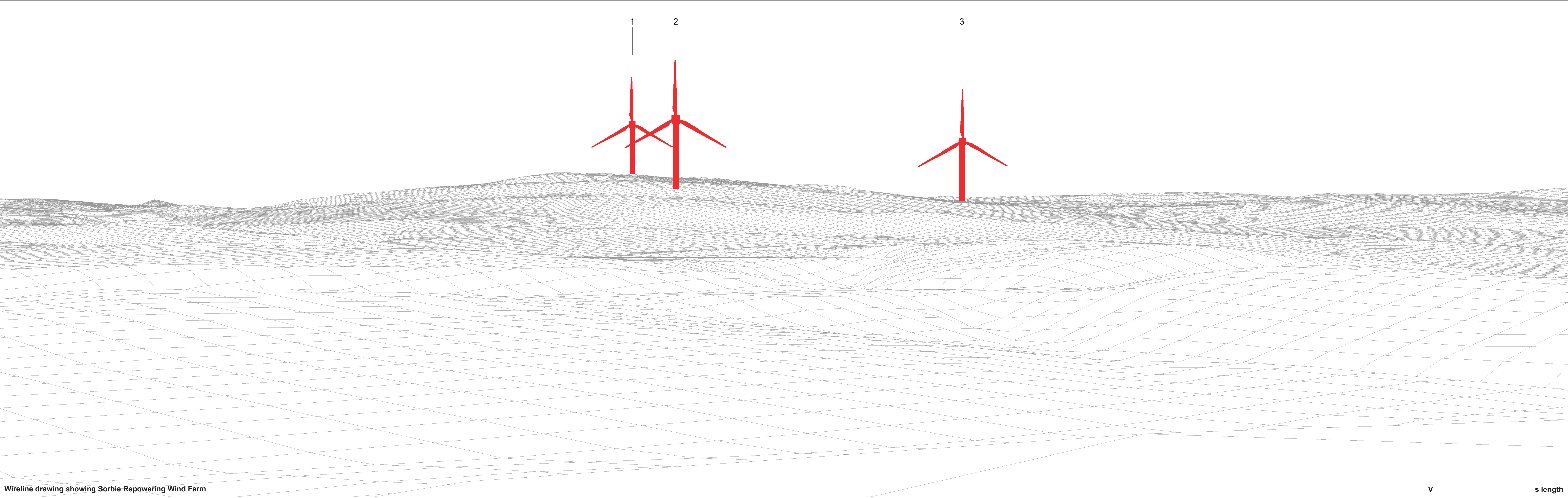
V

s length

OS reference:	223464 E 644081 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II
Eye level:	60.25 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)
Direction of view:	42.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL
Nearest turbine:	1.529 km	Correct printed image size:	820 x 260 mm	Date and time:	27/03/19, 15:01

Figure: 13d  
Viewpoint 2: Chapelhill Ardrossan









OS reference:

223464 E 644081 N

Eye level:

60.25 m AOD

Direction of view:

42.00°

Nearest turbine:

1.529 km

Principal distance

53.5° (planar projection)

Paper size:

841 x 297 mm (half A1)

Correct printed image size:

820 x 260 mm

Camera:

Canon EOS 5D Mark II

Lens:

50mm (Canon EF 50mm f/1.4)

Camera height:

1.5 m AGL

Date and time:

27/03/19, 15:01

Figure: 13f

Viewpoint 2: Chapelhill Ardrossan





Photomontage showing Sorbie Repowering Wind Farm

OS reference:	223464 E 644081 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II	Figure: 13g
Eye level:	60.25 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)	Viewpoint 2: Chapelhill Ardrossan
Direction of view:	42.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL	
Nearest turbine:	1.529 km	Correct printed image size:	820 x 260 mm	Date and time:	27/03/19, 15:01	



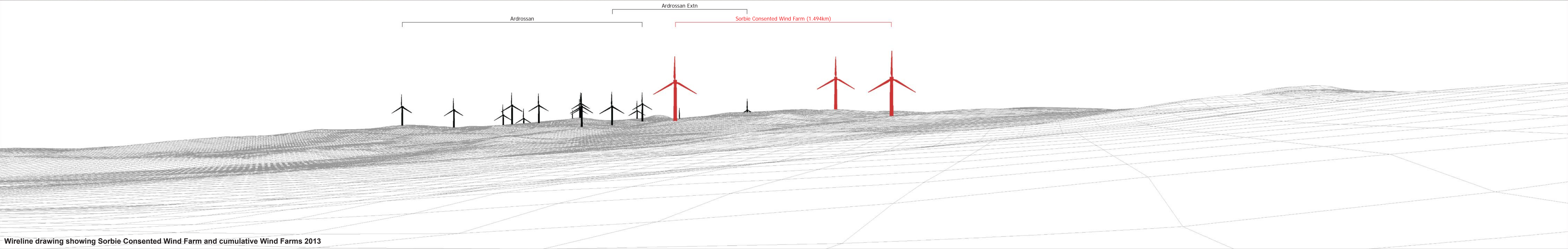






Baseline photograph

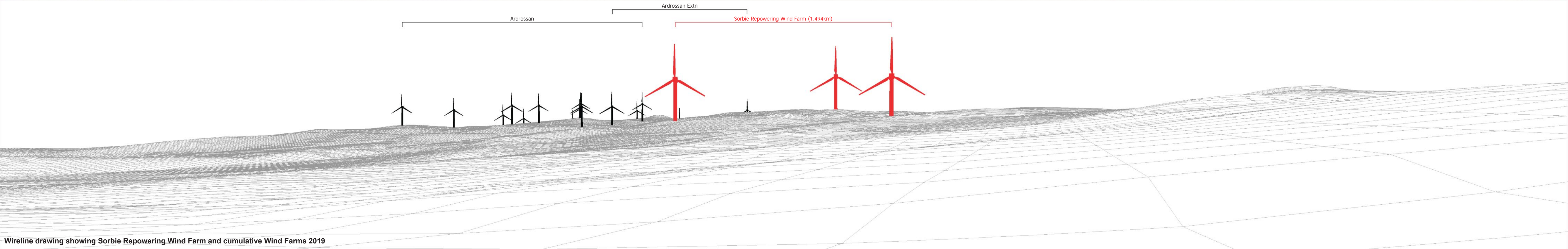
This image provides landscape and visual context only



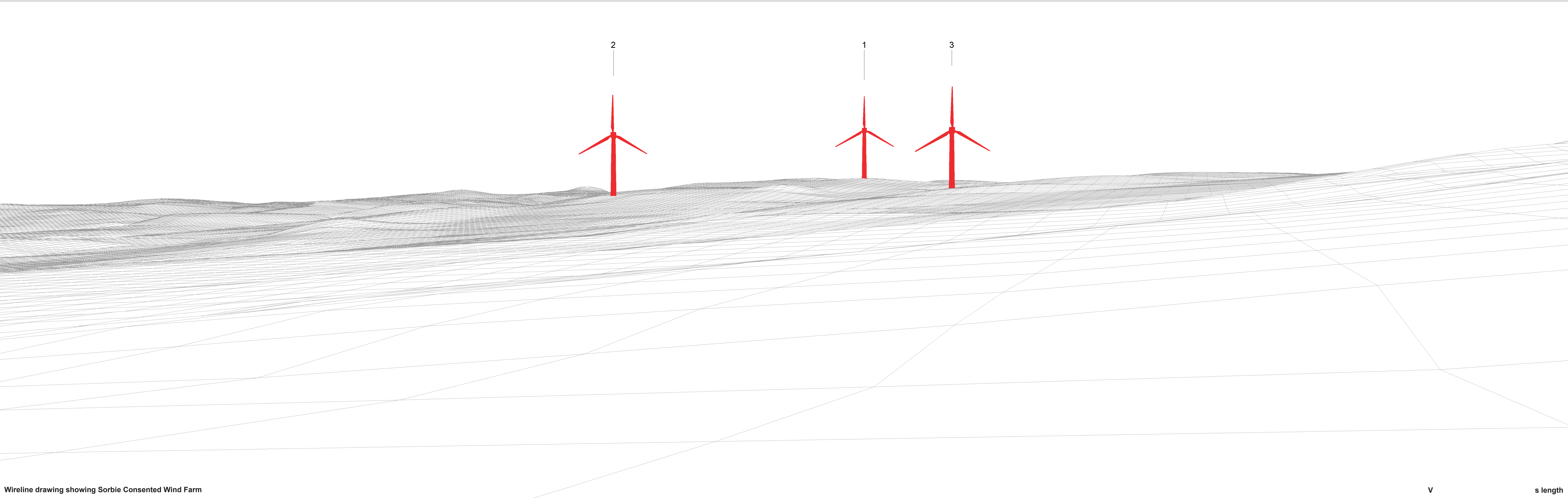
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

OS reference:	225000 E 643759 N	Principal distance	90° (cylindrical projection)	Camera:	Canon EOS 5D Mark II	Figure: 14b Viewpoint 3: A78 Layby
Eye level:	62.81 m AOD		522 mm	Lens:	50mm (Canon EF 50mm f/1.4)	
Direction of view:	345.00°			Camera height:	1.5 m AGL	
Nearest turbine:	1.494 km			Date and time:	27/03/19, 15:20	

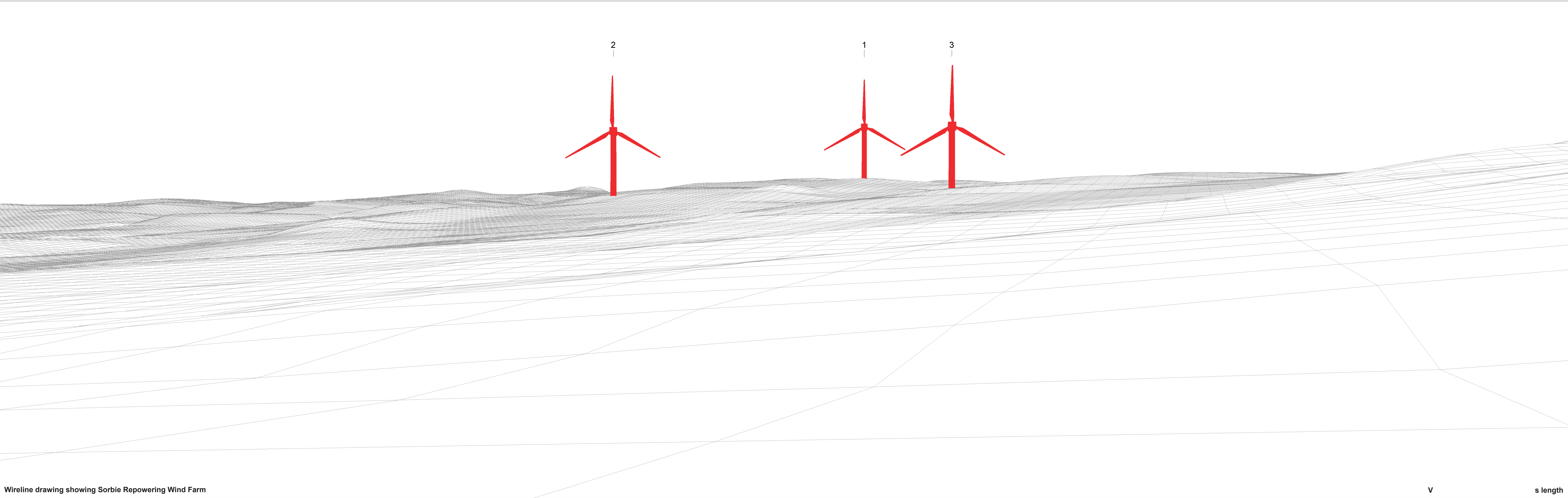








Wireline drawing showing Sorbie Consented Wind Farm



Wireline drawing showing Sorbie Repowering Wind Farm

OS reference:	225000 E 643759 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II	Figure: 14e
Eye level:	62.81 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)	Viewpoint 3: A78 Layby
Direction of view:	345.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL	
Nearest turbine:	1.494 km	Correct printed image size:	820 x 260 mm	Date and time:	27/03/19, 15:20	





Photomontage showing Sorbie Consented Wind Farm

OS reference:	225000 E 643759 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II
Eye level:	62.81 m AOD	Paper size:	812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)
Direction of view:	345.00°	Correct printed image size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL
Nearest turbine:	1.494 km		820 x 260 mm	Date and time:	27/03/19, 15:20

Figure: 14f  
Viewpoint 3: A78 Layby





Photomontage showing Sorbie Repowering Wind Farm

<b>OS reference:</b>	225000 E 643759 N	<b>Principal distance</b>	53.5° (planar projection)	<b>Camera:</b>	Canon EOS 5D Mark II
<b>Eye level:</b>	62.81 m AOD		812.5 mm	<b>Lens:</b>	50mm (Canon EF 50mm f/1.4)
<b>Direction of view:</b>	345.00°	<b>Paper size:</b>	841 x 297 mm (half A1)	<b>Camera height:</b>	1.5 m AGL
<b>Nearest turbine:</b>	1.494 km	<b>Correct printed image size:</b>	820 x 260 mm	<b>Date and time:</b>	27/03/19, 15:20

**Figure: 14g**  
**Viewpoint 3: A78 Layby**



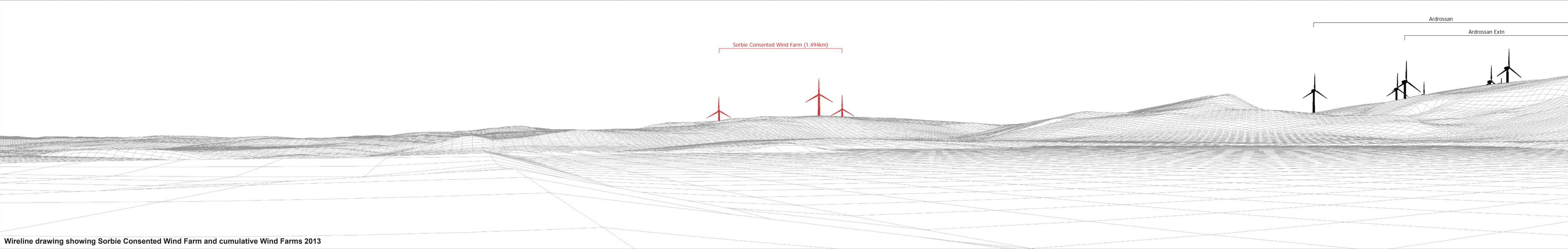






Baseline photograph

This image provides landscape and visual context only



Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

OS reference:	225486 E 648053 N	Principal distance	90° (cylindrical projection)	Camera:	Canon EOS 5D Mark II
Eye level:	99.68 m AOD		522 mm	Lens:	50mm (Canon EF 50mm f/1.4)
Direction of view:	198.00°			Camera height:	1.5 m AGL
Nearest turbine:	2.585 km			Date and time:	27/03/2019, 14:26:05

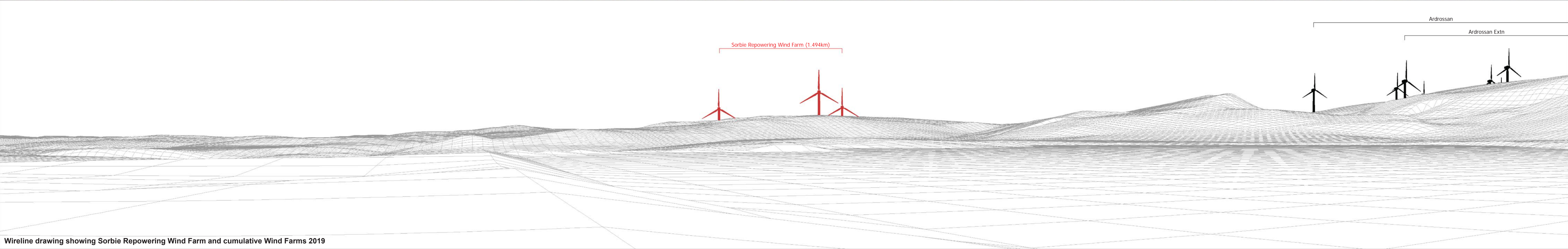
Figure: 15b  
Viewpoint 4: B780 and B781 junction





Baseline photograph

This image provides landscape and visual context only

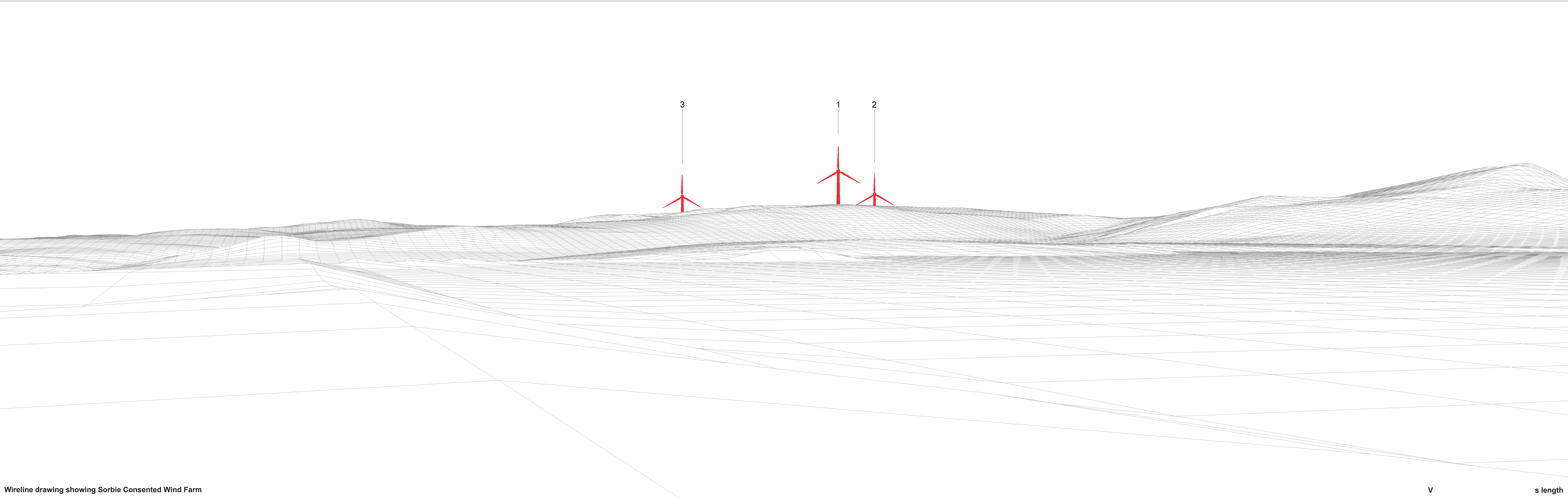


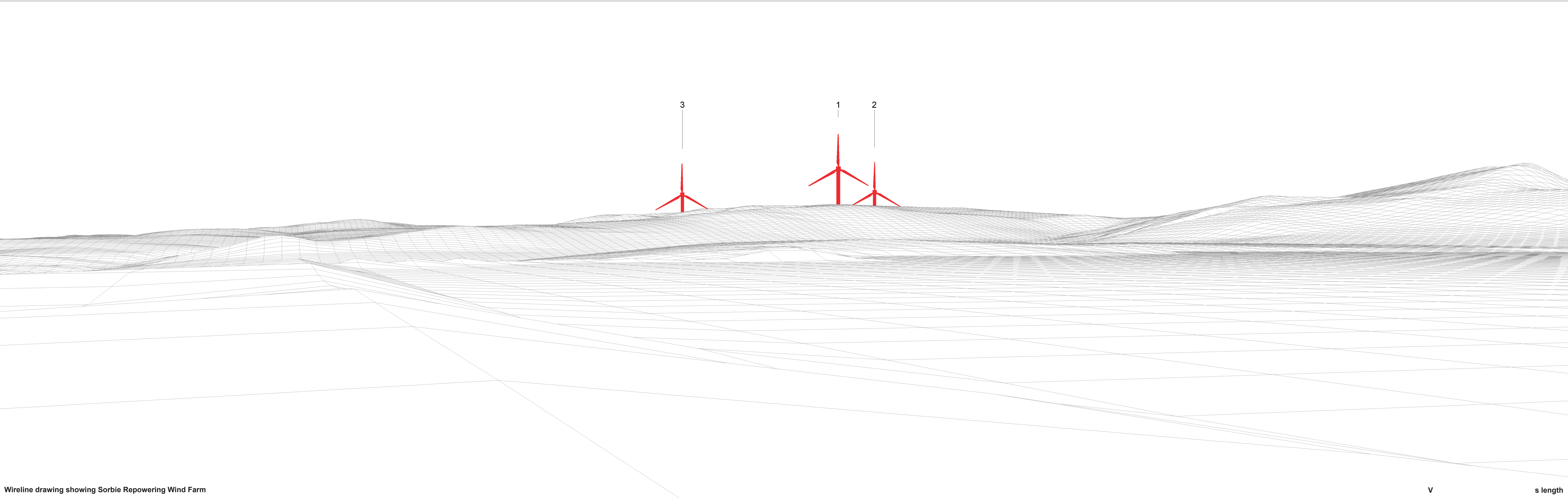
Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference:	225486 E 648053 N	Principal distance	90° (cylindrical projection)	Camera:	Canon EOS 5D Mark II
Eye level:	99.68 m AOD		522 mm	Lens:	50mm (Canon EF 50mm f/1.4)
Direction of view:	198.00°			Camera height:	1.5 m AGL
Nearest turbine:	2.585 km			Date and time:	27/03/2019, 14:26:05

Figure: 15c  
Viewpoint 4: B780 and B781 junction











Photomontage showing Sorbie Consented Wind Farm

OS reference:	225486 E 648053 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II	Figure: 15f
Eye level:	99.68 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)	Viewpoint 4: B780 and B781 junction
Direction of view:	198.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL	
Nearest turbine:	2.585 km	Correct printed image size:	820 x 260 mm	Date and time:	27/03/2019, 14:26:05	





Photomontage showing Sorbie Repowering Wind Farm

OS reference:	225486 E 648053 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II
Eye level:	99.68 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)
Direction of view:	198.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL
Nearest turbine:	2.585 km	Correct printed image size:	820 x 260 mm	Date and time:	27/03/2019, 14:26:05

Figure: 15g  
Viewpoint 4: B780 and B781 junction



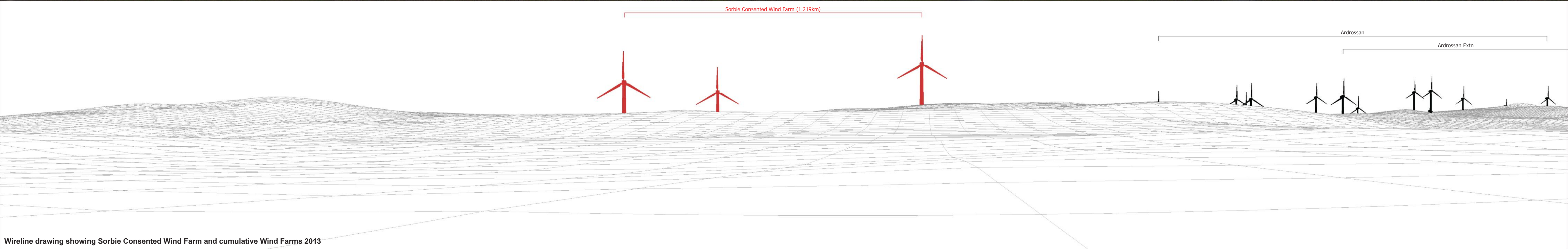






Baseline photograph

This image provides landscape and visual context only



Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

OS reference:	226031 E 645626 N	Principal distance	90° (cylindrical projection)	Camera:	Canon EOS 5D Mark II
Eye level:	99.68 m AOD		522 mm	Lens:	50mm (Canon EF 50mm f/1.4)
Direction of view:	262.00°			Camera height:	1.5 m AGL
Nearest turbine:	1.319 km			Date and time:	28/03/19, 07:54

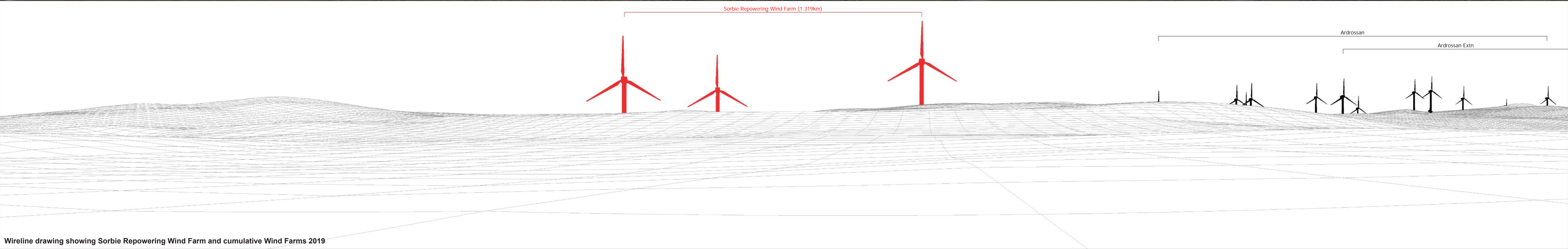
Figure: 16b  
Viewpoint 5: B714 Muirslaught Farm





Baseline photograph

This image provides landscape and visual context only

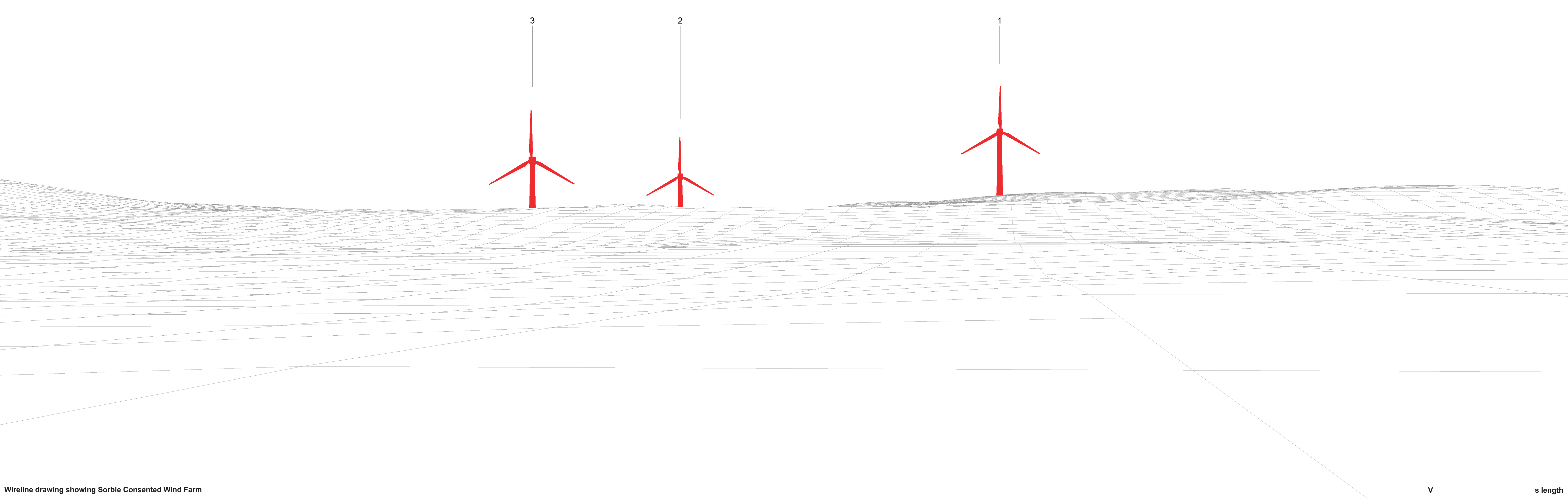


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

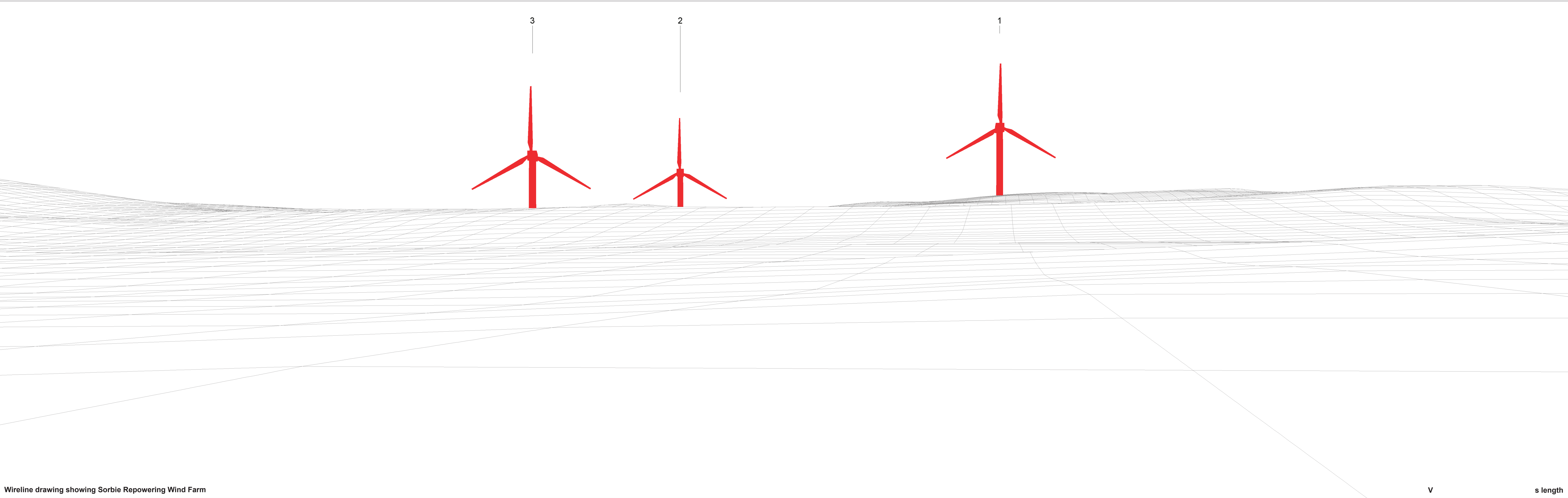
OS reference:	226031 E 645626 N	Principal distance	90° (cylindrical projection)	Camera:	Canon EOS 5D Mark II
Eye level:	99.68 m AOD		522 mm	Lens:	50mm (Canon EF 50mm f/1.4)
Direction of view:	262.00°			Camera height:	1.5 m AGL
Nearest turbine:	1.319 km			Date and time:	28/03/19, 07:54

Figure: 16c  
Viewpoint 5: B714 Muirslaught Farm





Wireline drawing showing Sorbie Consented Wind Farm



Wireline drawing showing Sorbie Repowering Wind Farm





Photomontage showing Sorbie Consented Wind Farm

OS reference:	226031 E 645626 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II	Figure: 16f
Eye level:	99.68 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)	Viewpoint 5: B714 Muirslaught Farm
Direction of view:	262.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL	
Nearest turbine:	1.319 km	Correct printed image size:	820 x 260 mm	Date and time:	28/03/19, 07:54	





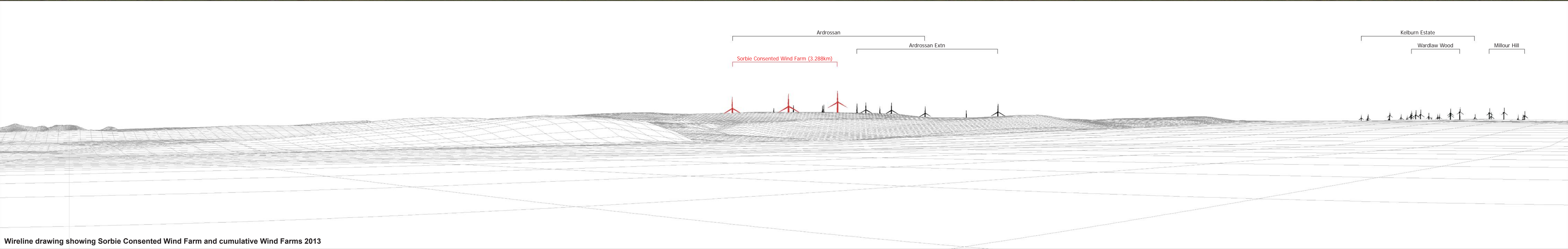
Photomontage showing Sorbie Repowering Wind Farm

OS reference:	226031 E 645626 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II	Figure: 16g
Eye level:	99.68 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)	Viewpoint 5: B714 Muirslaught Farm
Direction of view:	262.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL	
Nearest turbine:	1.319 km	Correct printed image size:	820 x 260 mm	Date and time:	28/03/19, 07:54	





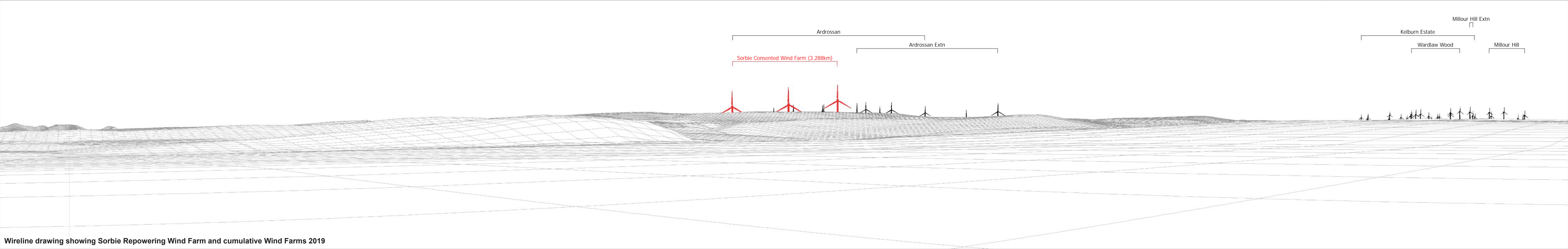




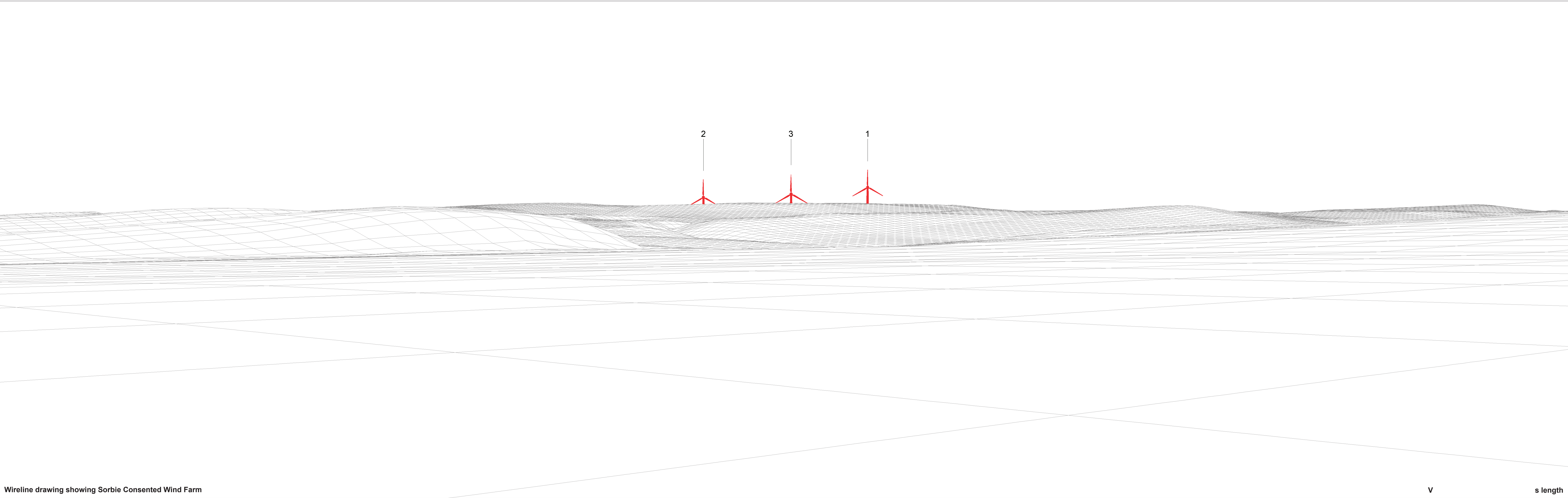
OS reference:	227242 E 643068 N	Principal distance	90° (cylindrical projection)	Camera:	Canon EOS 5D Mark II
Eye level:	34.05 m AOD		522 mm	Lens:	50mm (Canon EF 50mm f/1.4)
Direction of view:	311.00°			Camera height:	1.5 m AGL
Nearest turbine:	3.288 km			Date and time:	28/03/19, 08:14

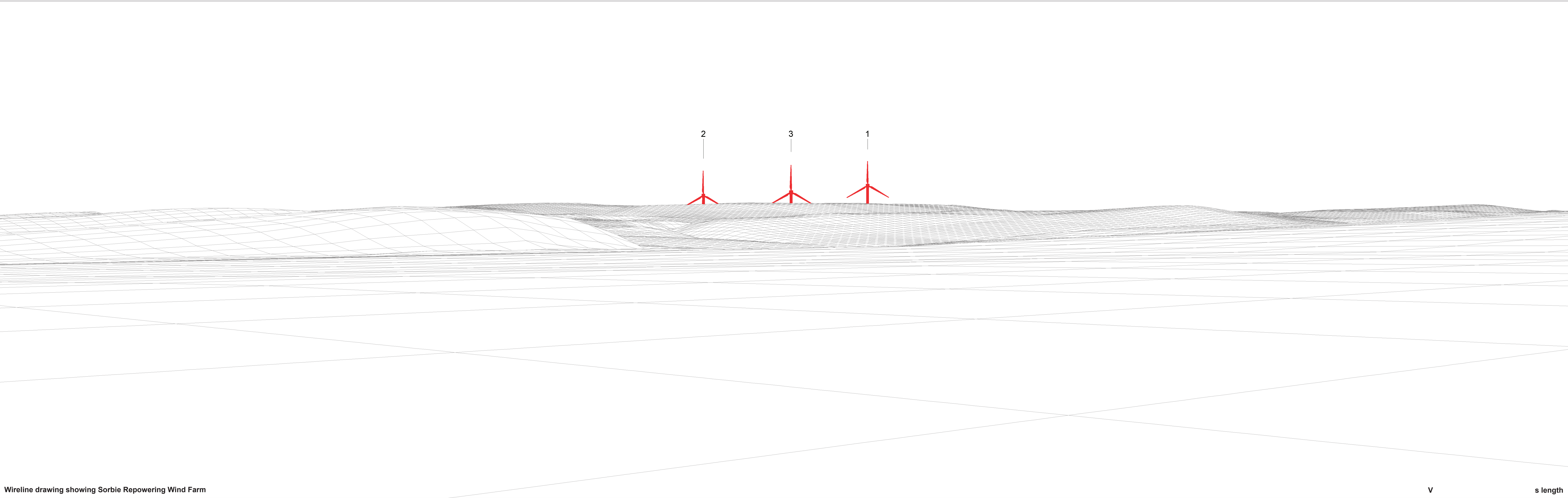
Figure: 17b  
Viewpoint 7: Cambuskeith Road, Stevenston











**Figure: 17e**  
**Viewpoint 7: Cambuskeith Road, Stevenston**





Photomontage showing Sorbie Consented Wind Farm

OS reference:	227242 E 643068 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II	Figure: 17f
Eye level:	34.05 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)	Viewpoint 7: Cambuskeith Road, Stevenston
Direction of view:	311.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL	
Nearest turbine:	3.288 km	Correct printed image size:	820 x 260 mm	Date and time:	28/03/19, 08:14	





Photomontage showing Sorbie Repowering Wind Farm

OS reference:	227242 E 643068 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II	Figure: 17g
Eye level:	34.05 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)	Viewpoint 7: Cambuskeith Road, Stevenston
Direction of view:	311.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL	
Nearest turbine:	3.288 km	Correct printed image size:	820 x 260 mm	Date and time:	28/03/19, 08:14	



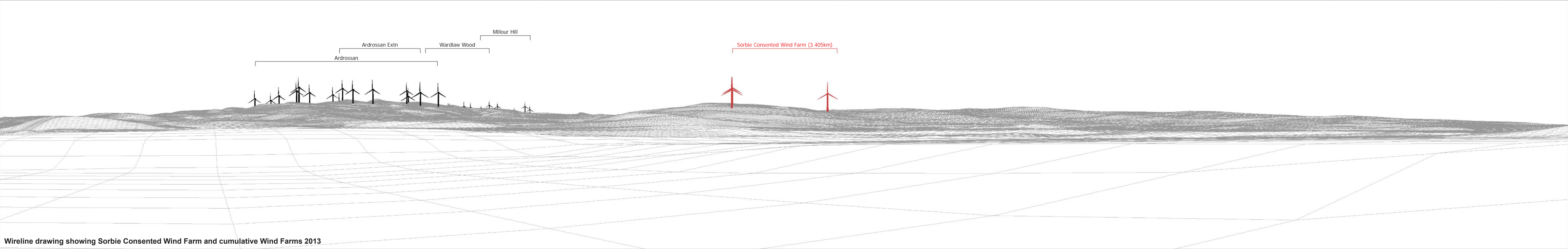






Baseline photograph

This image provides landscape and visual context only

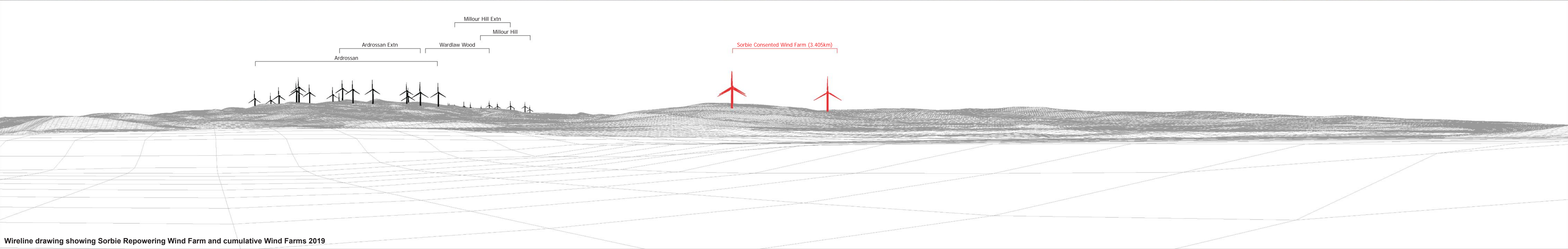


Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

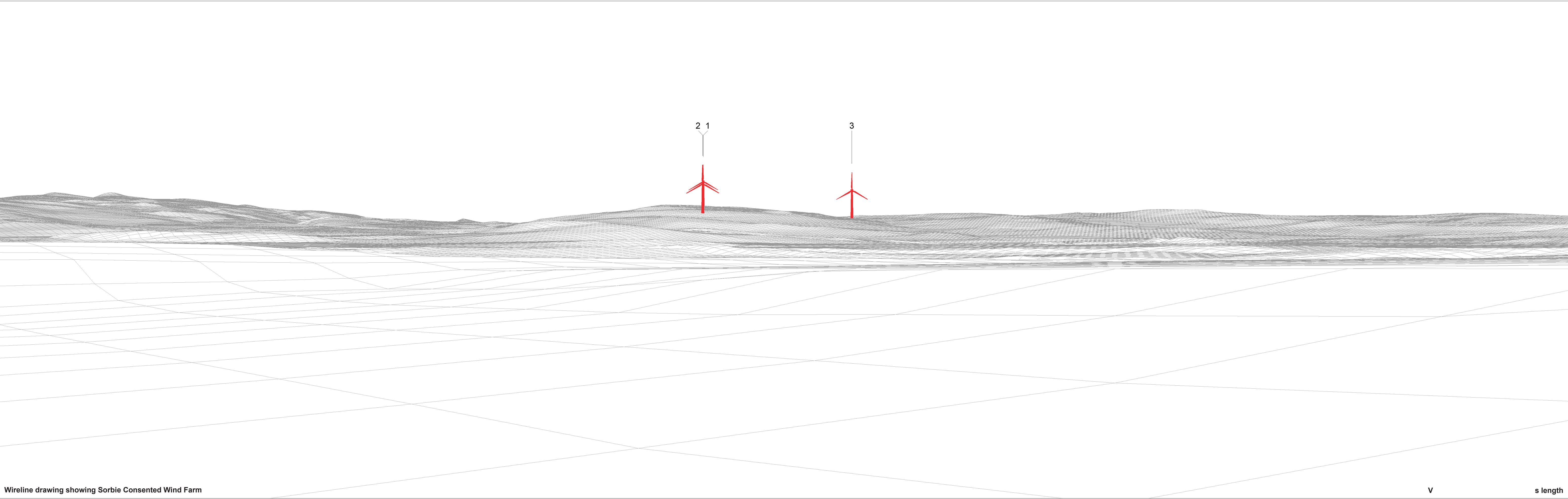
OS reference:	222703 E 642337 N	Principal distance	90° (cylindrical projection)	Camera:	Canon EOS 5D Mark II
Eye level:	3.30 m AOD		522 mm	Lens:	50mm (Canon EF 50mm f/1.4)
Direction of view:	33.00°			Camera height:	1.5 m AGL
Nearest turbine:	3.405 km			Date and time:	27/03/19, 15:39

Figure: 18b  
Viewpoint 18: Ardrossan Harbour









Wireline drawing showing Sorbie Consented Wind Farm

V

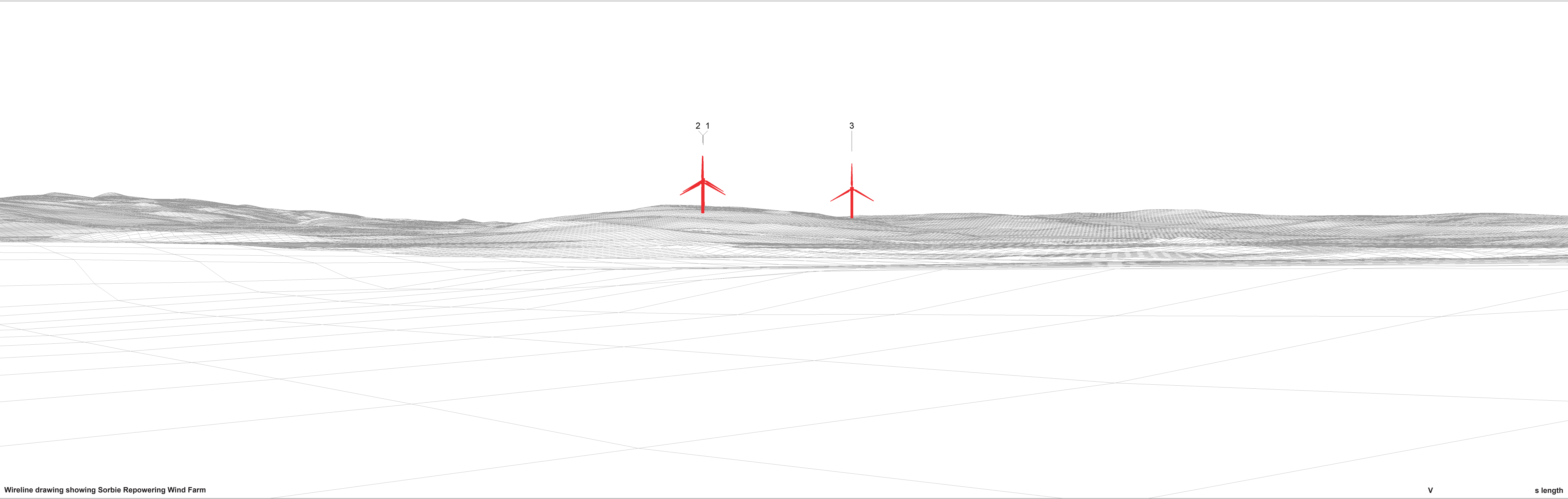
s length

OS reference: 222703 E 642337 N  
Eye level: 3.30 m AOD  
Direction of view: 33.00°  
Nearest turbine: 3.405 km

Principal distance: 53.5° (planar projection)  
Paper size: 812.5 mm  
Correct printed image size: 841 x 297 mm (half A1)  
820 x 260 mm

Camera: Canon EOS 5D Mark II  
Lens: 50mm (Canon EF 50mm f/1.4)  
Camera height: 1.5 m AGL  
Date and time: 27/03/19, 15:39

Figure: 18d  
Viewpoint 18: Ardrossan Harbour



Wireline drawing showing Sorbie Repowering Wind Farm

OS reference: 222703 E 642337 N  
Eye level: 3.30 m AOD  
Direction of view: 33.00°  
Nearest turbine: 3.405 km

Principal distance: 53.5° (planar projection)  
Paper size: 812.5 mm  
Correct printed image size: 841 x 297 mm (half A1)  
Correct printed image size: 820 x 260 mm

Camera: Canon EOS 5D Mark II  
Lens: 50mm (Canon EF 50mm f/1.4)  
Camera height: 1.5 m AGL  
Date and time: 27/03/19, 15:39

Figure: 18e  
Viewpoint 18: Ardrossan Harbour









Photomontage showing Sorbie Repowering Wind Farm

V s length

OS reference:	222703 E 642337 N	Principal distance	53.5° (planar projection)	Camera:	Canon EOS 5D Mark II	Figure: 18g Viewpoint 18: Ardrossan Harbour
Eye level:	3.30 m AOD		812.5 mm	Lens:	50mm (Canon EF 50mm f/1.4)	
Direction of view:	33.00°	Paper size:	841 x 297 mm (half A1)	Camera height:	1.5 m AGL	
Nearest turbine:	3.405 km	Correct printed image size:	820 x 260 mm	Date and time:	27/03/19, 15:39	



April 2019

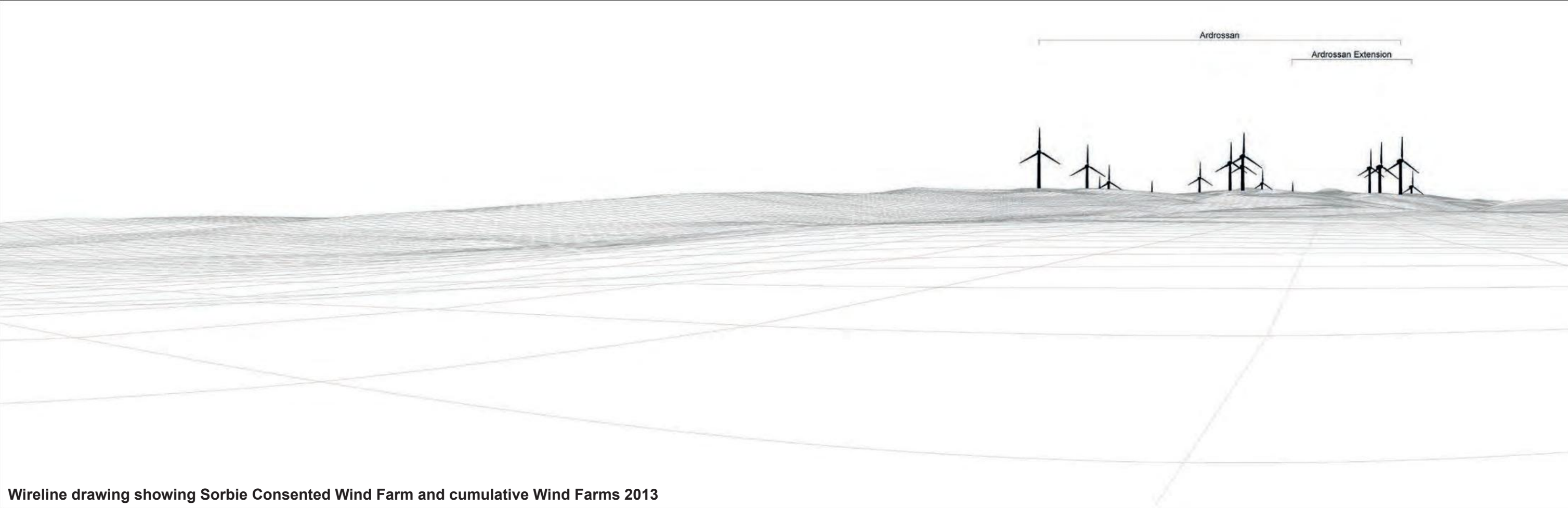
Sorbie Repowering Wind Farm

## ANNEX 4: Cumulative Wirelines

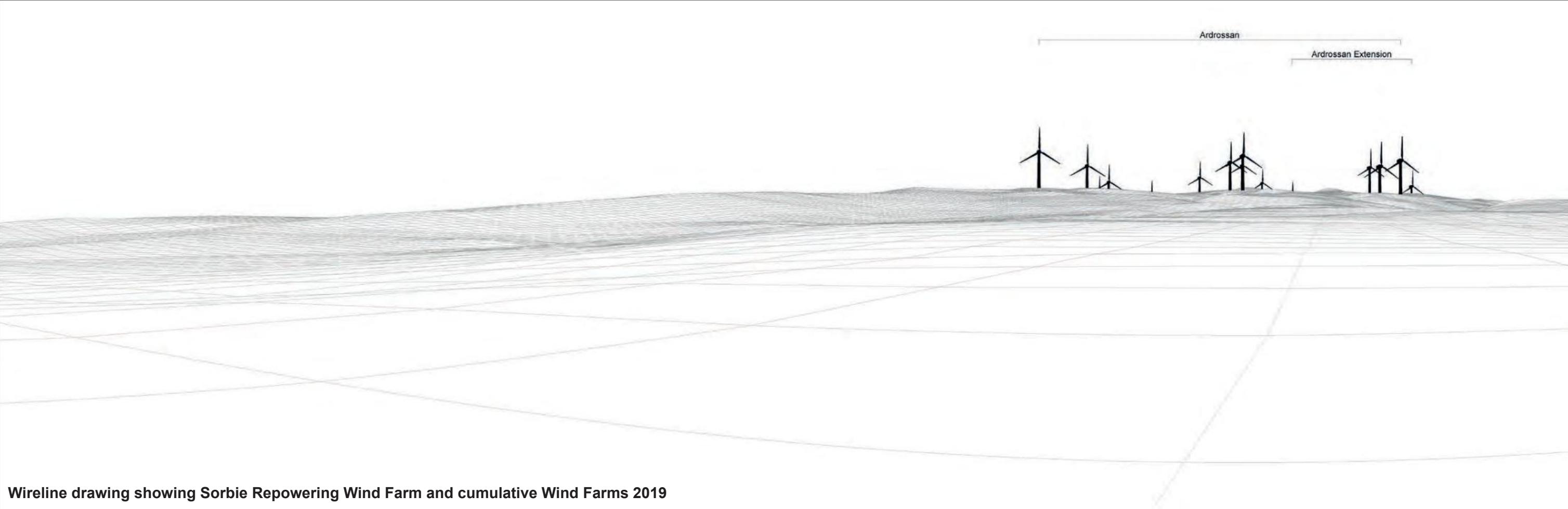
Supporting Updated Landscape & Visual Impact Assessment Tables







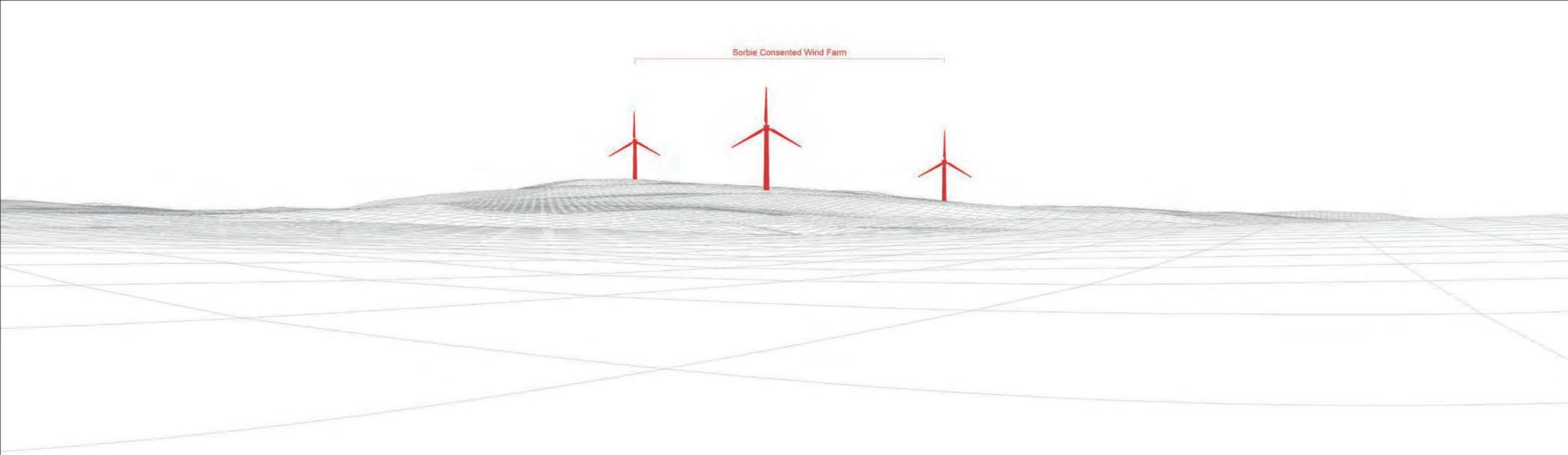
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



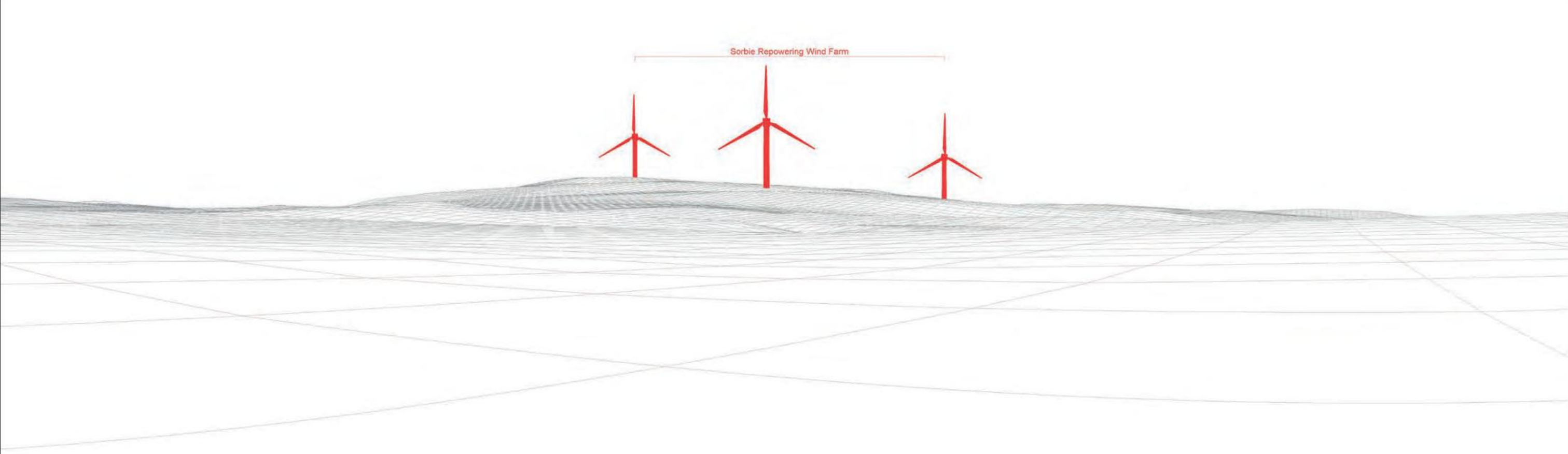
Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference:	223535 E 644741 N	Principal distance	90° (cylindrical projection)
Eye level:	57.61 m AOD		255 mm
Direction of view:	329.00°		
Nearest turbine:	1.027 km		

Figure: 19b  
Viewpoint 1: B780 near site



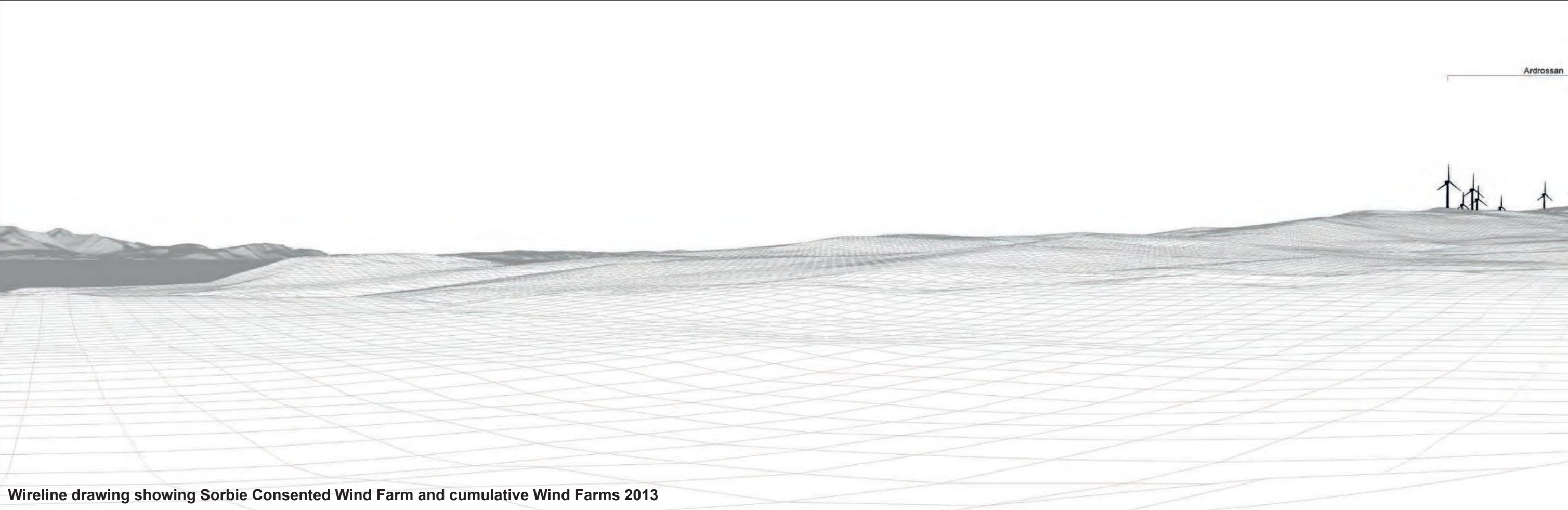
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



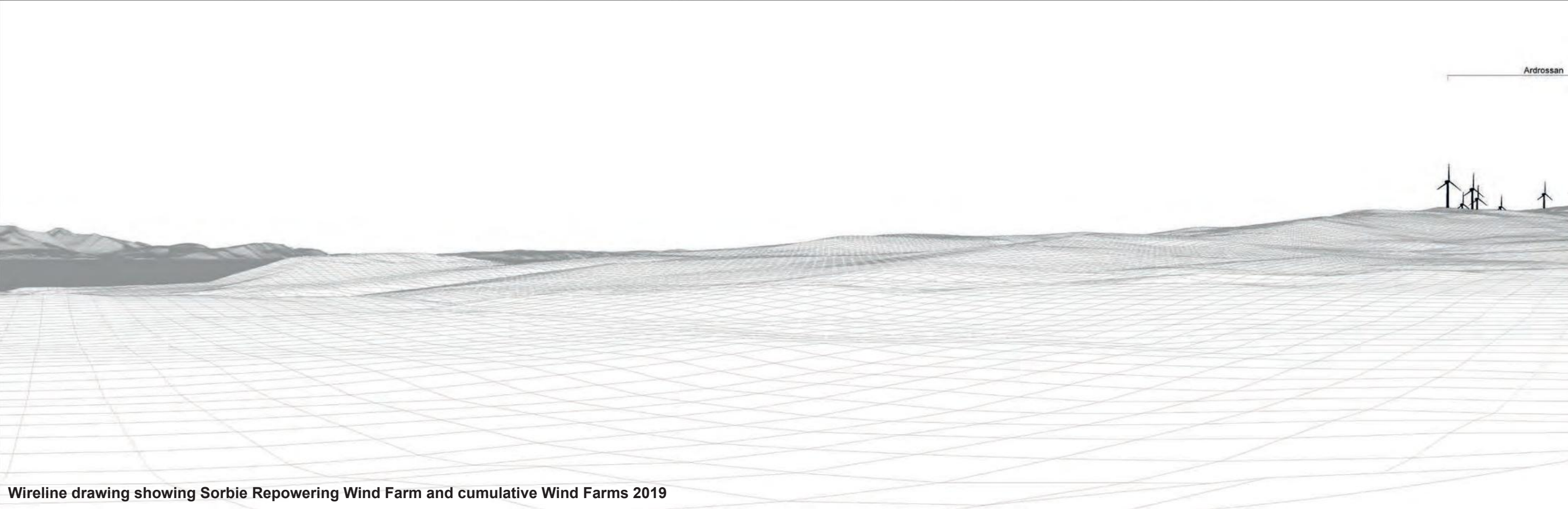
Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019



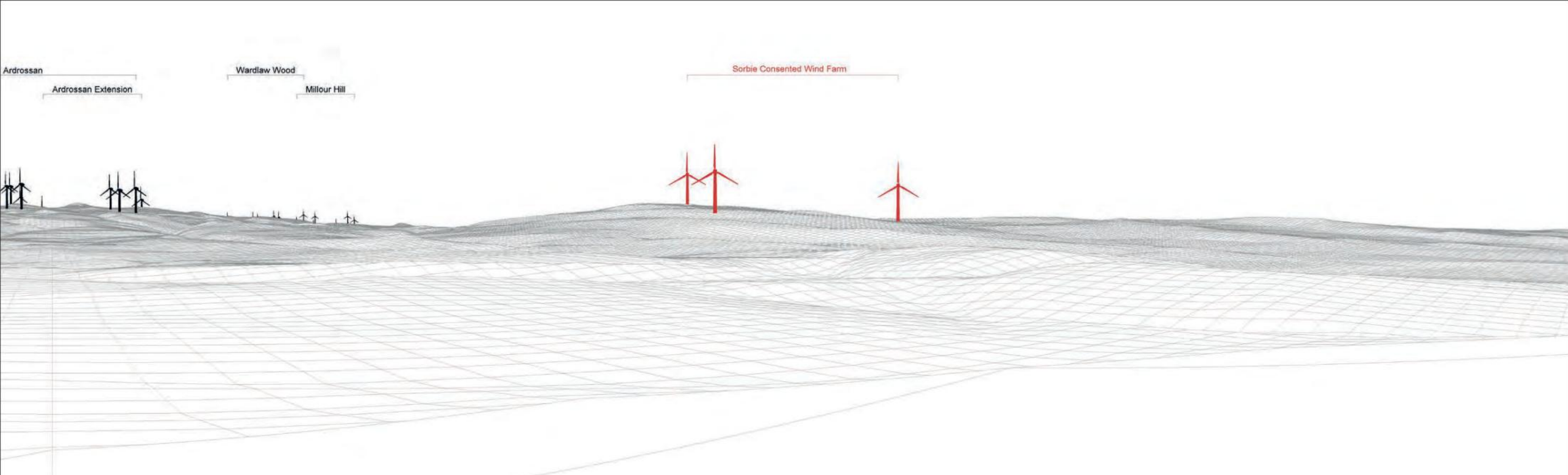




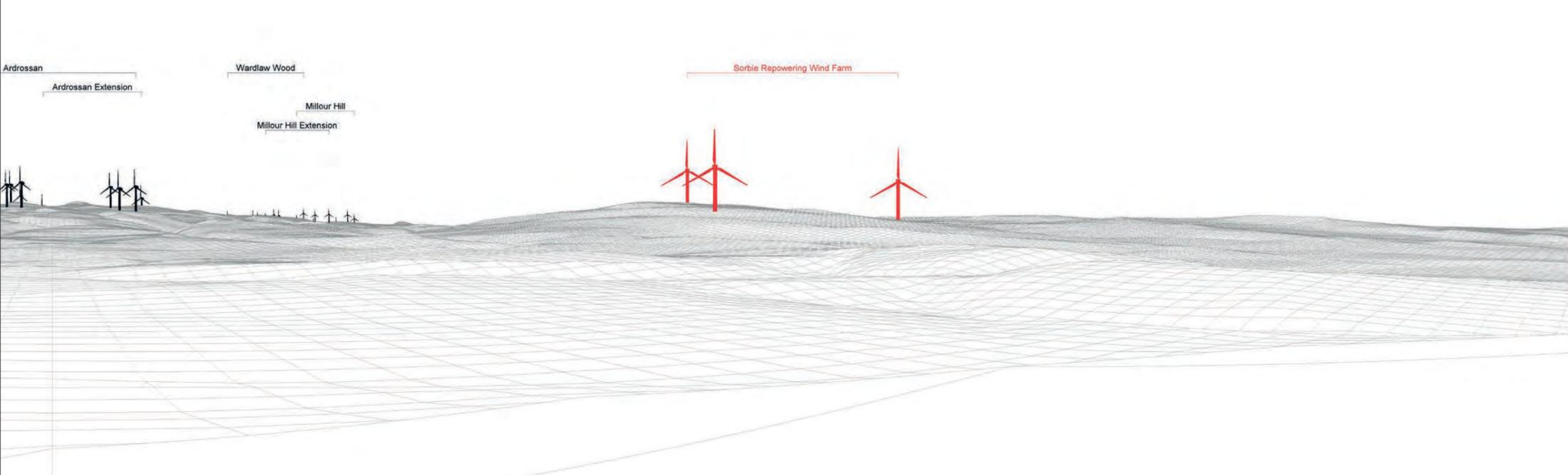
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

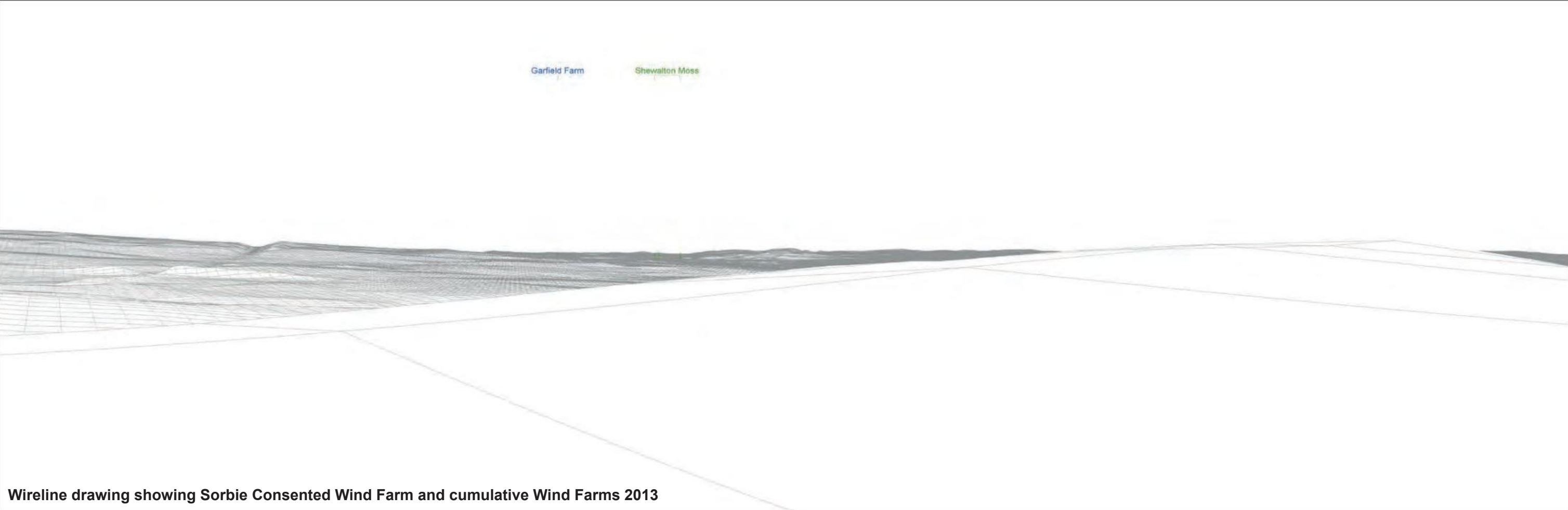


Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

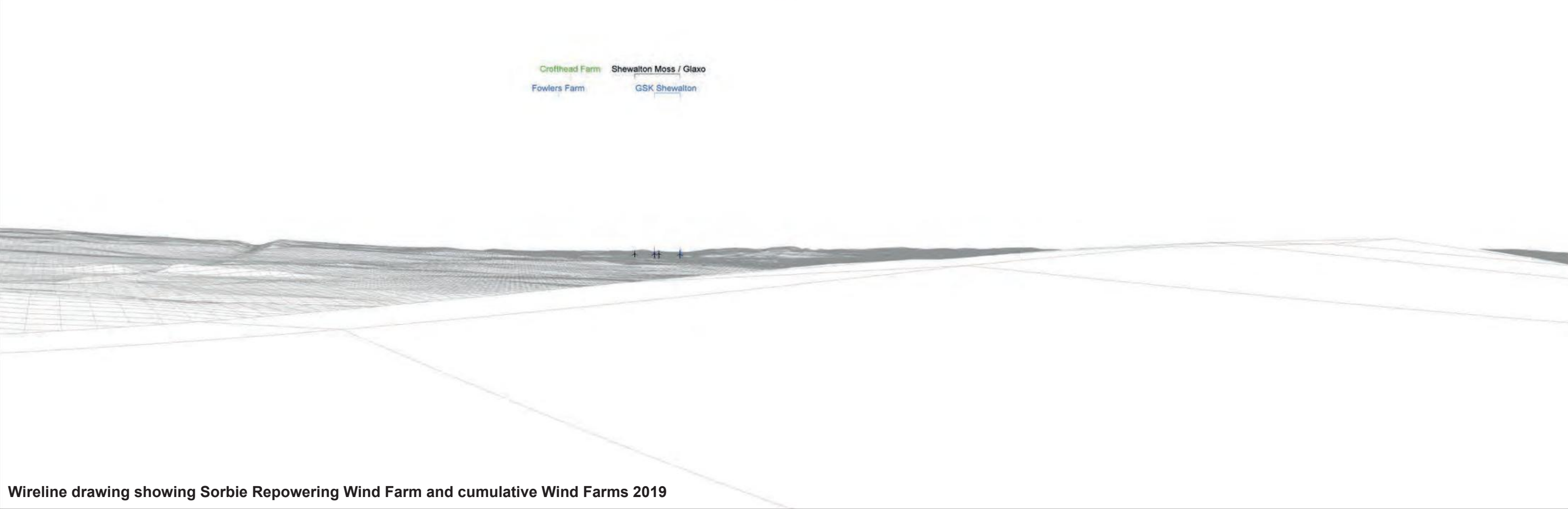


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019





Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019







Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference: 225000 E 643759 N  
 Eye level: 62.81 m AOD  
 Direction of view: 345.00°  
 Nearest turbine: 1.494 km

Principal distance 90° (cylindrical projection)  
 255 mm

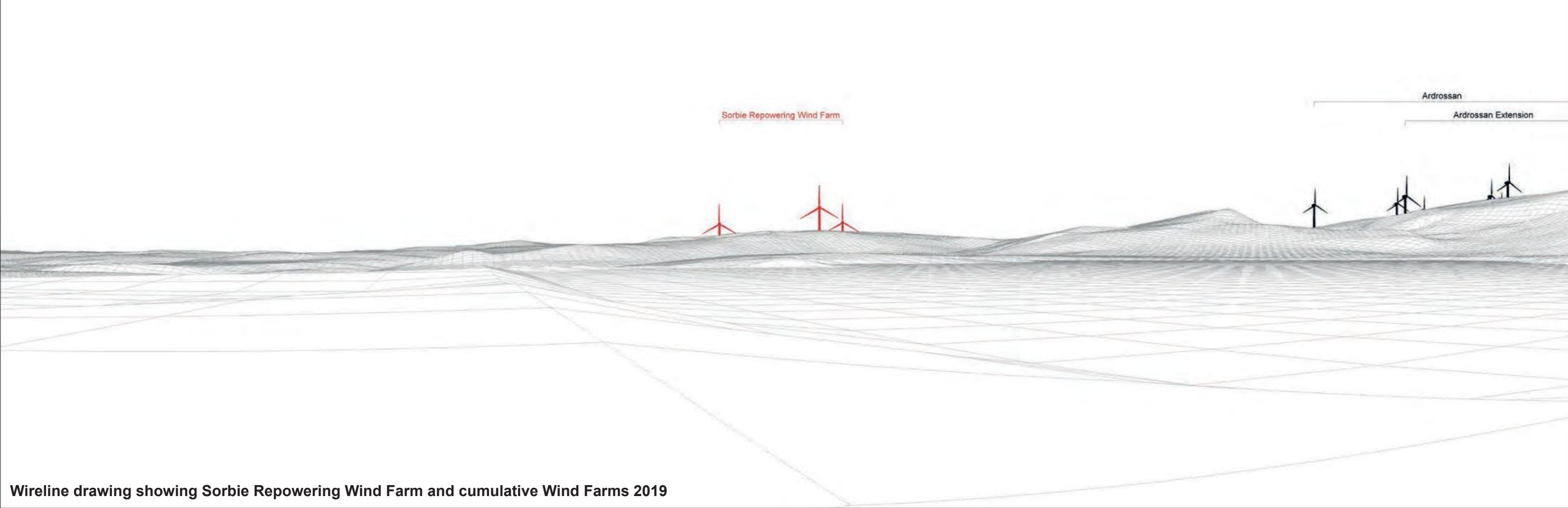
Figure: 21b  
 Viewpoint 3: A78 Layby



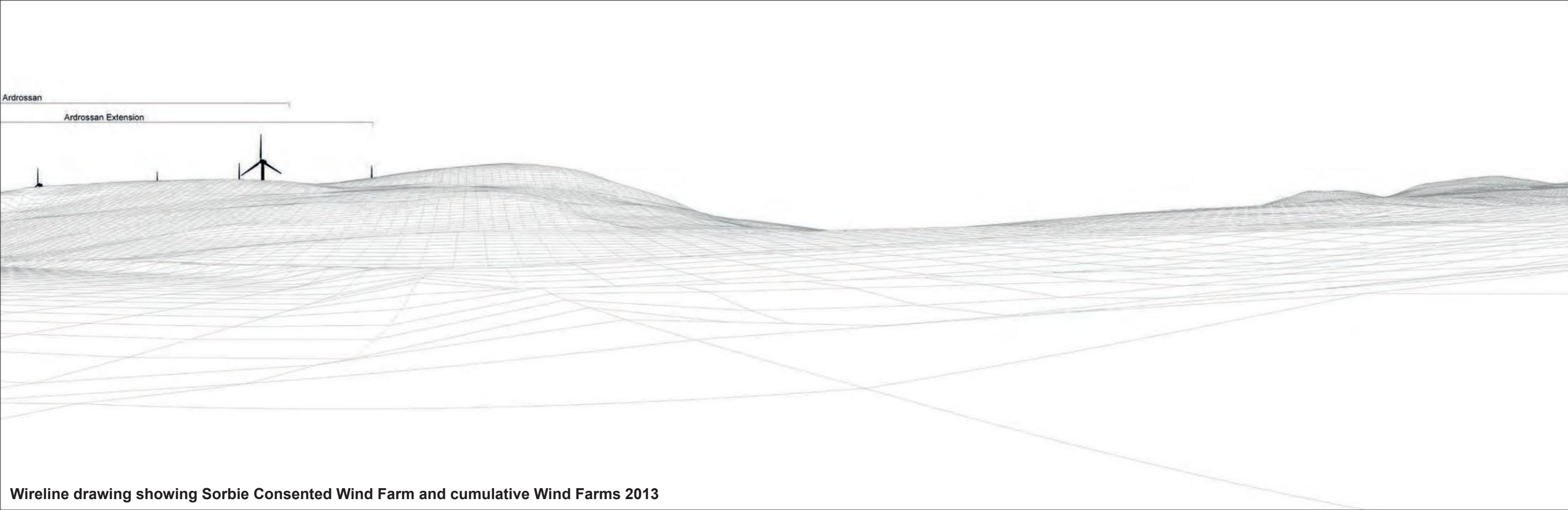




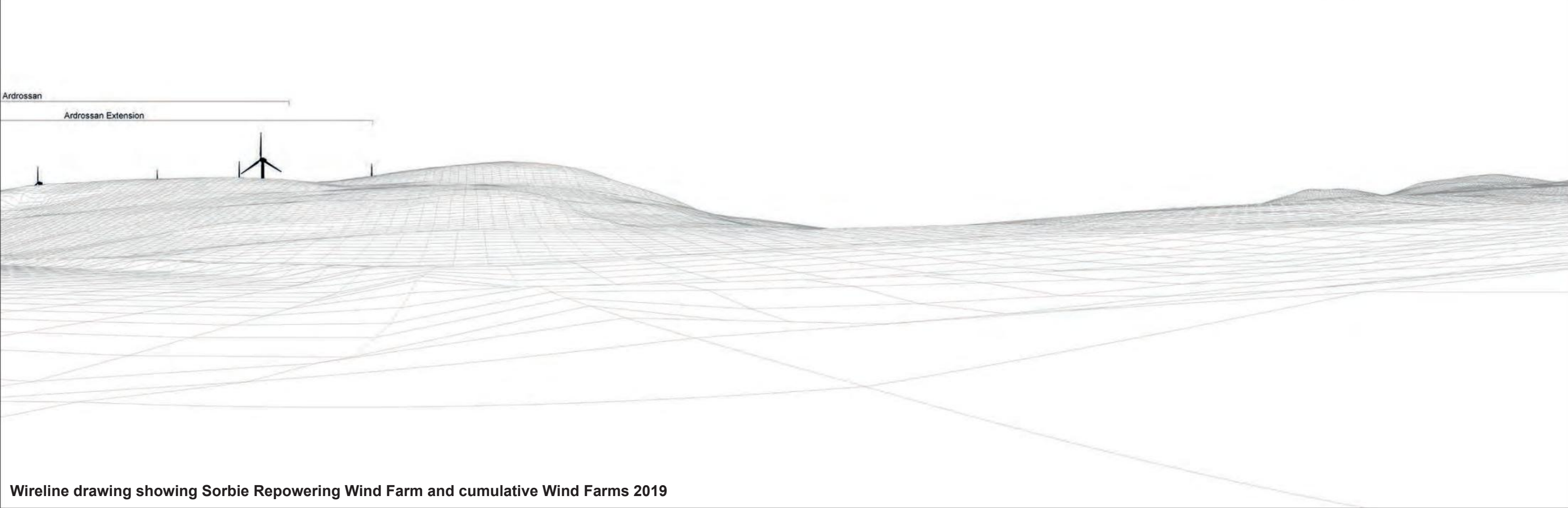
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019



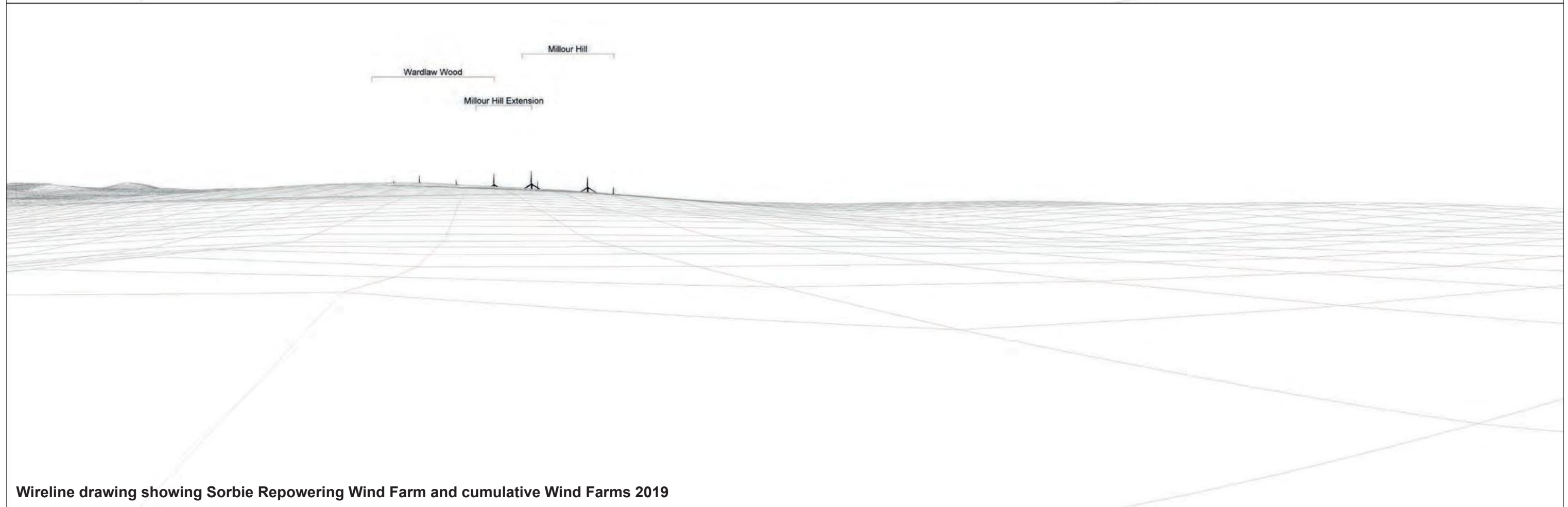
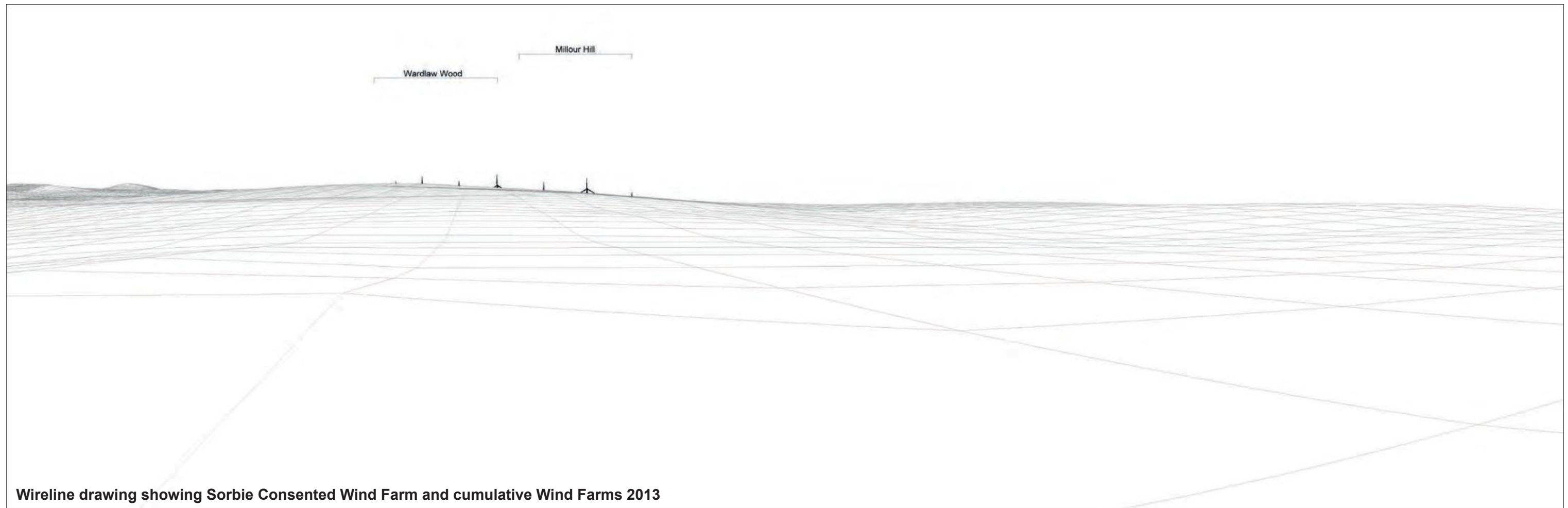
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference:	225486 E 648053 N	Principal distance	90° (cylindrical projection)
Eye level:	99.68 m AOD		255 mm
Direction of view:	288.00°		
Nearest turbine:	2.585 km		

Figure: 22c  
Viewpoint 4: B780 and B781 junction

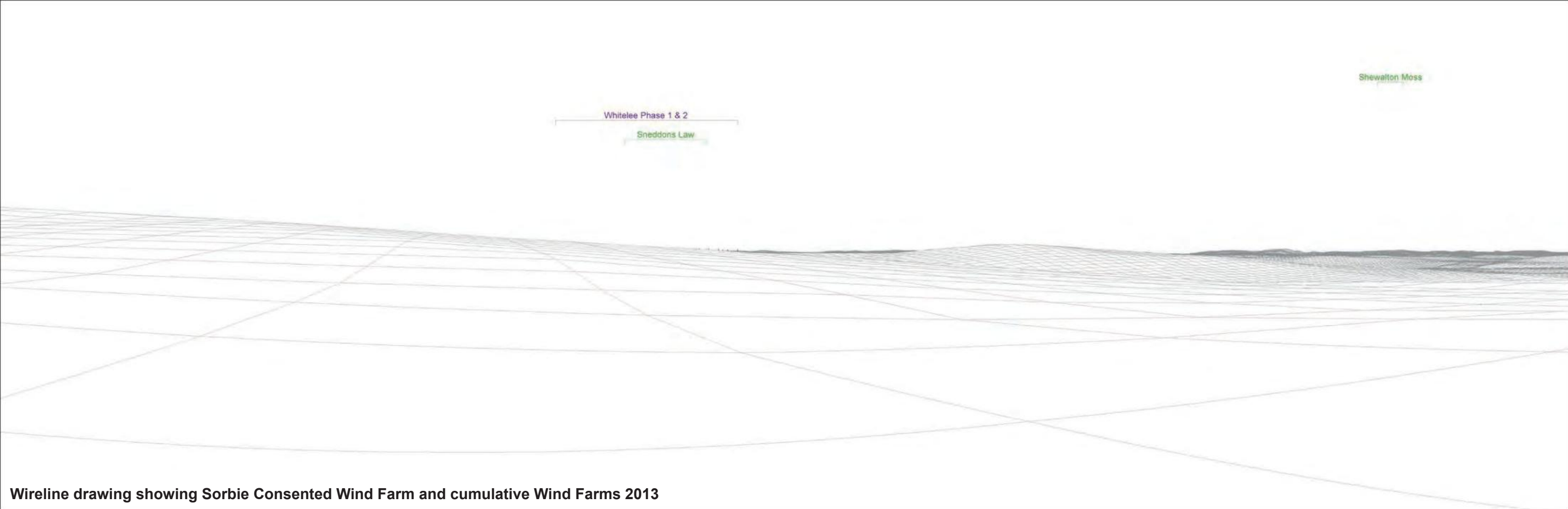


OS reference: 225486 E 648053 N  
 Eye level: 99.68 m AOD  
 Direction of view: 18.00°  
 Nearest turbine: 2.585 km

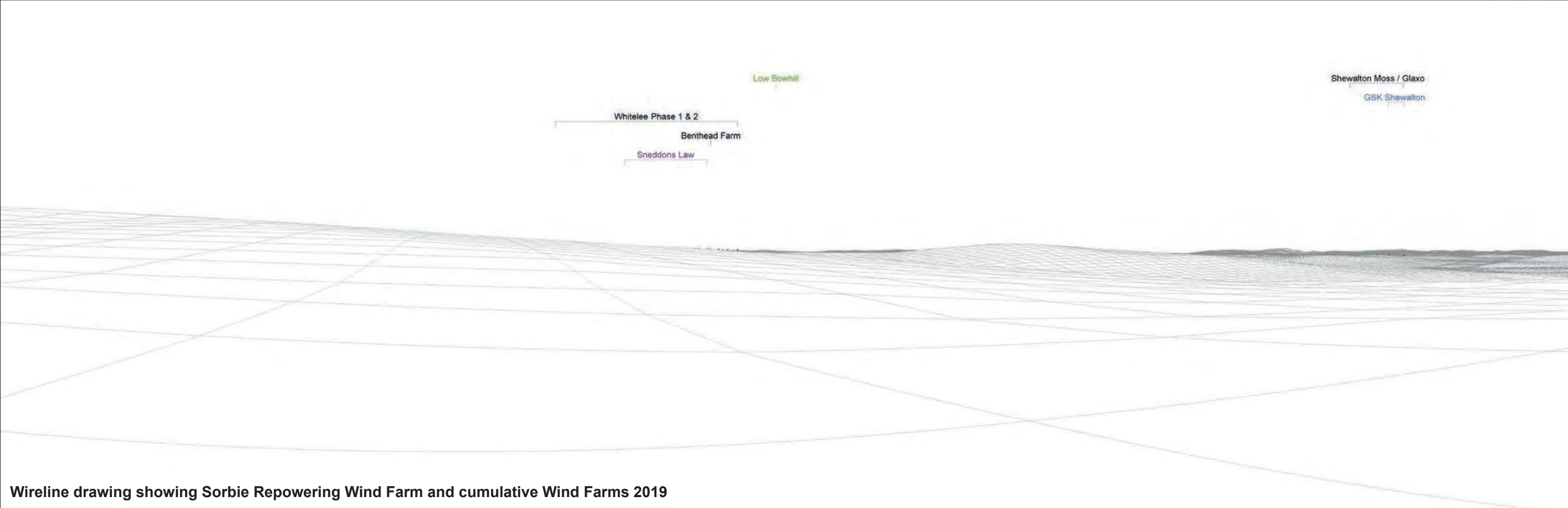
Principal distance 90° (cylindrical projection)  
 255 mm

Figure: 22d  
 Viewpoint 4: B780 and B781 junction



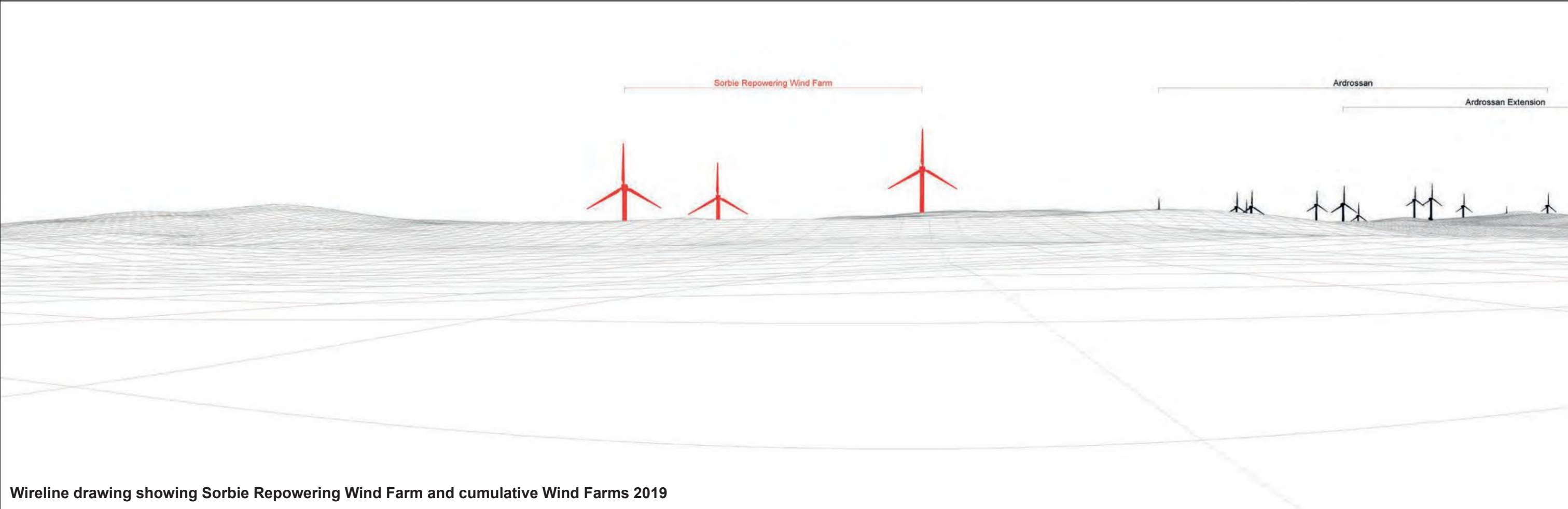
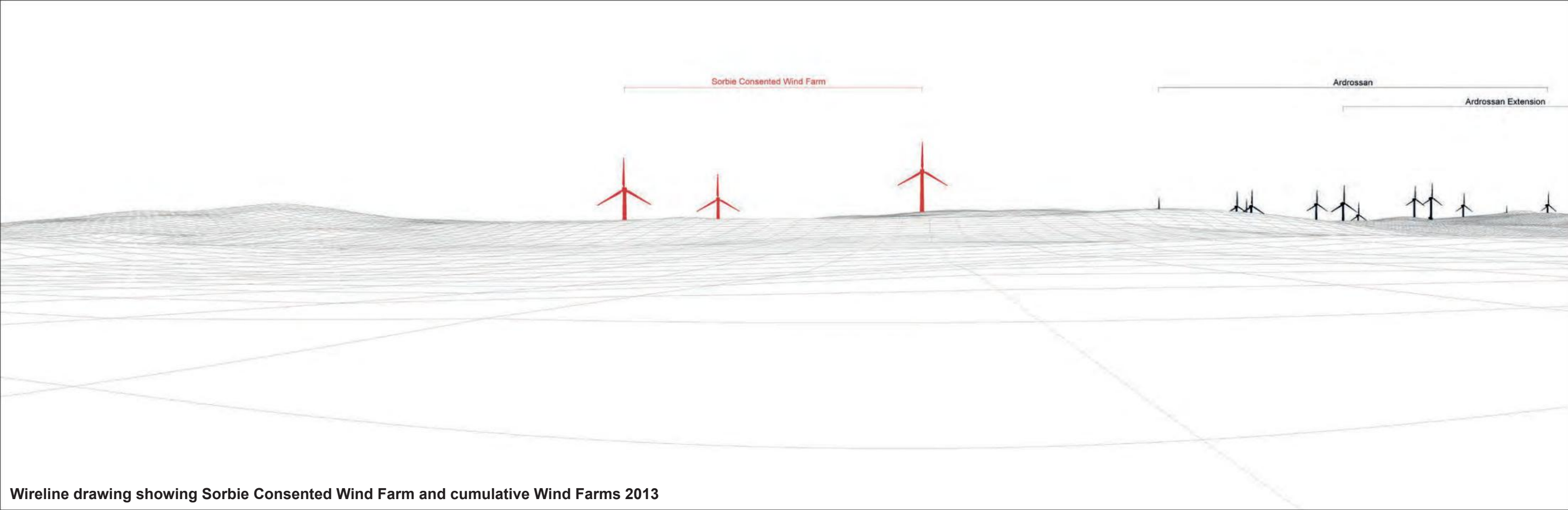


Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

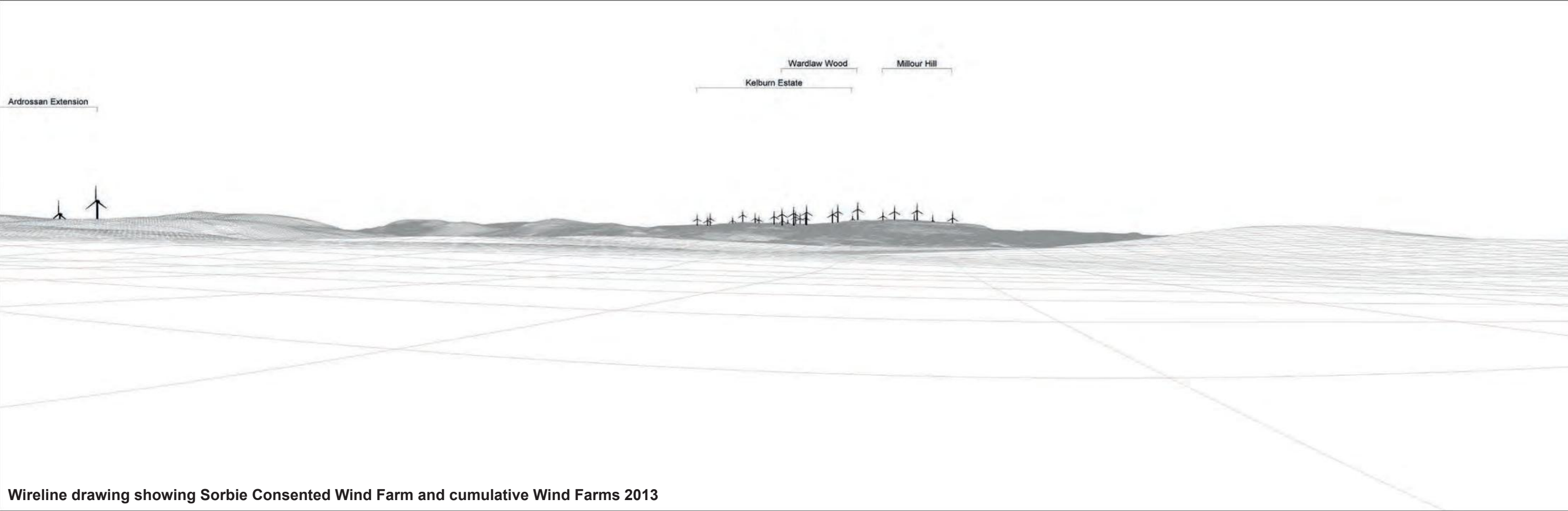


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

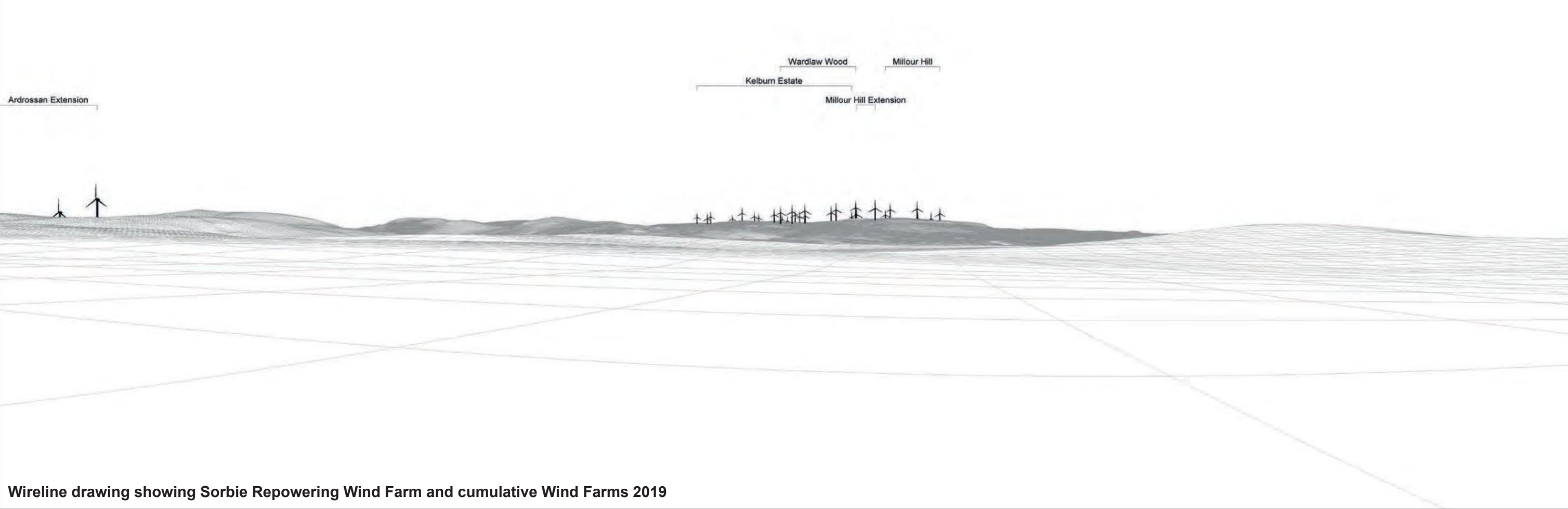




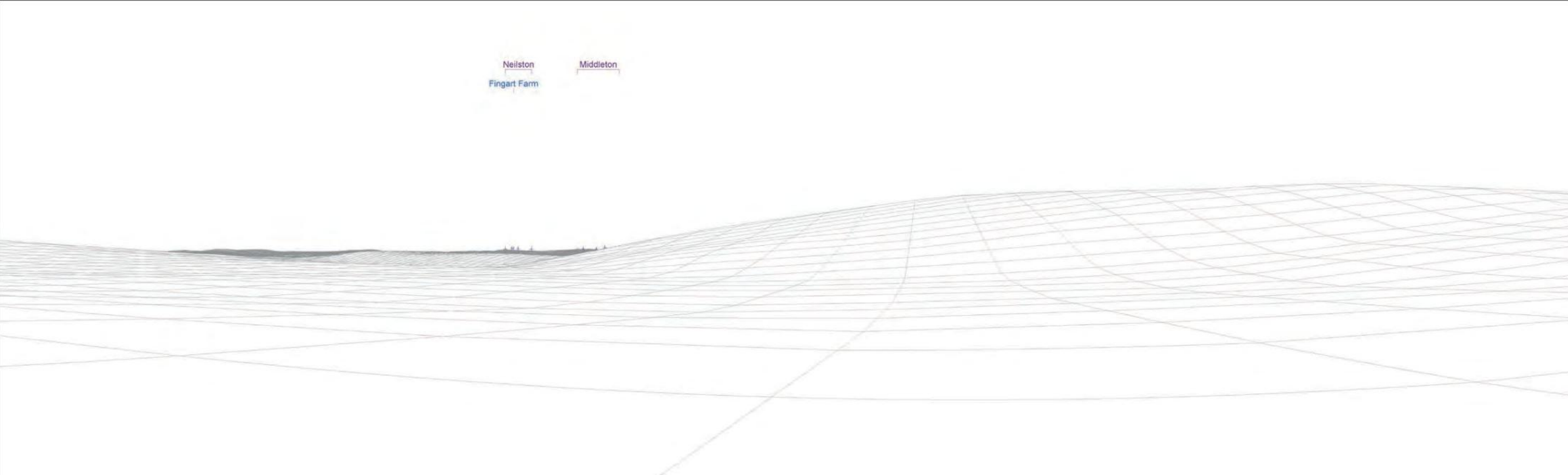




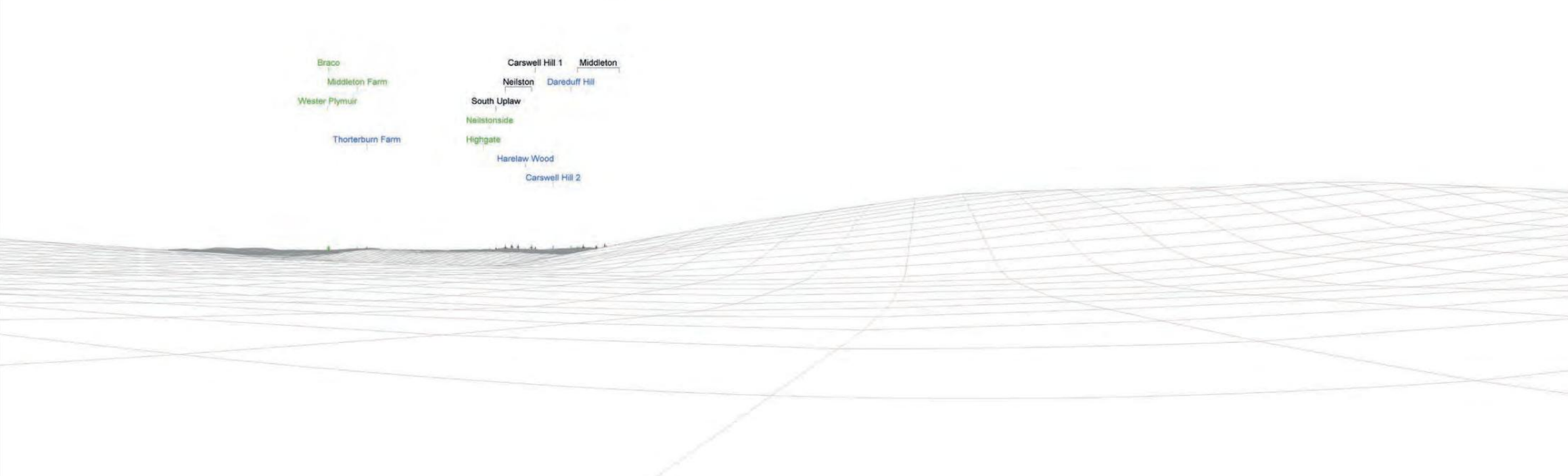
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019



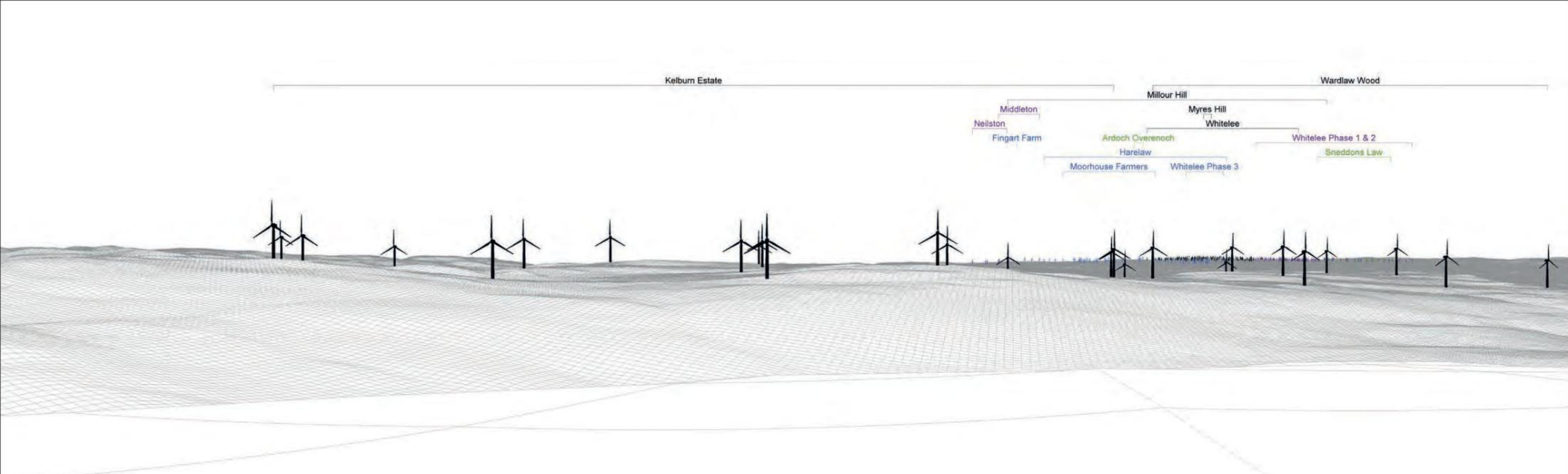
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



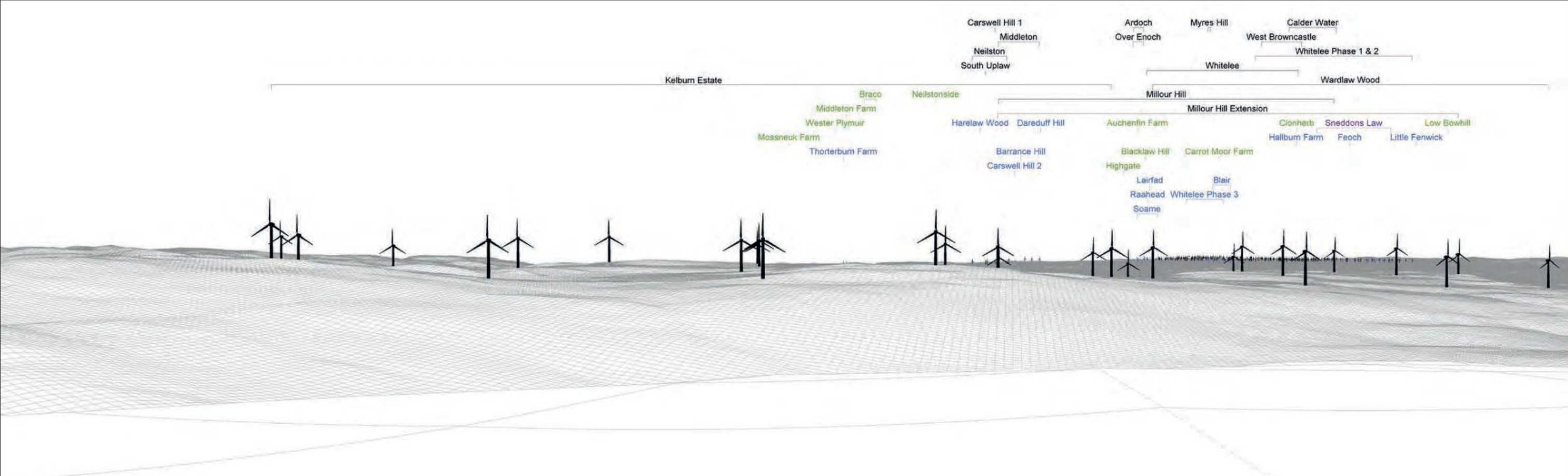
Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019







Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

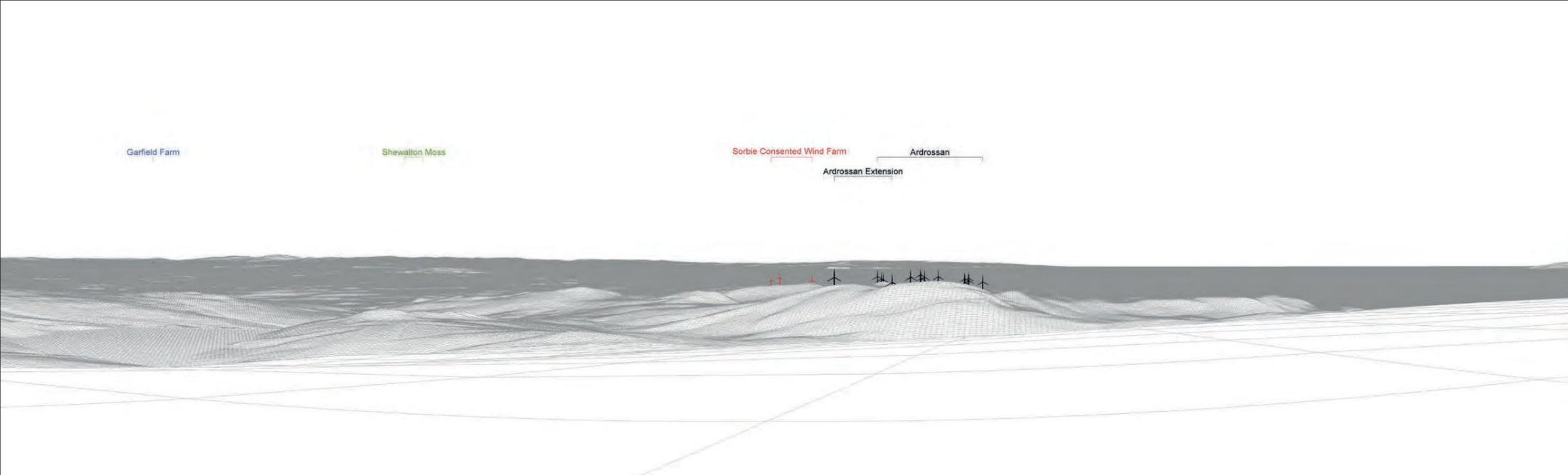


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

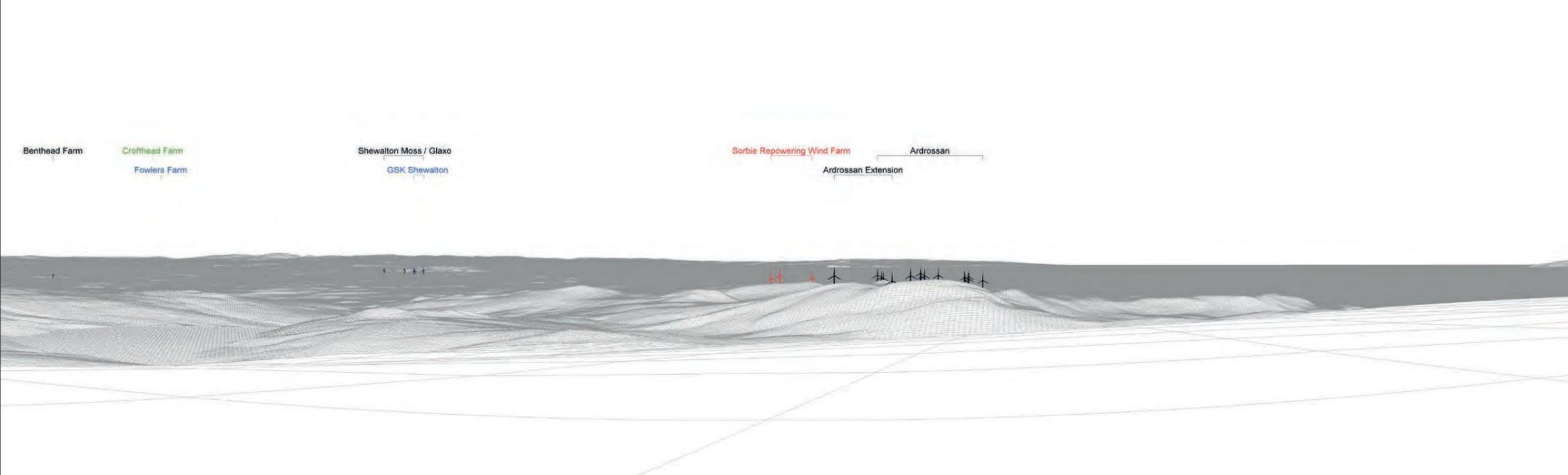
OS reference: 222761 E 653430 N  
 Eye level: 387.46 m AOD  
 Direction of view: 77.00°  
 Nearest turbine: 8.021 km

Principal distance 90° (cylindrical projection)  
 255 mm

Figure: 24b  
 Viewpoint 6: Kaim Hill



Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference: 222761 E 653430 N  
Eye level: 387.46 m AOD  
Direction of view: 167.00°  
Nearest turbine: 8.021 km

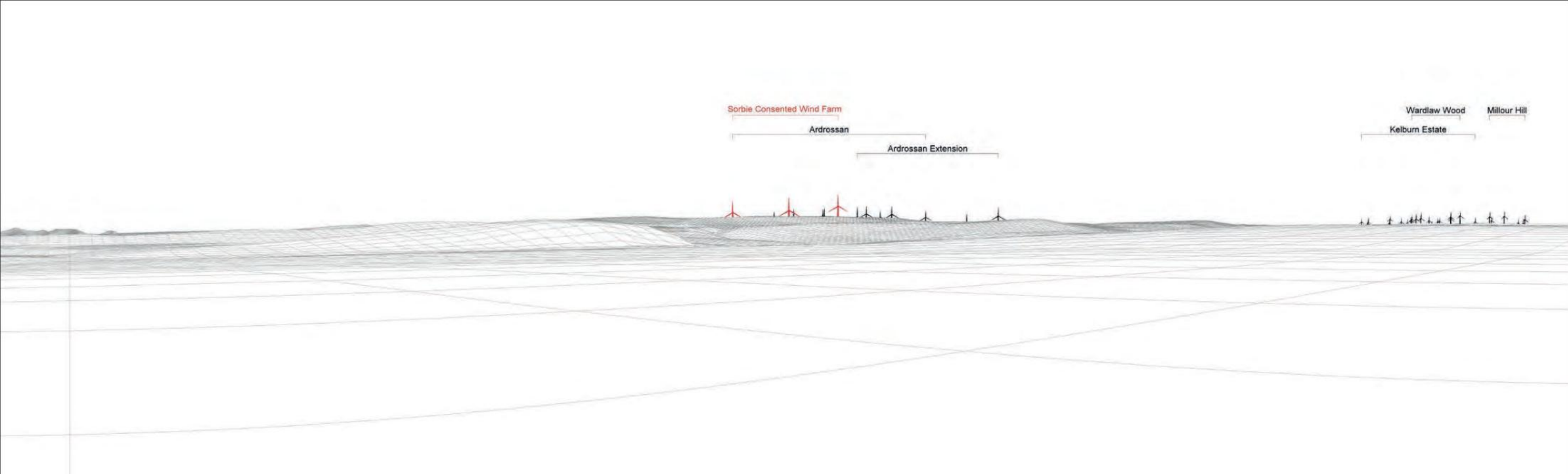
Principal distance

90° (cylindrical projection)  
255 mm

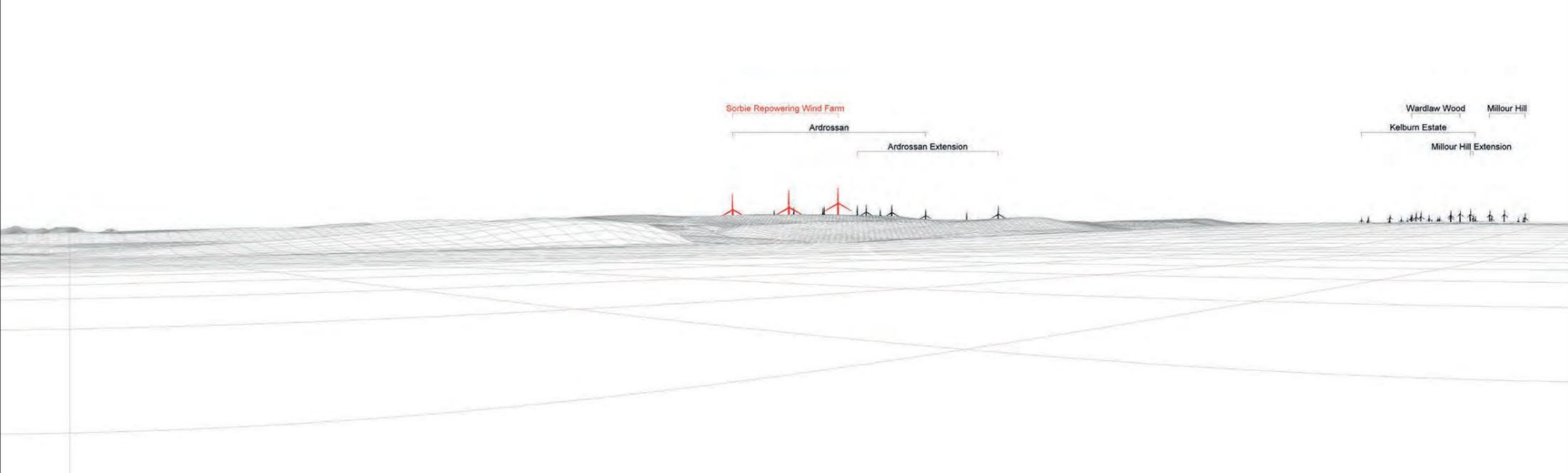
Figure: 24c  
Viewpoint 6: Kaim Hill



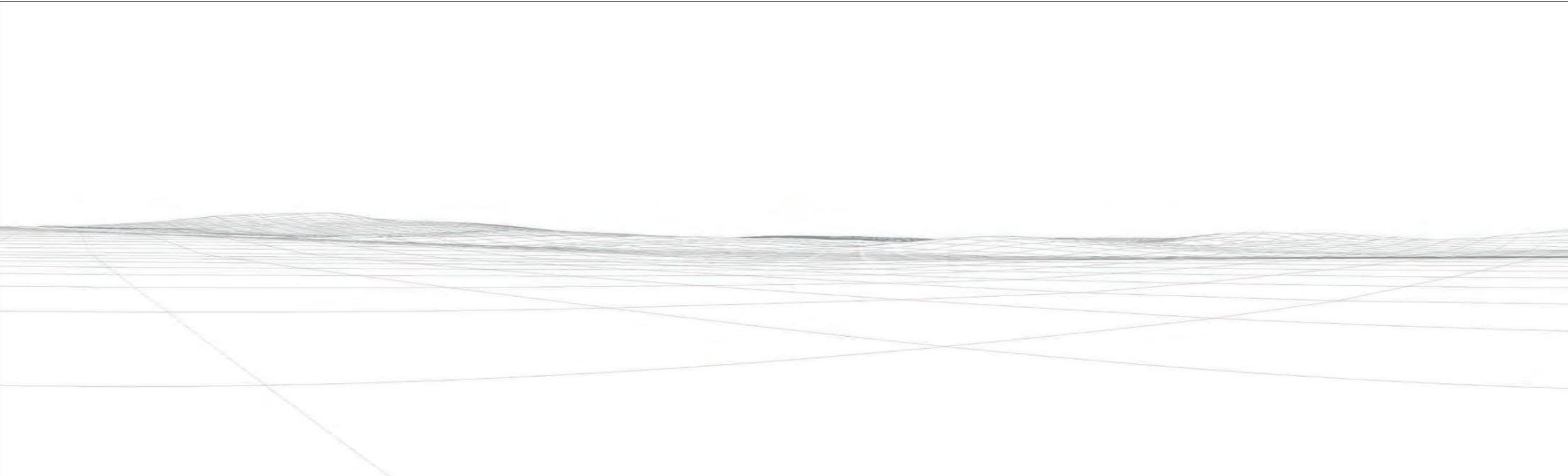




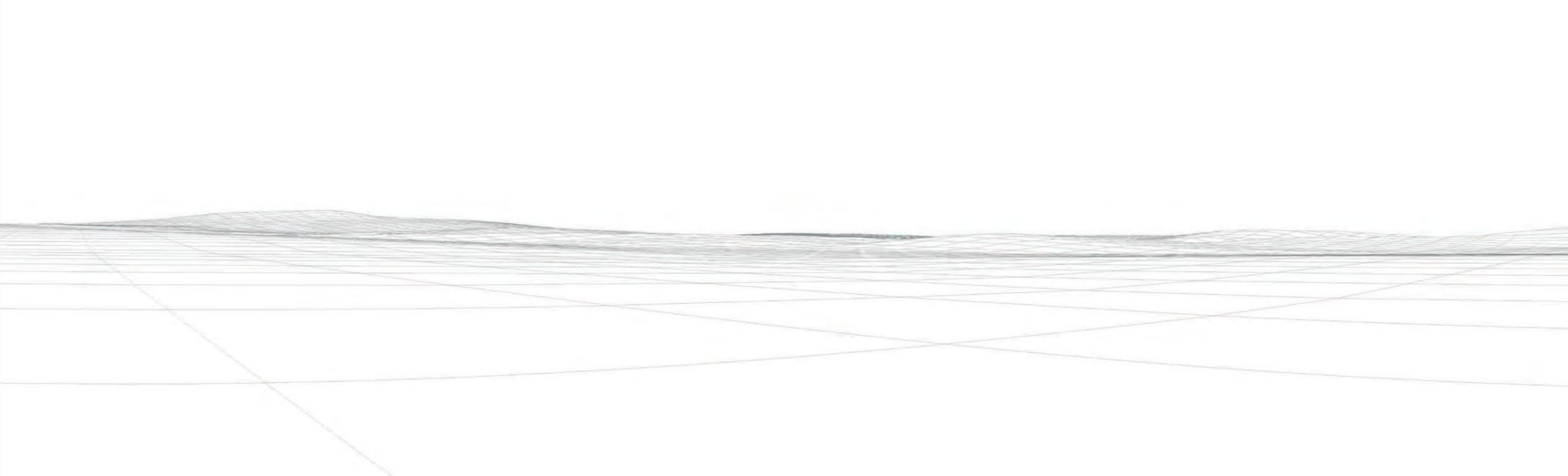
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019



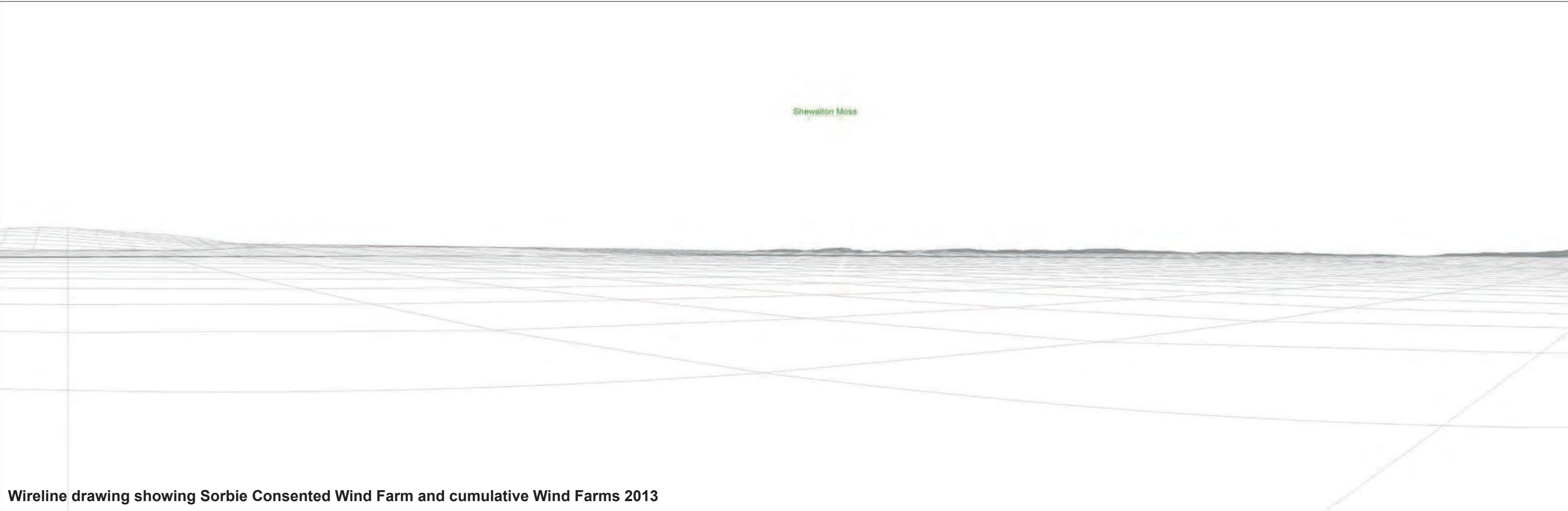
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



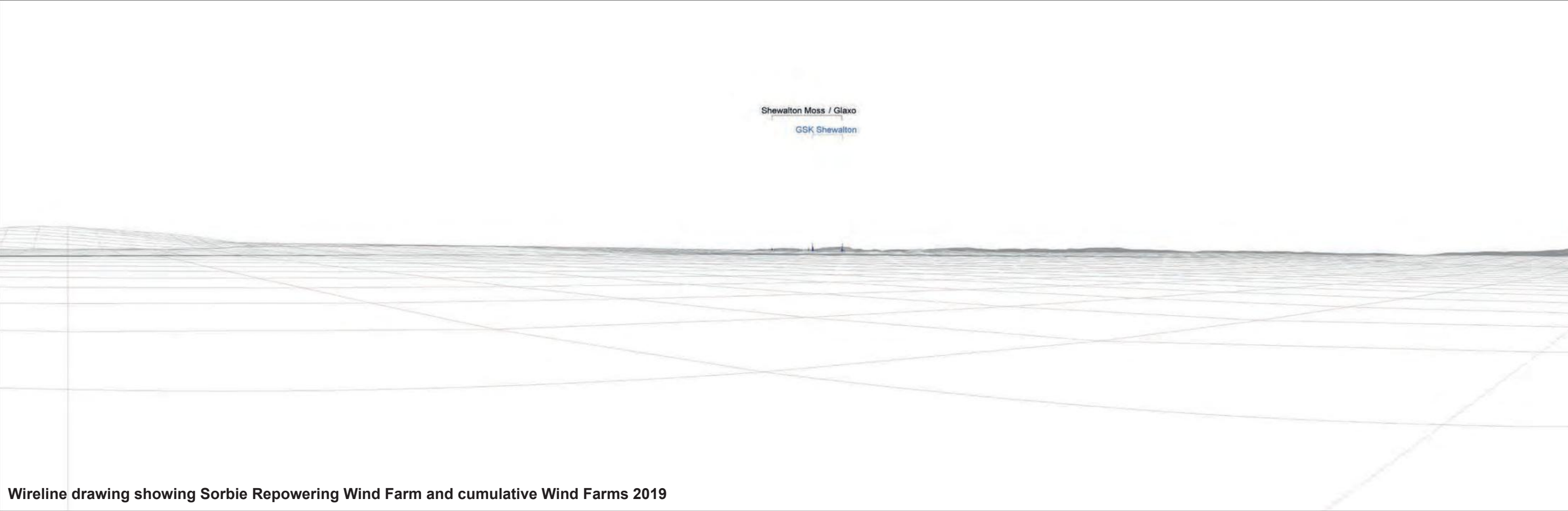
Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

Figure: 25c

Viewpoint 7: Cambuskeith Road, Stevenston



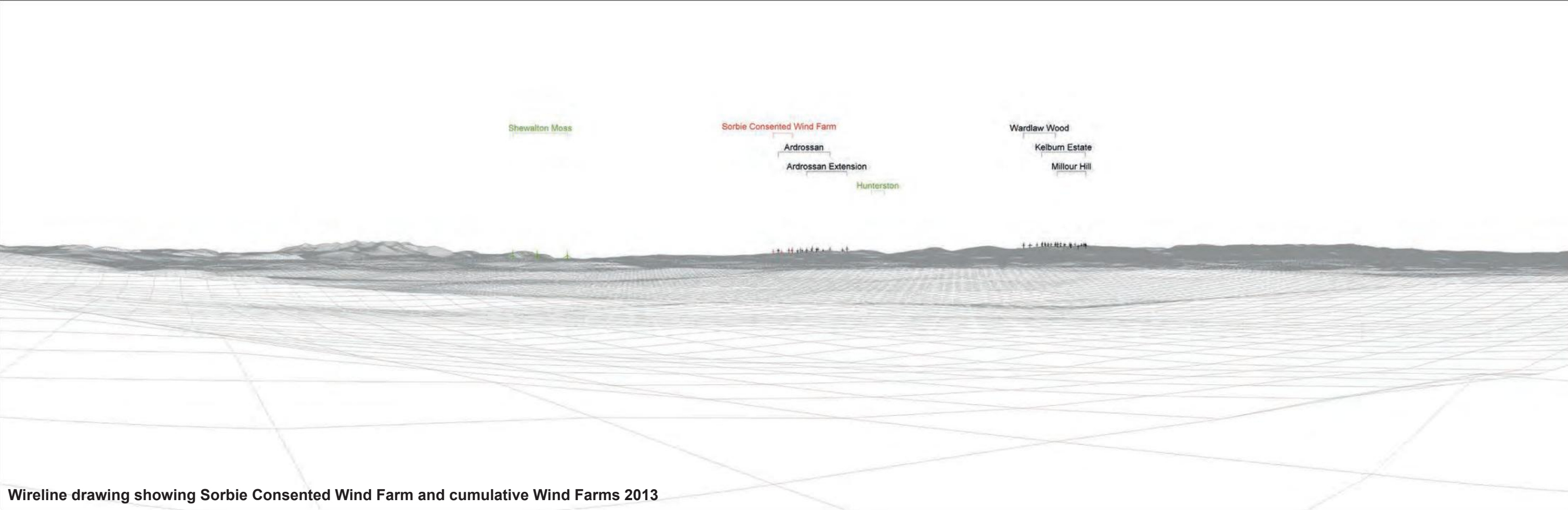
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



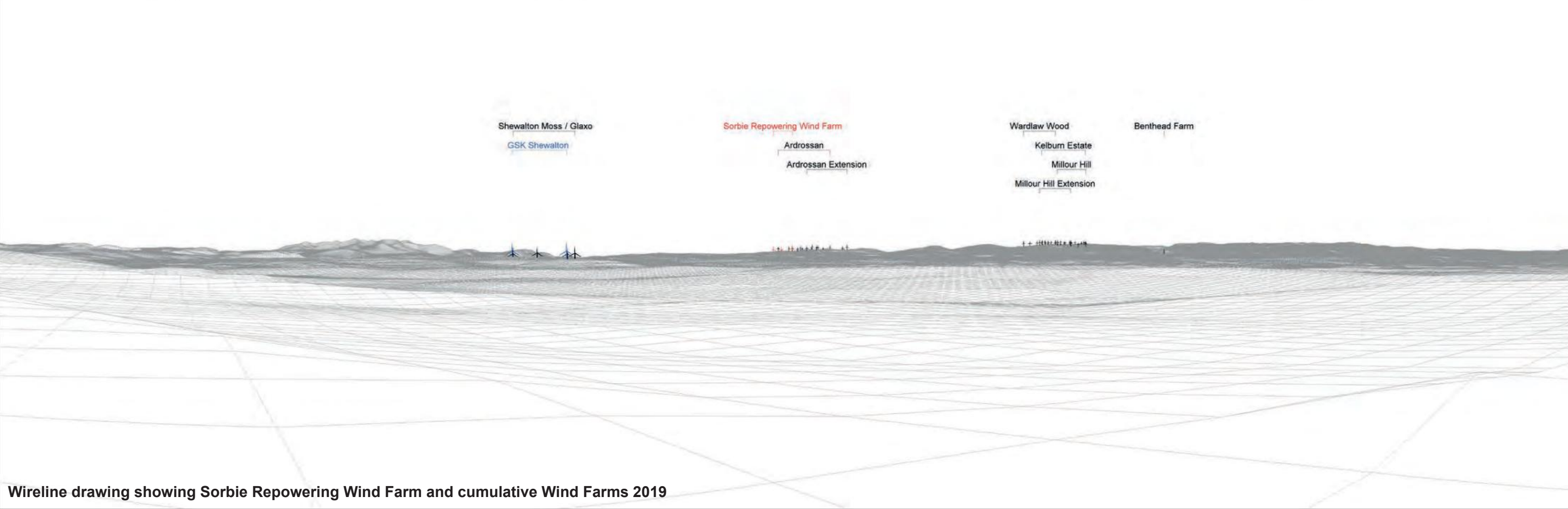
Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019



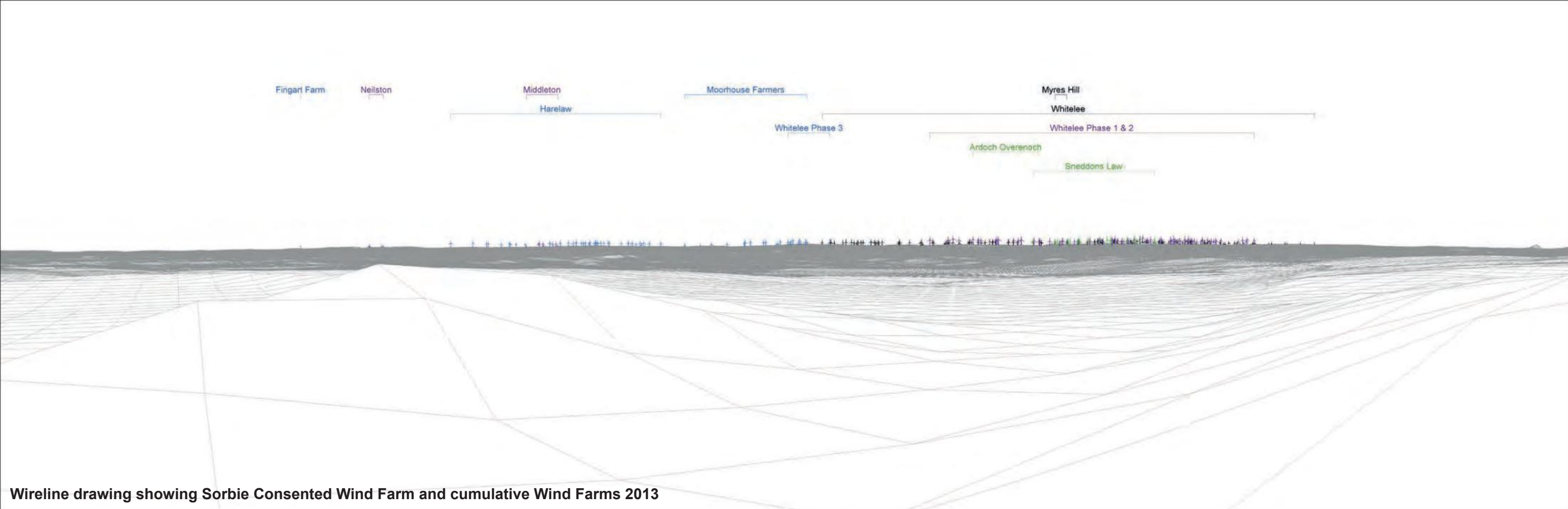




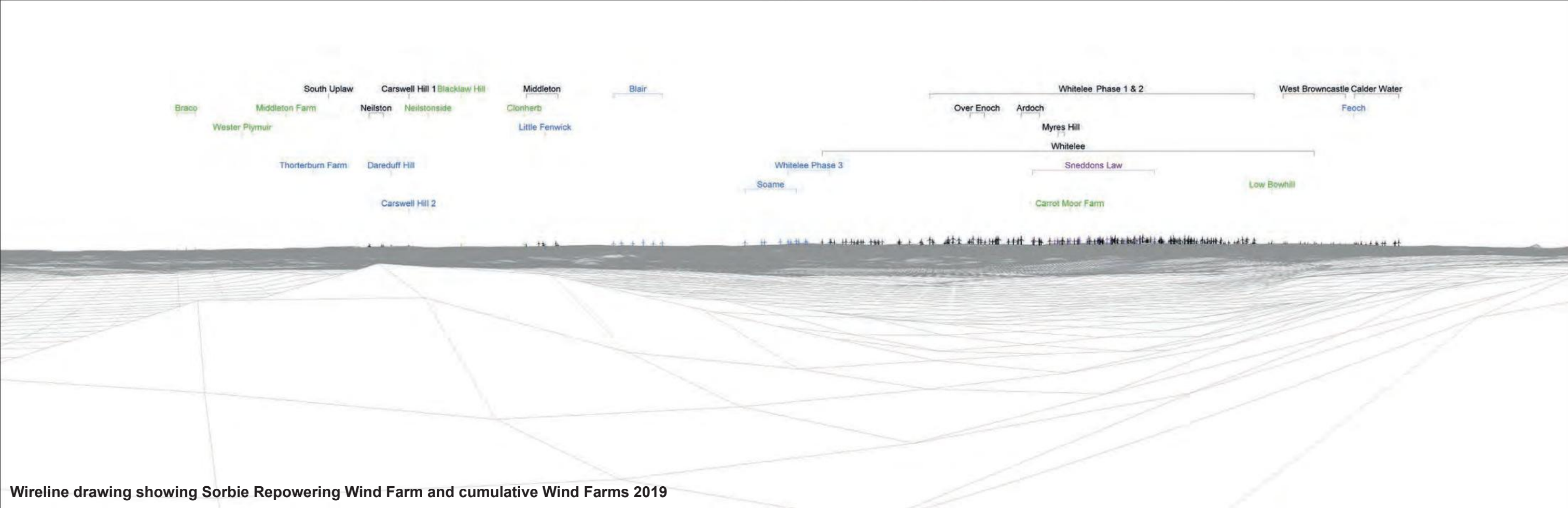
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019



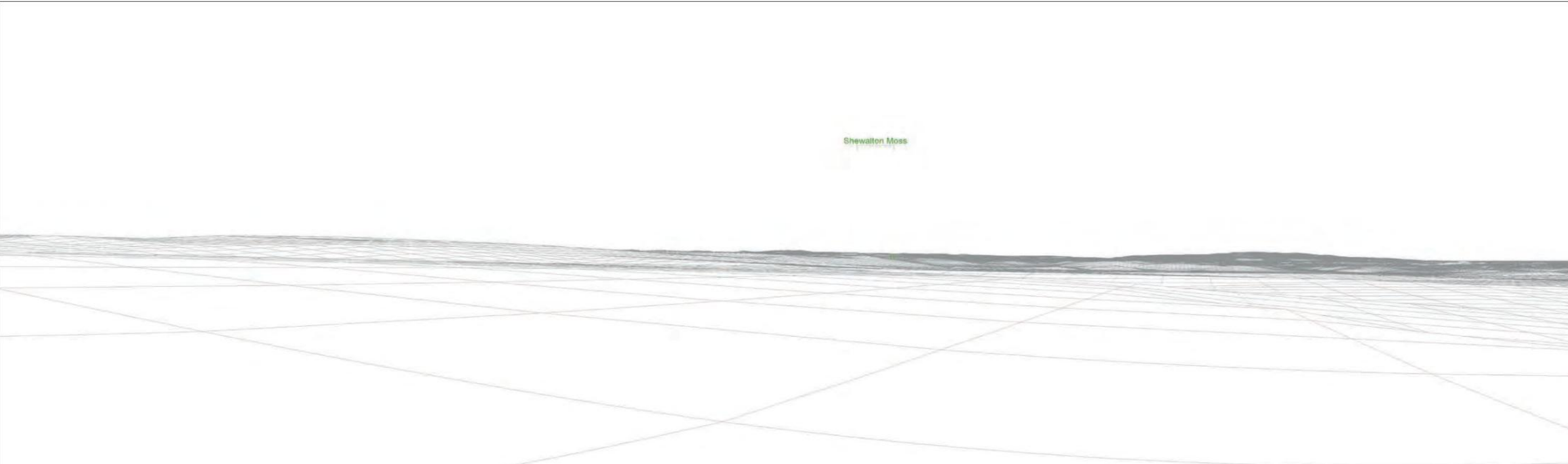
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019







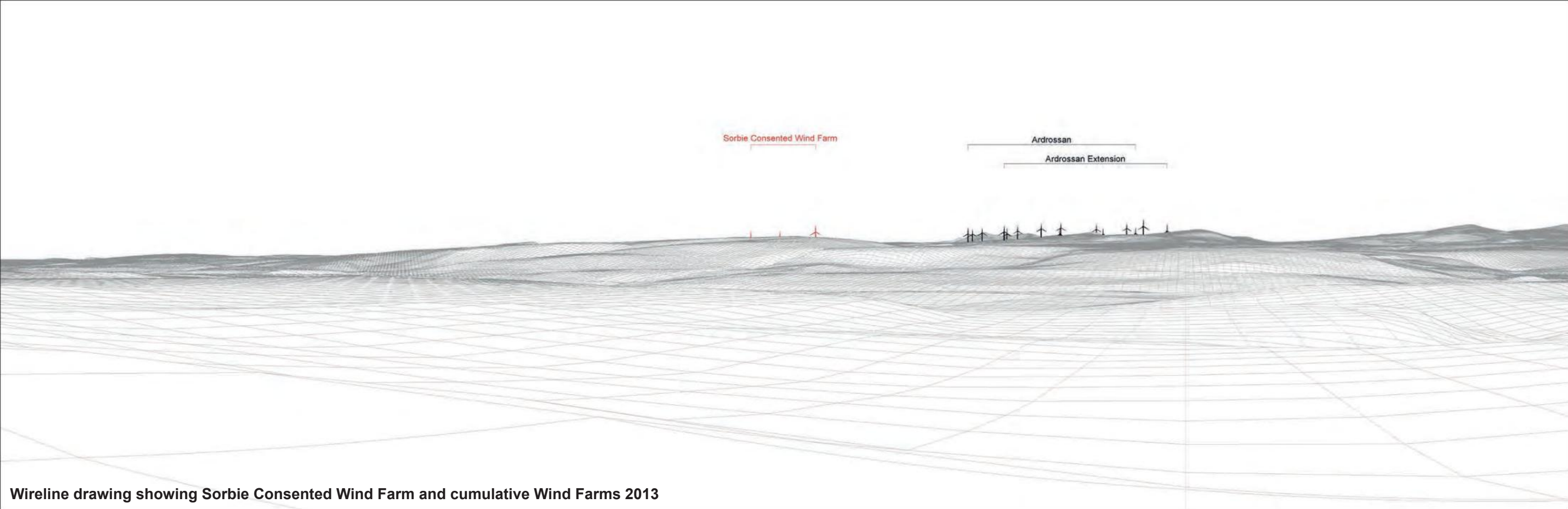
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



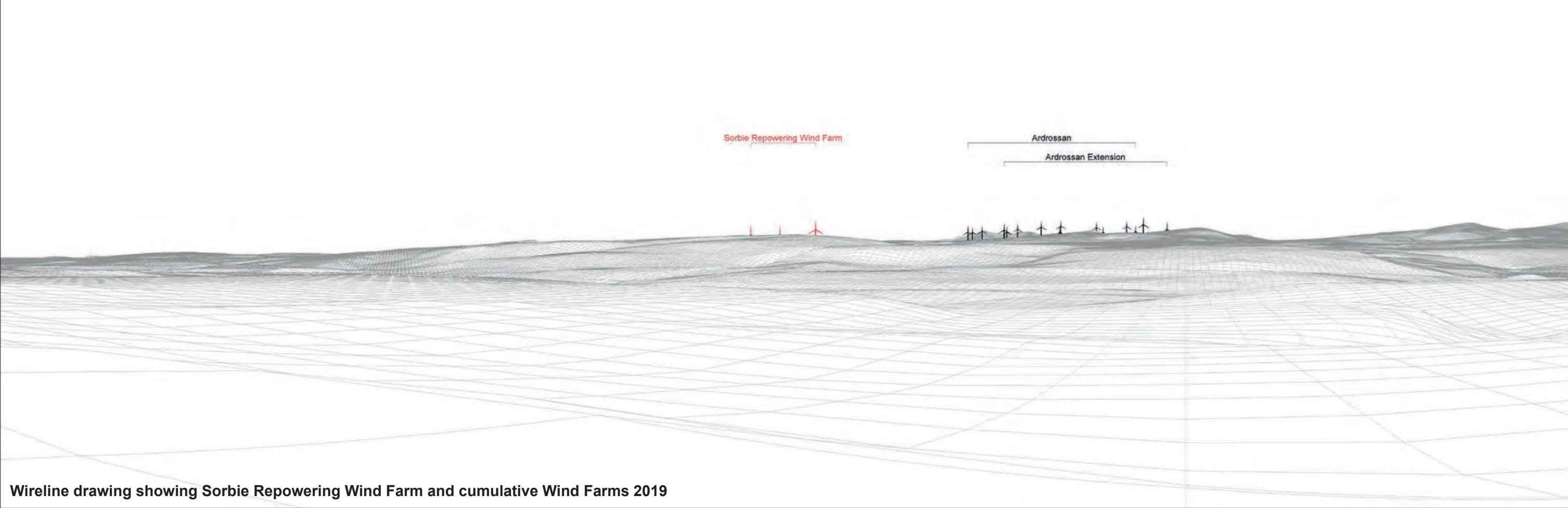
Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference:	230689 E 647988 N	Principal distance	90° (cylindrical projection)
Eye level:	59.94 m AOD		255 mm
Direction of view:	157.00°		
Nearest turbine:	26.527 km		

Figure: 27b  
Viewpoint 9: Blair Estate

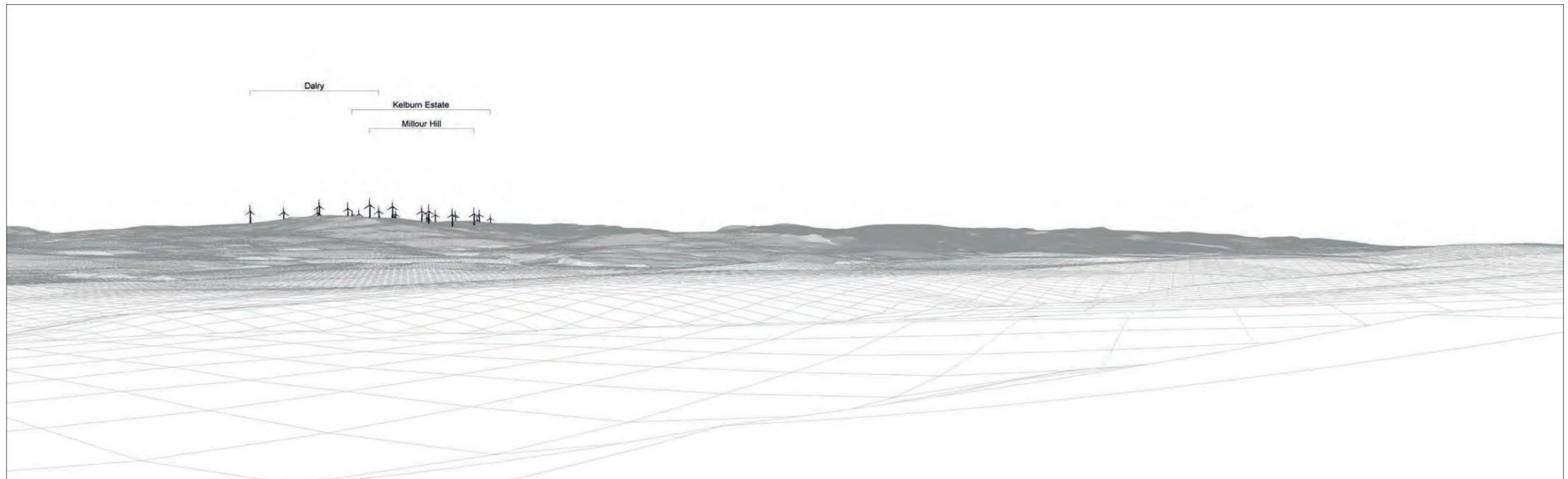


Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

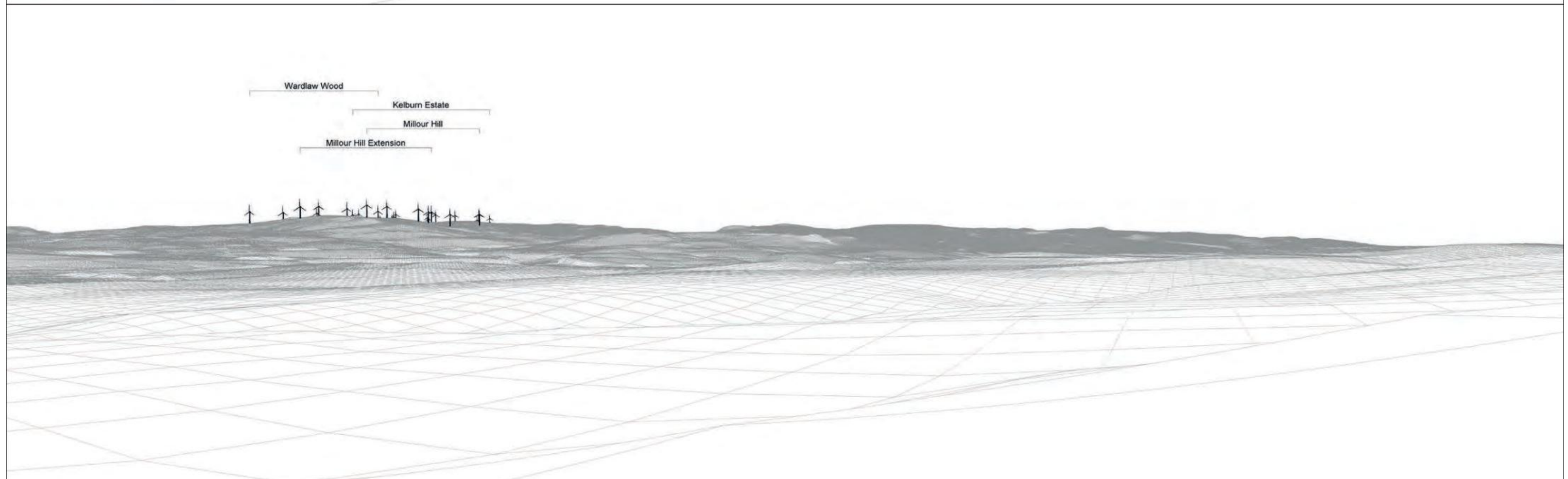


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019





Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference: 230689 E 647988 N  
 Eye level: 59.94 m AOD  
 Direction of view: 337.00°  
 Nearest turbine: 26.527 km

Principal distance

90° (cylindrical projection)  
 255 mm

Figure: 27d  
 Viewpoint 9: Blair Estate





Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference: 234380 E 653045 N  
Eye level: 85.41 m AOD  
Direction of view: 337.00°  
Nearest turbine: 12.275 km

Principal distance 90° (cylindrical projection)  
255 mm

Figure: 28b  
Viewpoint 10: Beith, A737 Roundabout



Kelburn Estate



Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

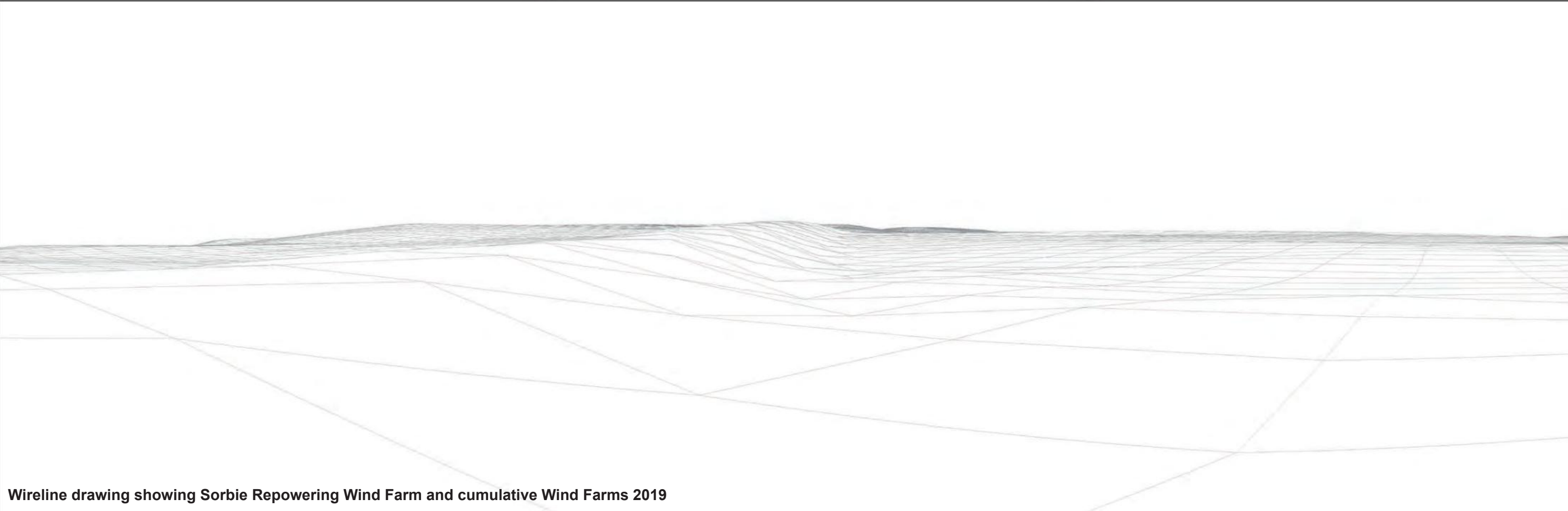
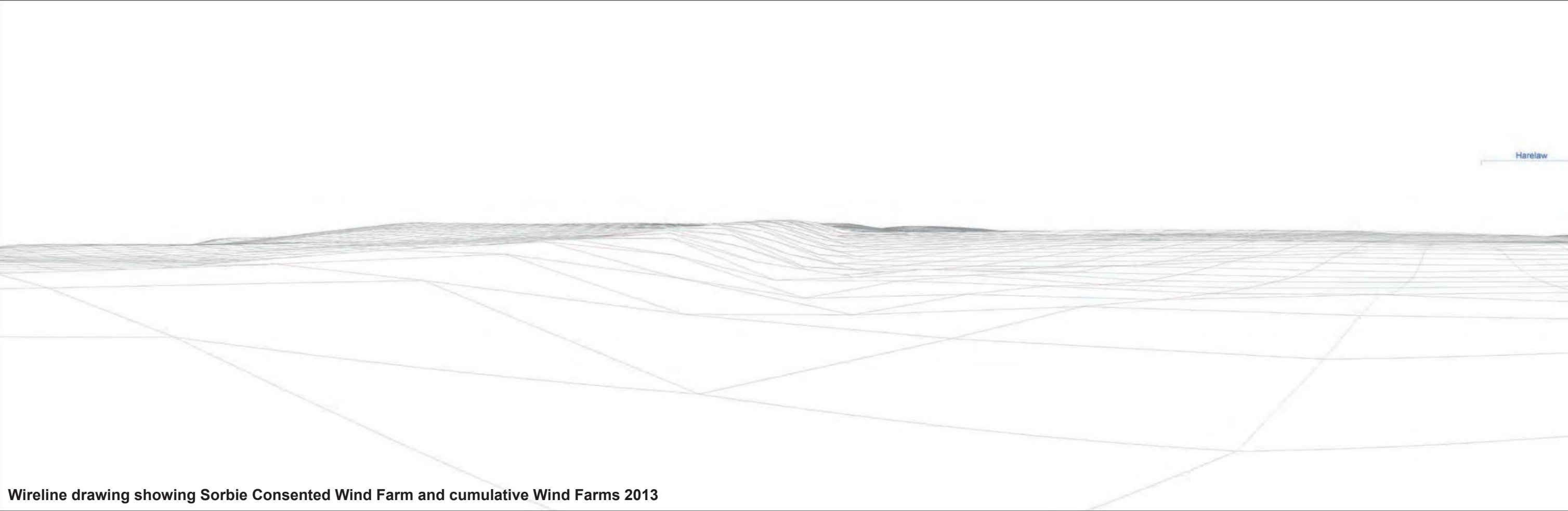
Kelburn Estate

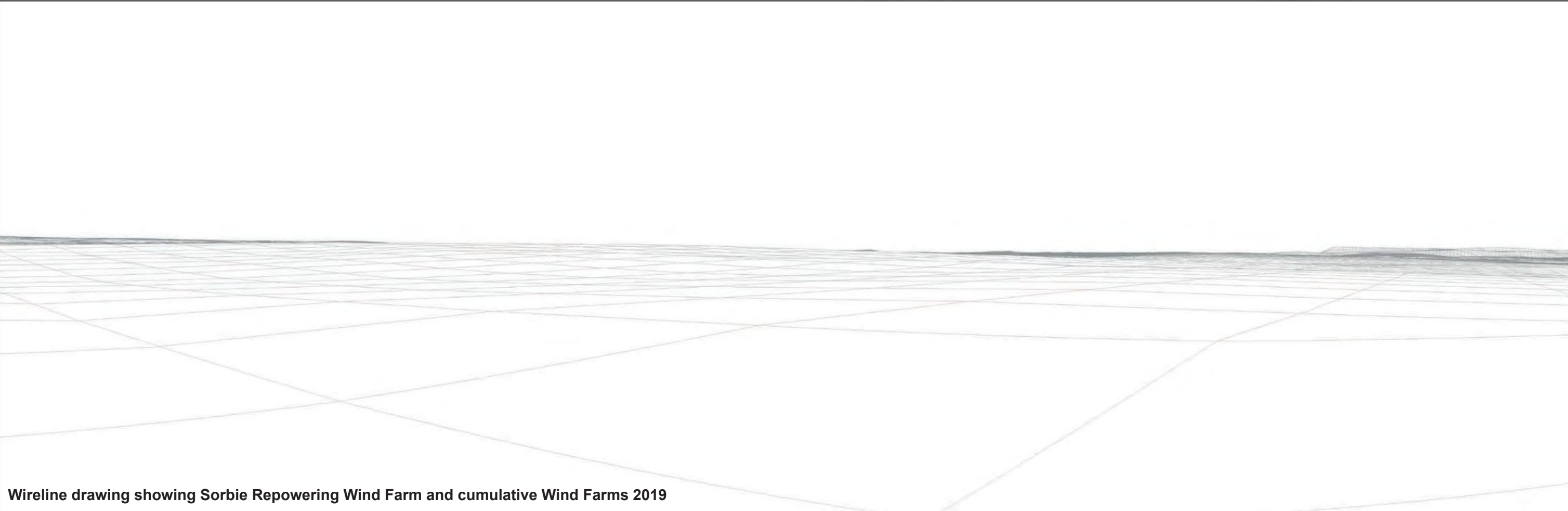
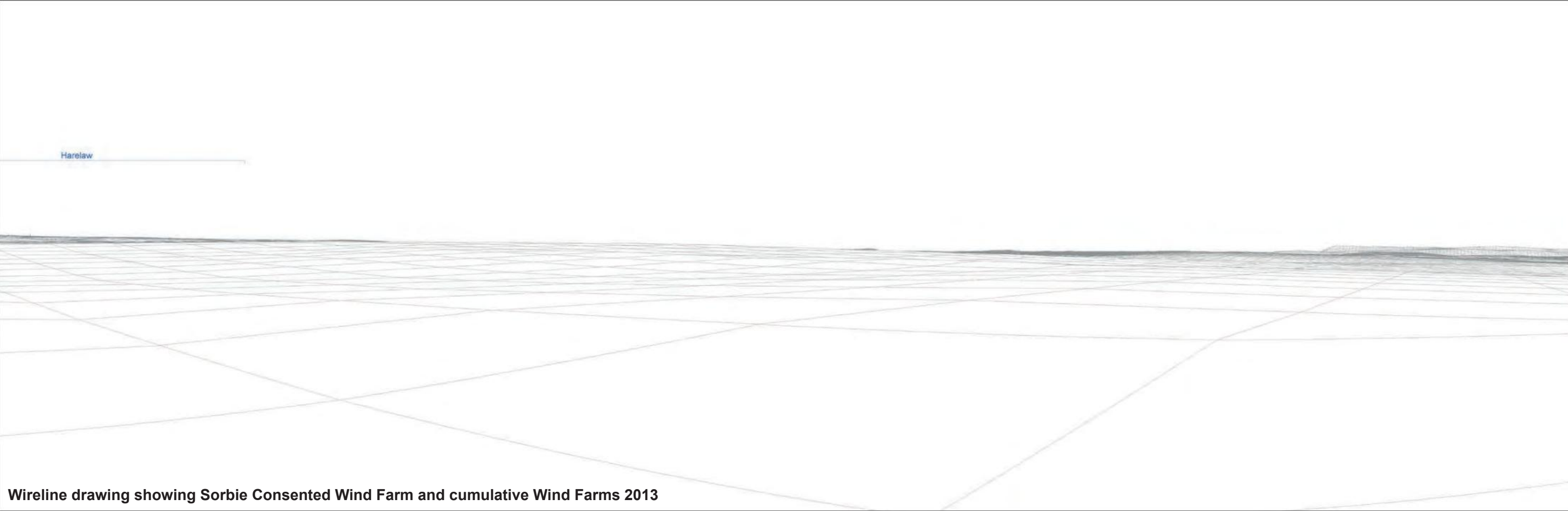


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference:	234380 E 653045 N	Principal distance	90° (cylindrical projection)
Eye level:	85.41 m AOD		255 mm
Direction of view:	337.00°		
Nearest turbine:	12.275 km		

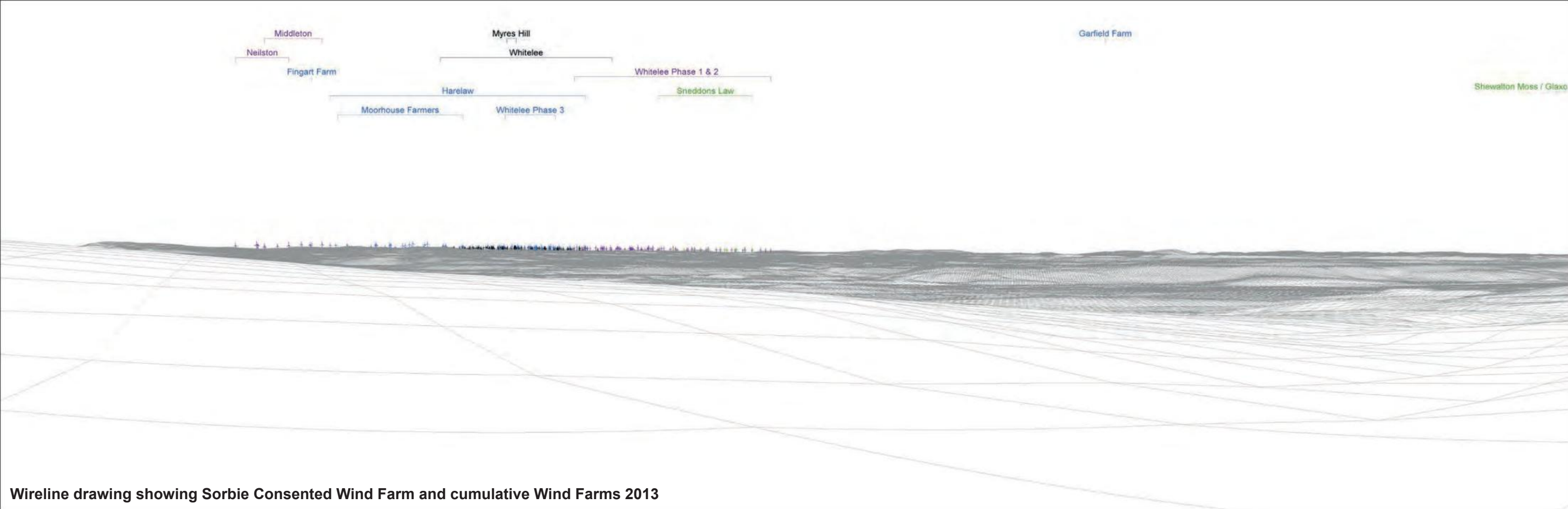
Figure: 28c  
Viewpoint 10: Beith, A737 Roundabout



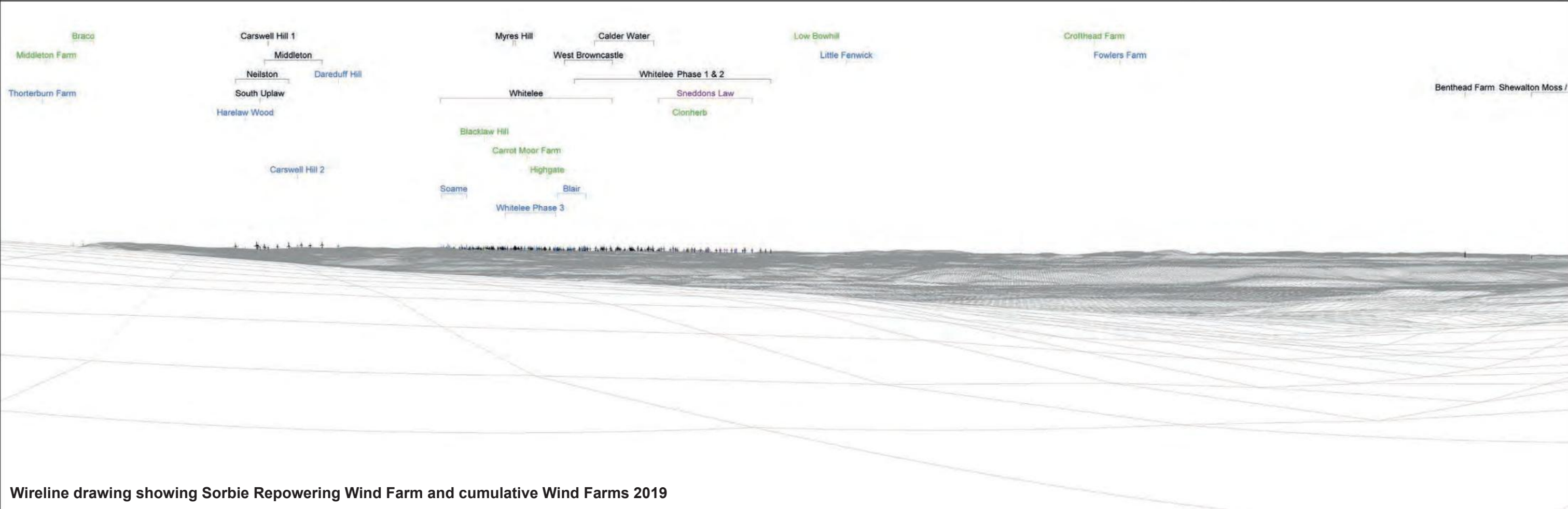




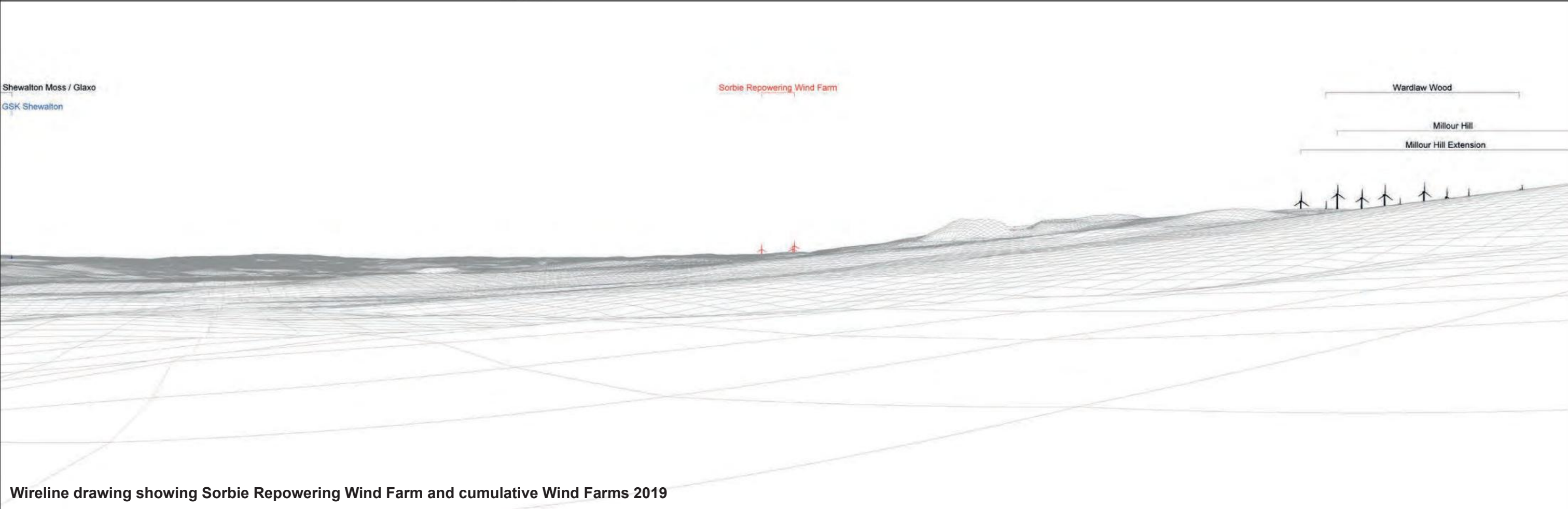
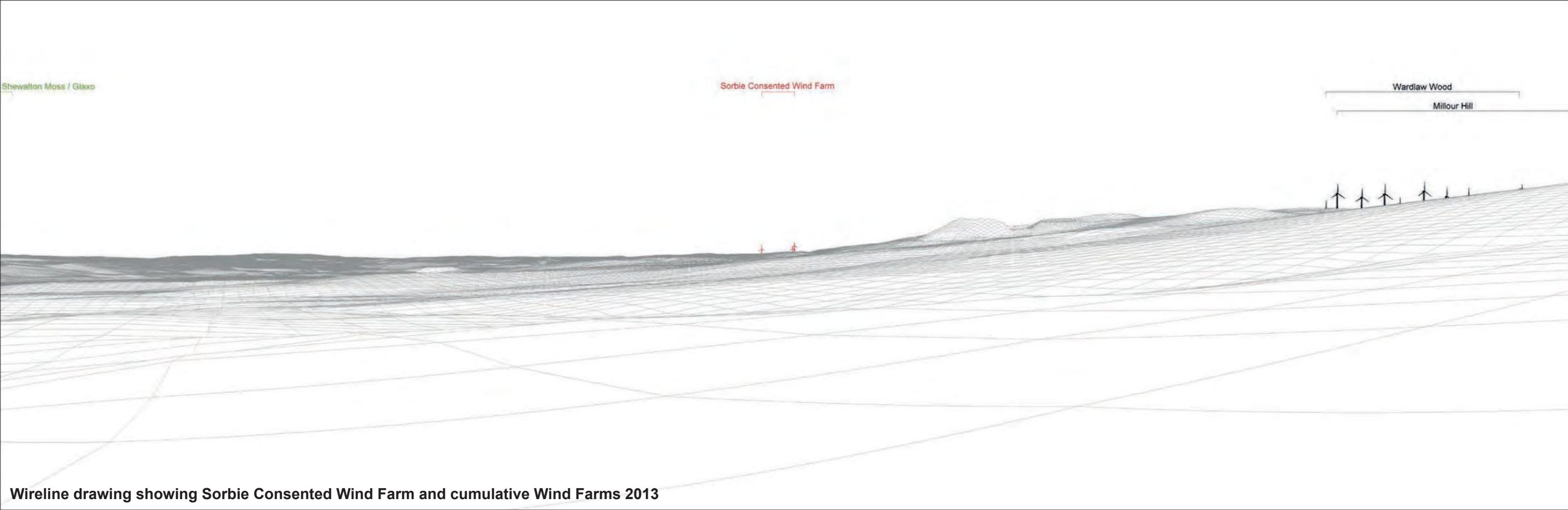




Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

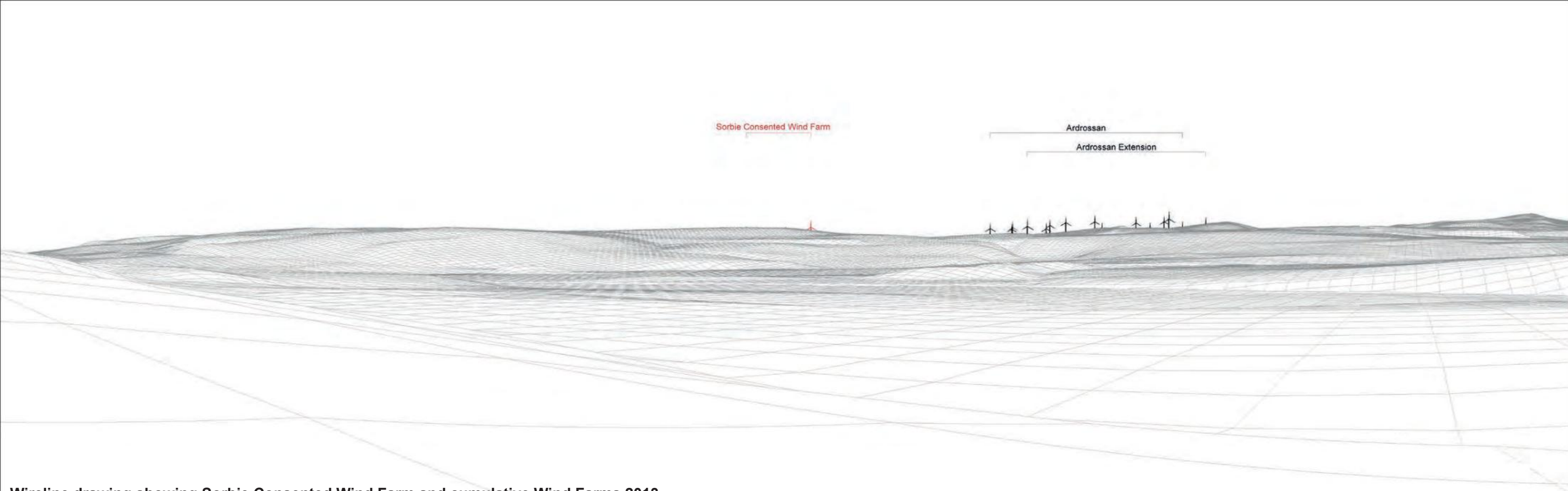


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

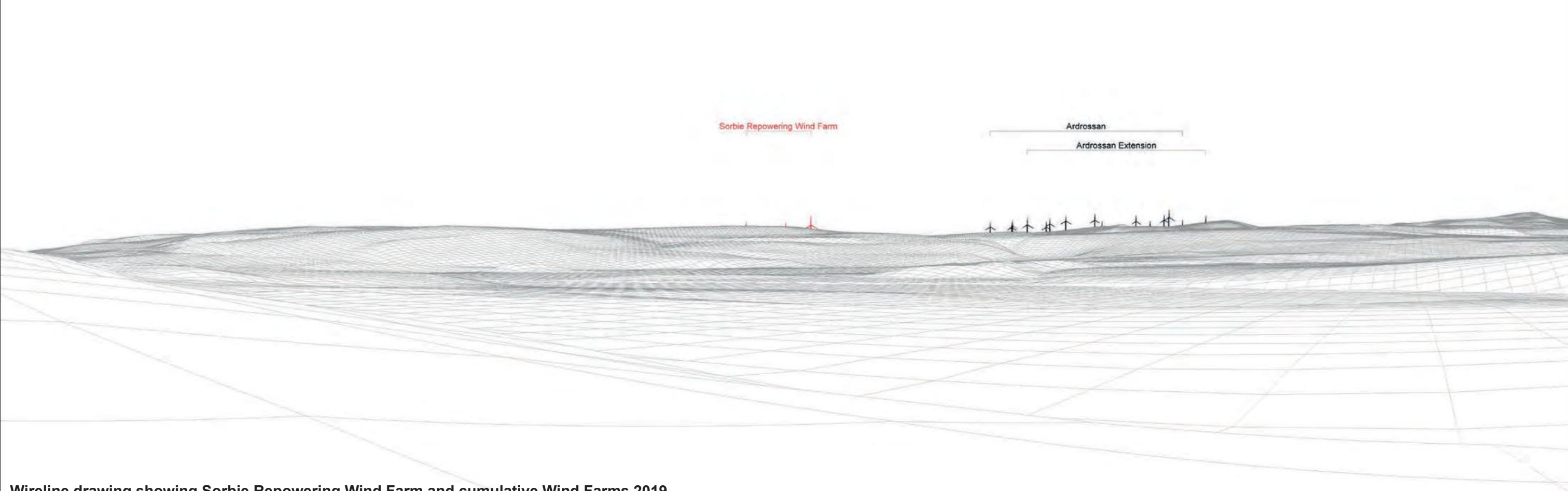




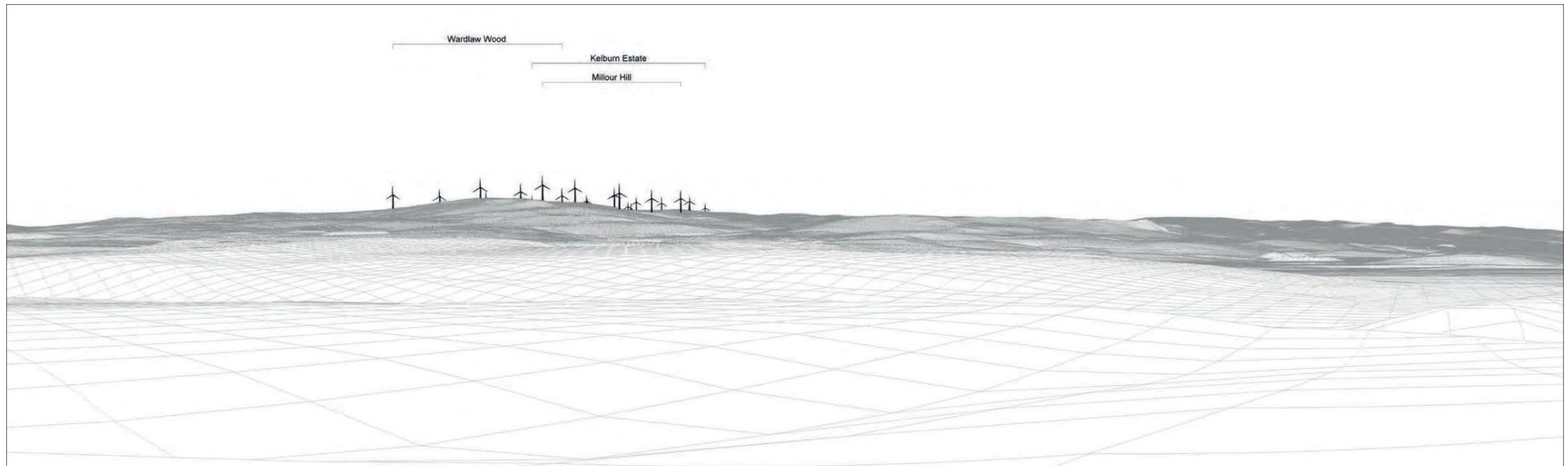




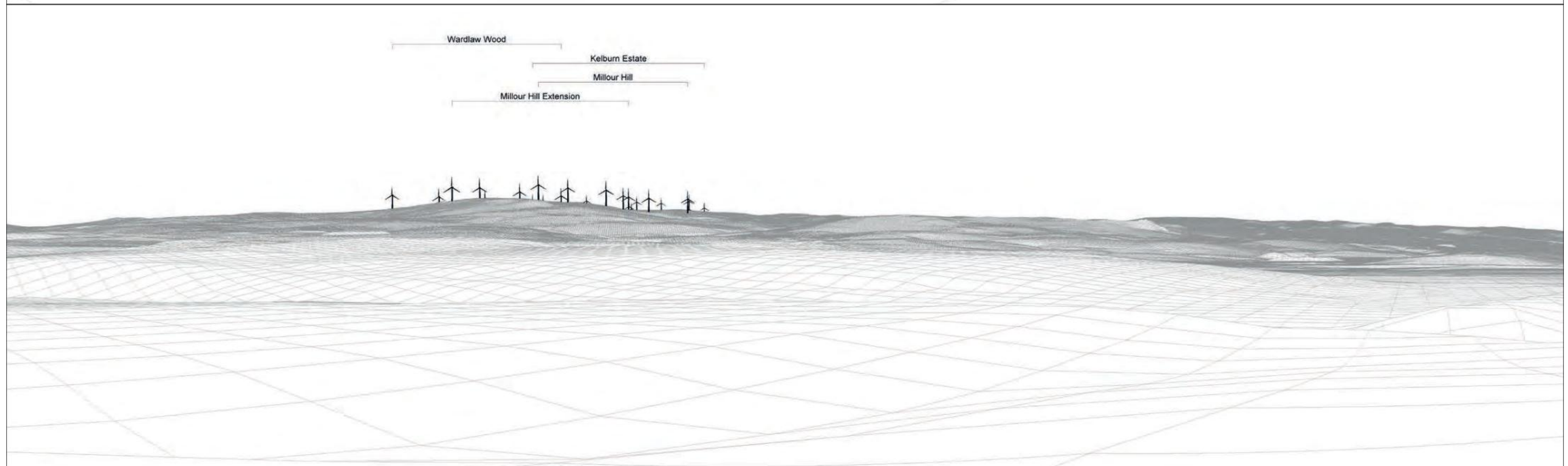
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019



Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

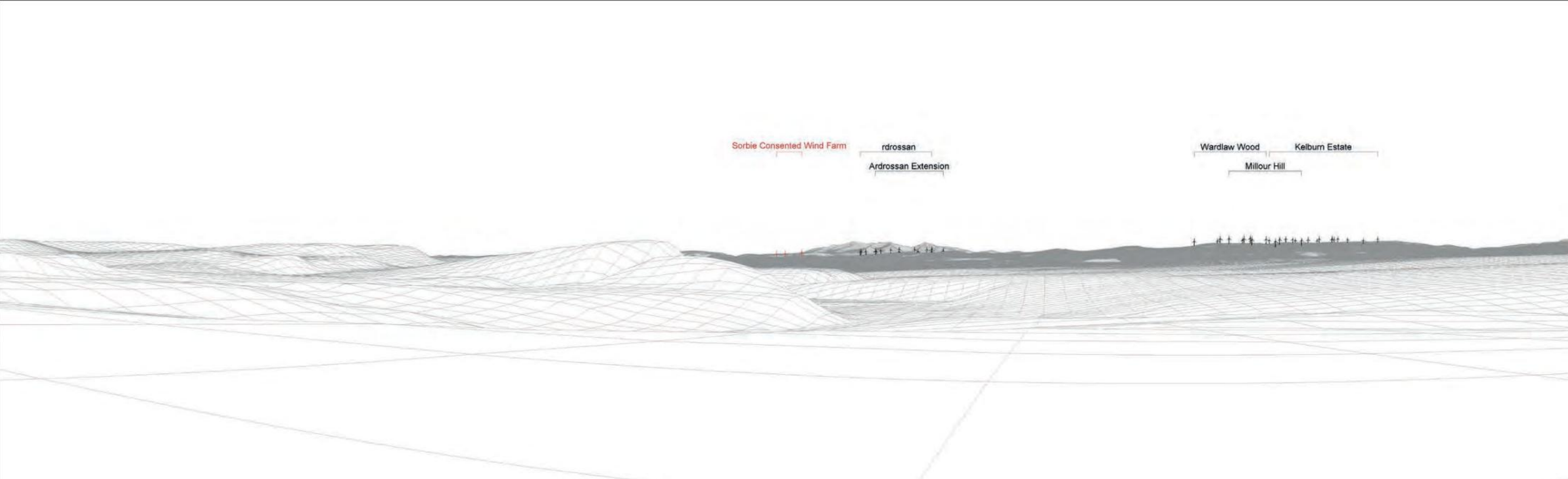
OS reference: 229788 E 649186 N  
 Eye level: 130.17 m AOD  
 Direction of view: 324.00°  
 Nearest turbine: 6.292 km

Principal distance 90° (cylindrical projection)  
 255 mm

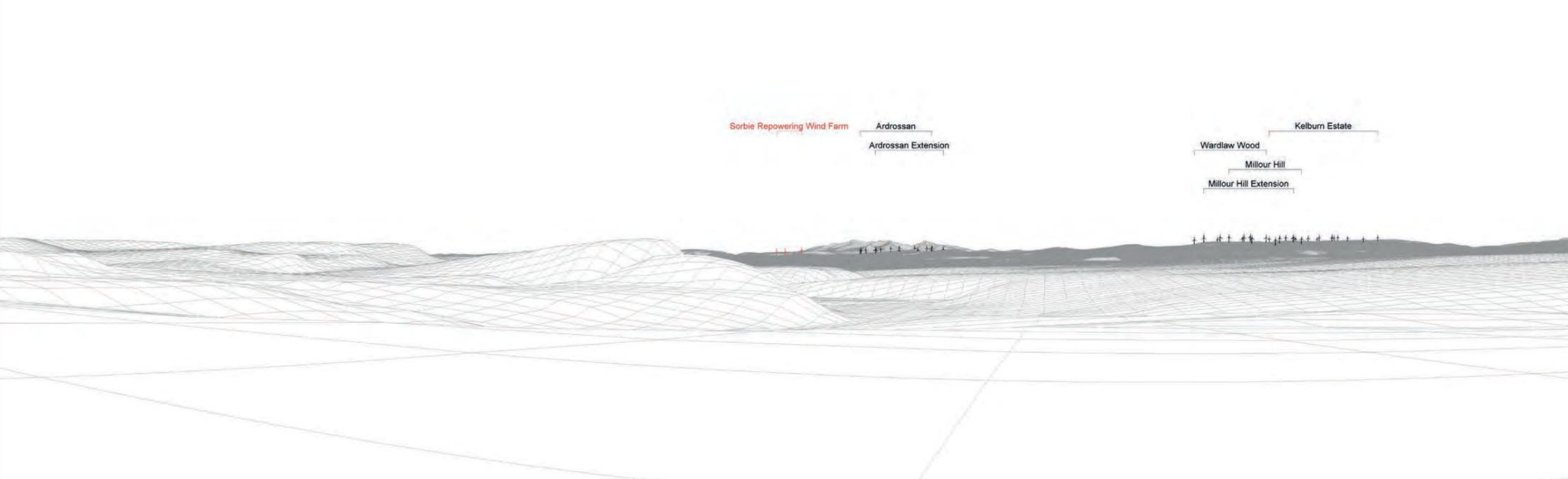
Figure: 30c  
 Viewpoint 12: Dalry Train Station







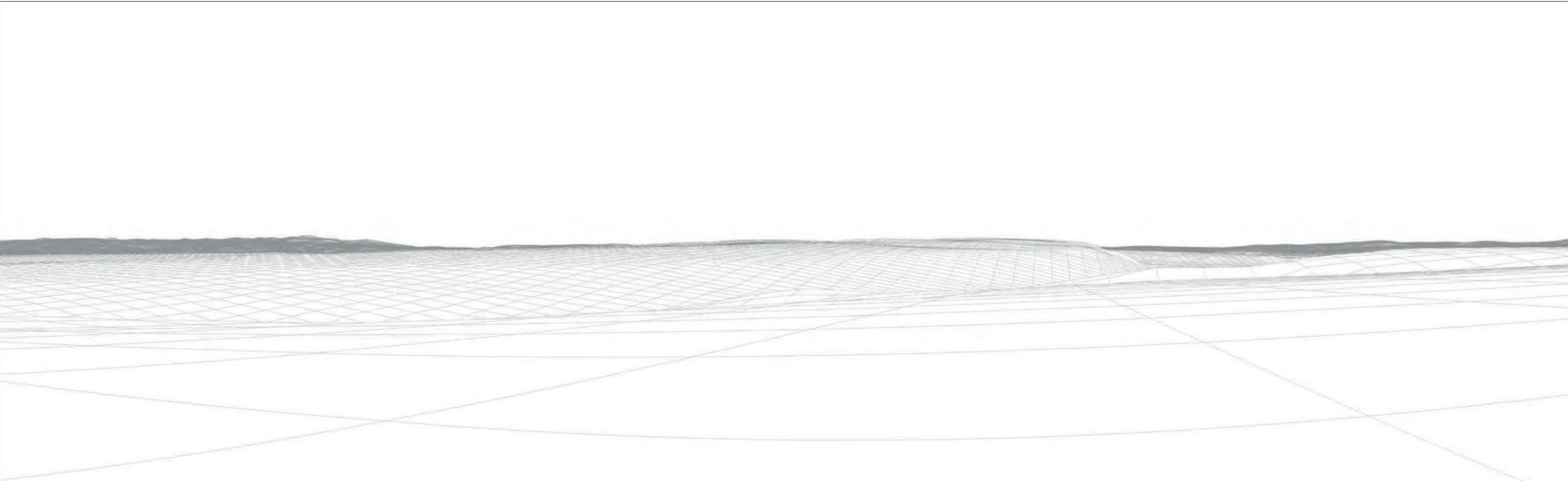
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



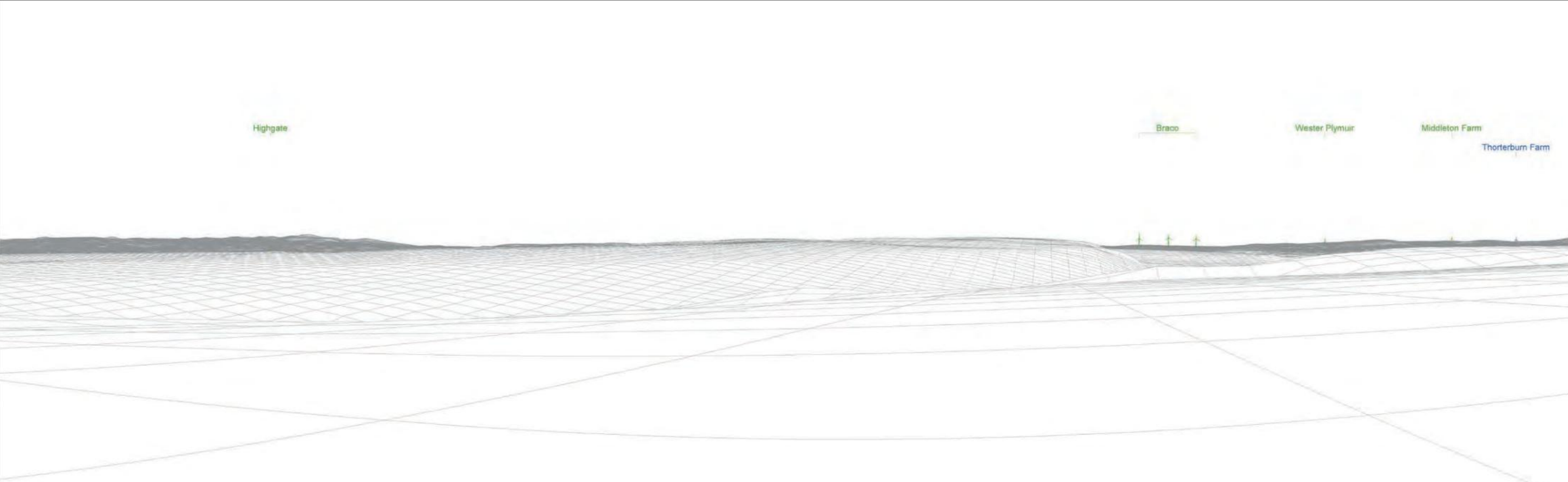
Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

Figure: 31b

Viewpoint 13: A735 Dunlop, West View Terrace

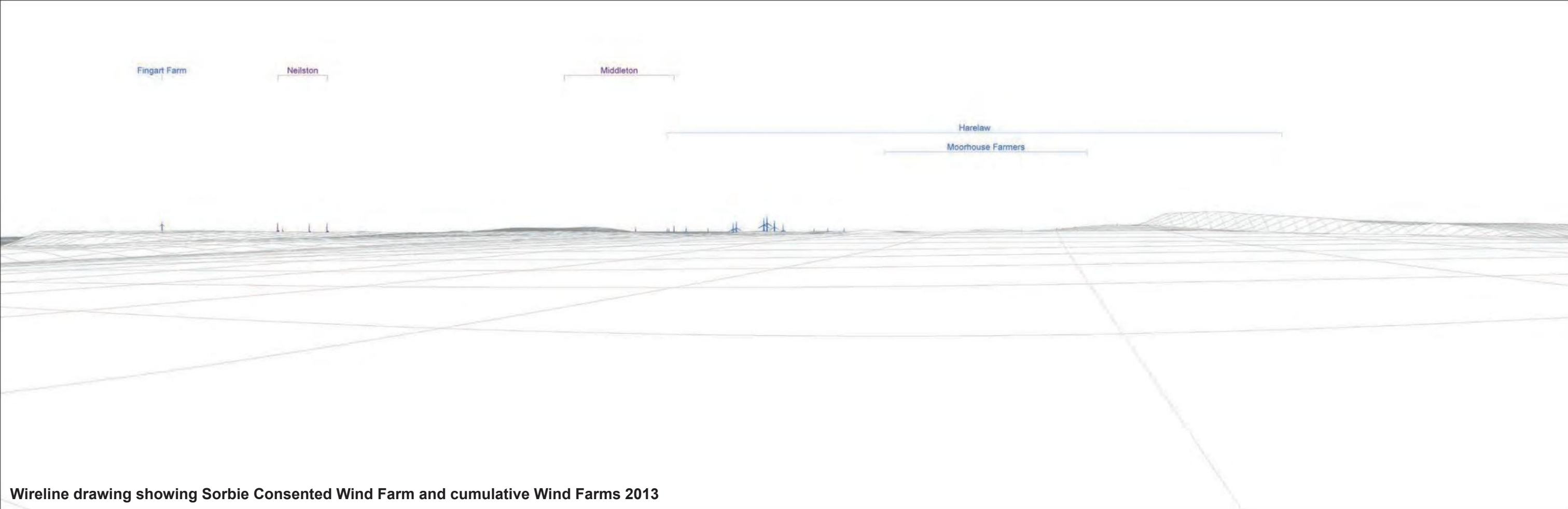


Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

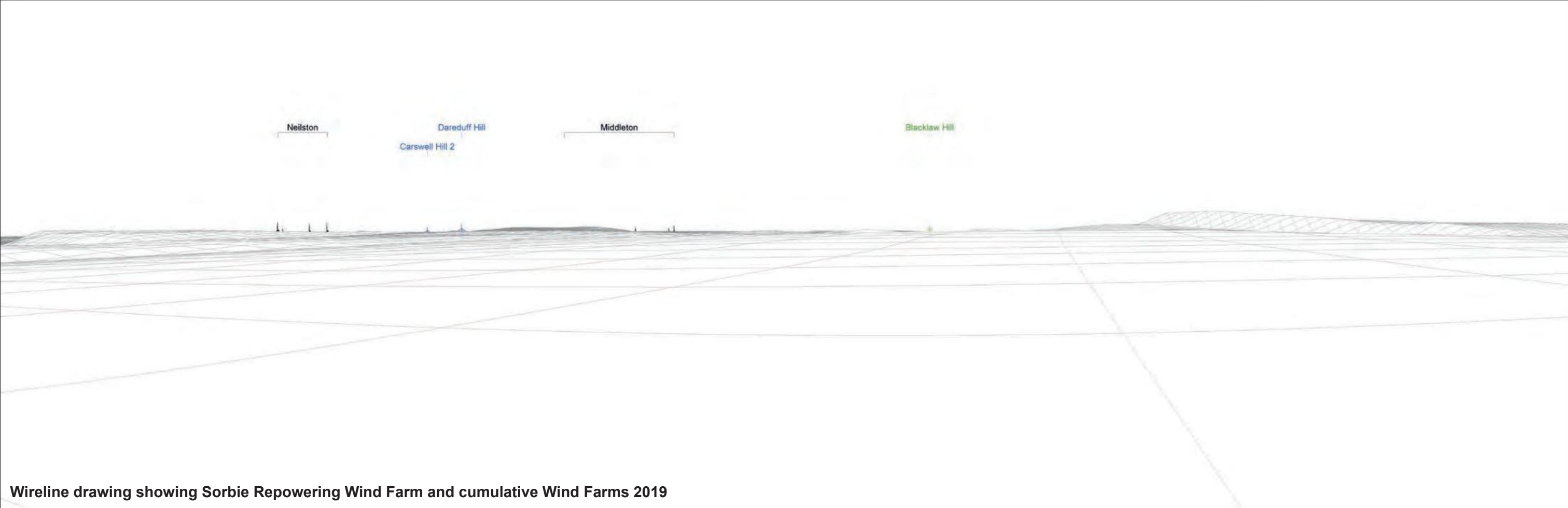


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019



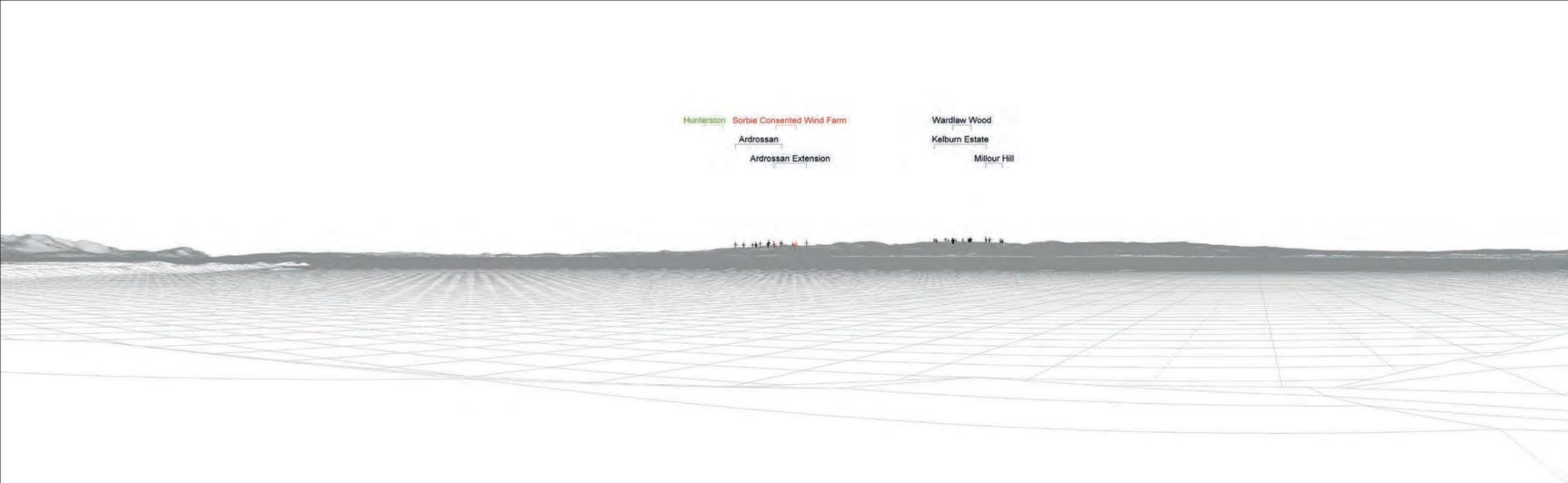


Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

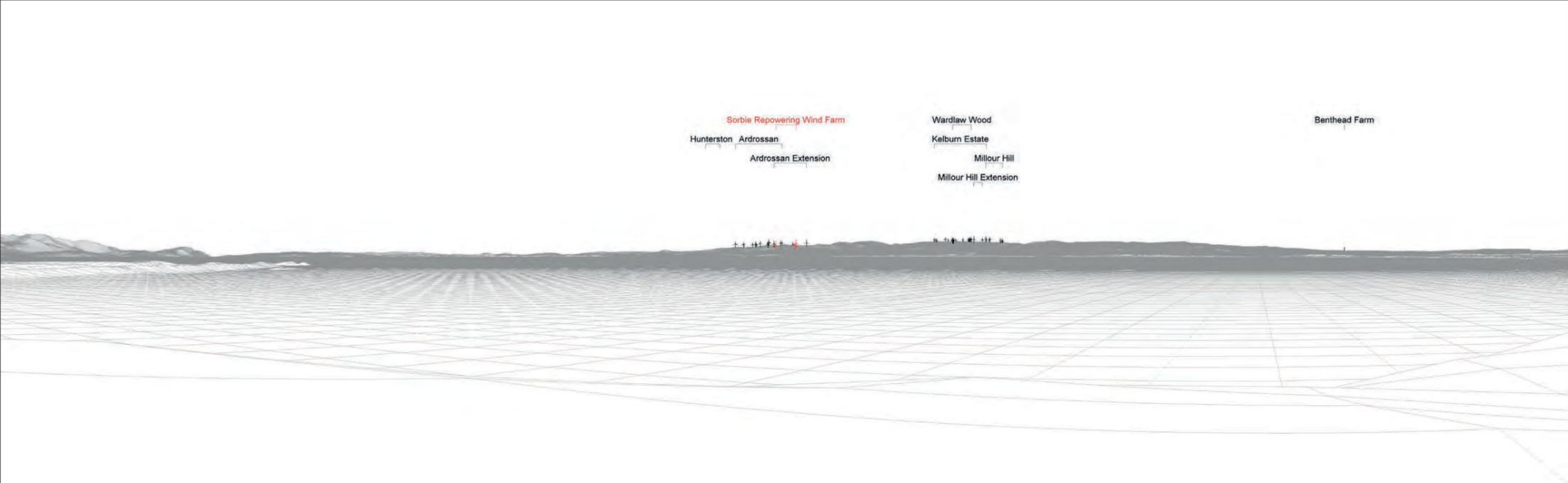


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019



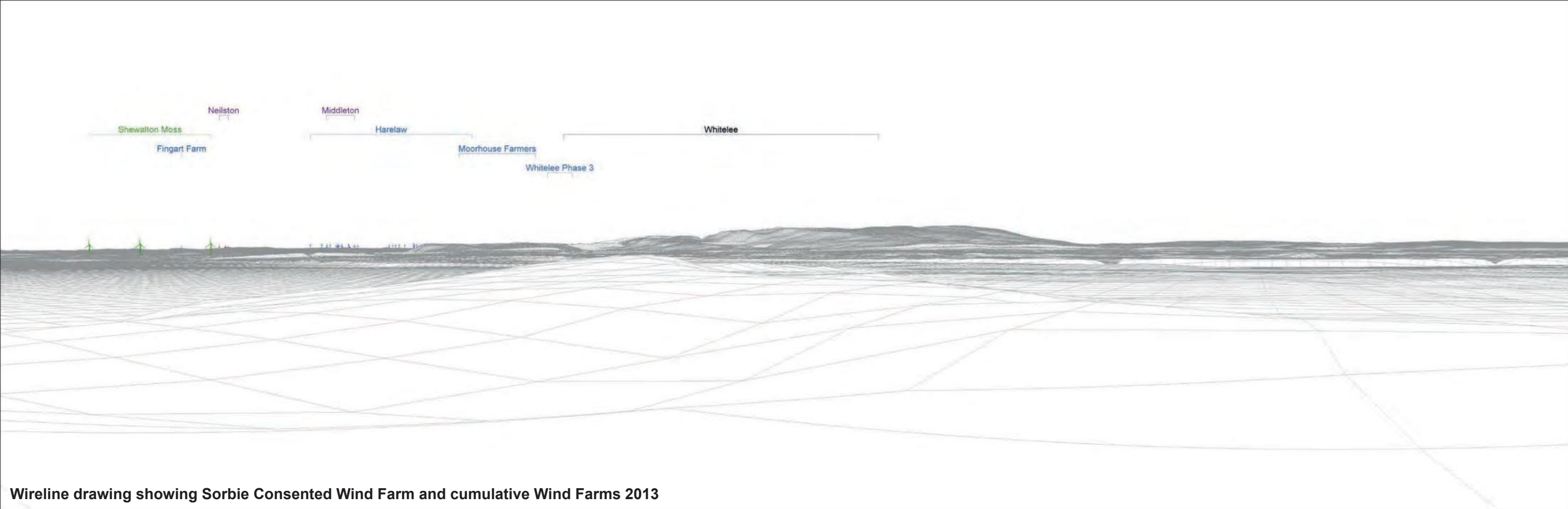


Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

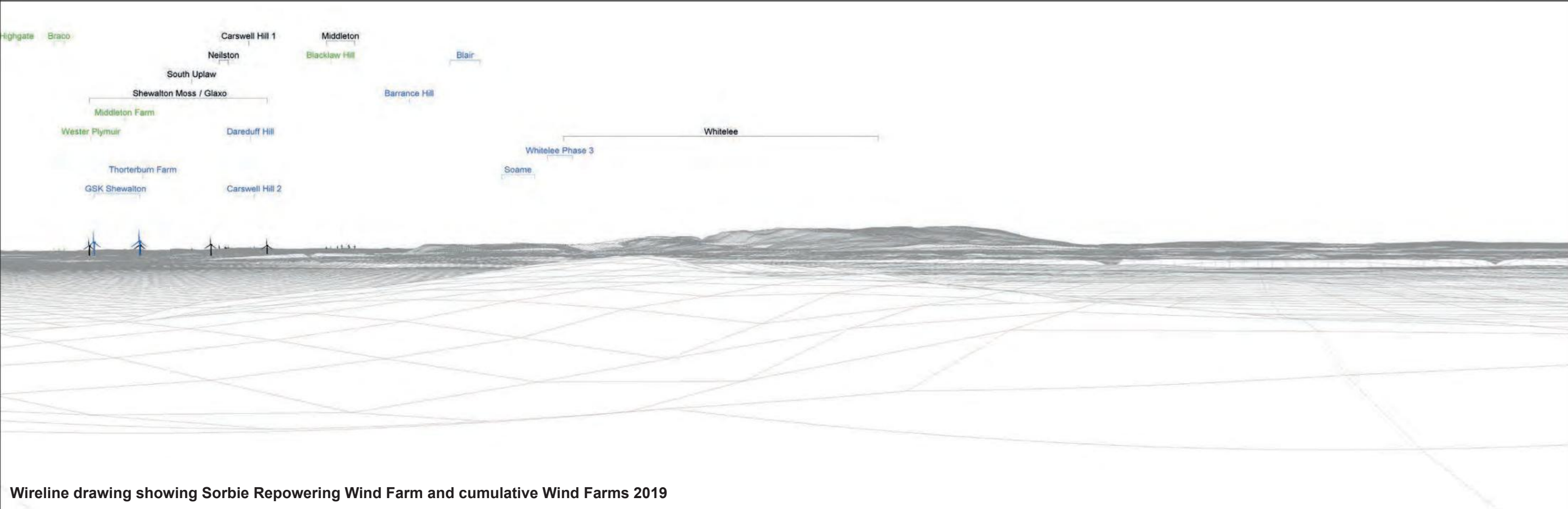


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019





Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



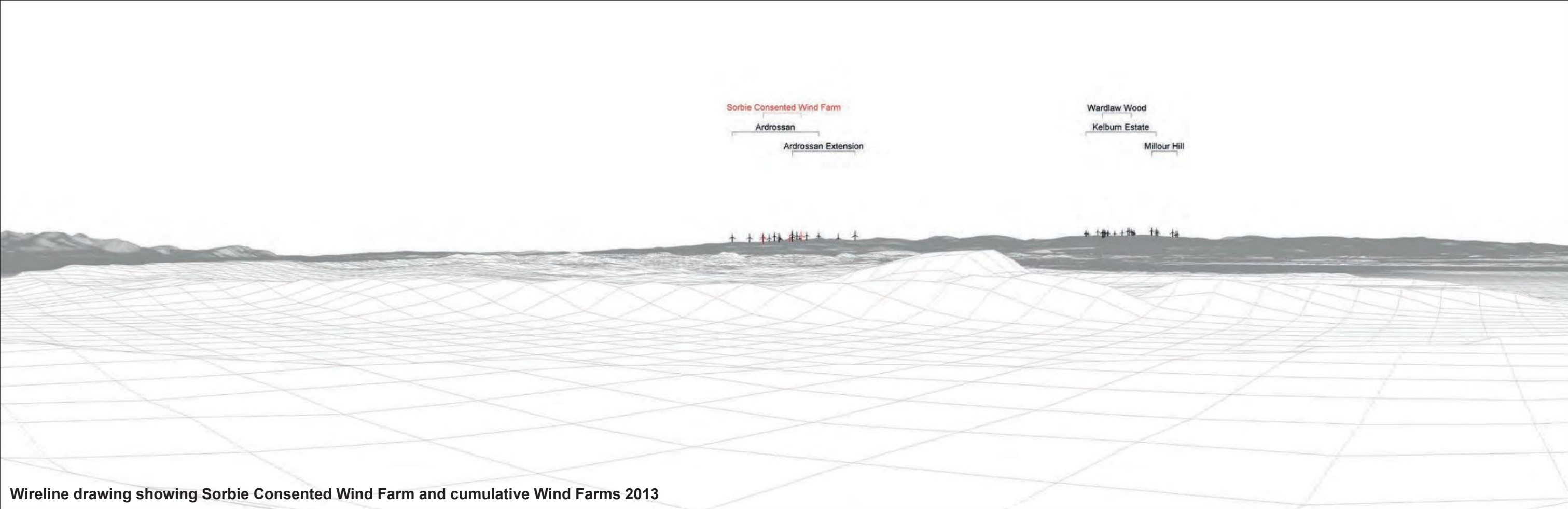
Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference: 231742 E 631200 N  
Eye level: 11.33 m AOD  
Direction of view: 63.00°  
Nearest turbine: 15.672 km

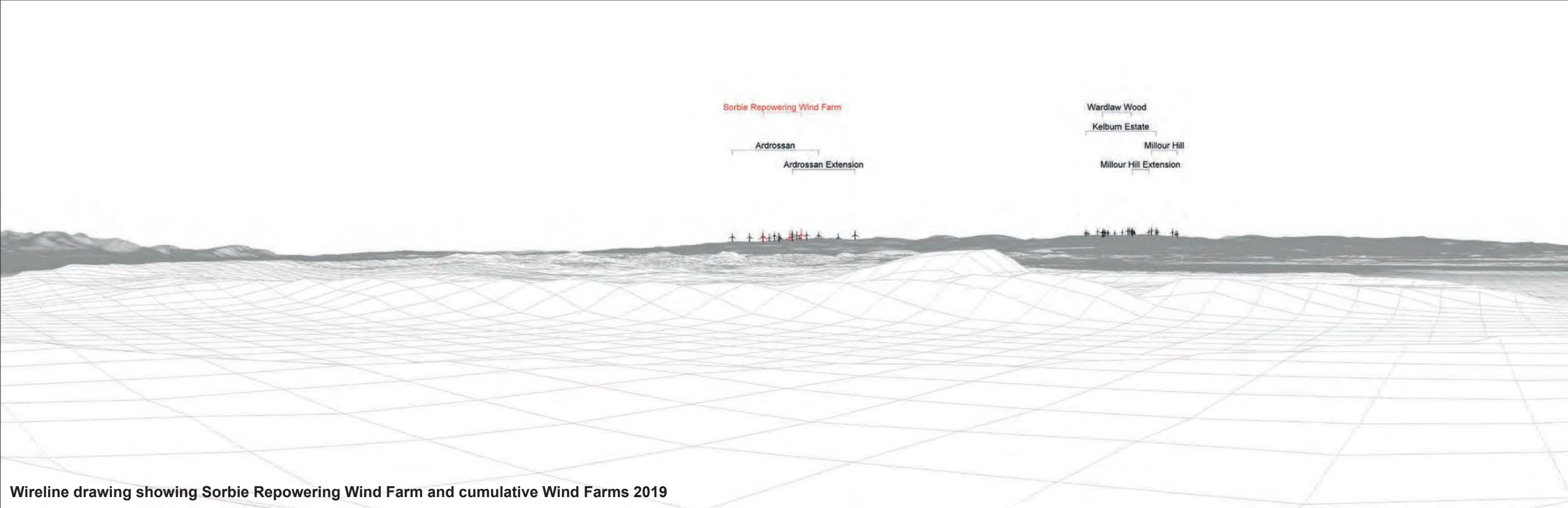
Principal distance 90° (cylindrical projection)  
255 mm

Figure: 32c  
Viewpoint 14: Troon Harbour



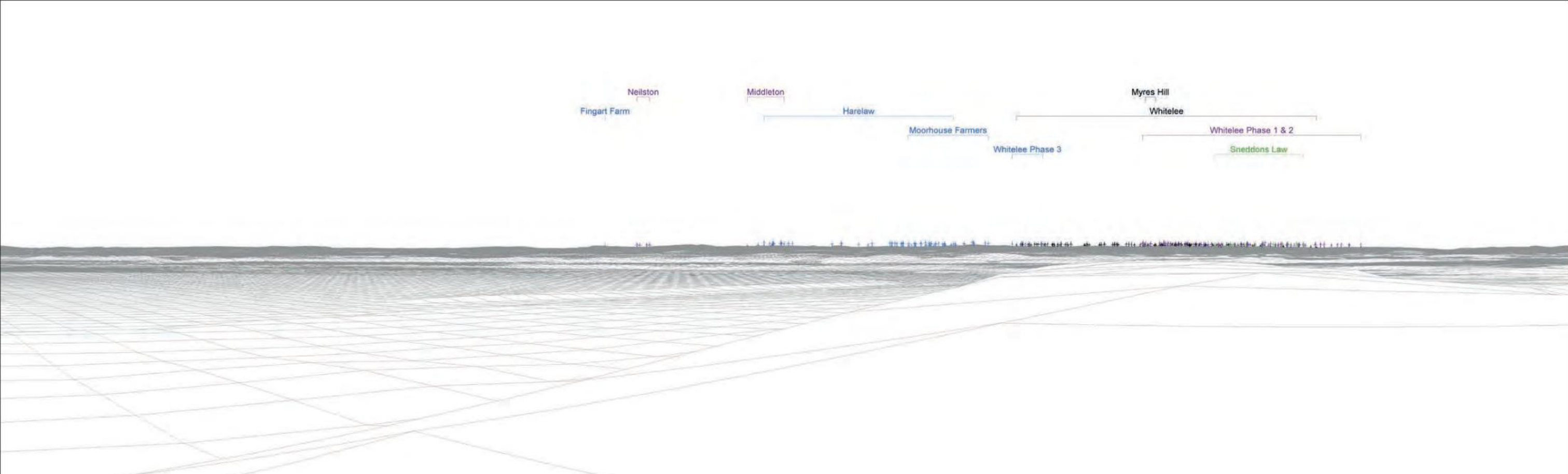


Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

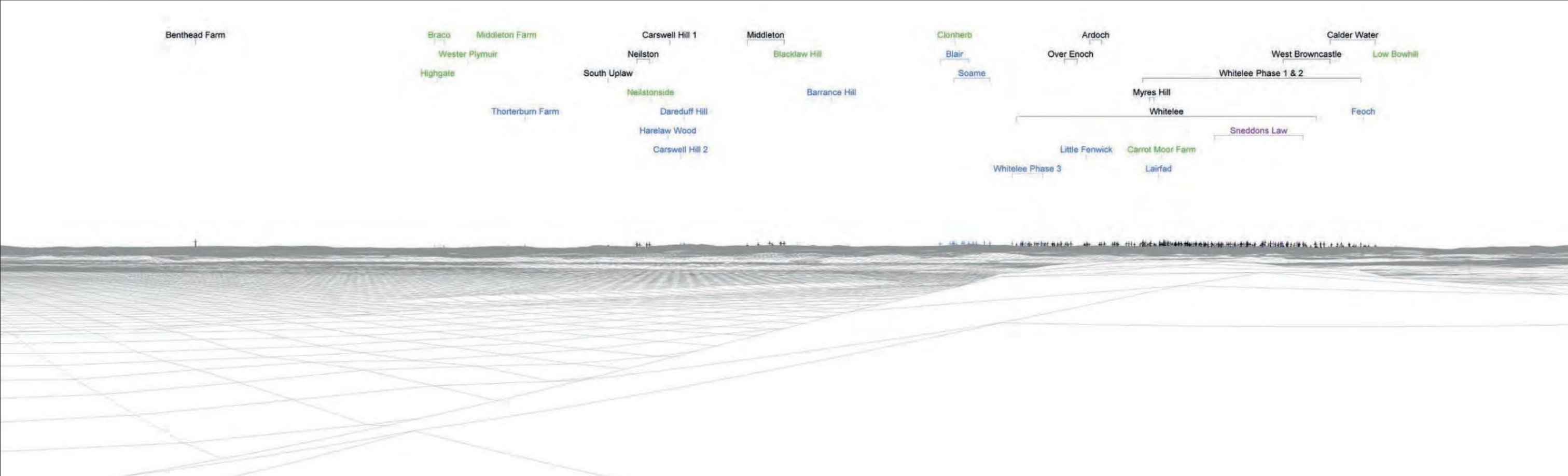


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019





Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013

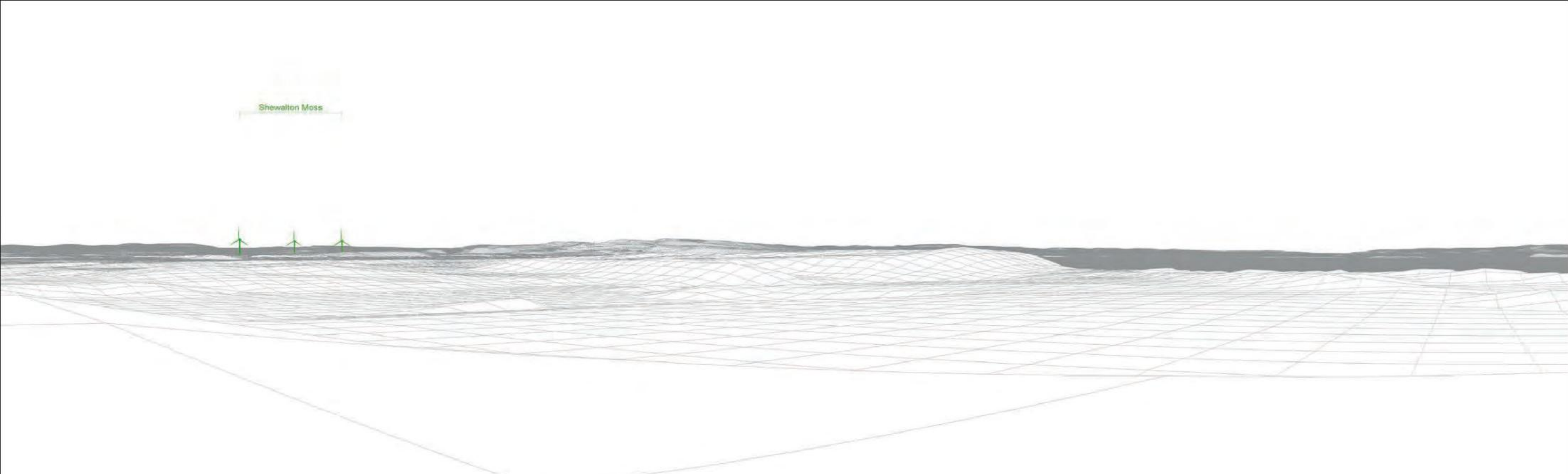


Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

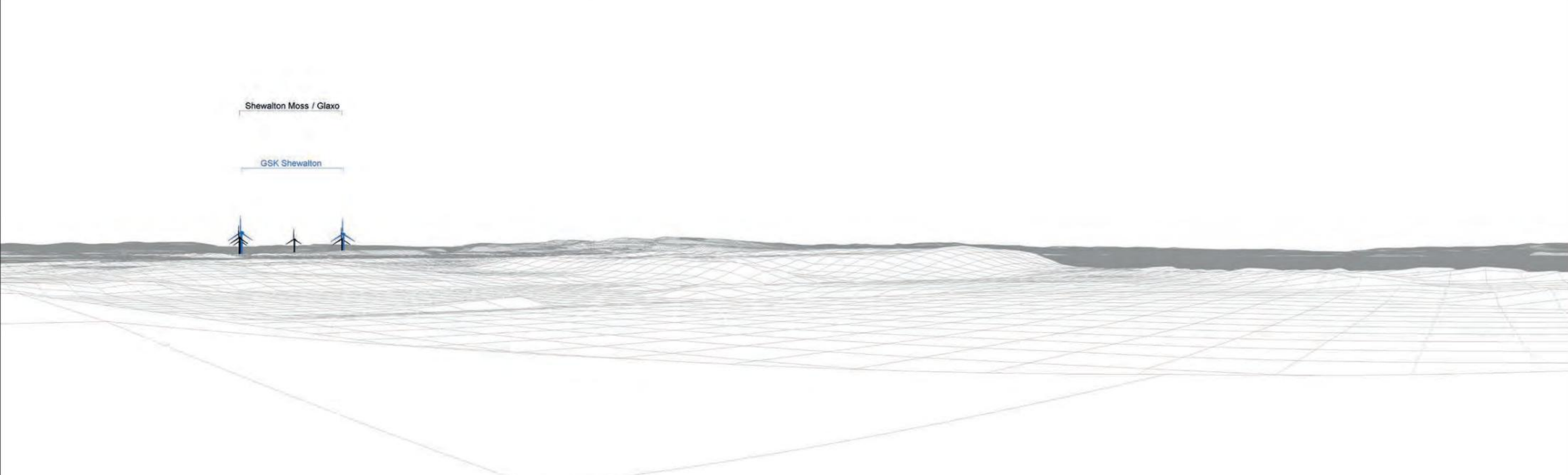
OS reference: 230550 E 638021 N  
Eye level: 14.37 m AOD  
Direction of view: 51.00°  
Nearest turbine: 9.244 km

Principal distance 90° (cylindrical projection)  
255 mm

Figure: 33c  
Viewpoint 15: Irvine Bay



Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference:  
Eye level:  
Direction of view:  
Nearest turbine:

230550 E 638021 N  
14.37 m AOD  
141.00°  
9.244 km

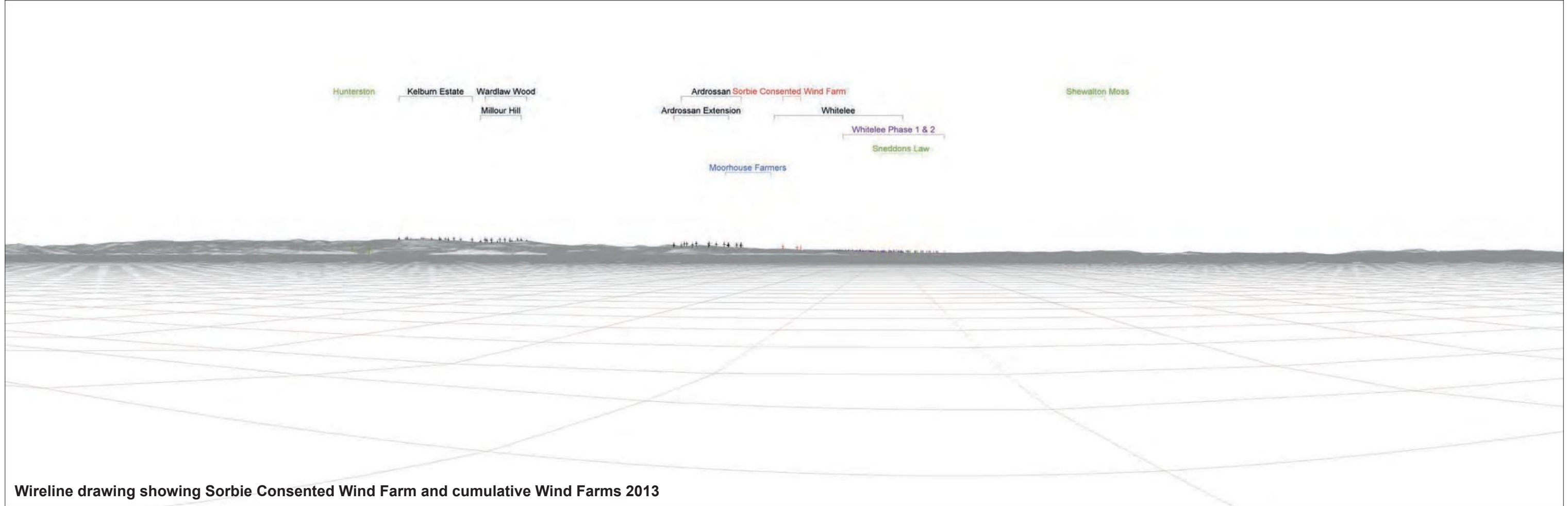
Principal distance

90° (cylindrical projection)  
255 mm

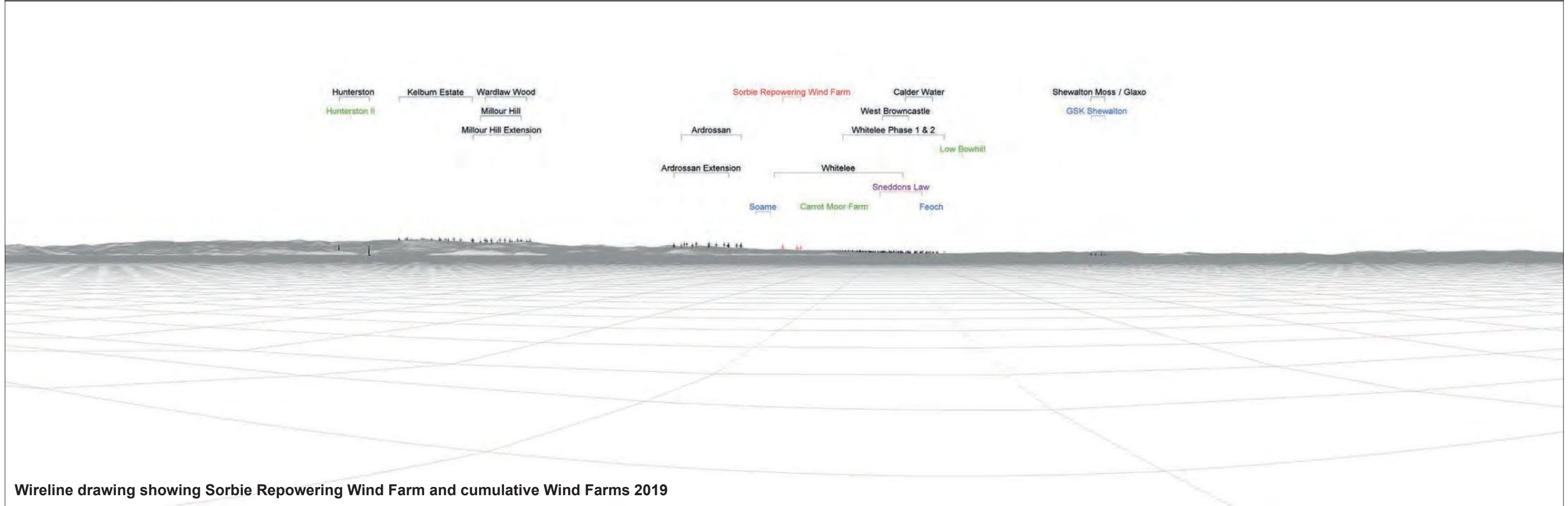
Figure: 33d  
Viewpoint 15: Irvine Bay







Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



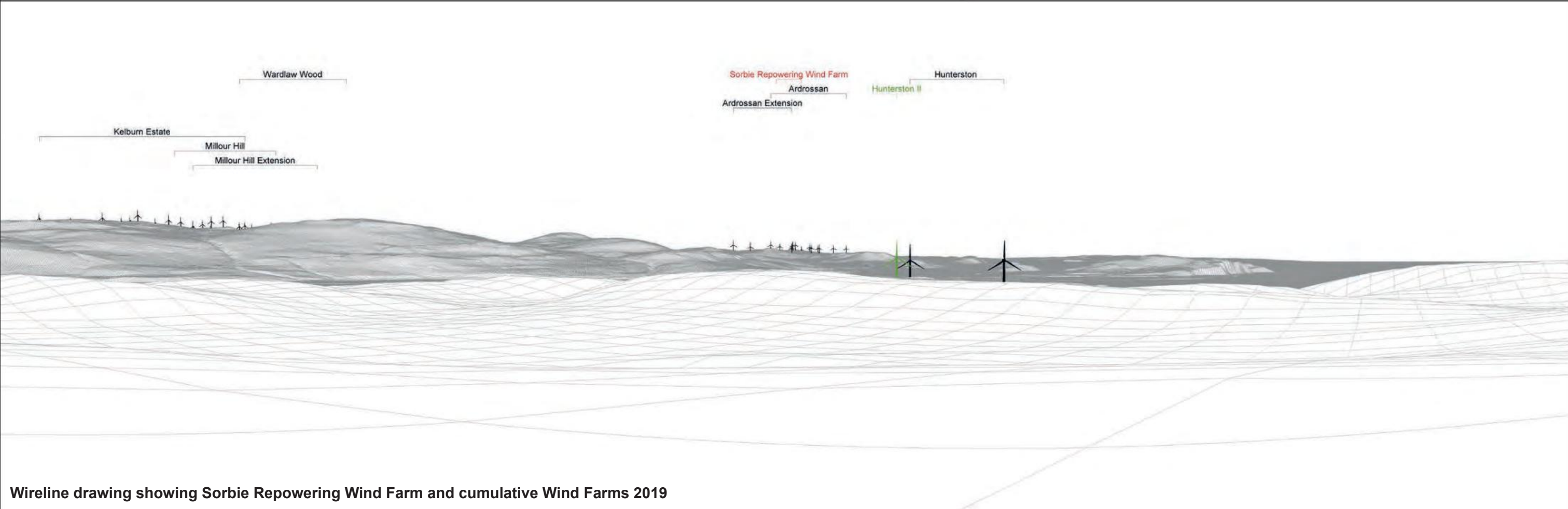
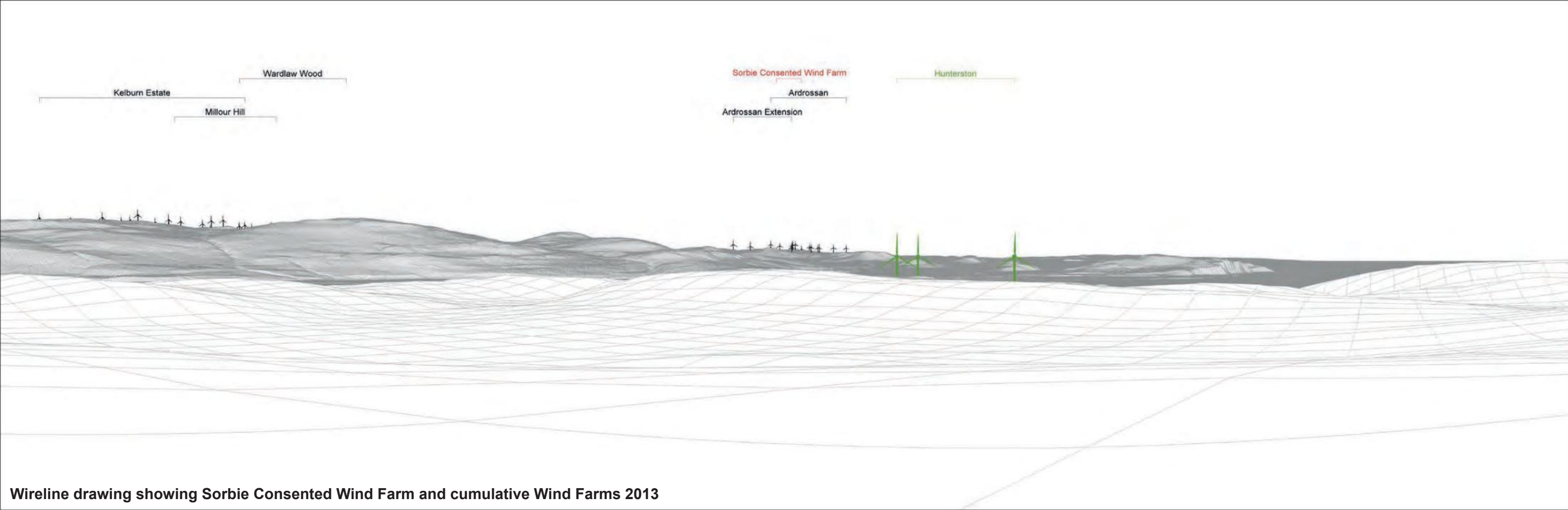
Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference: 202570 E 643272 N  
Eye level: 4.15 m AOD  
Direction of view: 84.00°  
Nearest turbine: 21.928 km

Principal distance 90° (cylindrical projection)  
255 mm

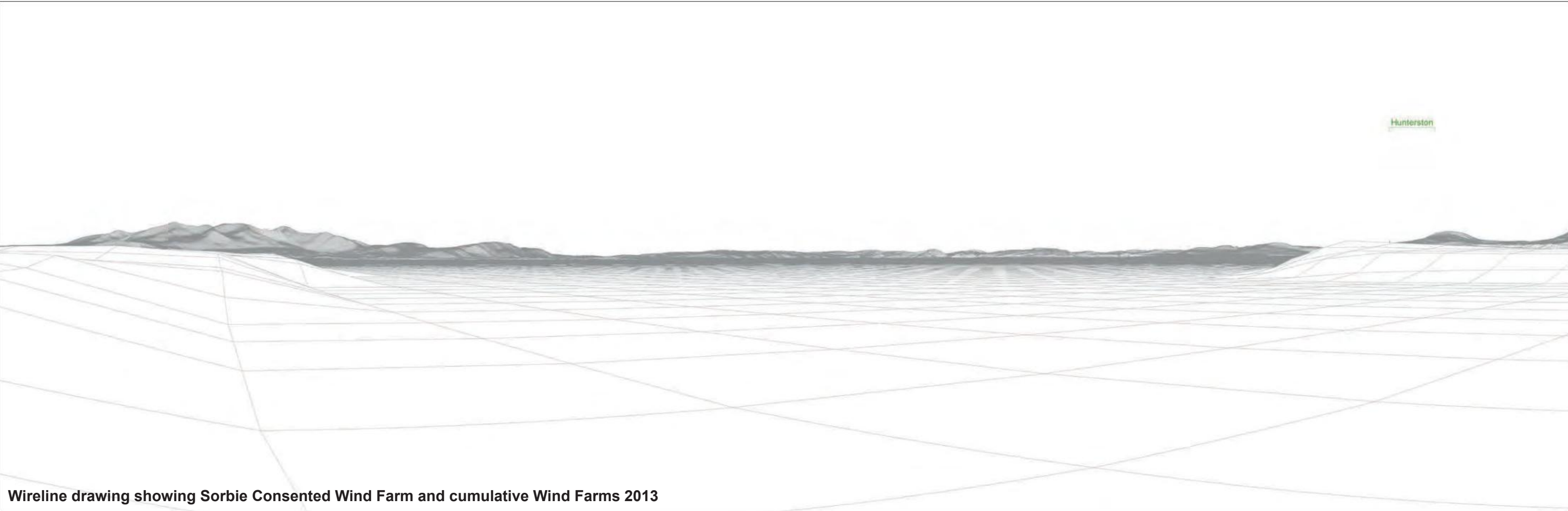
Figure: 34b  
Viewpoint 16: Corrie Arran



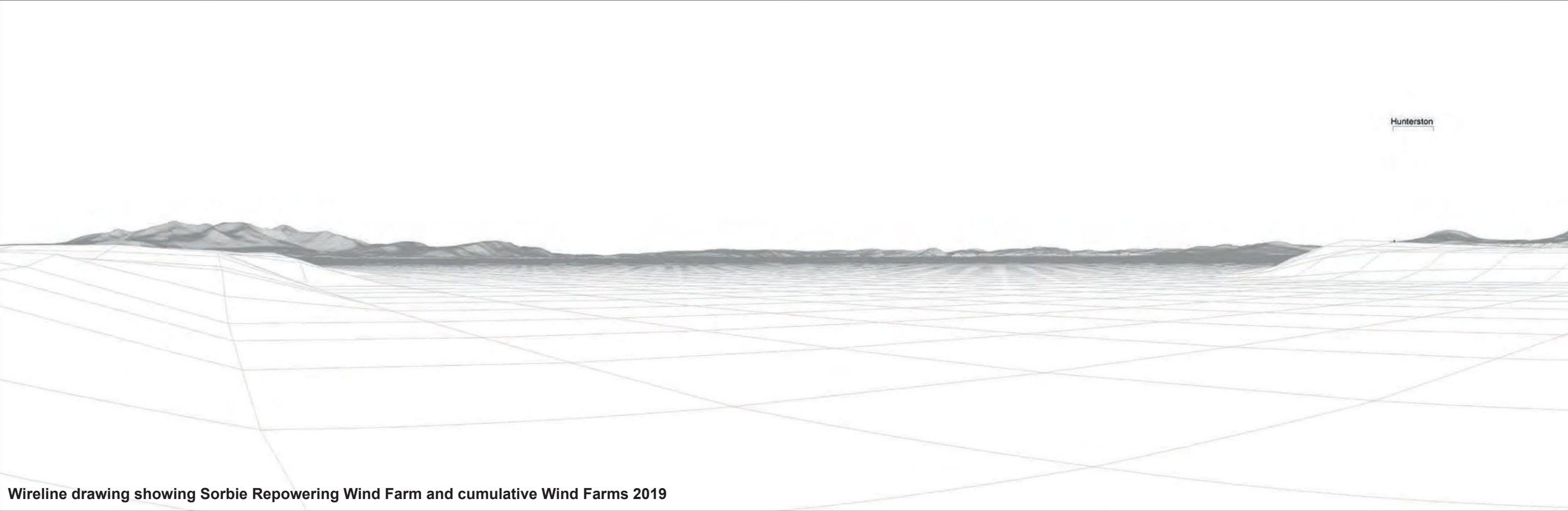








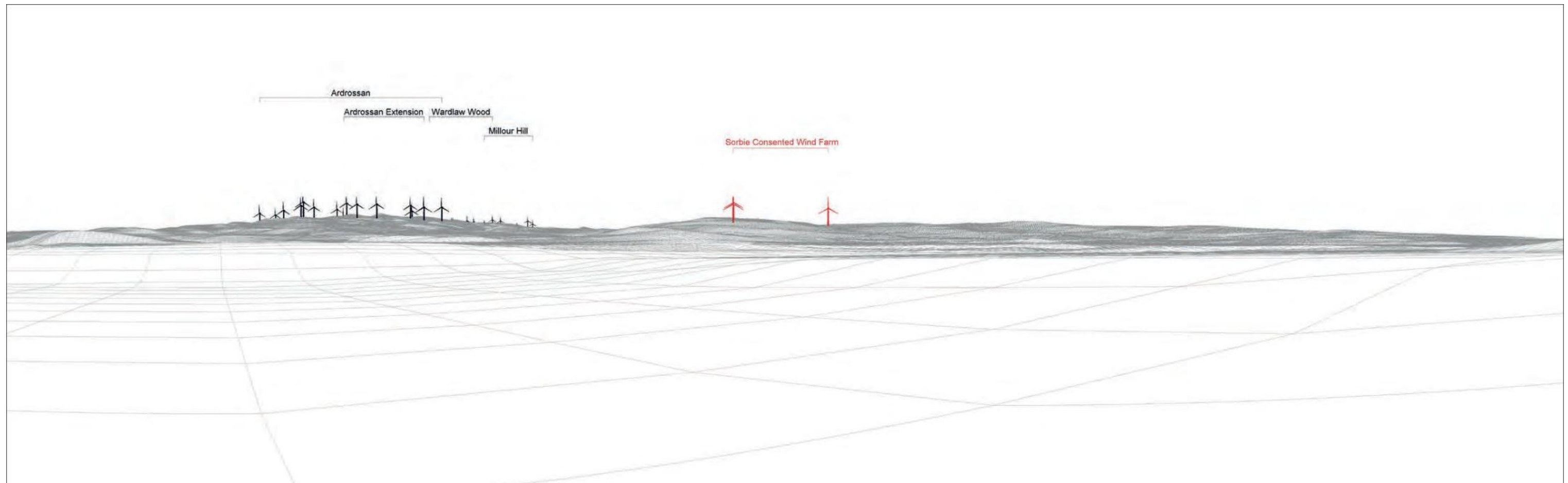
Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



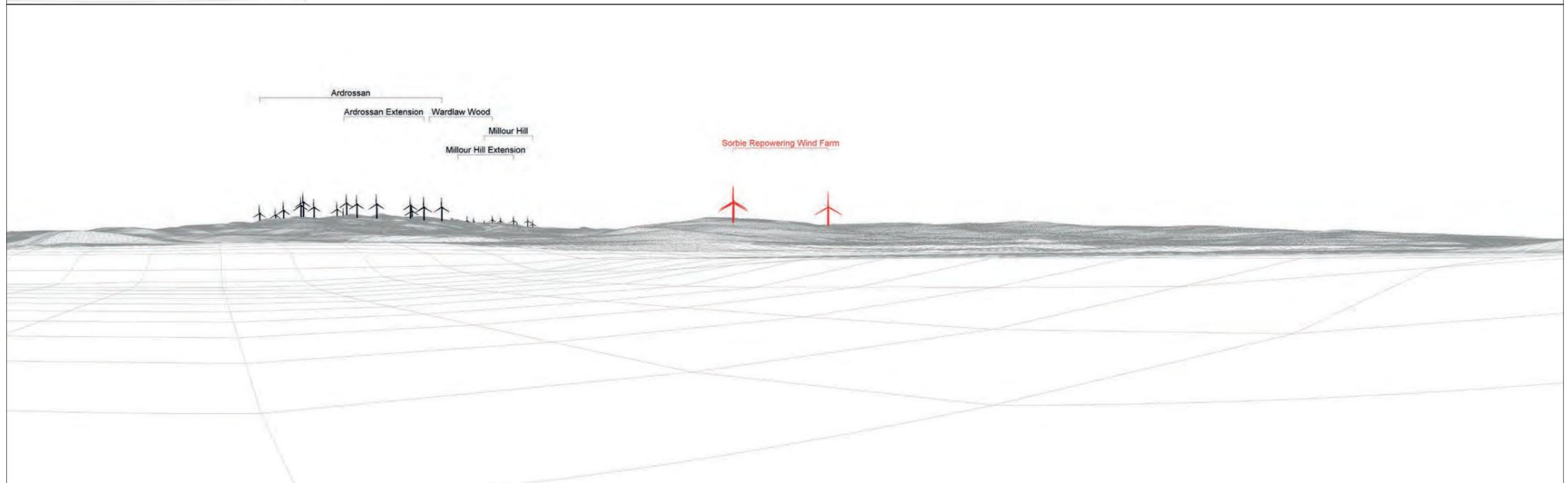
Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference:	222703 E 642337 N	Principal distance	90° (cylindrical projection)
Eye level:	3.30 m AOD		255 mm
Direction of view:	303.00°		
Nearest turbine:	3.405 km		

Figure: 36b  
Viewpoint 18: Ardrossan Harbour



Wireline drawing showing Sorbie Consented Wind Farm and cumulative Wind Farms 2013



Wireline drawing showing Sorbie Repowering Wind Farm and cumulative Wind Farms 2019

OS reference: 222703 E 642337 N  
 Eye level: 3.30 m AOD  
 Direction of view: 33.00°  
 Nearest turbine: 3.405 km

Principal distance 90° (cylindrical projection)  
 255 mm

Figure: 36c  
 Viewpoint 18: Ardrossan Harbour



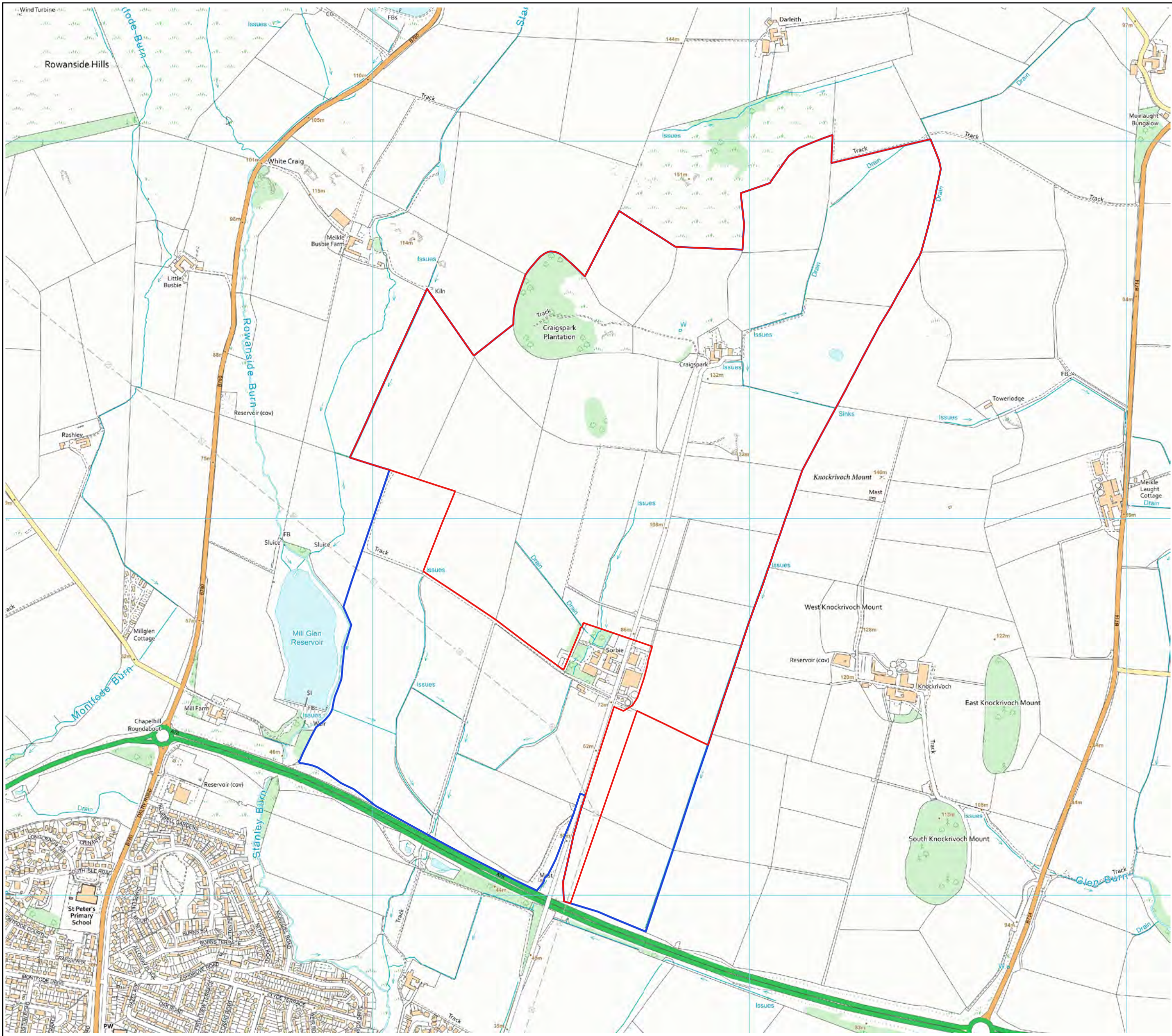
**ENERGIEKONTOR UK LTD**

SCOTLAND  
11 Somerset Place  
GLASGOW  
G3 7JT  
T: +44 (0)141 354 6544

ENGLAND  
4330 Park Approach  
Thorpe Park  
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LS15 8GB  
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[www.energiekontor.co.uk](http://www.energiekontor.co.uk)





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T:+44 (0)141 354 6544

[www.energiekontor.co.uk](http://www.energiekontor.co.uk)

**Figure 1.1a: Site Location Plan**

**Key:**

-  Planning Application Area
-  Land Under the Applicant's Control

0 50 100 150 200 250 m



Drawn by: MB Scale:1:10,000 @ A3 Date: 30/01/20

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## Sorbie Wind Farm

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Office Scotland:  
11 Somerset Place  
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T: +44 (0)113 204 4850

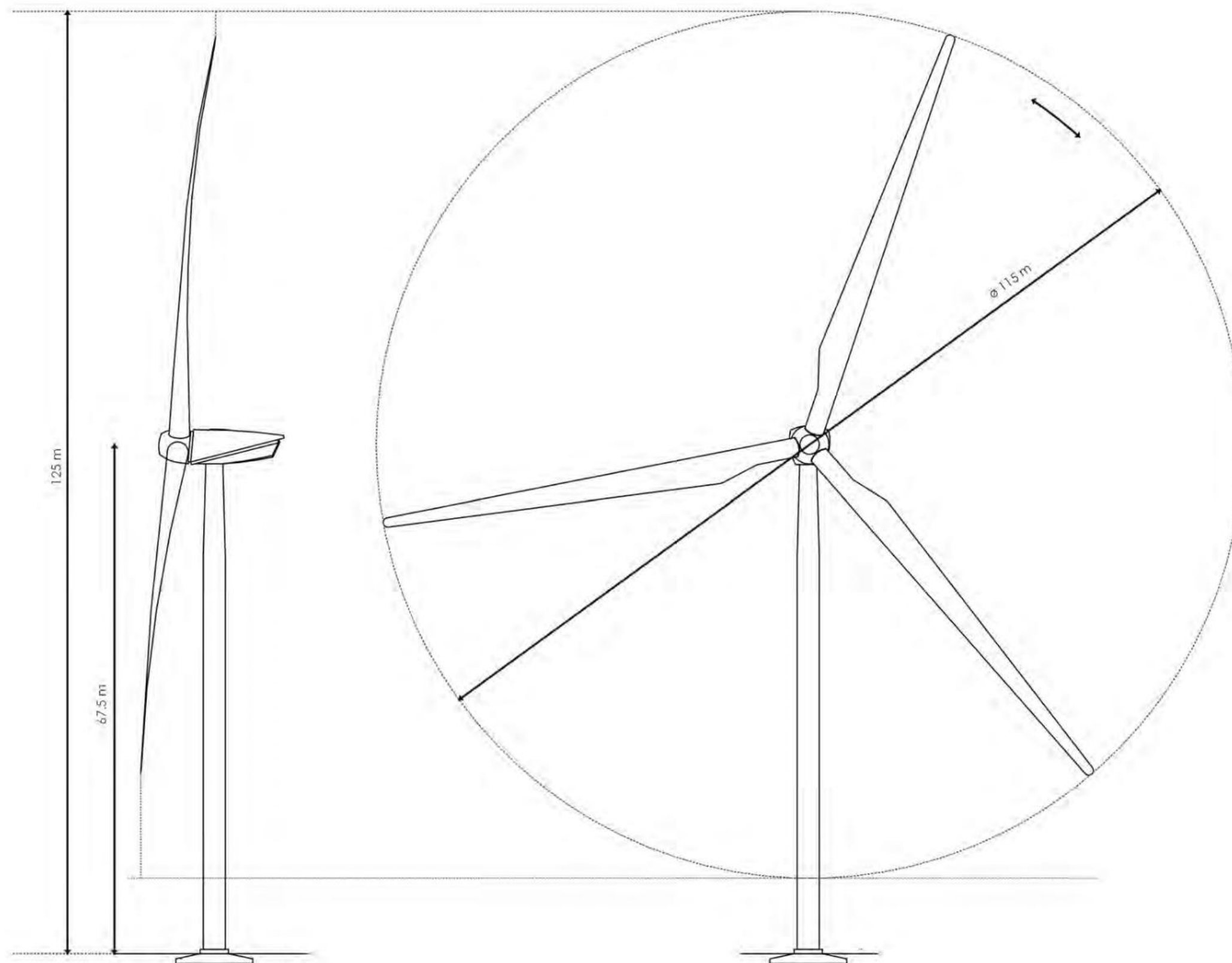
T: +44 (0)141 354 6544

[www.energiekontor.co.uk](http://www.energiekontor.co.uk)

**Figure 1.2: Turbine Elevation**

### NOTES:

For indicative purposes only

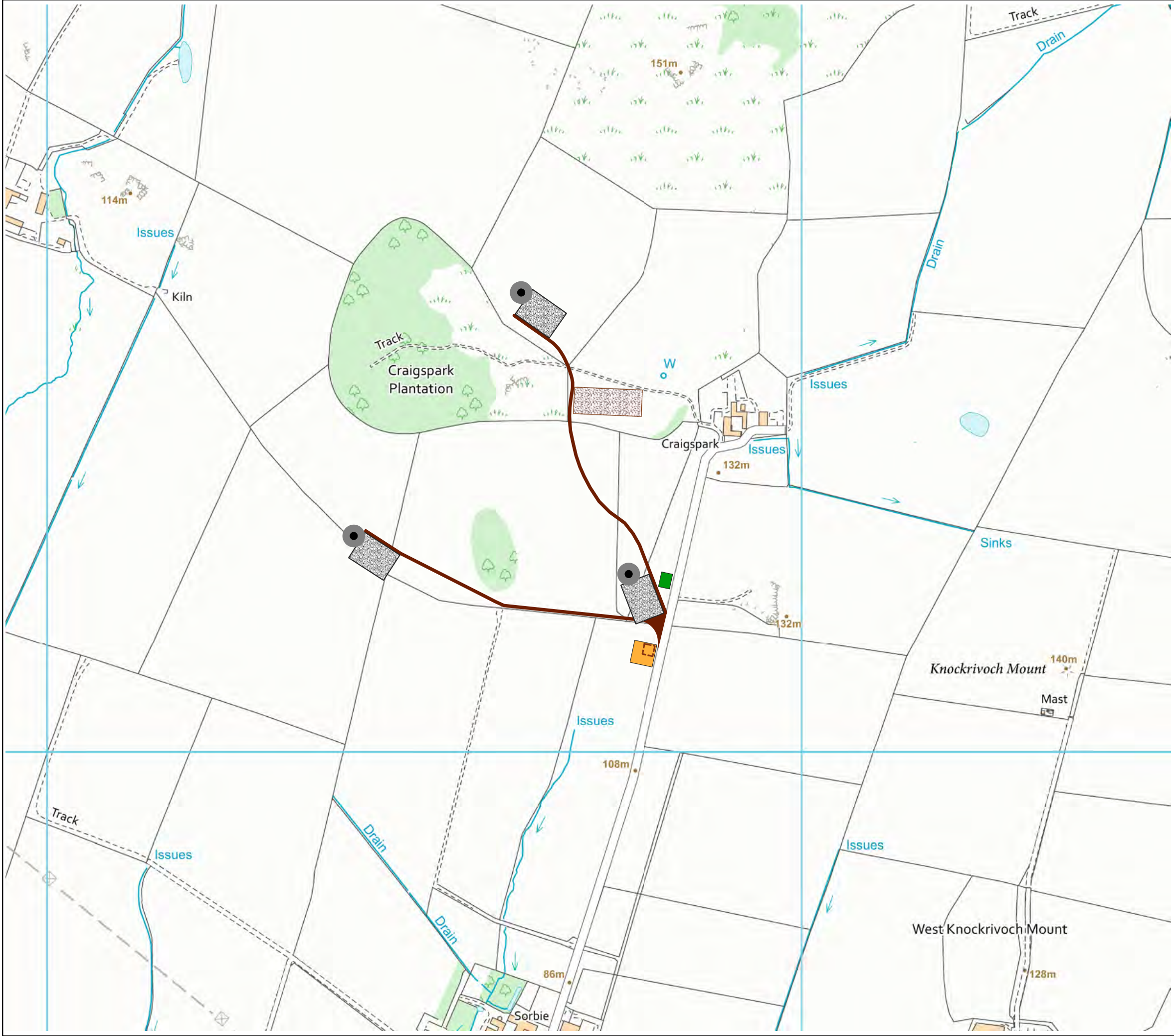


0 5 10 15 20 25 m



Drawn by: AF Scale: 1:600 @ A3 Date: 24/04/2019





**Sorbie Wind Farm**

Office England:  
4330 Park Approach  
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LS15 8GB

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T: +44 (0)141 354 6544

[www.energiekontor.co.uk](http://www.energiekontor.co.uk)

**Figure 1.3: Site Layout**

**Key:**

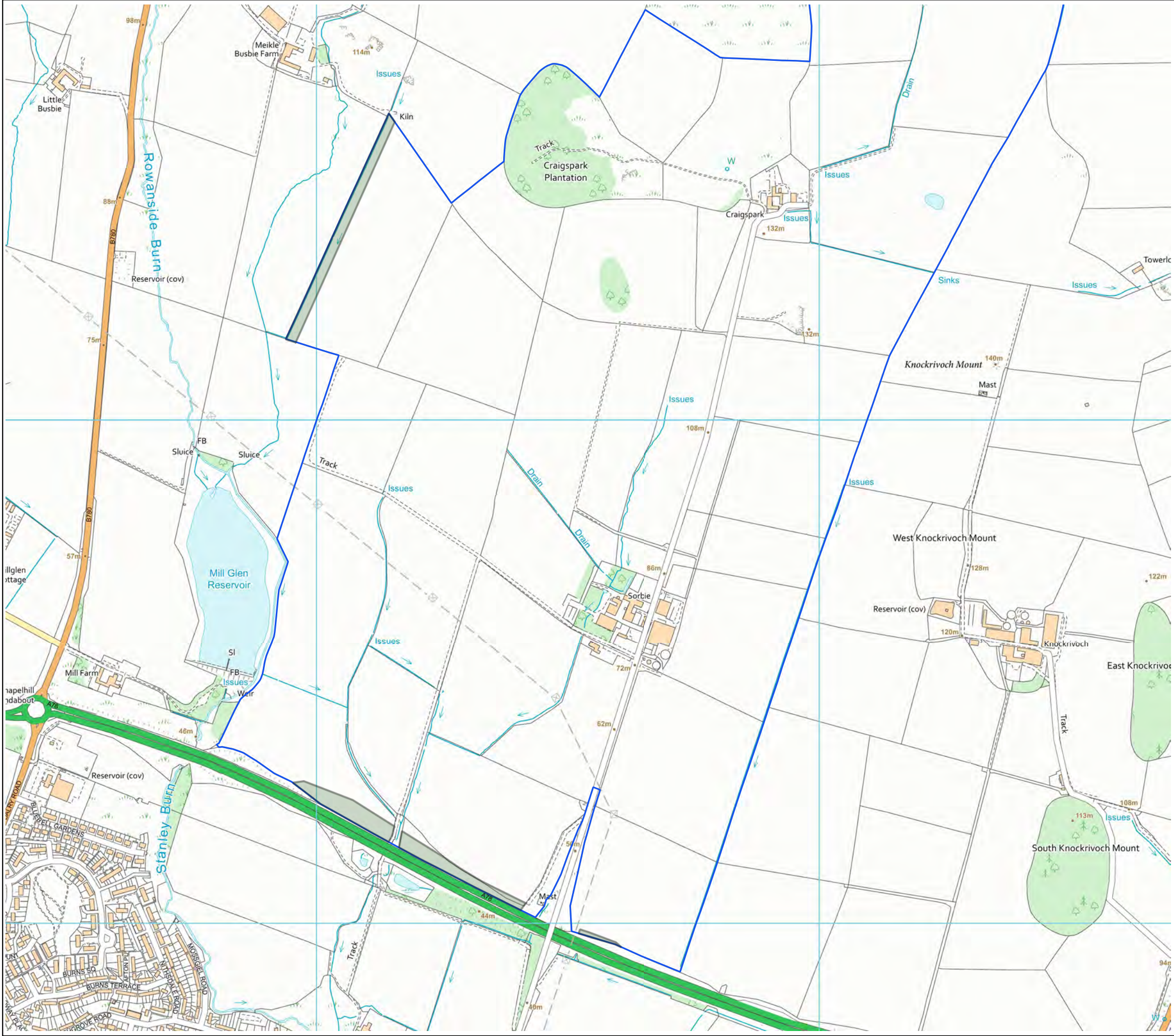
- Wind Turbines
- Turbine Foundations
- Crane Pads
- Substation
- Site Compound
- Battery Storage Area
- Access Tracks



Drawn by: AF    Scale: 1:5,000 @ A3    Date: 15/11/19

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Sorbie Wind Farm

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4330 Park Approach  
Leeds  
LS15 8GB

Office Scotland:  
11 Somerset Place  
Glasgow  
G3 7JT

T:+44 (0)113 204 4850

T:+44 (0)141 354 6544

www.energiekontor.co.uk

Figure 1.4a Woodland Planting Proposals

Key:

- Land Under the Applicant's Control
- New Woodland Planting

0 50 100 150 200 250 m



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

KAREN YEOMANS : Executive Director – (Economy & Communities)

No N/18/01061/PP

(Original Application No. N/100145299-001)

CONDITIONAL PLANNING PERMISSION

Type of Application: Local Application

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

To : Energiekontor UK Ltd F.A.O. Mr Michael Briggs  
4330 Park Approach  
Thorpe Park  
Leeds  
England  
LS15 8GB

With reference to your application received on 29 November 2018 for planning permission under the above mentioned Acts and Orders for :-

Section 42 planning application for variation of condition 3 of planning permission 13/00627/PP

at Sorbie Farm  
Ardrossan  
Ayrshire  
KA22 7NP

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby grant planning permission, in accordance with the plan(s) docketted as relative hereto and the particulars given in the application, subject to the following conditions and associated reasons :-

- |           |    |  |
|-----------|----|--|
| Condition | 1. | That, in condition 3 as set out in Appendix 1 attached to the decision letter of The Scottish Government (ref. AIR-NAY-001) dated 30th November 2015, the wording "6 months" and "6 month" shall be substituted for "5 months" and "5 month" respectively. |
| Reason    | 1. | To ensure that any turbines that become redundant are removed promptly and to protect the visual amenity of the area.  |
| Condition | 2. | That, for the avoidance of doubt, all other conditions as set out in Appendix 1 attached to the decision letter of The Scottish Government (ref. AIR-NAY-001) dated 30th November 2015 shall continue to have effect.                                      |
| Reason    | 2. | To ensure that, in all other respects, the development is implemented in accordance with the decision letter of The Scottish Government dated 30th November 2015.  |

Reason(s) for approval 1. The proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

Dated this : 11 January 2019



.....  
for the North Ayrshire Council

**Drawings relating to decision**

<b>Drawing Title</b>	<b>Drawing Reference</b>	<b>Drawing Version</b>
Location Plan	Fig 1.1	
Location Plan	Fig 1.2	

(See accompanying notes.) (The applicant's attention is particularly drawn to note 5 (limit of duration of planning permission))



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

## **NOTIFICATION OF INITIATION OF DEVELOPMENT**

### **Please return notice when you intend to commence development**

11 January 2019

TO:

Enforcement Officer  
Planning Services  
Cunninghame House  
Irvine  
North Ayrshire  
KA12 8EE

Our Ref: N/18/01061/PP

**Decision:** Approved subject to Conditions

**Decision Date:** 11 January 2019

<b>DETAILS OF APPLICANT AND/OR DEVELOPER</b>	<b>DETAILS OF OWNER</b>	<b>DETAILS OF AGENT IF APPLICABLE</b>

**Description of Development:** Section 42 planning application for variation of condition 3 of planning permission 13/00627/PP

**Location of Development:** Sorbie Farm Ardrossan Ayrshire KA22 7NP

Date when work commences: \_\_\_\_\_

Signed: \_\_\_\_\_

Applicant/Agent\* \_\_\_\_\_

\* Delete where applicable

### **Please read the following and retain for your information.**

1. Work must be carried out in accordance with the relevant docquetted plans and any conditions on the decision notice.
2. A grant of Planning Permission does not authorise work under the Building (Scotland) Act 2003.
3. A separate Building Warrant may be required. Please contact (01294) 324348 to ascertain the need for a warrant.
4. Should the docquetted plans not correspond with what you intend to construct/build, you must seek the Authority of the Council before proceeding.
5. If the development you intend to undertake is either a national or major development and of a type specified in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 you will be required to display a site notice.





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

## **NOTIFICATION OF COMPLETION OF DEVELOPMENT**

### **Please return notice when you have completed the development**

11 January 2019

TO:

Enforcement Officer  
Planning Services  
Cunninghame House  
Irvine  
North Ayrshire  
KA12 8EE

Our Ref: N/18/01061/PP

**Decision:** Approved subject to Conditions

**Decision Date:** 11 January 2019

<b>DETAILS OF APPLICANT AND/OR DEVELOPER</b>	<b>DETAILS OF OWNER</b>	<b>DETAILS OF AGENT IF APPLICABLE</b>

**Description of Development:** Section 42 planning application for variation of condition 3 of planning permission 13/00627/PP

**Location of Development:** Sorbie Farm Ardrossan Ayrshire KA22 7NP

Date when works complete: \_\_\_\_\_

Signed: \_\_\_\_\_

Applicant/Agent\* \_\_\_\_\_

\*Delete where applicable

### **Please read the following and retain for your information.**

1. Work must have been carried out in accordance with the relevant docquetted plans and any conditions on the decision notice.
2. A grant of Planning Permission does not authorise work under the Building (Scotland) Act 2003.
3. A separate Building Warrant may be required. Please contact (01294) 324348 to ascertain the need for a warrant.
4. Should the docquetted plans not correspond with what you intend to construct/build, you must seek the Authority of the Council before proceeding.
5. If the development you intend to undertake is either a national or major development and of a type specified in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 you will be required to display a site notice.



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

KAREN YEOMANS : Executive Director – (Economy & Communities)

## **FORM 2**

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

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



Our ref: AIR-NAY-001  
28 September 2015

Dear Mr Gillies

**NOTICE OF INTENTION**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
ERECTION OF 3 WIND TURBINES AND ASSOCIATED INFRASTRUCTURE AT SORBIE  
FARM, NORTH OF ARDROSSAN, NORTH Ayrshire, KA22 7NP**

1. We refer to the planning application submitted on behalf of Sorbie Windfarm Limited for the above mentioned development.
2. On 18 August 2014, Scottish Ministers issued a Direction, under Section 46 of the Town and Country Planning (Scotland) Act 1997, requiring the above application to be referred to them for determination. This was because of the proposed development's potential adverse impact upon the safe provision of the primary surveillance radar display for Glasgow Prestwick Airport.
3. The application was considered on the basis of unaccompanied site inspections on 22 October and 19 November 2014, hearing sessions on 28 January 2015 and an accompanied site inspection on 29 January 2015 by Dan Jackman BA(Hons) MRTPI, a reporter appointed for that purpose. A copy of Mr Jackman's report is enclosed for your information.



## **The Report**

4. Background to the proposal is provided in chapter 1. All other relevant information is contained between chapters 2 and 5 and the reporter's overall conclusions and recommendation appear in chapter 6.

## **Scottish Ministers' Decision**

5.. Scottish Ministers have carefully considered the written submissions and the reporter's conclusions and recommendation. They accept the reporter's conclusions and recommendation and adopt them for the purpose of their own decision.

6.. Accordingly, Scottish Ministers hereby give notice that they are minded to grant planning permission for the erection of 3 wind turbines and associated infrastructure at Sorbie Farm, North of Ardrossan, North Ayrshire, KA22 7NP subject to conditions, as set out in Appendix 1 of the report, and to the satisfactory conclusion of a planning obligation or suitable alternative binding agreement as set out in paragraph 6.85 of the report.

7. Planning permission will not be granted until a planning obligation, or suitable alternative binding agreement, has been concluded to the satisfaction of Scottish Ministers. Scottish Ministers, therefore, propose to defer their formal decision on the planning application, in the first instance for a period of 3 months to enable these actions to be completed.

8. A copy of this letter and the reporter's report has been sent to North Ayrshire Council, National Air Traffic Services (NATS), Glasgow Prestwick Airport and Mr and Mrs Slater. A copy of the letter has been sent to other interested parties.

Yours sincerely

Directorate for Planning and Environmental Appeals

## Report to the Scottish Ministers



### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

---

Report by Dan Jackman, a reporter appointed by the Scottish Ministers

- Case reference: AIR-NAY-001
- Site Address: Sorbie Farm, Ardrossan, North Ayrshire, KA22 7NP
- Application for planning permission, ref. 13/00627/PP dated 24 October 2013, called-in by notice dated 18 August 2014
- The development proposed: Erection of 3 wind turbines and associated infrastructure
- Date of hearing sessions : 28 January 2015
- Date of site inspections: 22 October 2014, 19 November 2014 and 29 January 2015

Date of this report and recommendation: 3 September 2015

---

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3. Case for North Ayrshire Council	22
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Appendix 2: Planning conditions agreed between Sorbie Wind Farm Limited and North Ayrshire Council	
Appendix 3: Planning Officer's report to Local Review Body	
Appendix 4: List of documents	
Appendix 5: Note of Pre-examination meeting	



**The erection of 3 wind turbines and associated infrastructure at Sorbie Farm, North of Ardrossan, North Ayrshire, KA22 7NP**

• Case reference	AIR-NAY-001
• Case type	Called in application
• Reporter	Dan Jackman
• Applicant	Sorbie Wind Farm Limited
• Planning authority	North Ayrshire Council
• Other parties	Mr and Mrs Slater, National Air Traffic Services and Glasgow Prestwick Airport
• Date of application	24 October 2013
• Date case received by DPEA	18 August 2014
• Methods of consideration and dates	Unaccompanied site inspections on 22 October 2014 and 19 November 2014 Accompanied site inspection 29 January 2015 Hearing sessions on 28 January 2015
• Date of report	3 September 2015
• Reporter's recommendation	That planning permission be granted

**Ministers' reasons for call in:**

Because of the proposed development's potential adverse impact upon the safe provision of the primary surveillance radar display for Glasgow Prestwick Airport

**The site:**

The site is located approximately 1 kilometre north of the edge of Ardrossan on agricultural land mainly used for cattle grazing. The western boundary of the site is formed by the B780. The other boundaries relate to existing field boundaries. Approximately 1.4 kilometres to the North West of the site is the operational Ardrossan Wind Farm, which comprises 12 turbines with a tip height of 100 metres and a further three turbines with a tip height of 106.5 metres.

**Proposed development**

The applicant is Sorbie Wind Farm Limited, a wholly owned subsidiary of Velocita Energy Developments Limited. The development would consist of:

- 3 X 2.3 Mega Watt wind turbines, each of a maximum height to blade tip of 104.3 metres
- Associated infrastructure including control building/substation, turbine lay down areas and temporary crane hardstandings
- Construction of new access tracks and upgrading existing
- Temporary construction compound
- Erection of one permanent anemometer mast
- A new access onto the B 780

### **Case for Sorbie Wind Farm Limited:**

The wind farm would be seen in the context of the existing Ardrossan Wind Farm. It would not give rise to any unacceptable impacts. The council's Local Review Body was satisfied that there would be no unacceptable landscape and visual impacts.

Aviation radar matters have now been resolved and the original objections withdrawn. All other impacts are acceptable or can be made acceptable with appropriate mitigation, secured by planning conditions. The conditions have very largely been agreed with the council. Whilst there are tensions with the Landscape Capacity Study for Wind Farm Development in North Ayrshire (Landscape Capacity Study 2009) and the Ayrshire Supplementary Planning Guidance (SPG) on Wind Farm Development (Ayrshire Supplementary Guidance), overall the proposal complies with Policy PI 9 and with the development plan as a whole.

The proposal can draw significant support from Scottish Planning Policy and other Scottish Government guidance. It has a number of important benefits. Planning permission should therefore be granted.

### **Case for North Ayrshire Council:**

The proposal does not completely comply with the provisions of the development plan. However, other material considerations outweigh any concerns. In particular, weight should be attached to the findings of the site specific landscape and visual impact assessment. The council does not consider that the proposal would result in a significant adverse effect on the landscape.

Subject to appropriate conditions and a Section 75 Planning Obligation relating to restoration and decommissioning, planning permission should be granted.

### **Case for Mr and Mrs Slater:**

Overall, the proposal is significantly contrary to the provisions of the development plan. All the independent professionals who have assessed the proposal have recommended that planning permission should be refused. There are a number of concerns relating to the noise assessment meaning that the conclusions cannot be relied upon. Any benefits in terms of electricity generation and jobs would be small. The suggestion of any community

benefit fund is not relevant to the decision. Planning permission should therefore be refused.

### **Case for National Air Traffic Services (NATS) and Glasgow Prestwick Airport:**

Matters have developed since the planning application was called in. A private agreement has been reached between Sorbie Wind Farm Limited and NATS, who have withdrawn their original objection. Agreement has also been reached with Glasgow Prestwick Airport over appropriate mitigation measures and subject to a suspensive condition, Glasgow Prestwick Airport has also withdrawn their objection.

### **Reporter's reasoning:**

#### 1. Assessment against the provisions of the development plan

The development plan consists of the North Ayrshire Council Local Development Plan, formally adopted on 20 May 2014. The main relevant policy is Policy PI 9, which relates specifically to renewable energy proposals, including wind farms.

The proposal complies with 7 of the 9 relevant criteria of Policy PI 9. The proposal would not comply with criteria c) and i). As the policy requires all criteria to be met, the proposal is contrary overall with Policy PI 9. As Policy PI 9 is the dominant policy of the development plan the proposal does not overall comply with the provisions of the development plan.

#### 2. Assessment against other material considerations

Notwithstanding the contents of the Landscape Capacity Study 2009 and the Ayrshire Supplementary Guidance, it is considered that the proposal would have acceptable landscape and visual impacts as it would mainly be seen in the context of the existing Ardrossan Wind Farm. The original objections regarding impact on aviation radars have now been withdrawn. The proposal could operate within the minimum noise limits set out in The Assessment and Rating of Noise from Wind Farms (ETSU-R-97). Overall, the proposal can draw considerable support from Scottish Planning Policy.

#### 3. Final conclusions

Although the proposal does not accord overall with the relevant provisions of the development plan, granting planning permission can be justified because of the support given by Scottish Planning Policy for environmentally acceptable wind farm proposals. However, a Section 75 Planning Obligation is recommended in this case in order to ensure appropriate restoration and decommissioning of the site.

Scottish Government Directorate for  
Planning and Environmental Appeals



4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

DPEA case reference: AIR-NAY-001

The Scottish Ministers  
Edinburgh

Ministers

In accordance with my minute of appointment dated 18 August 2014, I carried out an examination of the called in planning application for 3 wind turbines and associated infrastructure at Sorbie Farm, Ardrossan, North Ayrshire.

Sorbie Wind Farm Limited submitted the planning application on 24 October 2013. On 26 March 2014 they lodged a review against non-determination of the planning application. On 18 June 2014 the Local Review Body decided to grant planning permission subject to a number of matters, including notifying Scottish Ministers under the terms of the Town and Country Planning (Safeguarding Aerodromes, Technical Sites and Military Explosive Storage Areas) (Scotland) Direction 2003. After due consideration, Scottish Ministers called in the application on 18 August 2014.

I held a pre-examination meeting on 20 November 2014 where it was agreed that there should be a planning policy hearing session, a conditions hearing session and an inquiry session for radar matters. In the event, the inquiry session was replaced by an agreed written statement. The hearing sessions took place on 28 January 2015. Closing submissions were exchanged in writing, with the final closing submission (on behalf of the Sorbie Wind Farm Limited) being lodged on 19 March 2015.

I conducted unaccompanied inspections of the view points and surrounding road network on 22 October 2014 and 19 November 2014. An accompanied inspection of the site and Mr and Mrs Slater's property took place on 29 January 2015.

Chapter 1 of my report gives background information to the application, including a summary of the main policy documents. Chapters 2,3,4 and 5 summarise the case for the main parties. My reasoning, conclusions and recommendations are set out in chapter 7. Any document referencing number refers to the list of documents contained in Appendix 4.

## CHAPTER 1: BACKGROUND

### Site description

1.1 The site is located approximately 1 kilometre north of the edge of Ardrossan on agricultural land mainly used for cattle grazing. The western boundary of the site is formed by the B 780. The other boundaries relate to existing field boundaries. Approximately 1.4 kilometres to the North West of the site is the operational Ardrossan Wind Farm, which comprises 12 turbines with a tip height of 100 metres and a further three turbines with a tip height of 106.5 metres.

1.2 The site rises from the south to the north with a maximum height of 157 metres on a wooded hill called Craigsark Plantation. Close to the hill is a disused farm house and buildings also called Craigsark. Within and adjacent to the site are several farm houses and residential properties. The site location and site layout are shown in Fig 1.1 and 1.2 of volume 2 of the Environmental Appraisal (CD01).

### Proposed development

1.3 The applicant is Sorbie Wind Farm Limited, a wholly owned subsidiary of Velocita Energy Developments Limited. In summary the development would consist of:

- 3 X 2.3 Mega Watt wind turbines, each of a maximum height to blade tip of 104.3 metres
- Associated infrastructure including control building/substation, turbine lay down areas and temporary crane hardstandings.
- Construction of new access tracts and upgrading existing
- Temporary construction compound
- Erection of one permanent anemometer mast

1.4 The proposed main access to the site is from the B 780 and will require a new access in the North West corner of the site. A more detailed project description is contained in chapter 2 of the environmental appraisal and in figs 1.2, 2.2-2.14 of volume 2 (CD01).

### Consultation responses

1.5 The planning application was submitted to North Ayrshire Council on 24 October 2013. The council carried out a consultation process and between November 2013 – March 2014 received the following replies as set out below.

1.6 **Clyde Muirshiel Regional Park** – Objected to the proposal because:

- Although outside the regional park, the turbines would be highly visible to anyone coming towards its southern flank
- The proliferation of turbines will impinge on the visitor's perception of the Regional Park as a place of tranquillity and naturalness

- Unacceptable cumulative landscape and visual effects in association with the existing Ardrossan Wind Farm and the Dalry/Kelburn/Milour Hill Wind Farm Group
- Turbine 1 should be located at least 50 metres from Craighurn Plantation in order to avoid harming foraging bats
- There would be cumulative detrimental effects on birds from existing and proposed wind turbines in the area due to collisions, displacement and loss of habitat

1.7 **Glasgow Airport** – There is no conflict with our safeguarding criteria and therefore we have no objection.

1.8 **North Ayrshire Council Environmental Health** – No objections subject to conditions regarding noise, private water supplies and operational times for construction works.

1.9 **North Ayrshire Council Roads** – No objections subject to conditions

1.10 **Ministry of Defence** – No objection. However, the Ministry of Defence would like to be advised when construction starts and ends, height of construction equipment and the latitude and longitude of every turbine.

1.11 **Royal Society for the Protection of Birds (Scotland)** – No objection

1.12 **Scottish Natural Heritage** – From several nearby viewpoints the proposal would contrast with the scale and design of the larger Ardrossan Wind Farm. Scottish Natural Heritage would recommend a lower turbine height to allow closer spacing in order to achieve a more compact layout.

1.13 **Scottish Water** – No objection

1.14 **Scottish Environment Protection Agency** – No objection to the planning application but reminds the applicant of the need to follow other associated regulatory requirements and best practice advice.

1.15 **West of Scotland Archaeology Service** – No objection subject to a condition requiring approval of a written scheme of investigation.

1.16 **Glasgow Prestwick Airport** and **National Air Traffic Services (NATS)** were also consulted on the planning application. Both parties' position changed as the circumstances surrounding the application developed. The case for Glasgow Prestwick Airport and NATS is set out in more detail in chapter 5.

## Representations

1.17 The council carried out the usual neighbour notification procedure and the application was advertised in the local press on 6<sup>th</sup> November 2013. Five letters of objection were received. Anyone making representations were invited by the council to



make further representations to the Local Review Body. Mr and Mrs Slater, occupiers of a nearby residential property made representations at the time of the planning application, to the Local Review Body and participated in the hearing sessions. The case for Mr and Mrs Slater is set out in more detail in chapter 4.

1.18 The key points made in the letters of objection are as follows:

- Wind turbines are inefficient, reliant on public subsidies and overall do not reduce carbon dioxide immissions
- The proposal would not abide with Article 7 of the Aarhus Convention
- Other countries are not deciding to erect any more wind turbines because they are problematic
- There was insufficient publicity surrounding the application
- The proposal is too close to residential areas
- As Ardrossan expands northwards up to the A 78 bypass, even more residents would be adversely affected by the development
- The proposal would be more visually intrusive than the existing Ardrossan Wind Farm
- Adverse cumulative landscape and visual impacts in combination with Ardrossan and Dalry group of wind farms and the Benthead Farm wind turbine
- The proposal is contrary to the council's published planning guidelines
- The information on the cumulative number of turbines in the area is out of date
- Adverse impacts on human health due to noise, infra sound and low frequency noise. These impacts have been widely supported by people living near turbines and academic research
- The proposal would cause shadow flicker and the interruption of TV reception
- Detrimental to the tourism in the local area
- Economic benefits from wind turbine development are over stated
- Wind turbines cause harmful effects to livestock and wild life
- The proposal would create an unfortunate precedent for the erection of more turbines

1.19 Twenty two letters of support were received by the council making the following key comments:

- The proposal would not detract from the surroundings due to its close relationship with the existing Ardrossan Wind Farm
- The applicant is proposing a generous community benefit package
- The proposal would create jobs, particularly during construction
- The proposal would help meet renewable energy targets

1.20 On 6 January 2015 the Directorate of Planning and Environmental Appeals received a letter from the campaign group Save Your Regional Park claiming that they had objected to the planning application on 27 November 2013 and had also attended the Local Review

Body meeting. The Council had not passed this information on and that Save Your Regional Park would like to address the hearing session (arranged for 28 January 2015).

1.21 On 7 January 2015 the council confirmed to the Directorate for Planning and Environmental Appeals that they had no record of a submission from Save Your Regional Park.

1.22 I ruled that I would accept Save Your Regional Park's written submission but because there was no mention made of planning policy matters and that the aviation session had become an agreed written statement that they could not participate in the hearing session. The key points made were:

- The proposal would detrimentally contribute to the cumulative impact of 41 turbines within or on the edge of Clyde Muirshiel Regional Park adding to an already "over-turbined vista"
- Impact on airport and flight radar
- Harmful impact on tourist businesses
- Too close to houses likely to cause nausea and sleeplessness

### Council's decision

1.23 The planning application was submitted by Sorbie Wind Farm Limited on 24 October 2013 and registered by the council on 30 October 2013. On 26 March 2014, Sorbie Wind Farm Limited lodged a review against non-determination of the planning application.

1.24 The notice of review, the representations from the interested parties and the applicant's response to those representations, together with all supporting information were submitted to the Local Review Body on 28 May 2014. The Local Review Body considered that they required a planning officer's report (see Appendix 3) and to visit the site. The site visit took place on 2 June 2014.

1.25 The Local Review Body considered all the submitted information including the planning officer's report and Sorbie Wind Farm Limited's comment on the report on 18 June 2014. The minutes of that meeting state that:

*"The Local Review Body agreed to grant the application subject to:*

*a) notification under the terms of the Town and Country Planning (Safeguarding Aerodromes, Technical Sites and Military Explosive Storage Areas) (Scotland) Direction 2003.*

*b) The applicant's demonstrating that mitigation measures, and the delivery and implementation of these mitigation measures, have been agreed with Glasgow Prestwick Airport to alleviate any potential adverse impact on Glasgow Prestwick Airport's primary surveillance radar system.*

*c) The applicant's demonstrating that mitigation measures, and the delivery and implementation of those mitigation measures, have been agreed with National Air Traffic*

*Services to alleviate any potential impact on the Lowther Hill primary radar and air traffic management operation of National Air Traffic Services.*

d) *The applicant's entering into a Section 75 agreement in order:*

*i) to secure financial bonds to provide for the restoration of the site: and*

*ii) to secure an annual community benefit payment and the submission of an annual report accounting for the disbursement of the community benefit funding; and*

e) *The planning conditions set out in the planning officer's report*

## **Notification of the planning application**

1.26 On 24 June 2014, North Ayrshire Council notified Scottish Ministers under the terms of the above direction. During that process, NATS considered that mitigation was possible and were content for planning permission to be granted subject to a suspensive planning condition. However, Glasgow Prestwick Airport maintained their objection. Therefore, on 18 August 2014, Scottish Ministers' directed North Ayrshire Council to refer the application to them for determination after an examination by the appointed Reporter.

1.27 On 20 November 2014 a pre-examination meeting was held where it was agreed that there should be a planning policy hearing session, a conditions hearing session and an inquiry session for radar matters (see Appendix 5 for a note of the meeting). In the event, the inquiry session was replaced by an agreed written statement. The hearing sessions took place on 28 January 2015.

1.28 On 13 May 2015, whilst the report to Scottish Ministers was being drafted, Glasgow Prestwick Airport informed the Directorate for Planning and Environmental Appeals that they withdrew their objection subject to a suspensive planning condition.

## **Planning policy background**

### *Development plan*

1.29 The development plan consists of the North Ayrshire Local Development Plan formally adopted on 20<sup>th</sup> May 2014 (see CD 04). The local development plan includes the strategic aims and vision for the area, a general policy that would apply to any development, policies that apply to specific types of development (e.g. renewable energy proposals) and policies designed to protect the natural and historic environment.

1.30 Policy PI 9 relates to renewable energy proposals, including proposals for wind turbines and states:

*"Proposals for the development of wind turbines, wind farms, biomass, solar powered, thermal, wave or run-of-river renewable energy development, or microrenewables, shall accord with the LDP subject to the proposal satisfying the following criteria:*



- (a) *the development is appropriate in design and scale to its surroundings; AND*
- (b) *it can be demonstrated that there is no unacceptable adverse impact on the intrinsic landscape qualities of the area (especially for areas with a specific landscape designation, and coastal areas); AND*
- (c) *in the case of individual wind turbine or wind farm development, that the proposed development is not in an area designated as “high sensitivity” in the “landscape Capacity Study for Wind Farm Development in North Ayrshire”; AND*
- (d) *the proposal shall not result in unacceptable intrusion, or have an unacceptable adverse effect on the natural, built, cultural or historic heritage of the locality; AND*
- (e) *it can be demonstrated that there are no unacceptable adverse impacts on the operation of tourism or recreation interests; AND*
- (f) *it can be demonstrated that there are no unacceptable adverse effects on telecommunications, transmitting, receiving, or radar systems for civil, broadcasting, aviation or defence interests can be effectively overcome; AND*
- (g) *the proposal can be satisfactorily connected to the national grid without causing any unacceptable negative environmental impacts; AND*
- (h) *when considered in association with existing sites, sites formally engaged in the Environmental Assessment process or sites with planning permission, including those in neighbouring authorities, there are no unacceptable impacts due to the cumulative impact of development proposals; AND*
- (i) *in the case of individual wind turbine and wind farm development, that the proposal satisfies the contents of the Ayrshire Supplementary Guidance: Wind Farm Development (October 2009); AND*
- (j) *where appropriate, applicants will be required to demonstrate consideration of co-location with significant electricity or heat users.*

*The Council will require that any redundant apparatus will be removed within 6 months of it becoming non-operational and that the site will be restored, unless it can be demonstrated that said apparatus will return to productive use within a reasonable timeframe.”*

1.31 The General Policy applies to any development proposal and sets out a framework for assessment that includes consideration of design, amenity and landscape character. The policy can be found at page 8 of CD 4.

1.32 The site is located within countryside as shown on the proposals map. Policy ENV 1 sets out the criteria for determining proposals (other than housing) for development in the countryside (see page 55 of CD 4). Policies ENV 4, ENV 5 and ENV 6 relate to farm land, farm diversification and economic development in rural area. They can be found at pages 59 -61 of CD 4.

1.33 Policy ENV 7 relates to Special Landscape Areas (see page 61 of CD 4). The site is not located within any of the identified Special Landscape Areas shown on the proposals map. However, some parties have raised the issue of the impact on Clyde Muirshiel Regional Park which is an identified Special Landscape Area.

1.34 Policy ENV 9 relates to nature conservation (see page 63 of CD4). Policies HE 1 Conservation Areas, HE 2 Listed Buildings, HE 4 Scheduled Ancient Monuments and Archaeological sites and HE 5 Historic Landscapes can be found at pages 49 -52 of CD 4.

### *Scottish Government Policy and Advice*

1.35 Scottish Planning Policy was published in June 2014. It sets out Scottish Ministers' priorities for the operation of the planning system. The overall policies are set out in page 9 -17 of CD 15. Advice in relation to onshore wind is included in paragraphs 161 – 174 (see page 38 – 41 of CD 15). This includes Table 1: Spatial Frameworks (Page 39 CD 15), which is intended to assist planning authorities in developing their own spatial framework.

1.36 Scottish Government energy policy and the inter-relationship with the planning system is set out in a range of documents – see CD 14, 16, 17, 18, 19, 20 and 21. The Scottish Government has also published guidance on dealing with aviation objections and associated negative conditions in wind turbine consents (see CD 22). The key part of this guidance states:

*“planning authorities should consider the views of relevant consultees on the matter and, where applicable, evidence confirming the technical mitigation already identified in theory. Evidence of the likelihood of a technical solution being realised within a reasonable timeframe will therefore be a relevant consideration in deciding whether or not to give consent with negative conditions to address aviation issues.”*

### *North Ayrshire Council's guidance and advice - landscape capacity studies*

1.37 The Landscape Capacity Study for Wind Farm Development within North Ayrshire 2009 (Landscape Capacity Study 2009 - CD 6) is in two parts. Part 1 or phase 1 looked at the upland area of mainland North Ayrshire. Phase 2 considered the remainder of North Ayrshire. The site is located within the phase 1 study but is close to the division between the two areas.

1.38 The aim of the study is to provide advice on landscape and visual issues relating to wind farm development and indicate areas where wind turbines could be located with least impact and those areas where development would be unacceptable. The study is cross referenced in criterion c) of Policy PI 9 (see page 76 of CD 4).

1.39 Figure 4 of the phase 1 study (before page 18 of CD 6), identifies the detailed landscape character sub divisions. The site is located within the Haupland Moor sub division of the rugged moorland. The assessment for this sub division is included in pages 27 – 28 of CD 6. The summary table is set out in page 40 of CD 6 and for Haupland Moor states that it is of high sensitivity and has no capacity.

1.40 Figure 3 of the phase 2 study (before page 19 CD 6) shows the detailed landscape classifications. The area adjacent to the site is identified as the Ayrshire lowlands. The assessment for the Ayrshire lowlands is included in page 21 – 23 of the phase 2 study (CD 6). The summary table is shown on page 47 of the phase 2 study and states that the sensitivity is medium-high with limited capacity.

1.41 The different turbine typologies that are used in the study are set out on page 9 of phase 1 and page 10 of phase 2.

1.42 The North Ayrshire Supplementary Landscape Wind Capacity Study 2013 (CD 7) is intended to supplement the 2009 study. The 2013 study is not referred to in the local development plan.

1.43 Figure 3 (after page 19 of CD 7) shows the landscape character types for North Ayrshire. The site falls within 19e rugged moorland hills and valleys Haupland Moor. However it is also adjacent to 7a – North Ayrshire lowlands. The detailed assessment for 7a North Ayrshire lowlands is at pages 47 – 49 of CD 7 and for 19e rugged moorland hills and valley Haupland Moor pages 77 – 79 of CD7. The summary table for different turbine typologies is set out at pages 105 – 106 of CD 7.

#### *North Ayrshire Council's guidance and advice – Supplementary guidance*

1.44 The Ayrshire Supplementary Planning Guidance (SPG) on Wind Farm Development 2009 (Ayrshire Supplementary Guidance) is included as CD 12. It is intended to apply to the whole of Ayrshire. However, it is also cross referenced in criterion (i) of Policy PI 9 of the local development plan (see page 77 of CD 4).

#### *Other published guidance and advice*

1.45 The Assessment and rating of noise from wind farms (ETSU-R-97 – CD 5) provides guidance on the methodology for assessing wind farm noise and sets out acceptable noise limits. A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise was published by the Institute of Acoustics in May 2013 (CD 29). It provides technical advice in relation to best practice in interpreting the principles set out in ETSU-R-97.



## CHAPTER 2: CASE FOR SORBIE WIND FARM LIMITED

### Planning policy

#### *Development plan*

2.1 The development plan consists of the North Ayrshire Council Local Development Plan, formally adopted on 20<sup>th</sup> May 2014. It was agreed with the council that the General Policy, Policy ENV 1 and Policy PI 9 were directly relevant. However, Sorbie Wind Farm Limited considers that Policies ENV 4, ENV 5, ENV 6, ENV 7, ENV 9, HE 1, HE 2, HE 4 and HE 5 are also relevant. In assessing a proposal against the provisions of the development plan it is necessary to consider the development plan as a whole, including its objectives and all relevant policies.

2.2 All parties at the hearing agreed that the proposal complied with Policy ENV 1. Sorbie Wind Farm Limited's position in relation to Policy PI 9 is set out in the following table:

Criterion	Topic	Complies/Contrary
(a)	Design and scale	Complies
(b)	Landscape impact	Complies
(c)	Not located in a high sensitivity landscape as set out in the Landscape Capacity Study 2009	Complies
(d)	Unacceptable intrusion on natural, built, cultural or historic heritage	Complies
(e)	No adverse impacts on tourism or recreation	Complies
(f)	Adverse effects on telecommunication transmitting, receiving and radar systems can be overcome	Complies
(g)	Satisfactorily connect to national grid	Complies
(h)	Cumulative impact	Complies
(i)	Complies with the Ayrshire Supplementary Guidance: Wind Farm Development	Complies
(j)	Co-located with significant electricity or heat users	Not relevant

2.3 Criteria a) and b) essentially relate to landscape and visual impacts. The detailed assessment of the landscape and visual impacts is set out in paragraphs 2.22 – 2.33 below. However, in summary, Sorbie Wind Farm Limited considers that the landscape and visual impacts are acceptable. Criteria a) and b) are therefore complied with.

2.4 In relation to criterion c), Figure 9 of CD 6 does not show the site within the study area. In any event, for the reasons set out in more detail in paragraphs 2.22 – 2.33 below, the immediate area surrounding the site is not considered to be of high sensitivity. Greater weight should be attached to a site specific landscape and visual impact assessment compared to a strategic level landscape capacity study. The most important areas of high sensitivity have been avoided and therefore the proposal complies with the general objectives of the Landscape Capacity Study 2009 (CD 6). The proposal therefore complies with criterion c).

2.5 The submitted environmental appraisal demonstrates that there would be no unacceptable adverse effect on natural, cultural or historic heritage. The proposal therefore complies with criterion d). There is no reason to suppose there would be any adverse impacts on the operation of tourism or recreation interests. The proposal therefore complies with criterion e).

2.6 It is accepted that the proposal could have an adverse impact on radar systems. However, mitigation measures have been identified and agreements reached with both NATS and Glasgow Prestwick Airport. Subject to a suspensive condition, criterion f) can be complied with.

2.7 A grid connection has been agreed and has been assessed in the environmental appraisal. Criterion g) has therefore been met. Criterion h) relates to cumulative impact. Cumulative landscape and visual impacts and cumulative noise in relation to the nearby operational Ardrossan Wind Farm have been assessed and considered to be acceptable. The proposal complies with criterion h).

2.8 The proposal does not comply with every aspect of the Ayrshire Supplementary Guidance (CD 12). However, the aim of the guidance is to be supportive of wind energy proposals. The guidance is relatively dated and the spatial guidance provided would not now comply with Scottish Planning Policy. Although the supplementary guidance is referred in the development plan, the guidance is not part of the development plan itself. Overall, it is considered that the proposal complies with the general aims of the supplementary guidance. The proposal therefore complies with criterion i). Criterion j) is not relevant.

2.9 The wording of Policy PI 9 makes it clear that each of the criteria have to be satisfied. However, in assessing compliance with the individual criterion, particularly where these relate to other documents (for example, criteria c) and i)) it is important to make an overall assessment, considering the purpose and objectives of the document as well as any detailed policy statements. On this basis it is considered that the proposal complies with Policy PI 9.

2.10 Even if it was accepted that criteria c) and i) were breached, this would not mean that overall, the proposal was contrary to the development plan when considered as a whole. It should be noted that although the council at the hearing considered that there was a technical breach with criteria c) and i), overall, the proposal was acceptable to the council.

2.11 The General Policy applies to all development proposals, including for a wind farm. There are several criteria which are relevant including; design, amenity and landscape impact. All the relevant matters have been assessed in the environmental appraisal and found to be acceptable. It is therefore considered that the proposal complies with the General Policy.

2.12 Policy ENV 4 aims to protect agricultural land. The site is classified as grade 3.2 land, where Policy ENV 4 seeks to ensure that there would be no detrimental impact on the farming unit. There would be a negligible loss of agricultural land and the existing dairy farm operation would not be affected. The proposal complies with Policy ENV 4.

2.13 Policy ENV 5 and ENV 6 relate to farm diversification and the diversification of the rural economy. The proposal would comply with the criteria set out in both policies and would assist in achieving the planning objective of assisting the development of both the farm unit and the rural economy in general.

2.14 Policy ENV 7 seeks to protect Special Landscape Areas. The nearest designation to the proposal is the Clyde Muirshiel Regional Park. The landscape and visual impact upon the regional park has been assessed and found to be acceptable. The proposal therefore complies with Policy ENV 7.

2.15 Policy ENV 9 relates to nature conservation. The impact of the proposal upon ecology and ornithology was assessed in the environmental appraisal and found to be acceptable. The proposal therefore fully complies with Policy ENV 9.

2.16 Policies HE 1, HE 2, HE 4 and HE 5 deal with conservation areas, listed buildings, archaeological sites and historic gardens and designed landscapes respectively. It was found, subject to conditions, that no unacceptable impacts would occur and therefore the proposal complies with the above policies.

#### *Other planning policy*

2.17 Scottish Planning Policy (CD 15) sets out the policy principles for the planning system. In paragraph 32 it states that where proposals accord with an up to date development plan the proposal should be considered to be acceptable in principle. In relation to wind farms, the planning system should support the changes necessary to meet Scottish Government energy targets.

2.18 Scottish Government energy policy is set out in several documents. It is clear that the targets remain challenging and are not “caps” to be set aside if likely to be achieved. Paragraph 169 sets out the considerations that should be taken into account when considering the benefits and impacts of a proposal. Policy PI 9 of the local development plan adopts a generally similar approach.

2.19 It is accepted that because the proposal is within 2 km from Ardrossan the site would fall into group 2 – Areas of Significant Protection as set out in Table 1 page 39 of CD 15. However, the landscape and visual impact of the proposal upon nearby settlements and houses has been assessed in detail and found to be acceptable.



2.20 It should be noted that the Ayrshire Supplementary Guidance would no longer be compliant with the guidance given in relation to producing a spatial framework and this means that less weight can be attached to its conclusions.

2.21 Overall, the proposal has a number of important benefits and can draw considerable support from Scottish Government energy and planning policy.

## Landscape and visual Impact

### Introduction

2.22 The environmental appraisal included a landscape and visual impact assessment prepared using a recognised methodology (see chapter 4 and associated figures in CD 1). The purpose of the assessment was to establish the baseline, identify the potential landscape and visual effects and to determine their significance.

2.23 The assessment used the same landscape character types as those used in the Landscape Capacity Study 2009 (CD 6). The landscape character types adjacent to the site are shown in detail in figure 4.4 of volume 2 of CD 1. The assessment considered national and local landscape designations, including historic gardens and designed landscapes. The various designations are shown in figure 4.5. The designations are overlain with the zone of theoretical visibility in figure 4.23. Figure 4.24 shows the zone of theoretical visibility, landscape planning designations and the estimated area where significant effects would occur within 10 km of the site.

2.24 The assessment includes the visual implications from settlements, road corridors, rail corridors, long distance footpaths and attractions. Cumulative landscape and visual impacts are also considered. Eighteen representative viewpoints were identified and assessed (see table 4.12, page 4.36 of CD 1) and summarised below:

Viewpoint	Name	Distance	Significance of effect
1	B780 near site	1.0 km	Significant
2	Ardrossan, Chapelhill	1.5 km	Significant
3	A78 Layby	1.5 km	Significant
4	B780 & B781 junction	2.6 km	Significant
5	B714, Muirslaught Farm	1.3 km	Significant
6	Kaim Hill	8.0 km	Not Significant
7	Stevenston, Cambuskeith Road	3.3 km	Significant
8	A77 near Kilmarnock	20.0 km	Not Significant
9	Blair Estate	6.5 km	Not Significant
10	Beith, A 737 Roundabout	12.3 km	Not Significant

11	A760 near Kilbirnie	10.5 km	Not Significant
12	Dalry Train Station	6.3 km	Not Significant
13	Dunlop, West View Terrace	16.5 km	Not Significant
14	Troon Harbour	15.7 km	Not Significant
15	Irvine Bay	9.2 km	Not Significant
16	Corrie, Arran	22.0 km	Not Significant
17	Barbay Hill, Great Cumbrae	13.8 km	Not Significant
18	Ardrossan Harbour	3.4 km	Significant

### *Landscape effects*

2.25 There would be limited direct physical effects on the Haupland Muir landscape character type. It is considered that the site is in a transitional position between a number of landscape character types. In particular, between Haupland Muir and the Ayrshire lowlands. The site has elements of both. There are certain small scale features (for example trees, farm buildings) but there are also examples of larger scale man made features. These include the existing Ardrossan Wind Farm and pylons.

2.26 It is considered that there would be an indirect landscape effect on the surrounding landscape character types but this effect is localised. The baseline landscape character already includes wind farms. There is no visibility from most of the regional park. Where visibility occurs, it is in association with the existing wind farms. The effect of the proposal is to marginally increase the extent of the influence of wind farms, such that they would appear as repeating components. However, the proposal would not introduce a new feature to the landscape.

### *Visual effects*

2.27 The significant visual effects, including from roads are localised and within 5 km of the site. Figure 4.16 (volume 2 CD 1) shows that there would be very few locations where the proposed wind farm would be seen on its own. It would generally be seen in association with the existing Ardrossan Wind Farm.

2.28 The proposal has been designed to be of a consistent scale with the existing Ardrossan Wind Farm. From many viewpoints it would be seen as a single wind farm. There would be minimal visual effects over and above the impacts due to the existing wind farms.

2.29 The visual impact upon Tower Lodge was separately assessed (see CD 27). Significant effects would occur but these changes to views would not be of such a magnitude that the property would become an unpleasant place to live.

### *Landscape Capacity Study 2009*

2.30 It is the case that the Landscape Capacity Study 2009 (CD 6) concludes that there is no capacity for a wind farm such as the proposal. However the 2009 study is not part of the development plan and has generally adopted an unduly restrictive approach to wind farm development. The site has not been included in some of the figures and may not have been assessed properly. In any event, the conclusions of a site specific assessment should be preferred to the conclusions from a high level general landscape capacity study.

2.31 It should be noted that the aim of the Landscape Capacity Study 2009 is to direct wind farms away from the most sensitive landscapes. It is considered that the proposal consolidates existing wind farm's visual and landscape influences and avoids the most sensitive landscapes. The proposal is therefore consistent with the overall objectives of the Landscape Capacity Study 2009.

2.32 Mr Slater is incorrect to assert that the council's landscape advisor and Scottish Natural Heritage objected to the proposal. There is no site specific assessment carried out by the council's landscape advisor before the examination. A fair reading of the consultation response from Scottish Natural Heritage would not characterise it as an objection.

### *Conclusion*

2.33 The proposal would result in some significant landscape and visual effects but they are localised. This is inevitable for any commercial scale wind farm. The landscape is already influenced by two groups of existing wind farms. The proposal would generally be seen as a part of or in association with the existing Ardrossan Wind Farm. The proposal would not unacceptably impact on sensitive landscapes and is therefore consistent with the general aims of the Landscape Capacity Study 2009. Overall, the proposal is considered to have acceptable landscape and visual effects.

### **Noise**

2.34 The Assessment and Rating of Noise From Wind Farms (ETSU-R-97 - see CD 5), forms the basis for any noise assessment. The guidance in ETSU-R-97 was followed in preparing the noise assessment as set out in chapter 9 of the environmental appraisal and associated technical appendices. The assessment process i) identified potential receptors, ii) established the representative background noise levels, iii) established the acceptable noise limits based on the recommendations in ETSU-R-97, iv) predicted the likely noise levels, including cumulative noise, and finally v) compared the predicted noise levels with the acceptable limits.

2.35 Based on the background noise survey, Table 9.5 (see page 9-5 of volume 1 - CD 1) shows the acceptable noise limits using 35 dBA or + 5 dBA over background noise, whichever is the greater. It should be noted that 35 dBA is considered by ETSU-R-97 to be the lowest appropriate noise level for a wind farm.

2.36 Table 9.6 (also page 9-5 of CD 1) shows the predicted noise levels at each of the identified receptors. The related noise contours are shown in figure 9.1 of volume 2 of CD1.



Table 9.7 (page 9.6 of CD 1) demonstrates that the predicted noise levels would comply with the lowest levels set out in ETSU-R-97.

2.37 The noise assessment included a cumulative noise assessment taking into account the operational Ardrossan Wind Farm. However, this assessment predated the guidance published in the Good Practice Guide To The Application Of ETSU-R-97 For The Assessment And Rating Of Wind Turbine Noise (CD 29). The technical note (CD 31) considered at the hearing updated the assessment.

2.38 The noise conditions have been largely agreed with the Council. Thirty seven point 5 dBA has been put forward as appropriate on behalf of Sorbie Wind Farm Limited as that was the limit the council's environmental health officer initially considered acceptable. The wind farm could also operate at the lower limit of 35 dBA, the council's latest position, with minimal curtailment and loss of output.

#### *Mr Slater's comments*

2.39 Mr Slater had a number of criticisms of ETSU-R-97 and the methodology followed. Mr Slater's noise consultant also had a number of detailed technical criticisms of the approach used in setting the cumulative limits.

2.40 Sorbie Wind Farm Limited stands by the approach set out in the environmental appraisal and technical note (CD 31). The detailed responses to the technical criticisms are set out in the Rebuttal to Mr Bowdler by Michael Reid. The key points to note are that the noise from Ardrossan was filtered out from the background noise assessment. ETSU-R-97 makes it clear that the background noise assessment is intended to be generally representative. Whilst Mr Bowdler had a number of detailed technical criticisms he accepted that the general approach was correct.

2.41 The lack of any specific noise limits for the Ardrossan Wind Farm need not be a fundamental obstacle. There are conditions in place and the contents of the respective environmental statements make it clear what the intention was. In practice, if a reasonable complaint was received, it could be resolved. The council also has powers under the Environmental Protection Act

#### *Conclusion*

2.42 Planning conditions can be applied to make sure that cumulative noise levels comply with ETSU-R-97 limits. The noise levels will therefore be acceptable. There is therefore no reason to refuse planning permission on the grounds of noise.

#### **Radar**

2.43 The only reason that the planning application was called in was due to the potential impact on aviation radars. Sorbie Wind Farm Limited were aware that the matter needed addressing but were confident that a range of mitigation measures were available. The

council's Local Review Body chose the unusual approach of proposing to hold the issuing of the decision notice rather than attaching a suspensive planning condition as suggested by Sorbie Wind Farm Limited.

2.44 However, in the event, the objections made by NATS and Glasgow Prestwick Airport have now been resolved. There is a private agreement with NATS. Glasgow Prestwick Airport has confirmed that subject to a suspensive condition, they no longer have any objection. It should be added that in Glasgow Prestwick Airport's final response (see letter dated 13 May 2015) they stated that the proposed mitigation measures would assist in providing a regional solution that could help other wind farm proposals.

### **Other matters**

2.45 Chapters 5 and 6 of the environmental appraisal considered the impacts of the proposal on ecology and birds. The site is mainly agricultural land used for animal pasture. It has no particular ecological value. Although Clyde Muirshiel Regional Park objected in terms of impact on birds, these concerns were not shared by Scottish Natural Heritage or the Royal Society for the Protection of Birds. The council had no concerns in relation to ecological or ornithological impacts. It is concluded that there are no unacceptable ecological or ornithological impacts.

2.46 The environmental appraisal considered other matters including hydrology, archaeology, cultural heritage and shadow flicker. Subject to conditions, neither the council nor its consultees had any other objections.

2.47 There is no reason to consider that an additional three turbines will have any significant impact on tourism. The proposal could also create up to 30 jobs during construction, allow local suppliers to win contracts, assist the development of the farm business and result in the setting up of a community benefit fund of up to £34,000 a year.

### **Conditions and Section 75 Planning Obligations**

2.48 The planning conditions are largely agreed between Sorbie Wind Farm Limited and the council. The only area of disagreement is the proposed noise levels (See Appendix 2). In any event, Sorbie Wind Farm Limited is confident that the proposal could successfully operate using the council's noise levels should Scottish Ministers' consider that necessary.

2.49 The council have been unable to specify a financial sum for a restoration bond. Whilst the council's preference is for a Section 75 Planning Obligation there is no reason why the matter of restoration cannot be controlled by condition and there are many examples where this has happened. Sorbie Wind Farm Limited is committed to providing a community benefit fund. However, a Section 75 Planning Obligation is not necessary to achieve this and in any event, is not necessary to make the scheme acceptable.

### **Overall conclusion**

2.50 The wind farm would be seen in the context of the existing Ardrossan Wind Farm. It would not give rise to any unacceptable impacts. The council's Local Review Body was satisfied that there would be no unacceptable landscape and visual impacts.

2.51 Aviation radar matters have now been resolved and the original objections withdrawn. All other impacts are acceptable or can be made acceptable with appropriate mitigation, secured by planning conditions. The conditions have very largely been agreed with the council. Whilst there are tensions with the Landscape Capacity Study 2009 and Ayrshire Supplementary Guidance, overall the proposal complies with Policy PI 9 and with the development plan as a whole.

2.52 The proposal can draw significant support from Scottish Planning Policy and other Scottish Government guidance. It has a number of important benefits. Planning permission should therefore be granted.



## CHAPTER 3: CASE FOR NORTH AYRSHIRE COUNCIL

### Planning policy

3.1 The development plan consists of the North Ayrshire Local Development Plan, adopted on 20 May 2014. It is up to date and consistent with Scottish Planning Policy.

3.2 The directly relevant policies are the General Policy, Policy ENV 1 and Policy PI 9. There was no dispute between any of the parties attending the hearing that the proposal complies with Policy ENV 1 by virtue of meeting criterion c), essential public infrastructure that has a specific operational need.

3.3 The council's position in relation to the criterion listed in Policy PI 9 is as set out in the following table:

Criterion	Topic	Complies/Contrary
(a)	Design and scale	Complies
(b)	Landscape impact	Complies
(c)	Not located in a high sensitivity landscape as set out in the Landscape Capacity Study 2009	Contrary
(d)	Unacceptable intrusion on natural, built, cultural or historic heritage	Complies
(e)	No adverse impacts on tourism or recreation	Complies
(f)	Adverse effects on telecommunication transmitting, receiving and radar systems can be overcome	Complies
(g)	Satisfactorily connect to national grid	Complies
(h)	Cumulative impact	Complies
(i)	Complies with the Ayrshire Supplementary Guidance: Wind Farm Development	Contrary
(j)	Co-located with significant electricity or heat users	Not relevant

3.4 The proposal cannot comply with criterion c) because the site is located in the Haupland Muir landscape character type, which is identified as having high sensitivity. The proposal cannot comply with criterion i) because the site is within 2 kilometre of Ardrossan and falls within a high sensitive landscape character type.

3.5 All the criteria in Policy PI 9 have to be complied with. Although the breaches of criteria c) and i) are technicalities, overall the proposal cannot comply with Policy PI 9. The council considers that the proposal complies with the relevant criteria of the General Policy.

3.6 On behalf of Sorbie Wind Farm Limited other policies of the local development plan are identified as being relevant. In the council's view, these other policies, whilst not being irrelevant are not directly relevant to the consideration of the application. They largely duplicate matters that are already assessed by Policy PI 9.

3.7 In the opinion of the council, whilst the proposal is supported by the general strategy of the development plan there remains a technical breach with two of the criteria in Policy PI 9. However, members of the Local Review Body attached more weight to the site specific landscape and visual impact assessment. They considered that the landscape was already influenced by human activity and that a clear visual gap would be retained between the two existing groups of wind farms in North Ayrshire. They did not consider that the proposal would result in a significant adverse effect on the landscape.

3.8 The Local Review Body concluded, that subject to aviation issues being addressed, that so far as there was any minor breach with the provisions of the development plan, these were outweighed by other material considerations.

## **Other matters**

### *Noise*

3.9 The matter of cumulative noise was only raised at the hearing itself. The council agrees that ESTU-R-97 remains the basis for assessing the noise from wind farms but considers that the appropriate day time limit should be 35 dBA or plus 5 dBA above background noise levels, whichever is the greater.

### *Conditions and planning obligations*

3.10 The council has largely agreed the conditions with the applicant and these are contained in Appendix 2. It remains of the view that a condition and a planning obligation is necessary to ensure a robust mechanism is in place to achieve the proper decommissioning and restoration of the site.

3.11 Although not a matter for Scottish Ministers, the council's preference is that any community benefit proposals are also managed through the provisions of a Section 75 Planning Obligation.

## **Conclusion**

3.12 Overall, whilst the proposal does not completely comply with the provisions of the development plan, other material considerations outweigh any concerns. Subject to appropriate conditions and a Section 75 Planning Obligation, planning permission should be granted.

## CHAPTER 4: CASE FOR MR AND MRS SLATER

### Introduction

4.1 Mr and Mrs Slater commented to North Ayrshire Council when the planning application was received, when the application was being considered by the Local Review Body and participated in the hearing sessions.

4.2 Mr and Mrs Slater live at Tower Lodge which is located approximately 800 metres east of the nearest turbine. Tower Lodge is approximately 2.2 kilometres to the east of the existing Ardrossan Wind Farm.

4.3 Mr and Mrs Slater also commissioned Dick Bowdler, an acoustic consultant, to assess the additional information (CD 31) supplied by the applicant in relation to cumulative noise.

### Planning policy

#### *North Ayrshire Local Development Plan*

4.4 The aim of the local development plan is to protect local residents and create a prosperous area. The plan does also say that it is intended to create certainty for developers and local residents.

4.5 All parties at the hearing agreed that Policy ENV1 and Policy PI 9 were relevant. All parties agreed that a wind farm could be an appropriate countryside use. Mr and Mrs Slater's position regarding the individual criterion listed in Policy PI 9 is as follows:

Criterion	Topic	Complies/Contrary
(a)	Design and scale	Contrary
(b)	Landscape impact	Contrary
(c)	Not located in a high sensitivity landscape as set out in the Landscape Capacity Study 2009	Contrary
(d)	Unacceptable intrusion on natural, built, cultural or historic heritage	Contrary
(e)	No adverse impacts on tourism or recreation	CMRP objected
(f)	Adverse effects on telecommunication transmitting, receiving and radar systems can be overcome	No solution available
(g)	Satisfactorily connect to national grid	No comment



(h)	Cumulative impact	Contrary
(i)	Complies with the Ayrshire supplementary guidance: Wind Farm Development	Contrary

4.6 Criteria a), b), c), and h) largely relate to landscape and visual impact. The proposal would not comply with either the 2009 or the 2013 landscape capacity studies. These studies, prepared by an impartial professional conclude that there is no further scope for an additional wind farm because of the existing Ardrossan Wind Farm. All the impartial professional assessments from Scottish Natural Heritage, the planning officer and Clyde Muirshiel Regional Park have concluded that the landscape and visual impacts would be unacceptable. In Mr and Mrs Slater's opinion, there would also be unacceptable cumulative noise impacts from the proposal in combination with the existing Ardrossan Wind Farm.

4.7 The proposal could not comply with criterion d). In relation to criterion e), it should be noted that both the Clyde Muirshiel Regional Park and the local campaign group Save Your Regional Park have objected. It appears that there may be solutions available to address radar concerns but at the time of the hearing, none have actually been agreed.

4.8 The proposal is clearly contrary to the Ayrshire Supplementary Guidance as it is located within a sensitive landscape character area, is within 2 kilometres of Ardrossan and may not be able to meet the noise requirements.

4.9 Policy PI 9 requires that all the individual criterion should be met. The proposal fails most. If the proposal cannot comply with Policy PI 9 it could not meet the terms of the General Policy either. If Policies ENV 5 and ENV 7 are relevant, the proposal could not comply. The proposal is not required to support the farm business. Any financial support that there may be is conjecture. Clyde Muirshiel Regional Park objected to the proposal because of the unacceptable impact on the regional park. The proposal cannot therefore comply with the provisions of the development plan.

#### *Other planning policy*

4.10 The support that Scottish Planning Policy gives to onshore wind is not unqualified. It was accepted at the hearing by Sorbie Wind Farm Limited that the site falls within group 2: Areas of Significant Protection (See table 1 page 39 of CD15) because it is within 2 kilometres of Ardrossan. Scottish Government advice also refers to the importance of considering the advice of Scottish Natural Heritage. Scottish Natural Heritage had significant concerns regarding the landscape and visual impacts of the proposal.

4.11 Sorbie Wind Farm Limited have criticised the two landscape capacity studies and have instead suggested that their own site specific assessment should be preferred. The landscape capacity studies have been prepared by impartial professionals. As council wide, strategic assessments the site specific studies should have taken into account the landscape capacity studies. Such studies cannot be set aside because the conclusion do not suit the developer

4.12 The council's position on landscape and visual impact has also been inconsistent. Previously the council refused planning permission for two small turbines (18 metres to tip) due to an adverse landscape and visual impact. It is therefore contradictory to now consider that three 104 metre high turbines are acceptable. It was clear from the discussions during the Local Review Body meeting that a lot of weight was being attached to the proposed community benefit scheme.

## **Other matters**

### *Residential visual amenity assessment*

4.13 Prior to the hearing the applicant's submitted a residential visual amenity assessment for Tower Lodge (See CD 27). The conclusions of the assessment are not accepted and the study is not fair.

4.14 The study did not take into account how the house and the garden areas are actually used. The photographs taken are misleading and are not representative of the views that would actually be seen. Some of the existing trees may have to be felled, reducing the amount of screening. The study did not consider other aspects of amenity, for example noise and shadow flicker.

### *Noise*

4.15 There are considerable concerns about the noise assessment contained in the environmental appraisal and the cumulative noise assessment submitted on the day of the hearing. The microphone was located to the front of the house, not to the rear area closest to the proposed wind farm. Trees that may have contributed to the background noise are likely to have to be felled. ETSU –R- 97 is now significantly out of date and sets inappropriate noise limits for very quiet rural areas. The current Ardrossan Wind Farm is audible from Tower Lodge.

4.16 There are also detailed concerns over the cumulative noise assessment. The applicants are seeking to increase the noise limits to those set out in the environmental appraisal. The choice of the controlling property may not be as simple as suggested by Sorbie Wind Farm Limited. The turbine noise curve may also not be as simple as suggested. There seems to be uncertainty over the precise existing noise limits applied to Ardrossan Wind Farm and to the more recent Ardrossan extension. Overall, there is no independent verification that Sorbie Wind Farm Limited's conclusions are reasonable.

### *Planning conditions*

4.17 In the event that Scottish Ministers do grant planning permission, there should not be any condition permitting micro siting. The choice of turbine model should be agreed before any development commences. In reality the developer would have a contract in place for a turbine before development commences, thereby putting pressure on the council to agree to whatever model was proposed.

4.18 A planning condition is required to control shadow flicker. Without prejudice to the points regarding noise above, the lowest noise levels should be chosen to protect the amenity of houses in a quiet rural area.

## Conclusions

4.19 Overall, the proposal is significantly contrary to the provisions of the development plan. All the independent professionals who have assessed the proposal have recommended that planning permission should be refused. Any benefits in terms of electricity generation and jobs would be small. The suggestion of any community benefit fund is not relevant to the decision. Planning permission should therefore be refused.



## **CHAPTER 5: CASE FOR NATIONAL AIR TRAFFIC SERVICES (NATS) AND GLASGOW PRESTWICK AIRPORT**

### **Introduction**

5.1 For obvious reasons, radar, able to detect any flying object is essential for air traffic control. Wind turbines, due to their size, nature and design have the potential to interfere with electromagnetic signals, including those associated with air traffic control radar. As wind turbines have stationary and moving elements they can often defeat the software commonly used to filter out other sources of false returns. Wind turbines can therefore appear as “clutter” on air traffic control radar screens.

5.2 “Clutter” on air traffic control radar screens can create obvious safety issues. They can distract operators, they can hide real returns from aircraft, it can make aircraft harder to detect and generally limit the ability to safely direct aircraft. The Civil Aviation Authority regulates airports and air traffic control service providers. NATS and Glasgow Prestwick Airport are obliged to monitor the impact of new development, including proposals for new wind turbines, to make sure their systems remain safe. Both are statutory consultees within the planning system. If a planning authority proposes to grant planning permission against the advice of either NATS or Glasgow Prestwick Airport, the planning authority must notify Scottish Ministers. The relevant policy guidance published by the Civil Aviation Authority is included as documents 11.1.1 – 11.1.8.

### **National Air Traffic Services (NATS)**

5.3 NATS (Enroute) plc (NERL) provides enroute air traffic services within the United Kingdom. Its Scottish centre is based at Prestwick Airport, although it operates separately from the airport. On 14 November 2013, NATS objected to the proposal because of an unacceptable operational impact upon its Lowther Hill radar.

5.4 When the planning application was notified to Scottish Ministers, the position of NATS had altered and they had no objection subject to a suspensive condition requiring mitigation to be implemented prior to operation.

5.5 On 30 October 2014, after the planning application had been called in, NATS withdrew their objection. The reason for withdrawal was that a private agreement had been signed between NATS and Sorbie Wind Farm Limited. The agreement required NATS to design and validate the blanking of a cell, (so the wind farm could not be seen on the radar screen) formally registering the blanking and implement the change before the wind farm became operational. It is understood that Sorbie Wind Farm Limited has made a financial contribution to NATS for this to be carried out.

### **Glasgow Prestwick Airport**

5.6 Glasgow Prestwick Airport provides air traffic control for the operation of the airport. Sorbie Wind Farm is located outside its control zone. However, above the wind farm, up to a height of 3,500 feet there is a small corridor frequently used by light aircraft, gliders and micro-lights. These types of aircraft frequently have minimal navigational equipment and

often provide weak radar returns. For the safe operation of the airport it is particularly important that the controllers are aware of any incursion into the airport control zone from these aircraft.

5.7 The proposed wind farm would be seen by Glasgow Prestwick Airport's primary radar system and would create clutter on the radar screens. A combination of the existing clutter caused by other wind farms and the sensitivity of the location means that the impact of the proposal is considered to be operationally unacceptable.

5.8 On 22 November 2013, Glasgow Prestwick Airport objected to the planning application. On 8 July 2014, Glasgow Prestwick Airport wrote to Scottish Ministers repeating their objection. They informed Scottish Ministers that at that time they could not support a suspensive condition because whilst mitigation measures were technically possible, there was no time frame, no resource and no decision on a solution that could address the overall regional situation, as opposed to potential mutually exclusive case by case solutions.

5.9 At the time of the hearing on 28 January 2015, Glasgow Prestwick Airport and Sorbie Wind Farm Limited had submitted an agreed written statement (see CD 26). At this time, the agreement was that any planning permission should be subject to the signing of a Section 75 Planning Obligation. A Section 75 Planning Obligation was considered necessary because there would have to be various operational restrictions placed upon Sorbie Wind Farm Limited during testing (e.g. turning the turbines off) and a financial contribution. These matters could not be controlled by a planning condition.

5.10 On 13 May 2015, Glasgow Prestwick Airport wrote to the Directorate for Planning and Environmental Appeals to say that subject to the following planning conditions they withdrew their objection:

*1. No development shall commence unless and until such time as the Planning Authority receives confirmation from the Airport Operator that: (a) a Radar Mitigation Scheme has been identified; and (b) the Radar Mitigation Scheme can be implemented and maintained for the lifetime of the development.*

*2. No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the Testing Protocol, unless and until such time as the Planning Authority receives confirmation from the Airport operator that: (a) all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented; and (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator that the Radar Mitigation Scheme is acceptable mitigation for the development and has been satisfactorily implemented by the Airport Operator.*

*3. No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme.*

*Reasons: In the interests of aviation safety.*

## **Definitions:**

**“Airport Operator”** means Glasgow Prestwick Airport Limited or any successor as holder of a licence under the Air Navigation Order 2000 from the Civil Aviation Authority to operate Glasgow Prestwick Airport.

**“Radar Mitigation Scheme”** means such equipment, procedural or technological measures, as the Airport Operator identifies as necessary and sufficient to prevent the operation of the development or of any turbines forming part of the development impacting adversely on radar performance or on the performance of other navigational aids at Glasgow Prestwick Airport or on maintaining safe and efficient air traffic control services or procedures or airspace and which the Airport Operator is willing and able to implement and maintain for the lifetime of the development or for such shorter period as may be agreed in consultation with the Airport Operator as necessary to mitigate any such adverse impact.

**“Testing Protocol”** means the protocol to control the operation of any turbine or turbines forming part of the development for the purposes of testing of the Radar Mitigation Solution.

5.11 It was explained that in the light of further discussions an agreement had been reached with Sorbie Wind Farm Limited and that there was now a reasonable likelihood of a solution being delivered within a reasonable time period. A Section 75 Planning Obligation in relation to radar mitigation was therefore no longer considered necessary. Glasgow Prestwick Airport was hopeful that the mitigation solution would enable a regional solution that would be available to other wind farm developers.

5.12 The letter also indicated that if the planning conditions should be unacceptable to Scottish Ministers then Glasgow Prestwick Airport should be provided with a further opportunity to comment.



## CHAPTER 6: REASONING AND RECOMMENDATIONS

### Introduction

6.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that Scottish Ministers must determine the application in accordance with the provisions of the development plan unless material considerations indicate otherwise.

6.2 Based on the original documentation submitted as part of the application, the various written submissions, the discussions at the hearing sessions and my site inspections, I consider that the determining issues in this case are whether, bearing in mind the provisions of the development plan:

- The proposal has acceptable landscape and visual impacts, including cumulative impacts and the impact on the residential visual amenity of nearby properties.
- The proposal has acceptable impacts on the radar systems of NATS and Glasgow Prestwick Airport.
- The proposal, subject to conditions, could operate within acceptable noise limits.
- There are any material considerations that warrant determining the application other than in accordance with the development plan, including Scottish Planning Policy and the economic benefits of the proposal.

### Development Plan

6.3 The development plan consists of the North Ayrshire Council Local Development Plan, formally adopted by the council on 20 May 2014. There was no dispute between the parties that The General Policy, Policy ENV 1 and Policy PI 9 were directly relevant. However, Sorbie Wind Farm Limited argued that in addition, Policies ENV 4, ENV 5, ENV 6, ENV 7, ENV 9, HEI 1, HEI 2, HEI 4 and HEI 5 were also relevant. The council argued that whilst these policies were not irrelevant, they were not directly relevant and did not assist in assessing the proposal.

6.4 In my experience, it is often the case that a development plan will contain policies relating to a specific development type (for example renewable energy development) and general policies, often relating to the protection of a particular aspect of the environment, that apply to any development proposal. The North Ayrshire Council Local Development Plan is structured in such a way. It has policies grouped in chapters that generally address particular development types and two chapters that have policies designed to protect the historic environment and the natural environment.

6.5 The proposal is located on a working farm. Policies ENV 4, ENV 5 and ENV 6 relate to the protection of farm land, acceptable farm diversification and acceptable rural diversification. The proposal may well have benefits for the operation of the farm business and to the wider rural economy. However, a wind farm is not primarily promoted to encourage farm diversification. The criteria for assessing the impacts of typical farm diversification projects are unlikely to be helpful in assessing the very particular impacts

associated with a wind farm. I therefore do not consider that Policies ENV 4, ENV 5 and ENV 6 make a useful contribution in assessing the planning merits of the proposal.

6.6 Policies ENV 7, ENV 9, HEI 1, HEI 2, HEI 4 and HEI 5 relate to the protection of particular environmental or historic assets. These duplicate the assessment that has to be made under the wind farm specific policy, Policy PI 9. I therefore agree with the council, that the policies listed by Sorbie Wind Farm Limited, whilst not irrelevant, are not directly relevant in assessing the proposal against the provisions of the development plan.

6.7 Policy ENV 1 relates to development in the countryside. It was not disputed by any of the parties at the hearing that a wind farm is an acceptable countryside use by virtue of criterion c) of Policy ENV 1.

6.8 The General Policy has a number of criteria that would apply to a wind farm proposal. However, such matters are also covered by criteria included in Policy PI 9. It was agreed at the hearing session, at least for the current case, that any assessment under the General Policy would be the same as for Policy PI 9 (i.e. it would not be possible to comply with the General Policy but not comply with Policy PI 9 or vice versa). I conclude that the dominant policy consideration in assessing the proposal against the provisions of the development plan is the criteria set out in Policy PI 9.

#### *Policy PI 9*

6.9 The planning objective of Policy PI 9 is to support renewable energy proposals subject to compliance with 10 criterion. The explanatory text to the policy explains that the most likely renewable energy proposals would be onshore wind farms. It was agreed by all parties at the hearing that criterion j) was not relevant to a wind farm proposal but all the other criterion were relevant. It was also agreed that to comply with Policy PI 9 all the relevant criterion needed to be complied with.

6.10 In my judgement, criteria a), b), c), h) and i) generally relate to the landscape and visual impact of a proposal. There is therefore a degree of overlap and inter-relationship between these five criteria. For this reason I shall assess these criteria first before considering the other criteria that relate to other matters.

#### *Criterion a) - the development is appropriate in design and scale to its surroundings*

6.11 The proposal is only 1.2 kilometres away from the nearest turbine of the existing operational Ardrossan Wind Farm. Figures 4.12 and 4.16 of volume 2 of CD 1 demonstrate that there are very few locations where the proposal would not be seen in association with Ardrossan Wind Farm.

6.12 As is frequently the case for wind farm development, there is a dispute over the conclusions reached in the landscape and visual impact assessment. However, I am not aware of any criticisms of the methodology or the individual assessments regarding the significance of any changes. Having visited most of the viewpoints and driven around the locality, I find the assessment of significant changes to be reasonable.

6.13 The extent of the significant landscape and visual impacts are generally illustrated spatially in figures 4.9 and 4.22 of volume 2 of CD 1. These show that any impacts are localised. It has to be recognised that an inevitable consequence of Scottish Government energy policy is that there will be some significant changes to the landscape and views. However, significant change does not necessarily equate to unacceptable or harmful impacts.

6.14 Overall, I do not find the proposal in the context of the existing Ardrossan Wind Farm to be excessively prominent or dominant to the point of being inappropriate. I consider it to be in scale with its surroundings.

6.15 I can appreciate to an extent the design concerns of Scottish Natural Heritage and those expressed in the planning officer's report (Appendix 3). I accept that from a number of viewpoints the proposal would not be read as an extension of Ardrossan Wind Farm. The gap would be apparent from a number of viewpoints including viewpoints 1, 2, 4 and 18. I agree that a more compact relationship between Ardrossan Wind Farm and the proposal would minimise the extent of landscape and visual influence. I can understand, from some viewpoints, that lower height turbines might give the impression of a more compact layout.

6.16 However, Sorbie Wind Farm Limited have given practical reasons why Scottish Natural Heritage's suggestions could not be adopted. In any event, such considerations are academic as the submitted proposal has to be assessed on its own terms. In my judgement, the increased extent of landscape and visual influences over and above either the Ardrossan Wind Farm or a specifically designed three turbine extension would be marginal. In the context of planning policies supporting wind turbine development, I cannot agree the impacts are unacceptable or harmful in planning terms.

6.17 I accept that those people living close to the proposal (such as Mr and Mrs Slater) would experience most frequently the significant landscape and visual impacts described above. However, it has been generally held in previous planning decisions on wind farms that a significant change to a local resident's outlook does not mean the proposal is unacceptable in planning terms. To be unacceptable the wind farm would have to be over bearing and excessively dominant overall.

6.18 I can understand some of Mr and Mrs Slater's concerns with the assessment in CD 27. Some of the comments may have been unduly dismissive of how Mr and Mrs Slater actually enjoy the rear of their property. The selected photographs do not convey the full impression of how the wind farm would be seen by anyone actually using the rear yard. Nevertheless, based on my site visit, I find the conclusion of the assessment overall to be fair. There would be a significant change to the outlook from the rear amenity area of Tower Lodge. However, the views from the house and front amenity area would not alter significantly. Overall, I do not find the proposal to be so visually dominant or overbearing to the residential visual amenities of Tower Lodge as to justify the refusal of planning permission.

6.19 For the above reasons, I therefore agree with Sorbie Wind Farm Limited and the council that the proposal complies with criterion a) of Policy PI 9.



*Criterion b) - it can be demonstrated that there are no unacceptable adverse impact on the intrinsic landscape qualities of the area (especially for areas with a specific landscape designation and coastal areas)*

6.20 The site is not located within any designation designed to protect the landscape. It is however, within approximately 1 kilometre of the Clyde Muirshiel Regional Park's southern boundary. Both Clyde Muirshiel Regional Park and Save Your Regional Park have objected on the grounds that the proposal would have an adverse impact on the landscape and character of the regional park by increasing the number of turbines that can be seen from it.

6.21 Figures 4.23 and 4.24 of volume 2 of CD 1 show the zone of theoretical visibility of the proposal overlain with the boundary of Clyde Muirshiel Regional Park. The proposal is only visible from the southern part of the regional park. As stated above, figures 4.12 and 4.16 show that where the proposal is seen, it is seen in association with Ardrossan Wind Farm and frequently the Dalry/Kelburn/Milour Hill Wind Farm group. The existing operational wind farms have been considered to be acceptable and are now part of the established landscape baseline. I cannot accept that the addition of three turbines to the existing views would have any significant impact on the landscape and visual qualities of the Clyde Muirshiel Regional Park.

6.22 Figure 4.5 shows the various landscape and other designations. The assessment in the environmental appraisal concluded that there would be no unacceptable impacts. As stated above, I found the assessment in the environmental appraisal to be a fair one.

6.23 As concluded in the assessment of criterion a), the proposal would have some landscape and visual impacts but such impacts are inevitable for any tall vertical structures. Overall, I do not find the proposal to be out of scale. I conclude that the landscape impacts are proportionate and not unexpected for a three turbine wind farm. I do not consider that there is any breach of criterion b).

*Criterion c) - in the case of individual wind turbine or wind farm development, that the proposed development is not in an area designated as "high sensitivity" in the "Landscape Capacity Study for Wind Farm Development in North Ayrshire"*

6.24 The site is located in the Haupland Muir landscape character type (see Figure 4 of CD 6). The overall conclusion on page 28 of CD 6 states that, *"This is a very small geographic area and there is no scope for separate wind farm developments to be accommodated due to the close proximity of the existing Ardrossan wind farm and the cumulative impacts that would occur between developments of potentially different scales. The need to retain the setting and containment provided by the Knockewart Hills to the existing Ardrossan wind farm and to conserve the relatively uncluttered character of south west facing hill slopes abutting the coast also severely limits capacity for development. Capacity is also likely to have been reached with regard to extensions to existing wind farm development due to these constraints. High overall sensitivity."*

6.25 I accept that figure 9 does not include the site. However, this is obviously an error as its omission is inconsistent with the other diagrams and the description of the Haupland

Muir landscape character type. I have no doubt that the site is included within an area designated as high sensitivity in the Landscape Capacity Study 2009.

6.26 I cannot agree with Sorbie Wind Farm Limited that the proposal would support the underlying objectives of the Landscape Capacity Study 2009. I accept that one of the purposes of the Landscape Capacity Study 2009 is to direct wind farm development to less sensitive landscapes. However, Sorbie Wind Farm Limited's assessment of less sensitive landscapes differs significantly from a fair reading of the Landscape Capacity Study 2009. Sorbie Wind Farm Limited lists the uplands of the Clyde Muirshiel Regional Park, the western perimeter hills and views from the Firth of Clyde and islands. However, I note from reading both phase 1 and phase 2 of the Landscape Capacity Study 2009 that it concludes that there is only one landscape character type in the whole of North Ayrshire where there might be capacity for the size of the wind farm proposed. I therefore agree with the council and Mr and Mrs Slater that the proposal does not comply with criterion c) of Policy PI 9.

*Criterion h) - when considered in association with existing sites, sites formally engaged in the environmental assessment process or sites with planning permission, including those in neighbouring authorities, there are no unacceptable impacts due to the cumulative impact of development proposals.*

6.27 The dominate cumulative impact is with the operational Ardrossan Wind Farm. For the reasons set out above, I find the cumulative landscape and visual impacts to be acceptable. I address noise in paragraphs 6.58 – 6.66 below.

6.28 I accept that the Landscape Capacity Study 2009 states that there is no capacity for an additional wind farm close to the existing Ardrossan Wind Farm. However, I consider that a proposal specific landscape and visual impact assessment is a better basis for reaching a conclusion on the cumulative impacts compared to the generalised assessment contained in a landscape capacity study.

6.29 I therefore agree with Sorbie Wind Farm Limited and the council that criterion h) of Policy PI 9 is complied with.

*Criterion i) - in the case of individual wind turbine and wind farm development, that the proposal satisfies the contents of the Ayrshire Supplementary Guidance: Wind Farm Development (October 2009).*

6.30 Sorbie Wind Farm Limited accepts that the proposal does not comply with all the contents of the Ayrshire Supplementary Guidance. However, they argue that the proposal supports its general aims. I cannot agree with this comment.

6.31 The site is within 2 kilometres of Ardrossan and situated within a landscape character type which the Ayrshire Supplementary Guidance considers to be too sensitive for the size of wind farm proposed.

6.32 I accept that the stated aims of the Ayrshire Supplementary Guidance is to support wind energy developments. I accept that the site is not located in an area of significant protection. However, my reading of the Ayrshire Supplementary Guidance is that one of its

key objectives is to direct wind farms to relatively few locations in Ayrshire. I agree with the council and Mr and Mrs Slater that the proposal would not comply with the Ayrshire Supplementary Guidance.

6.33 I accept that the Ayrshire Supplementary Guidance is now dated. For example, Scottish Government energy targets have been increased since the document was published. I agree that the Ayrshire Supplementary Guidance would not now be compliant with the current Scottish Planning Policy. However, these criticisms and the Ayrshire Supplementary Guidance's inclusion within a policy in the local development plan are matters to be considered when the local development plan is reviewed. These are not matters that can alter whether the proposal complies with criterion i) as written.

#### *Other criterion*

*Criterion d) - the proposal shall not result in unacceptable intrusion, or have an unacceptable adverse effect on the natural, built, cultural or historic heritage of the locality.*

6.34 The environmental appraisal included an assessment of the impacts of the proposal on natural and cultural heritage. The conclusion was that subject to conditions, there would be no adverse effects.

6.35 The Clyde Muirshiel Regional Park had concerns over the impact on birds and bats. However, these concerns were not shared by Scottish Natural Heritage or the Royal Society for the Protection of Birds. I therefore have no reason to conclude that the proposal would have an unacceptable adverse effect on the natural, built, cultural or historic heritage of the locality. I therefore agree with Sorbie Wind Farm Limited and the council that the proposal complies with criterion d).

*Criterion e) - it can be demonstrated that there are no unacceptable adverse impacts on the operation of tourism and recreation interests*

6.36 Impacts on tourism and recreation interests will be closely linked to the overall landscape and visual impact. As described above, there are very few locations where the proposal would not be seen in association with the Ardrossan Wind Farm.

6.37 I am aware of no evidence that demonstrates that the existing Ardrossan Wind Farm has had any adverse impact on tourism and recreation. I conclude that the three additional turbines of the proposal are also unlikely to have any unacceptable adverse impacts. I therefore agree with Sorbie Wind Farm Limited and the council that the proposal would comply with criterion e).

*Criterion f) - it can be demonstrated that any unacceptable adverse effects on telecommunications, transmitting, receiving or radar systems for civil, broadcasting, aviation or defence interests can be effectively overcome*

6.38 The proposal would have an impact upon both the NATS and Glasgow Prestwick Airport radar systems. However, in both cases, effective mitigation measures have been identified and agreed. Both NATS and Glasgow Prestwick Airport have now withdrawn their



initial objections. A condition is proposed to address any interference with TV, radio or telecommunication reception. I therefore conclude that the proposal complies with criterion f).

*Criterion g) - the proposal can be satisfactorily connected to the national grid without causing any unacceptable negative environmental impacts*

6.39 Sorbie Wind Farm Limited state that they have secured agreement for a grid connection, which will be made at Saltcoats Substation some 2.9 kilometres south of the site. On and off-site cables will be underground. There was no dispute between the parties that criterion g) of Policy PI 9 was complied with.

### *Conclusions*

6.40 For the reasons set out above, I conclude that the proposal complies with most of the criteria of Policy PI 9 with the exception of criteria c) and i). As all the criteria must be complied with, the proposal is contrary overall to Policy P I 9.

6.41 The council described the breaches as “technical”. I am not sure that is the correct word to use. The spatial rationale of the policy is to direct wind farm development to a relatively restricted range of locations.

6.42 In the written submissions and at the hearing, Sorbie Wind Farm Limited have criticised criteria c) and i) in various ways. I can understand these criticisms. However, such criticisms have to be addressed in the next review of the local development plan. The criteria of an adopted local development plan cannot be set aside simply because a party does not agree with them. In such circumstances, I agree with the council, that the correct course of action is to see if there are any material considerations of sufficient weight that would mean it is appropriate to determine the application other than in accordance with the development plan.

6.43 Policy PI 9, as the proposal specific policy is the dominant policy in relation to the provisions of the development plan. Whilst I accept that the proposal does comply with Policy ENV 1, this is not of sufficient importance to outweigh Policy PI 9. In my view, compliance (or otherwise) with The General Policy would also not override Policy PI 9. Overall, I find that the proposal does not comply with the provisions of the development plan.

### **Other Material Considerations**

#### *Scottish Planning Policy*

6.44 Scottish Planning Policy states that the planning system should support the Scottish Government’s energy policy. The energy policy is set out in detail in documents CD17-CD20. Key targets include 30% of overall energy demand from renewable sources by 2020 and the equivalent of 100% of electricity demand from renewable sources by 2020.

6.45 Mr and Mrs Slater are correct to argue that Scottish Planning Policy does not suggest that every wind farm proposal must be granted planning permission. However, to justify refusal of planning permission any planning harm must outweigh the benefits of the proposal.

6.46 Paragraph 169 lists a number of considerations that includes landscape and visual impacts. I note that although written in a different style, many of the considerations are also included within Policy PI 9. However, a significant difference in approach is that Policy PI 9 also requires proposals to comply with the Landscape Capacity Study 2009 and the Ayrshire Supplementary Guidance.

6.47 Landscape capacity studies can be useful tools in understanding the nature of impacts caused by wind turbines. However, I do not consider that it is appropriate to give them the attributes of detailed zonings of land for a particular number of turbines of a particular size.

6.48 Landscape character type boundaries are broad and cannot be treated as precise divisions of land. The wind farm typologies used in the Landscape Capacity Study 2009 are also broad. For example, typology 1 is defined as multiple turbines of 100 metres – 140 metres. There would be a big difference in landscape and visual impact between a wind farm of three turbines just over 100 metres (such as the proposal) and one with 10 turbines of 140 metres in height.

6.49 In my experience, for this reason, most landscape capacity studies state that they should not be used to draw site specific conclusions. In my opinion, it would be impossible for any landscape capacity study to be able to properly anticipate all the multiple impacts of the many factors that influence the design of a wind farm. I therefore consider that the Local Review Body were correct to attach more weight to a proposal specific landscape and visual impact assessment compared to the general conclusions contained in the Landscape Capacity Study 2009. I have concluded in paragraph 6.12 above that the landscape and visual impact assessment submitted for the proposal is fair and that overall the impacts are acceptable.

6.50 I also agree with Sorbie Wind Farm Limited that the approach used in preparing the Ayrshire Supplementary Guidance would not now be compliant with the guidance for preparing spatial frameworks in Scottish Planning Policy. In particular, from Table 1 (page 39 of CD 15) group 1 and 2 areas are likely to be far more limited in Ayrshire than the extent of landscape character types considered to be too sensitive in the Ayrshire Supplementary Guidance.

6.51 It was accepted at the hearing that the proposal is within 2 kilometres of a settlement and would therefore fall within group 2 – Areas of Significant Protection in Table 1. However, the commentary does not preclude development in every case and it may be appropriate in some circumstances. The relationship with the surrounding settlements was assessed in the submitted landscape and visual impact assessment. In summary, in the context of the existing Ardrossan Wind Farm, the impacts were found to be acceptable.

6.52 A key policy principle introduced by Scottish Planning Policy is that there is a presumption in favour of development that contributes to sustainable development. Aside from non-compliance with the Landscape Capacity Study 2009 and the Ayrshire Supplementary Guidance, I have found no unacceptable environmental impacts. It seems to me, that a proposal for three turbines that would be environmentally acceptable, would be exactly the kind of development that the Scottish Government would consider as contributing to sustainable development.

6.53 The proposal would generate a modest but still significant amount of electricity that would contribute to achieving the Scottish Government's renewable energy targets. Any capital investment, irrespective of size is beneficial to the wider economy. I also note the potential benefits to the farm business.

6.54 I therefore conclude that the proposal can draw considerable support from Scottish Government energy policy in general and Scottish Planning Policy in particular. I have been unable to identify any impacts of sufficient planning harm to outweigh the benefits. I consider that this support is an important material consideration that I attach considerable weight. In my opinion, this material consideration is sufficient to justify determining the application other than in accordance with the development plan.

#### *Radar*

6.55 The proposal has the potential to unacceptably impact on the aviation radars used by both NATS and Glasgow Prestwick Airport. Sorbie Wind Farm Limited has continued to discuss the matter with the two operators and as a result, positions have changed. This is set out in more detail in chapter 5.

6.56 The up to date position is that a private agreement has been reached with NATS and their original objection has been withdrawn. Agreement has also been reached with Glasgow Prestwick Airport over a mitigation solution and subject to a suspensive condition, this objection has also been withdrawn.

6.57 I note from the latest response from Glasgow Prestwick Airport that the agreed form of mitigation may have regional benefits for other future wind farm proposals. I consider this to be an important benefit of the proposal.

#### *Noise*

6.58 The starting point for considering noise in relation to wind farms is ETSU-R-97 (CD 5) and the more recent advice in the Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise (CD 29).

6.59 Wind farms are not new in Scotland or elsewhere. I am aware that not everyone agrees with the advice contained in ETSU-R-97. I am aware that a number of harmful noise impacts from wind farms have been alleged. Judging by the number of times these matters have been raised, I assume Scottish Ministers are also aware of these criticisms. However, the advice relating to wind farm noise has not been changed.



6.60 My understanding of the noise limits set out in ETSU-R-97 is that they are not set to make the noise from a wind farm inaudible but that the noise should be at an acceptable level. The night time minimum is 43 dB(A) and the day time minimum should be within the range of 35 – 40 dB(A) or 5 dB(A) above background, whichever is the greater.

6.61 Mr and Mrs Slater have a number of concerns about the baseline background noise survey. They are concerned that the approach used may overstate the background noise and hence the limits used in the proposed conditions. The aim of the background noise survey is to make sure that the background noise used for the tables is generally representative. I note that Mr and Mrs Slater's concerns are not shared by the council's noise experts. I therefore conclude that the background noise survey is a reliable basis for setting the noise limits.

6.62 Mr and Mrs Slater and their appointed Acoustic consultant (Mr Bowdler) also have concerns about the cumulative noise assessment. There seems to be agreement over the general approach adopted. However, there remains a technical dispute regarding the choice of controlling property, the noise curve and the implications of the existing noise conditions that apply to the original Ardrossan Wind Farm and its extension.

6.63 It is unfortunate that there is not a professional consensus amongst the noise experts. However, it seems to me, that if Mr Bowdler is correct, the practical effect would be that Sorbie Wind Farm Limited would have more difficulty achieving the limits set out in the conditions than they believe. Sorbie Wind Farm Limited however remain confident of complying with even the marginally lower limits advocated by the council with only minimal curtailment.

6.64 I have not been made aware of any previous or current noise problems caused by either the original Ardrossan Wind Farm or its extension. I have no doubt that should a complaint be received it would be more complicated to resolve, involving three sets of planning conditions, not all setting out explicit noise limits, than might otherwise be the case. However, I cannot agree that makes setting a limit for the proposal pointless or directly comparable to the Drumadarragh case where there were no conditions and existing noise problems. I note that condition 4 of the planning permission for the original Ardrossan Wind Farm does require compliance with the submitted environmental appraisal. In addition, conditions 15 and 16 require the operator to keep wind data and investigate complaints. I consider it likely that in practice the council would have sufficient powers under the Planning Acts and Environmental Protection Act to identify the causes of any reasonable complaint and be able to resolve the matter. It would be disproportionate to refuse planning permission for the proposal because of a generalised concern over the difficulties in enforcing noise limits for an existing wind farm that has been operating with no apparent problems for several years.

6.65 I note that subject to using the lower day time noise limit of 35 dB(A), the council's noise expert does not share the concerns of Mr Bowdler. I attach weight to the opinion of the council's noise expert who would be familiar with the local situation, have responsibilities should a complaint be received and be able to offer an independent opinion. The fact that there is a technical dispute reinforces my view that the lower noise limits

advocated by the council should be preferred. I also note that the lower daytime limit of 35 dB(A) was the limit used in the submitted environmental appraisal.

6.66 As planning conditions can be put in place to enforce the minimum noise limits that are set out in ETSU-R-97 and that these conditions are supported by the council's own noise expert, I conclude that there is no reasonable basis for refusing planning permission on noise grounds.

#### *Other matters*

6.67 In the representations received other matters were raised. There were comments that wind farms are inefficient. However, it is not appropriate in the consideration of an individual application to review Scottish Government energy policy. The Scottish Government does not accept that the operation of the planning system results in any conflict with Article 7 of the Aarhus Convention. I am unaware of any evidence suggesting that livestock are harmed by the operation of wind farms.

6.68 A number of representations also raised concerns over creating a precedent for other wind farm proposals. Each case must be considered on its merits. Should there be any other proposals forthcoming, they would have to be assessed in detail in the light of the policies and advice in operation. There is no reason to suppose that if the proposal was granted planning permission the council would be unable to resist any inappropriate future wind farm proposals. I also note that 22 letters were received in support of the proposal.

### **Conditions and Section 75 Planning Obligations**

6.69 In terms of the planning conditions that should be imposed in the event of planning permission being granted there is a large measure of agreement between the council and Sorbie Wind Farm Limited. These agreed conditions are attached as Appendix 2. These in turn are closely based on the conditions put forward in the planning officer's report to the Local Review Body. The condition requested by Glasgow Prestwick Airport (see paragraph 5.10) should also be added.

6.70 I largely concur with the agreed conditions and have incorporated them into my recommended conditions. I consider that these meet the tests set out in Circular 4/1998 – The Use of Conditions in Planning Permissions.

6.71 The two areas of dispute relate to the noise levels and whether a Section 75 Planning Obligation is necessary to ensure decommissioning and restoration. I have indicated in paragraph 6.65 that I prefer the council's noise limits and have incorporated these into my recommendation.

6.72 At the hearing, Sorbie Wind Farm Limited stated that a planning condition regarding decommissioning and restoration would be sufficient but that they had no objection to the use of a Section 75 Planning Obligation. However, in their closing submissions they argued that as the council seemed to be unable to agree the level of a financial bond required, delays could occur trying to finalise a Section 75 agreement. The council on the other

hand, argued that a condition and Section 75 Planning Obligation was necessary to ensure a robust provision for restoration of the site.

6.73 I am certainly aware that conditions ensuring restoration may be sufficient. It is certainly not the case that every wind farm is subject to a Section 75 Planning Obligation in relation to decommissioning and restoration. The agreed condition would require a financial bond to be lodged with the council. The level of the bond is crucial, as if restoration is not completed for any reason, the purpose of the bond is to allow the council to make arrangements to complete the works using its planning enforcement default powers.

6.74 It can be difficult to correctly establish the value for a financial bond for works that will take place many years into the future. It can also be difficult to ensure that the value of the bond is kept relevant, particularly as it is normal for the actual decommissioning scheme to not be required until a few years before the permission expires. I am also conscious that for the current proposal there are four landowners involved. Ultimately, in the event of having to enforce a planning condition, any action must be taken against the individual landowners.

6.75 I agree that issuing an intentions letter may cause delay to the start of the project. However, either approach would require agreement over the financial bond before works could commence.

6.76 The advantage of a Section 75 Planning Obligation, instead of planning conditions, is that particular clauses can set out in detail review mechanisms and make sure that roles and responsibilities are clear. As a legal agreement, the provisions can be enforced through the courts rather than the planning enforcement process. I note that the final bullet point of paragraph 169 of Scottish Planning Policy states, *“the need for a robust planning obligation to ensure that operators achieve site restoration.”*

6.77 On balance, I agree with the council that a Section 75 Planning Obligation would ensure a more robust mechanism for decommissioning and site restoration. However, if this matter is included in a Section 75 Planning Obligation, it would be unnecessary to duplicate similar measures in the planning conditions.

6.78 Mr Slater had concerns over the proposed micro siting condition, the timing for the approval of various details of the turbine and a condition for shadow flicker. I agree that a condition for shadow flicker is appropriate and note that this is suggested in the environmental appraisal. I have therefore added such a condition to my recommended conditions.

6.79 Micro siting conditions are normal for wind farm developments. In my experience, it is frequently necessary to make minor changes to siting once detailed engineering work commences on site. I consider 30 metres to be a reasonable tolerance before the written approval of the council should be required.

6.80 To be fair to Sorbie Wind Farm Limited, they have already provided many details relating to the turbines in the environmental appraisal. It would be unusual for a developer to depart from these details in making the final selection of turbine. In any event, if they did,



agreed condition 9 provides for the turbines not to be erected until agreement has been reached with the council.

6.81 The matter of the community fund is between the council and Sorbie Wind Farm Limited. I agree that this does not require a Section 75 Planning Obligation as a number of mechanisms are available. In any event, no action is required from Scottish Ministers.

## Overall Conclusions

6.82 For the reasons set out above, I find that the proposal would have acceptable landscape and visual impacts, including cumulative impacts and the impact on nearby residential property. Subject to a suspensive condition, the impact on aviation radars has now been resolved. Subject to an appropriate condition, I find that the proposal would be able to operate within acceptable noise limits.

6.83 In addition, I find that whilst the proposed development does not accord overall with the relevant provisions of the development plan, granting planning permission is still justified because of the support given by Scottish Planning Policy to environmentally acceptable wind farm proposals.

6.84 However, a Section 75 Planning Obligation is justified to ensure that restoration of the site is carried out when the wind farm ceases to operate. This will require Scottish Ministers to issue an intentions letter.

## Recommendations

6.85 I therefore recommend that planning permission be granted with the conditions set out in Appendix 1. I also recommend that prior to granting planning permission, Sorbie Wind Farm Limited enter into an agreement with the council under Section 75 of the Town and Country Planning (Scotland) Act 1997 covering the following matters:

- Roles and responsibilities of the operator, land owners and council.
- Programme for the submission and approval of a restoration and decommissioning plan.
- Appropriate financial provision to cover the completion of the approved restoration and decommissioning plan.
- A mechanism for ensuring that the level of financial provision remains appropriate over the period of the planning permission.

6.86 If Scottish Ministers disagreed with the requirement for a Section 75 Planning Obligation, then my recommended conditions should be amended with the addition of conditions 3 and 4 from Appendix 2.

6.87 Sorbie Wind Farm Limited should be reminded of the need of the requirement to inform the Ministry of Defence of the date when construction starts and ends, the maximum height of construction equipment and the latitude and longitude of every turbine. Finally, I would draw Scottish Ministers attention to the comment from Glasgow Prestwick Airport that

if Scottish Ministers be minded not to include the suspensive condition or alter its wording that Glasgow Prestwick Airport be given the opportunity to comment.

## Appendix 1 - Reporter's recommended planning conditions

1. This planning permission shall expire 25 years from the date on which electricity is first generated from all of the approved wind turbines to the electricity grid network (the "First Export Date"). Written confirmation of the First Export Date shall be provided to the planning authority within one month of the First Export Date. Thereafter, the wind farm shall be decommissioned unless a further application for planning permission is timeously submitted and approved.

***Reason : To limit the lifetime of the development and to protect the visual amenity of the area, beyond the lifetime of the permission.***

2. That by the end of a period of 25 years from the First Export Date, unless a further application has been submitted and approved in accordance with condition 1, all the turbines, turbine foundations down to one metre below ground level, buildings and ancillary equipment, shall be dismantled and removed from the site, the site roads treated, other elements of the scheme dealt with, and the site restored, all in accordance with a Restoration and Decommissioning Plan (RDP – see notes below)

***Reason : To limit the lifetime of the development and to protect the visual amenity of the area, beyond the lifetime of the permission.***

3. That, if any turbine ceases to be operational for a continuous period of 6 months or such other period of time as may be agreed in writing by North Ayrshire Council as Planning Authority, all of its above ground elements, plus its foundation to a depth of one metre below ground level, shall be removed, and the ground reinstated, within a period of not more than 6 months after the expiry of the 6 month period referred to above, all in accordance with the RDP. The developer shall provide operational data for individual turbines to North Ayrshire Council as Planning Authority on reasonable request.

***Reason : To ensure that any turbines that become redundant are removed promptly, and to protect the visual amenity of the area.***

4. That the turbines shall be erected and the site roads constructed in the locations identified on the plans hereby approved, save for the ability to vary these locations by 30m. Any movement greater than 30m would require the written approval of North Ayrshire Council as Planning Authority. Before the turbine bases are concreted, the precise position of the turbines shall be notified to, and approved in writing by, North Ayrshire Council as Planning Authority.

***Reason : To ensure that micro-siting decisions take account of environmental considerations.***

5. That all cabling on the site between the wind turbines and the site sub-station shall be installed underground.

***Reason : To protect the visual amenity of the area.***



6. That no development shall commence on the site until a Construction Method Statement, including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling, have been submitted to and approved in writing by North Ayrshire Council as Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This shall include detailed specifications of:

- the construction method of the site roads including their width, means of drainage (which shall have regard to SUDS principles), and edge reinstatement. The specification shall be accompanied by a plan at a scale of not less than 1:25,000 identifying the locations of:
  - cut roads, other excavated roads and “floating” roads.
  - the cable trenches (which shall be located alongside the site roads).
  - the turbine bases in accordance with Condition 4.
- the method of working of the borrow pits, including any proposals for blasting, together with the post-construction reinstatement of the borrow pits.
- the formation of the construction compound.
- the construction of the crane pads.
- all foundation works.
- the construction and design of the control building and sub-station
- the means of erection of any permanent meteorological mast.
- the formation of the hardstanding areas.
- post-construction restoration/reinstatement of all working areas.
- watercourse crossings.
- a pollution prevention and control method statement.
- arrangements for the storage of oil on the site.
- measures to protect ecological and ornithological interests. These shall include the making of check surveys for nesting birds and a check survey timetable.
- construction activity undertaken within peat.
- a traffic management plan (including proposals for off-site roadworks). For the avoidance of doubt, these shall include the provision of visibility splays in each direction at the junction of the site access with the public road, details of which shall be agreed beforehand with North Ayrshire Council as Roads Authority. The visibility splays as may be agreed shall be provided before any other work begins on the site and shall be maintained during the lifetime of the development, such that there is no obstruction to visibility above a height of 1.05m measured above the road carriageway level.
- arrangements for the cleaning of the site entrances and the adjacent public road.

Thereafter, the development shall take place in accordance with the Construction Method Statement unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

***Reason : To ensure that the development is constructed in a satisfactory manner; to minimise its visual impact in the interests of visual amenity; to protect ornithological and other ecological interests; to protect watercourses from sedimentation and pollution; and in the interests of traffic safety.***

7. That no turbines will be erected until details of the model, height, colour and finish of the turbines and of any external transformers, have been submitted to, and approved in writing by, the planning authority. The turbines shall not be illuminated and shall not carry any symbols, logos or other lettering except where required under other legislation. The development shall be carried out thereafter in accordance with the approved details, unless any changes are subsequently agreed in writing by North Ayrshire Council as Planning Authority.

**Reason : To protect the visual amenity of the area.**

8. That, prior to the commencement of development, the developer shall prepare and submit a public access plan for the site for the written approval of North Ayrshire Council as Planning Authority. The approved plan shall thereafter be implemented as approved.

**Reason : To agree arrangements for public access to the site.**

9. That no development shall take place within the development site as outlined in red on the approved plan until the developer has prepared a written scheme of investigation (WSI) in agreement with the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter, the WSI will be fully implemented.

**Reason : To protect archaeological interests on the site.**

10. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, a scheme providing for the mitigation of any impacts of the operation of the development on TV, radio and telecommunication reception. The scheme shall be implemented as approved and shall provide as follows:

- i) a baseline reception survey to be carried out by a suitably qualified engineer prior to commencement of turbine installation, the results of which shall be submitted to North Ayrshire Council as Planning Authority,
- ii) a scheme of alleviation, including procedures for the handling of complaints and disputes, shall be included within this study which shall be agreed in writing by North Ayrshire Council as Planning Authority,
- iii) within 12 months of the commissioning of the development, any claim by any individual person or business regarding loss or interference of reception, shall be investigated by a suitably qualified engineer and results submitted to North Ayrshire Council as Planning Authority,
- iv) should any impairment to reception be attributable to the wind turbines, the developer shall remedy such impairment to the scheme of alleviation as agreed, to remedy the impairment to the equivalent reception received at the baseline study.

For the avoidance of doubt the resolution of disputes shall be determined by an independent arbiter eg OFCOM or other Professional Body as appropriate.

**Reason : To provide for the correction of any interference with television reception/telecommunications systems arising from the development.**

11. That, prior to the commencement of the development, the developer shall submit for the written approval of North Ayrshire Council as Planning Authority in consultation with the Scottish Environment Protection Agency, a report addressing the potential effect of the development on any private drinking water resources in the area and any measures required to minimise the impact on drinking water quality during construction and operation. Any recommendations for mitigation works shall thereafter be carried out in full.

**Reason : To safeguard the quality of private drinking water resources in the area.**

12. No development shall commence unless and until such time as the Planning Authority receives confirmation from the Airport Operator that: (a) a Radar Mitigation Scheme has been identified; and (b) the Radar Mitigation Scheme can be implemented and maintained for the lifetime of the development (for definitions see notes below)

**Reason: In the interests of aviation safety**

13. No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the Testing Protocol, unless and until such time as the Planning Authority receives confirmation from the Airport Operator: (a) all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented; and (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator that the Radar Mitigation Scheme is acceptable mitigation for the development and has been satisfactorily implemented by the Airport Operator (for definitions see notes below)

**Reason: In the interests of aviation safety**

14. No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme (for definitions see notes below)

**Reason: In the interests of aviation safety**

15. That prior to the commencement of development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme for mitigating the effects of shadow flicker on nearby residential properties. The scheme shall be implemented as approved unless otherwise agreed in writing by the Planning Authority.

**Reason: To mitigate any shadow flicker effects in the interests of residential amenity**

16 The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the



values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

b) No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables for the closest listed location to the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached

Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

f) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Property	Standardised 10 m Height Wind Speed, ms <sup>-1</sup>								
	4	5	6	7	8	9	10	11	12
Darleith Farm	34.3	31.9	30.7	35.7	39.3	43.6	45.1	47.2	49.2
Knockrivoch Farm	36.2	38.6	41.3	44.5	47.6	50.7	53.5	56.0	58.0
Meikle Busbie Cottage	34.8	35.5	37.5	42.6	46.7	50.7	53.2	55.7	57.8
Sorbie Farm Cottage	36.1	38.4	41.2	44.4	47.6	50.7	53.4	56.0	58.0
Tower Lodge	36.1	38.5	41.2	44.4	47.6	50.7	53.5	56.0	58.0
Knockrivoch Cottages	36.2	38.6	41.4	44.5	47.6	50.7	53.5	56.0	58.0
1 Mill Farm	36.1	38.3	41.1	44.3	47.5	50.7	53.4	56.0	58.0
2 Bluebell gardens	36.1	38.5	41.2	44.4	47.6	50.7	53.5	56.0	58.0
12 Millglen Gardens	36.1	38.4	41.2	44.4	47.6	50.7	53.4	56.0	58.0
Arran View	36.2	38.6	41.4	44.5	47.6	50.7	53.5	56.0	58.0
Little Busbie	34.5	34.6	36.1	42.1	46.5	50.6	53.1	55.7	57.8
Little Ittington	34.6	33.5	34.3	37.5	40.3	43.6	45.5	47.6	49.4
Meikle Busbie Farm	34.8	35.3	37.2	42.5	46.6	50.7	53.1	55.7	57.8
Meikle Ittington	34.5	32.8	33.0	36.8	39.9	43.6	45.3	47.4	49.3
Meikle Laught	36.2	38.6	41.4	44.5	47.6	50.7	53.5	56.0	58.0
Muirlaught Bungalow	34.8	34.3	35.6	38.2	40.8	43.7	45.7	47.7	49.5
Muirlaught Farm	34.8	34.2	35.4	38.1	40.7	43.7	45.6	47.7	49.5
Rashley	35.7	37.5	40.1	43.7	47.2	50.7	53.3	55.9	57.9

Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Property	Standardised 10 m Height Wind Speed, ms <sup>-1</sup>								
	4	5	6	7	8	9	10	11	12
Darleith Farm	42.9	42.6	42.2	42.0	41.8	42.9	44.0	43.6	43.6
Knockrivoch Farm	43.0	42.9	42.8	42.8	43.6	46.3	48.1	48.1	48.1
Meikle Busbie Cottage	42.7	42.0	40.5	39.7	40.6	46.2	46.9	46.3	46.3
Sorbie Farm Cottage	43.0	42.9	42.7	42.6	43.5	46.3	48.0	48.0	48.0
Tower Lodge	43.0	42.9	42.7	42.7	43.5	46.3	48.1	48.0	48.0
Knockrivoch Cottages	43.0	42.9	42.8	42.8	43.6	46.3	48.1	48.1	48.1
1 Mill Farm	43.0	42.8	42.6	42.5	43.4	46.3	48.0	47.9	47.9
2 Bluebell gardens	43.0	42.9	42.7	42.7	43.5	46.3	48.0	48.0	48.0
12 Millglen Gardens	43.0	42.9	42.7	42.6	43.4	46.3	48.0	48.0	48.0
Arran View	43.0	42.9	42.8	42.8	43.6	46.3	48.1	48.1	48.1
Little Busbie	42.7	41.8	39.8	38.7	39.7	46.2	46.5	45.8	45.8
Little Ittington	42.9	42.8	42.6	42.5	42.4	42.9	44.5	44.3	44.3
Meikle Busbie Farm	42.7	42.0	40.3	39.5	40.4	46.2	46.8	46.2	46.2
Meikle Ittington	42.9	42.7	42.4	42.2	42.1	42.9	44.3	44.0	44.0
Meikle Laught	43.0	42.9	42.8	42.8	43.6	46.3	48.1	48.1	48.1
Muirlaught Bungalow	43.0	42.9	42.8	42.7	42.7	43.0	44.7	44.6	44.6
Muirlaught Farm	43.0	42.9	42.7	42.7	42.6	43.0	44.7	44.6	44.6
Rashley	42.9	42.6	42.0	41.7	42.5	46.2	47.6	47.4	47.4

Table 3: Coordinate locations of the properties listed in Tables 1 and 2.

Property	Easting	Northing
Darleith Farm	225061	646294
Knockrivoch Farm	225361	644575
Meikle Busbie Cottage	223941	645709
Sorbie Farm Cottage	224616	644646
Tower Lodge	225638	645304
Knockrivoch Cottages	225374	644544
1 Mill Farm	223569	644498
2 Bluebell gardens	223417	644231
12 Millglen Gardens	223397	644287
Arran View	225368	644533
Little Busbie	223493	645659
Little Ittington	225646	647161
Meikle Busbie Farm	223944	645734
Meikle Ittington	225386	647130
Meikle Laught	225963	645039
Muirlaught Bungalow	226099	646067



Muirlaught Farm	226024	646196
Rashley	223244	645204

*Reason: In the interests of residential amenity*

## Guidance Notes for Conditions

### Definitions

**“Restoration and Decommissioning Plan”** means the scheme for restoration and decommissioning approved as part of the accompanying Section 75 Planning Obligation

**“Airport Operator”** means Glasgow Prestwick Airport Limited or any successor as holder of a licence under the Air Navigation Order 2000 from the Civil Aviation to operate Glasgow Prestwick Airport

**“Radar Mitigation Scheme”** means such equipment, procedural or technological measures, as the Airport Operator identifies as necessary and sufficient to prevent the operation of the development or of any turbines forming part of the development impacting adversely on radar performance or on the performance of other navigational aids at Glasgow Prestwick Airport or on maintaining safe and efficient air traffic control services or procedures or airspace and which the Airport Operator is willing and able to implement and maintain for the lifetime of the development or for such shorter period as may be agreed in consultation with the Airport Operator as necessary to mitigate such adverse impact.

**“Testing Protocol”** means the protocol to control the operation of any turbine or turbines forming part of the development for the purposes of testing of the Radar Mitigation Solution

### Noise condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

### Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at

the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

## **Guidance Note 2**

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b).

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a

rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, “best fit” curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

### **Guidance Note 3**

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

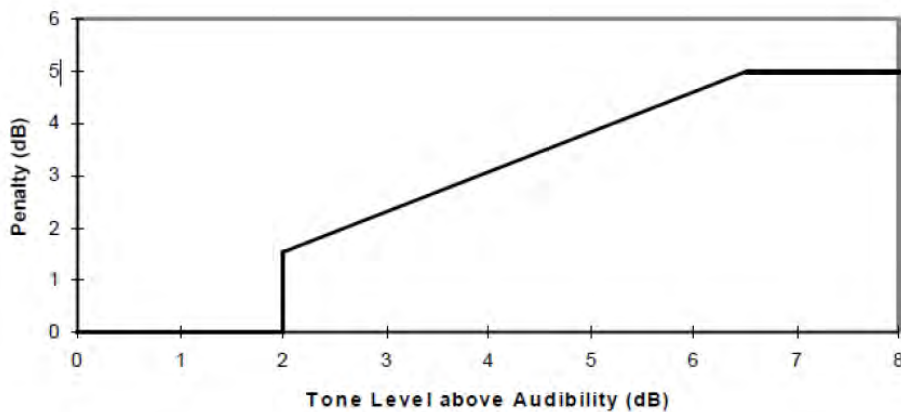
(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares “best fit” linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.





#### **Guidance Note 4**

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

## Appendix 2: Planning conditions agreed between Sorbie Wind Farm Limited and North Ayrshire Council

### Sorbie Windfarm

### Review of NAC Planning Conditions

Agreed Conditions – 11/12/14 (excluding Aviation Conditions – to be discussed at separate Inquiry Session if necessary)

*Italics used to show new wording*

NAC Condition		Agreed Condition		
No.	NAC Wording	Reason for Changes	No.	Agreed wording
		New condition proposed.  Condition required to ensure 25 years of electricity generation is allowed.	1	<i>This planning permission shall expire 25 years from the date on which electricity is first generated from all of the approved wind turbines to the electricity grid network (the "First Export Date"). Written confirmation of the First Export Date shall be provided to the planning authority within one month of the First Export Date. Thereafter, the wind farm shall be decommissioned unless a further application for planning permission is timeously submitted and approved.</i>
1	That by the end of a period of 25 years from the commencement of development, all the turbines, turbine foundations down to one metre below ground level, buildings and ancillary equipment, shall be dismantled and removed from the site, the site roads treated, other elements of the scheme dealt with, and the site restored, all in accordance with the Restoration and Decommissioning Plan (RDP) approved under condition 3.	Change made to reflect previous condition.	2	<i>That by the end of a period of 25 years from the First Export Date, unless a further application has been submitted and approved in accordance with condition 1, all the turbines, turbine foundations down to one metre below ground level, buildings and ancillary equipment, shall be dismantled and removed from the site, the site roads treated, other elements of the scheme dealt with, and the site restored, all in accordance with the Restoration and Decommissioning Plan (RDP) approved under condition 3.</i>
2	That, prior to the commissioning of the wind farm, the developer shall submit for the written approval of North Ayrshire Council as Planning Authority a Restoration and Decommissioning Plan (RDP) containing detailed proposals and timescales for the ultimate reinstatement of the	Changes made to ensure detailed proposals are submitted at the relevant time in the project. It is not reasonable to expect details on decommissioning methods	3	<i>That, no later than two years prior to the decommissioning of the wind farm, the developer shall submit for the written approval of North Ayrshire Council as Planning Authority a Restoration and Decommissioning Plan (RDP) containing detailed proposals and timescales for the ultimate reinstatement of</i>

Deleted: 2



	site to its former condition and for the removal of the turbines in the circumstances covered by condition 4.	to be agreed 25 years before the work is carried out.		the site to its former condition and for the removal of the turbines in the circumstances covered by condition 5.
3	That at least one month prior to the commencement of the development, the developer shall provide to North Ayrshire Council as Planning Authority details of the financial provision it proposes to put in place to cover decommissioning and site restoration costs. No work shall commence on the site until the developer has provided documentary evidence that this provision is in place and written confirmation has been given by the planning authority that the provision is satisfactory. The approved provision shall be maintained until the decommissioning and restoration of the site has been completed in accordance with the scheme approved under condition 2.	No Change	4	That at least one month prior to the commencement of the development, the developer shall provide to North Ayrshire Council as Planning Authority details of the financial provision it proposes to put in place to cover decommissioning and site restoration costs. No work shall commence on the site until the developer has provided documentary evidence that this provision is in place and written confirmation has been given by the planning authority that the provision is satisfactory. The approved provision shall be maintained until the decommissioning and restoration of the site has been completed in accordance with the scheme approved under condition 3.
4.	That, if any turbine ceases to be operational for a continuous period of 6 months or such other period of time as may be agreed in writing by North Ayrshire Council as Planning Authority, all of its above ground elements, plus its foundation to a depth of one metre below ground level, shall be removed, and the ground reinstated, within a period of not more than 6 months after the expiry of the 6 month period referred to above, all in accordance with the RDP approved under condition 2. The developer shall provide operational data for individual turbines to North Ayrshire Council as Planning Authority on reasonable request.	No Change	5	That, if any turbine ceases to be operational for a continuous period of 6 months or such other period of time as may be agreed in writing by North Ayrshire Council as Planning Authority, all of its above ground elements, plus its foundation to a depth of one metre below ground level, shall be removed, and the ground reinstated, within a period of not more than 6 months after the expiry of the 6 month period referred to above, all in accordance with the RDP approved under condition 3. The developer shall provide operational data for individual turbines to North Ayrshire Council as Planning Authority on reasonable request.
5.	That the turbines shall be erected and the site roads constructed in the locations identified on the plans hereby approved, save for the ability to vary these locations by 30m with the written approval of North Ayrshire Council as Planning Authority. Before the turbine bases are concreted, the	No Change	6	That the turbines shall be erected and the site roads constructed in the locations identified on the plans hereby approved, save for the ability to vary these locations by 30m with the written approval of North Ayrshire Council as Planning Authority. Before the turbine bases are concreted, the precise position of the turbines shall be notified to, and

	precise position of the turbines shall be notified to, and approved in writing by, North Ayrshire Council as Planning Authority.			approved in writing by, North Ayrshire Council as Planning Authority.
6	That all cabling on the site between the wind turbines and the site sub-station shall be installed underground.	No Change	7	That all cabling on the site between the wind turbines and the site sub-station shall be installed underground.
7	<p>That no development shall commence on the site until a Construction Method Statement, including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling, have been submitted to and approved in writing by North Ayrshire Council as Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This shall include detailed specifications of:</p> <ul style="list-style-type: none"> <li>the construction method of the site roads including their width, means of drainage (which shall have regard to SUDS principles), and edge reinstatement. The specification shall be accompanied by a plan at a scale of not less than 1:25,000 identifying the locations where</li> <li>cut roads, other excavated roads and "floating" road construction are proposed.</li> <li>the cable trenches (which shall be located alongside the site roads).</li> <li>the turbine bases.</li> <li>the method of working of the borrow pits, including any proposals for blasting, together with the post-construction reinstatement of the borrow pits.</li> <li>the formation of the construction compound.</li> <li>the construction of the crane pads.</li> <li>all foundation works.</li> </ul>	No Change	8	<p>That no development shall commence on the site until a Construction Method Statement, including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling, have been submitted to and approved in writing by North Ayrshire Council as Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This shall include detailed specifications of:</p> <ul style="list-style-type: none"> <li>the construction method of the site roads including their width, means of drainage (which shall have regard to SUDS principles), and edge reinstatement. The specification shall be accompanied by a plan at a scale of not less than 1:25,000 identifying the locations where</li> <li>cut roads, other excavated roads and "floating" road construction are proposed.</li> <li>the cable trenches (which shall be located alongside the site roads).</li> <li>the turbine bases.</li> <li>the method of working of the borrow pits, including any proposals for blasting, together with the post-construction reinstatement of the borrow pits.</li> <li>the formation of the construction compound.</li> <li>the construction of the crane pads.</li> <li>all foundation works.</li> <li>the construction and design of the control building and sub-station</li> <li>the means of erection of any permanent</li> </ul>

<ul style="list-style-type: none"> <li>the construction and design of the control building and sub-station</li> <li>the means of erection of any permanent meteorological mast.</li> <li>the formation of the hardstanding areas.</li> <li>post-construction restoration/reinstatement of all working areas.</li> <li>watercourse crossings.</li> <li>a pollution prevention and control method statement.</li> <li>arrangements for the storage of oil on the site.</li> <li>measures to protect ecological and ornithological interests. These shall include the making of check surveys for nesting birds and a check survey timetable.</li> <li>construction activity undertaken within peat.</li> <li>a traffic management plan (including proposals for off-site roadworks). For the avoidance of doubt, these shall include the provision of visibility splays in each direction at the junction of the site access with the public road, details of which shall be agreed beforehand with North Ayrshire Council as Roads Authority. The visibility splays as may be agreed shall be provided before any other work begins on the site and shall be maintained during the lifetime of the development, such that there is no obstruction to visibility above a height of 1.05m measured above the road carriageway level.</li> <li>arrangements for the cleaning of the site entrances and the adjacent public road.</li> </ul> <p>Thereafter, the development shall take place in</p>			<ul style="list-style-type: none"> <li>meteorological mast.</li> <li>the formation of the hardstanding areas.</li> <li>post-construction restoration/reinstatement of all working areas.</li> <li>watercourse crossings.</li> <li>a pollution prevention and control method statement.</li> <li>arrangements for the storage of oil on the site.</li> <li>measures to protect ecological and ornithological interests. These shall include the making of check surveys for nesting birds and a check survey timetable.</li> <li>construction activity undertaken within peat.</li> <li>a traffic management plan (including proposals for off-site roadworks). For the avoidance of doubt, these shall include the provision of visibility splays in each direction at the junction of the site access with the public road, details of which shall be agreed beforehand with North Ayrshire Council as Roads Authority. The visibility splays as may be agreed shall be provided before any other work begins on the site and shall be maintained during the lifetime of the development, such that there is no obstruction to visibility above a height of 1.05m measured above the road carriageway level.</li> <li>arrangements for the cleaning of the site entrances and the adjacent public road.</li> </ul> <p>Thereafter, the development shall take place in accordance with the Construction Method Statement unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.</p>
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	accordance with the Construction Method Statement unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.			
8	That no development shall take place until details of the model, height, colour and finish of the turbines and of any external transformers, have been submitted to, and approved in writing by, the planning authority. The turbines shall not be illuminated and shall not carry any symbols, logos or other lettering except where required under other legislation. The development shall be carried out thereafter in accordance with the approved details, unless any changes are subsequently agreed in writing by North Ayrshire Council as Planning Authority.	No Change	9	That no development shall take place until details of the model, height, colour and finish of the turbines and of any external transformers, have been submitted to, and approved in writing by, the planning authority. The turbines shall not be illuminated and shall not carry any symbols, logos or other lettering except where required under other legislation. The development shall be carried out thereafter in accordance with the approved details, unless any changes are subsequently agreed in writing by North Ayrshire Council as Planning Authority.
9	That, prior to the commencement of development, the developer shall prepare and submit a public access plan for the site for the written approval of North Ayrshire Council as Planning Authority.	No Change	10	That, prior to the commencement of development, the developer shall prepare and submit a public access plan for the site for the written approval of North Ayrshire Council as Planning Authority.
10	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 North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority in agreement with the West of Scotland Archaeology Service.	No Change	11	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 North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority in agreement with the West of Scotland Archaeology Service.

11	That no development shall commence until a Habitat Enhancement Plan has been submitted to and approved in writing by North Ayrshire Council as Planning Authority in consultation with Scottish Natural Heritage. The approved plan shall be implemented thereafter to the satisfaction of North Ayrshire Council as Planning Authority.	<p>Not required – the ecological assessment concluded that the site is of low ecological sensitivity and a series of mitigation measures have been proposed.</p> <p>Habitat enhancement is not required to offset the negligible ecological effects. The condition is more commonly applied to bigger sites located in more sensitive areas.</p> <p>Condition deleted.</p>		
12	<p>That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, a scheme providing for the mitigation of any impacts of the operation of the development on TV, radio and telecommunication reception. The scheme shall be implemented as approved and shall provide as follows:</p> <p>i) a baseline reception survey to be carried out by a suitably qualified engineer prior to commencement of turbine installation, the results of which shall be submitted to North Ayrshire Council as Planning Authority,</p> <p>ii) a scheme of alleviation, including procedures for the handling of complaints and disputes, shall be included within this study which shall be agreed in writing by North Ayrshire Council as Planning Authority,</p>	No change	12	<p>That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, a scheme providing for the mitigation of any impacts of the operation of the development on TV, radio and telecommunication reception. The scheme shall be implemented as approved and shall provide as follows:</p> <p>v) a baseline reception survey to be carried out by a suitably qualified engineer prior to commencement of turbine installation, the results of which shall be submitted to North Ayrshire Council as Planning Authority,</p> <p>vi) a scheme of alleviation, including procedures for the handling of complaints and disputes, shall be included within this study which shall be agreed in writing by North Ayrshire Council as Planning Authority,</p> <p>vii) within 12 months of the commissioning of the development, any claim by any individual person or business regarding loss or interference of</p>

	<p>iii) within 12 months of the commissioning of the development, any claim by any individual person or business regarding loss or interference of reception, shall be investigated by a suitably qualified engineer and results submitted to North Ayrshire Council as Planning Authority,</p> <p>iv) should any impairment to reception be attributable to the wind turbines, the developer shall remedy such impairment to the scheme of alleviation as agreed, to remedy the impairment to the equivalent reception received at the baseline study.</p> <p>For the avoidance of doubt the resolution of disputes shall be determined by an independent arbiter eg OFCOM or other Professional Body as appropriate.</p>			<p>reception, shall be investigated by a suitably qualified engineer and results submitted to North Ayrshire Council as Planning Authority,</p> <p>viii) should any impairment to reception be attributable to the wind turbines, the developer shall remedy such impairment to the scheme of alleviation as agreed, to remedy the impairment to the equivalent reception received at the baseline study.</p> <p>For the avoidance of doubt the resolution of disputes shall be determined by an independent arbiter eg OFCOM or other Professional Body as appropriate.</p>
13	That, prior to the commencement of the development, the developer shall submit for the written approval of North Ayrshire Council as Planning Authority in consultation with the Scottish Environment Protection Agency, a report addressing the potential effect of the development on any private drinking water resources in the area and any measures required to minimise the impact on drinking water quality during construction and operation.		13	That, prior to the commencement of the development, the developer shall submit for the written approval of North Ayrshire Council as Planning Authority in consultation with the Scottish Environment Protection Agency, a report addressing the potential effect of the development on any private drinking water resources in the area and any measures required to minimise the impact on drinking water quality during construction and operation.
14	<p>That the level of noise emissions from the turbines, as measured below, at any lawfully existing dwelling shall not exceed:</p> <p>(a) between 07:00 and 23:00 hrs on any day the greater of 37.5dB LA90, 10 mins or 5dB(A) above the quiet Waking Hours Day Time Background Noise Level at that property; or</p>	Insert "hereby permitted"	14	<p>That the level of noise emissions from the turbines hereby permitted, as measured below, at any lawfully existing dwelling shall not exceed:</p> <p>(a) between 07:00 and 23:00 hrs on any day the greater of 37.5dB LA90, 10 mins or 5dB(A) above the quiet Waking Hours Day Time Background Noise Level at that property; or</p> <p>(b) between 23:00 hrs on any day and 07:00 hrs on</p>



	requirements of this condition.			
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## Appendix 3 – Planning Officer’s report to Local Review Body

### Planning Officer Report for Local Review Body

PLANNING APPLICATION 13/00627/PP

Proposed erection of 3 no. wind turbines each with a maximum blade tip height of up to 104.3 metres and associated infrastructure including upgraded site entrance, upgraded access tracks, new access tracks, foundations, hardstandings, temporary construction compound, control building/substation, temporary borrow pit and erection of permanent 65m meteorological mast at Sorbie Farm, Ardrossan.

#### The Proposal:

This planning application is for the erection of three wind turbines on a site some 600 metres north of Sorbie Farm Steading which itself is located some 700 metres north of the Ardrossan – Saltcoats - Stevenston bypass and some 100 metres east of the B780 Ardrossan - Dalry road.

Each of the proposed turbines would measure 104.3 metres high to blade tip, 63.3 metre high tower with 82 metre diameter blades, and each with an installed capacity of 2.3 megawatts (MW).

The proposed development would also include the upgrading of an existing field access at a point some 200 metres south of the Busbie Muir Reservoir and the provision of new and upgraded access tracks between the site access road and each of the turbines; the erection of a control building/sub-station and a 65 metre high meteorological mast of lattice construction; and the opening up of a borrow pit to quarry stone for use on the construction of the development. The proposed control building would be a single storey building 12 metres long by 6 metres wide with a dual pitched roof with a ridge height of some 5.5 metres and would sit adjacent to the proposed sub-station which would occupy a similar site area within a fenced compound.

As is usual with such a proposal, the wind turbines are intended to have an operational life span of approximately 25 years, following which they would be removed and the site reinstated to an agreed standard, or alternatively they may be the subject of a subsequent application to extend the life of the development.

Whilst the proposal does not comprise development in respect of which the Environmental Assessment (Scotland) Regulations 1999 apply, and therefore did not require an Environmental Statement (ES), the applicants have provided supporting information in the form of an Environmental Appraisal (EA) which examines a range of topics similar to those required by a formal ES including the construction, operation, maintenance and decommissioning of the site; economic and community benefits; landscape and visual issues; and assessments of hydrology, noise, archaeology and other related issues. The EA concluded that the proposed development complies with the Development Plan and its aims of developing renewable energy proposals in line with national requirements while preserving the environment.

## Planning History:

The application is effectively a resubmission of a previous application of May 2013 (13/00236/PP) for an identical proposed development which was withdrawn by the applicant on the 25th June 2013.

A planning application of 2011 (11/00257/PP) for the erection of two 18m high wind turbines on a site to the east of Sorbie Farm Steading, and within the boundary of the current application site, was refused planning permission in August 2011 on the grounds that the proposal would be contrary to local plan policies as they would adversely impact on Glasgow Prestwick Radar System and air traffic safety and have an adverse impact on the visual amenity and landscape character of the area.

An application of May 2011 (11/00354/PP) for the erection of a temporary 16m high meteorological mast to the north of Sorbie Farm steading was refused planning permission in July 2011 on the grounds that the proposed development constituted a form of renewable energy development, as it related to monitoring equipment in connection with the current proposed development, and was refused on the grounds that there was no justification on the grounds of locational need and that it would have a significant adverse impact on the landscape qualities of the area. This decision was subsequently overturned by the Local Review Body at their meeting of 13th December 2011 on the grounds that the proposed development was not, in itself, a renewable energy development and therefore the Policy reason for refusal was not relevant. It also concluded that due to the temporary nature of the mast and its slender and obtrusive appearance it was not considered to be significantly contrary to Policy ENV1 and was an acceptable form of development in the Countryside and the application was granted for a temporary 3 year period. The mast was subsequently erected on the site in October 2013.

## Planning Policy:

Scottish Planning Policy (SPP) of 2010 recognises the role that wind turbines play in meeting renewable energy targets and indicates that there is considerable potential for Scotland's landscape to accommodate such development; although it also stresses that careful consideration must be given to the need to address cumulative impact.

The SPP provides general locational guidance in relation to windfarm proposals, requiring account to be taken of: areas designated for natural heritage value; green belts; cumulative impact; historic environment; tourism recreational interest; communities; buffer zones; aviation and defence interests and broadcasting installations.

The application site is located within an area of Countryside in terms of the newly Adopted North Ayrshire Local Development Plan (LDP) which requires the proposed development to be considered against Policy PI9 (Renewable Energy) which contains qualifying criteria similar to the SPP, and Policy ENV1 (Development in the Countryside).

The Ayrshire Joint Planning Unit (AJPU) Supplementary Planning Guidance (SPG) for windfarm development of 2009 and the NAC Landscape Capacity Study for windfarm development of 2009, and updated in 2013, give advice on sensitive areas to be avoided by



wind turbine developments and are material considerations in the determination of this application.

Policy PI9 states that proposals for a range of renewable energy developments, including wind turbines, shall accord with the LDP subject to satisfying the following criteria:-

- (a) the development is appropriate in its design and scale to its surroundings; AND
- (b) it can be demonstrated that there is no unacceptable adverse impact on the intrinsic landscape qualities of the area (especially for areas with a specific landscape designation, and coastal waters); AND
- (c) in the case of individual wind turbines or windfarm development, that the proposed development is not in an area designated as " high sensitivity in the "landscape capacity study for windfarm development in North Ayrshire"; AND
- (d) the proposal shall not result in unacceptable intrusion, or have an unacceptable adverse effect on the natural, built, cultural or historic heritage of the locality; AND
- (e) it can be demonstrated that there are no unacceptable adverse impacts on the operation of tourism or recreational interest; AND
- (f) it can be demonstrated that any unacceptable adverse effects and telecommunications, transmitting, receiving or radar systems for civil, broadcasting, aviation or defence interests can be effectively overcome; AND
- (g) The proposal can be satisfactory connected to the national grid without causing any unacceptable negative environmental impacts; AND
- (h) when considered in association with existing sites, sites formally engaged in the Environmental Assessment process or sites with planning permission, including those in neighbouring authorities, there are no unacceptable impacts due to the cumulative impact of development proposals; AND
- (i) in the case of individual wind turbines and windfarm development, that the proposal satisfies the contents of the Ayrshire Supplementary Guidance: Windfarm Development (October 2009); AND
- (j) where appropriate, applicant's will be required to demonstrate consideration of co-location with significant electricity or heat users.

The above policy also requires that any redundant apparatus be removed within 6 months of it becoming non-operational and that the site will be restored, unless it can be demonstrated that the said apparatus will return to productive use within a reasonable time frame.

Policy ENV1 of the LDP relates to new development in the Countryside (excluding Housing) stating that such developments shall not accord with LDP unless satisfying criteria relevant to (a) being necessary non-residential development associated with agriculture, forestry or other established rural businesses , (b) a small scale Class 4 business with a specific locational need to be located on site, (c) being essential public infrastructure with a special operational need to be located on site, (d) being within an existing rural village, (e) tourism, outdoor sport or recreational development with a specific operational need to be located on site.

## Publicity:

The applicant advises that prior to the submission of the planning application they held two local public information events in Ardrossan in July 2013.

In relation to the planning application, the standard neighbour notification procedure was carried out and the application was advertised in the local press on the 6th November 2013 for neighbour notification purposes.

Arising from the above publicity exercise, five letters of objection and 22 letters of support (in the form of 4 separate pro-forma type letters) were received, the content of which is summarised below.

## Grounds of Objection:

1. The proposal is contrary to policy ECON7 of the Structure Plan.

*Response - The Structure Plan and Local Plan were superseded by the new Local Development Plan in May 2014, however the assessment criteria of Policy ECON7 (windfarms) of the Structure Plan requires windfarm proposals to comply with an extensive list of criteria similar to those now included in Policy PI9 of the LDP. Agree that the proposed development would fail to satisfy several of the criteria within Policy PI9 in relation to having an adverse impact on the landscape qualities of the area, and representing development within a designated area of "high sensitivity" within the NAC Landscape Capacity Study, particularly in relation to the nearby Ardrossan windfarm.*

2. The proposal is contrary to Policy ENV3 of the Adopted Local Plan

*Response - Again, this policy is superseded by Policy ENV5 of the LDP and relates to proposals for farm diversification. The proposed development is not considered to fall within the definition of farm diversification as specified in the LDP and therefore is not relevant to the determination of the application.*

3. The proposed development is contrary to the aims of the NAC Landscape Capacity study and would result in an unacceptable cumulative impact of wind turbines in the area.

*Response – Agree. The proposed turbines lie on the outer edge of the "Haupland Muir" landscape character type as defined in the 2009 and 2013 LSC's and would be sited at the transition with the smaller and more settled "North Ayrshire Lowlands" landscape character type. Both of these landscape character types are assessed as being of high sensitivity to large scale wind turbines and, although the proposed turbines would be of similar size to the Ardrossan Windfarm, they would appear more distinctive in scale in relation to these existing turbines in close views, as the Ardrossan turbines are set back into the "core" of the Haupland Muir Uplands and their location is partly screened by higher hills.*

4. The proposed turbines would result in unacceptable noise and infrasound levels.

*Response - Environmental Health was consulted on the proposed development and*

*confirmed acceptance of the findings of the applicants Noise Report contained within their environmental appraisal. If the application was to be approved a number of conditions relative to noise levels could be attached to the planning permission to ensure compliance with Environmental Health's advice. In relation to infrasound or low frequency noise, Environmental Health has previously advised that there is no evidence of good practice examples for assessments of this type of noise in relation to windfarm proposals.*

5. SPP6 advises a separation distance of 2km be provided between wind turbines and residential properties and the property of one objector is only some 820m distant of one of the turbines.

*Response - Scottish Government Planning Policy SPP6 was superseded by the SPP of 2010, which covers a wide range of subject policies, including windfarms, but with the emphasis on planning authorities to prepare detailed guidance documents in relation to such developments. The guidance is addressed within Policy PI 9.*

6. The proposed development would adversely impact on airport radar systems.

*Agree - Both NATS Safeguarding and Glasgow Prestwick Airport has submitted objections to the proposed developments on the grounds of unacceptable impact on NATS radar at Lowther Hill and Glasgow Prestwick Airport's primary surveillance radar system respectively. NATS have subsequently confirmed that they are currently working on mitigation measures to overcome this problem and that they would now be willing to accept a suspensive condition if planning permission were to be granted. Whilst GPA has advised that they are continuing to engage with the applicant in relation to achieving a mitigation solution, their objection is maintained.*

7. The proposed development would result in TV disruption.

*Response - The applicant's environmental appraisal acknowledges that wind turbines have the potential to cause interference with TV and telecommunication signals. However the recent introduction of digital reception makes it less problematic, although it has been identified that several hundred homes may be adversely impacted on by the proposed development. The applicant has submitted that they would intend carrying out both pre-construction and post-construction surveys of TV reception in the area which would allow any identified degradation and TV reception to be subsequently alleviated by them and an appropriate condition could be attached in this regard if planning permission were to be approved.*

8. The proposed development will result in shadow flicker to nearby properties.

*Response - The applicant's environmental appraisal acknowledges that three residential properties could be at risk of the effects of shadow flicker under certain combinations of geographical position, time of day and time of year and where flicker appears through narrow window openings. The applicant has submitted that control measures could be implemented in order to prevent shadow flicker occurring or to reduce its intensity e.g. by programming individual wind turbines that may give rise to shadow flicker effects to shut down at times when these affects may occur and again, if the application was to be granted,*



*appropriate conditions could be attached.*

9. The proposed development will endanger bird life.

*Response - RSPB was consulted on the proposal and offered that they had no objection subject to the development being constructed outwith the bird breeding season. Clyde Muirshiel Regional Park expressed concern that additional bat survey information should be provided given the proximity of woodland to the proposed turbines and again appropriate conditions could be attached to cover these issues should the application be granted.*

10. Wind turbines are an ineffective way of reducing co2 emissions.

*Response - This is not a material land use planning consideration.*

11. Concerns regarding the inadequate nature of current statutory procedures for publicising applications for wind turbines.

*Response - The current planning application has been publicised in accordance with current regulations which in this case has involved neighbour notification of adjacent properties and public advertisement in a local newspaper.*

Grounds of Support:

1. The proposed turbines, due to their close relationship with the existing Ardrossan windfarm will not detract from their surroundings.

*Response - Disagree. It is considered that the proposed turbines would have a significant adverse cumulative effect on the landscape setting and would appear much larger and more widely spaced than the Ardrossan turbines, given their location closer to the main traffic route of the A78 and with the position of the Ardrossan turbines set further back into the core upland area. The typical separation distance between turbines of this size is approximately 400m. However in this case there would be a gap of some 1.2km between the Ardrossan turbines and the closest proposed turbine, separated by the valley of the B780 Ardrossan/Dalry Road.*

2. The applicants are proposing a generous community benefit package

*Response - In this instance, Community Benefits are not a material consideration in the determination of the application. There is currently no Council policy in respect of community benefits arising from renewables. Any offer of community benefits may not be legally binding.*

3. The proposed development would create local job opportunities, particularly during the construction phase of the development.

*Response - Agree.*

4. The proposal will help meet renewable targets.

*Response – SPP acknowledges that renewable targets are only one of the considerations in the determination of the application.*

#### Consultation Responses:

Glasgow Prestwick Airport - Object. The proposed turbines would be fully visible to GPA's primary radar system and would appear as clutter on the radar display.

*Response - GPA has advised that they are continuing to engage with the applicant in relation to achieving a mitigation solution, their objection is maintained.*

NATS Safeguarding - Object. The proposed wind turbines would result in an unacceptable impact on NATS Lowther Hill radar.

*Response - Noted. NATS have subsequently confirmed that they are currently working on mitigation measures to overcome this problem and that they would now be willing to accept a suspensive condition if planning permission were to be granted.*

Clyde Muirshiel Regional Park - Object. While the proposed turbines would be located some 1 kilometre south of the Park boundary, the Park Authority consider that the cumulative impact of the proposed turbines would have an adverse impact on the perception of visitors entering the Park from the south, of the Park being a place of tranquillity and naturalness. They also consider that the applicant's Environmental Appraisal has not taken proper account of results of the Bat Survey, which, in line with SNH guidelines would probably result in the most northerly turbine (T1) requiring to be relocated some 50 metres distant of its present position to distance itself from an area of woodland. Also concerned that the Environmental Appraisal has not taken account of the possibility of cumulative displacement of bird species and cumulative loss of habitats due to other existing and proposed windfarm developments in the area.

*Response - Agree that the resultant cumulative impact of the proposed turbines with those of Ardrossan windfarm would be unacceptable. In relation to the concerns regarding EA content in relation bats, birds and habitats, SNH was consulted on the application and offered no objection to the proposal. A condition could be attached to obtain further information on these issues should be planning permission be granted.*

West of Scotland Archaeology Service - No objections subject to a condition being attached requiring a written Scheme of Investigation to be undertaken by the applicant in relation to potential archaeological finds.

*Response - An appropriate condition could be attached if permission is granted.*

NAC Roads - No objection subject to a condition being attached requiring further details of the design of the junction with the B780 Ardrossan/Dalry road.

*Response - An appropriate condition could be attached if permission is granted.*

NAC Environmental Health - No objection, subject to conditions being attached in relation to

noise and the discovery of any unsuspected contamination. The applicant has also been provided with advice regarding the issue of private water supplies and operating hours.

*Response - Appropriate conditions could be attached if permission is granted.*

RSPB - No objections subject to a condition restricting operations within the bird breeding season and appropriate mitigation being carried out as agreed with SNH.

*Response - An appropriate condition could be attached if permission is granted.*

SEPA - No objections subject to the applicant obtaining relevant authorisations and complying with regulatory advice.

*Response - The applicant has been advised of these requirements by SEPA.*

SNH - No objections. No designated sites will be affected by the proposal and consider the applicant's suggested mitigation for protected species to be acceptable although there is a need for an additional survey to be carried out in relation to otters. In relation to landscape issues SNH advise that the scale and design of the proposed development conflicts with the applicant's design strategy within the Environmental Appraisal and results in a contrast, rather than a visual unity, with the Ardrossan windfarm. Suggest that lower turbines and closer spacing between the turbines may lessen the cumulative impact with the Ardrossan windfarm turbines.

*Response - Agree with the comments regarding the issues of landscape and cumulative impact. A condition could be attached regarding the additional otter survey if the application is granted.*

Scottish Water, MOD, BAA Glasgow Airport - No objections.

Saltcoats Community Council - No reply.

Analysis:

The main determining issue of the proposed development is the requirement to satisfy Policies PI9 (Renewable Energy) and ENV1 (New Development in the Countryside) of the Local Development Plan.

In order to comply with Policy PI9 proposals for wind turbine developments must comply fully with the following range of criteria:-

- (a) be of appropriate scale and design to its surroundings;
- (b) have no unacceptable adverse impact on landscape quality;
- (c) not be within a "high sensitivity" area as defined in NAC's Landscape Capacity Study;
- (d) not result in unacceptable intrusion or have an adverse effect on the natural, built, cultural or historic heritage of the area;
- (e) not adversely impact on tourism/recreational interests;
- (f) be able to demonstrate that any adverse impacts on radar, broadcasting or telecommunication systems can be overcome;



- (g) achieve a satisfactory grid connection without adverse environmental impacts;
- (h) not resulting in an adverse cumulative impact; and
- (i) satisfy the Ayrshire Supplementary Windfarm Guidance of 2009.

Whilst the proposed development is considered to satisfy criteria (e) and (g), it is not considered that it would satisfy the remaining criteria for the following reasons.

In relation to criterion (f) both NATS safeguarding and Glasgow Prestwick Airport submitted objections to the proposed development on the grounds of unacceptable impact on their radar systems. NATS have subsequently confirmed that they are currently working on mitigation measures to overcome this problem and that they would now be willing to accept a suspensive condition if planning permission were to be granted. GPA however, while advising that they are continuing to engage with the applicant in relation to achieving a mitigation solution, have not confirmed that these discussions have progressed to the extent that they too would be willing to accept a suspensive condition and therefore their objection to the proposed development still stands.

The proposed turbines would be located within a landscape character area which has been identified as "high sensitivity" in the NAC Landscape Capacity Study (LCS). The Council's landscape advisor, who was also the author of the LCS, was consulted on both the proposed development and a review of the LCS undertaken by the applicant's landscape consultant in relation to some concerns they have on interpreting the document, and the likely weight to be put on it in the determination of the planning application. The conclusion of NAC's consultant is that in relation to the LCS, the 2009 study concluded that there was very limited, if any, scope for additional large turbines to be accommodated within the "Hauptland Muir" landscape character type within which the application site is located. The more recent and more detailed 2013 supplementary LCS, which updated the cumulative context to incorporate a recent 6 turbine extension to the Dalry windfarm (Millour Hill), concluded that there was no scope for additional large turbines to be accommodated. It is considered that this proposal would have significant adverse cumulative effects on the setting and design integrity of the existing Ardrossan windfarm. It would also contrast with the other nearby windfarms of Kelburn and Dalry and Millour Hill which are clearly associated with more extensive, less settled upland areas, by being sited on the upland edge and the adjacent smaller scale "North Ayrshire Lowlands" landscape character type.

It is also considered that the height of the proposed turbines at 104 metres to blade tip, while of similar height to those of the Ardrossan windfarm, would dominate the low relief of small hills, woodlands, enclosed fields and buildings which are key characteristics of the adjacent "North Ayrshire Lowlands" landscape character type. It would also incur significant adverse impacts on close views from surroundings roads and from Ardrossan and the Firth of Clyde, particularly from the south and south-west where the proposed turbines would appear much larger and more widely spaced than those of the Ardrossan windfarm and would be visually discordant.

The applicant's Environmental Appraisal confirms that significant adverse impacts would occur from several viewpoints, although it is considered that the appraisal fails to provide a robust analysis of the precise effects of the visual interaction that would occur with the existing Ardrossan windfarm in these views. Views from the A78,

Ardrossan/Saltcoats/Stevenston bypass, would be particularly severe as the turbines of this proposal would coalesce with the Ardrossan windfarm and appear significantly larger and more widely spaced, creating a confusing and cluttered image and disrupting the design integrity of the Ardrossan windfarm which was specifically designed to form a clustered grouping within the core of a small upland area. The proposal is therefore considered to conflict with the guidance contained in the LCS and to be unacceptable in terms of landscape and visual appearance, and cumulative impact.

In relation to landscape issues SNH, a Statutory Consultee, whilst not objecting to the application, express significant concerns that the scale and design of the proposed development conflicts with the applicant's design strategy within the Environmental Appraisal and results in a contrast, rather than a visual unity, with the Ardrossan windfarm. SNH suggest that lower turbines and closer spacing between the turbines may lessen the cumulative impact with the Ardrossan windfarm turbines.

In view of the above it is considered that the proposal therefore also fails to satisfy criteria (a), (b), (c) and (h) of Policy PI9 as it would be within a "high sensitivity" area as designated in the LSC resulting in adverse landscape and visual impact and having an unacceptable cumulative impact, particularly with the nearby Ardrossan windfarm.

The proposed development is also considered to be contrary to Policy ENV1 which refers to all new development in the Countryside, excluding housing. This policy only allows developments to accord with the LDP if they are necessary development associated with agriculture, forestry or other established rural businesses; small scale Class 4 businesses with a specific locational need; essential public infrastructure with a specific locational need; within an existing rural village; or an constitute an acceptable form of tourism development. The proposed development does not fall within either of these criteria and therefore is considered to contrary to Policy ENV1 of the LDP.

It should be noted that this analysis concentrates on the erection of the proposed turbines only. The other components of the proposed development eg new and upgraded access tracks; the erection of a control building/sub-station and a meteorological mast; and the opening up of a borrow pit, are not considered to have any significant adverse impact on the area which could not be mitigated by conditions.

#### Conclusion:

In view of the above it is considered in relation to the LDP that the proposal would be contrary to Policy ENV1 and would not accord with the relevant criteria of Policy PI9 in that it would represent development which would (i) have both an adverse visual impact and cumulative visual impact, being located within would be within a "high sensitivity" area as designated in the NAC LSC resulting in adverse landscape and visual impact; (ii) represent new development in the Countryside without justification, and (iii) set an undesirable precedent for further developments of this type at this sensitive location.

## Observations on the applicants Grounds for Review:

The applicant's Notice of Review requests that the Local Review Body approve the application for the following reasons:-

(a) That there would be economic and community benefits resulting from direct employment during construction of the windfarm and job creation from investment in the local dairy business.

*Response : Agree*

(b) That the site lies outwith the Sensitive Landscape Area.

*Response : Agree*

(c) The local community are supportive of the proposal.

*Response : 22 letters of support do not indicate overwhelming community support for the proposed development.*

(d) That there would be an annual community benefit payment of sum £34,000 per year for the lifetime of the development.

*Response : In this instance, Community Benefits are not a material consideration in the determination of the application. There is currently no Council policy in respect of community benefits arising from renewables. Any offer of community benefits may not be legally binding.*

(e) That technical solutions existing that will overcome the identified radar issues of the NATS and Glasgow Prestwick Airport.

*Response : Glasgow Prestwick Airport maintains their objection to the proposal on the grounds of adverse impact on the primary surveillance radar.*

(f) That the site is close to the existing Ardrossan windfarm and the visual impact of the three proposed turbines has been evaluated and considered acceptable.

*Response : Disagree. The conclusion of the Council's Landscape Advisor is that the proposed turbines would result in an unacceptable landscape, visual and cumulative impact. The proposal would also conflict with the approved NAC Landscape Capacity Study. SNH also express significant concern on these matters*

(g) That the proposed development can be justified in planning policy terms.

*Response : Disagree. It has been concluded that the proposal fails to satisfy criteria (a), (b), (c), (d), (f) and (h) of Policy PI9 of the LDP as it is considered that it would (i) be of inappropriate design and scale to its surroundings; (ii) have an adverse impact on the intrinsic landscape qualities of the area; (iii) comprise windfarm development within an area*



*designated as "high sensitivity" in the NAC Landscape Capacity Study, (iv) result in unacceptable cumulative impact; and (v) adversely impact on GPA's radar system. Policy PI9 requires compliance with nine stated criteria, and, as it is considered to conflict, the proposed development fails to comply with Policy PI9.*

*The proposal is also contrary to Policy ENV1 as it constitutes new development in the Countryside for which there is no justification.*

In view of the above it is not considered that there are any other material considerations which would outweigh the failure of the proposal to comply with the relevant Development Plan Policies.

## Appendix 4 – List of Documents

### Agreed list of Core documents

CD01 Sorbie Windfarm, Environmental Appraisal Volume 1: Text and Technical Appendices, October 2013 and Volume 2: Figures, October 2013

CD02 Notice of Review

CD03 The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2003

CD04 North Ayrshire Council Local Development Plan

CD05 The Assessment and Rating of Noise from Wind Farms (1996) (ETSU-R-97) guidance.

CD06 Landscape Capacity Study for Wind Farm Development in North Ayrshire, Phase One and Two Reports (Carol Anderson, Alison Grant Landscape Architects, October 2009)

CD07 North Ayrshire Supplementary Landscape Wind Capacity Study (Carol Anderson Landscape Associates, June 2013)

CD08 Supporting Information Paper 7, Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas

CD09 Reporters decision in relation to a 9 turbine site at St John's Hill, Stonehaven

CD010 North Ayrshire Council's Rural Design Guidance

CD011 PAN 73

CD012 Ayrshire Supplementary Planning Guidance (SPG) on Wind Farm Development (October 2009)

CD013 Climate Change (Scotland) Act 2009;

CD014 National Planning Framework 3 – Scotland's Third National Planning Framework (June 2014)

CD015 Scottish Planning Policy (SPP) (June 2014)

CD016 Online Renewables Planning Advice - Onshore Wind Turbines (February 2011, last updated May 2014)

CD017 Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013–2027 – The Second Report on Proposals and Policies (2013)

- CD018 Electricity Generation Policy Statement (2013)
- CD019 2020 Routemap for Renewable Energy in Scotland – (June 2011, Updated in October 2012 and December 2013)
- CD020 The Renewables Action Plan (2009, updated March 2011)
- CD021 The Low Carbon Economic Strategy for Scotland (November 2010)
- CD022 Aviation Objections and Associated Negative Conditions in Wind Turbine Consents, January 2012
- CD023 A YouGov poll published in March 2013
- CD024 List of Policies and Guidance agreed as between Applicants and North Ayrshire Council
- CD025 List of proposed planning conditions agreed between Applicants and North Ayrshire Council
- CD026 Agreed Statement between Glasgow Prestwick Airport and Applicants
- CD027 Residential Amenity Assessment
- CD028 NAC Officer's Report to the LRB dated 18th June 2014
- CD029 Institute of Acousticians Good Practice Guidance document
- CD030 Letter from the Chief Planner to the Heads of Planning in relation to Development Plans – Supplementary Guidance, dated 15<sup>th</sup> January 2015
- CD031 Sorbie Wind Farm – Noise Related Planning Conditions (Tabled at hearing session)

### **Documents tabled by Mr and Mrs Slater**

1. North Ayrshire Local Development Plan, adopted 20 may 2014
  - a. Map 1 – Mainland & Cumbraes Rural Area map
  - b. Map 2- Inset 9 (Ardrossan, Saltcoats & Stevenson)
2. Ayrshire Supplementary Guidance on Wind Farm Development
3. Supplementary Guidance on Wind Farm Development Phase 1
4. Supplementary Guidance on Wind Farm Development Phase 2
5. Supplementary Landscape Wind Capacity Study – Main Study Report



6. Supplementary Landscape Wind Capacity Study – Appendix Report
7. Planning Officer Report for the Local Review Body
8. ETSU – R – 97
9. A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise
10. DB1 – Ardrossan Windfarm Extension conditions
11. DB2 – Vesta V80 Noise Curve
12. DB3 – Drumadarragh Appeal Decision 21 August 2014
13. DB 4 – Additional Information – Noise Limits

#### **Agreed documents in relation to Radar Matters**

- 11.1.1 Screenshots of radar display;
- 11.1.2 Air Navigation: The Order and the Regulations (CAP 393);
- 11.1.3 Aeronautical Information Publication (UK "AIP", CAP 32);
- 11.1.4 Licensing of Aerodromes (CAP 168);
- 11.1.5 Manual of Air Traffic Services Part 1 (CAP 493);
- 11.1.6 ATS Safety Requirements (CAP 670);
- 11.1.7 CAA Policy and Guidelines on Wind Turbines (CAP 764).
- 11.1.8 Guidance on Dealing with Aviation Objections and Associated Negative Conditions in Wind Turbine Consents", January 2012

Aviation Supplementary Note – NATS Radar

Letter from Glasgow Prestwick Airport dated 13 May 2015 – withdrawing objection

#### **Additional documents submitted on Behalf of Sorbie Wind Farm Limited**

- 1 Rebuttal to Mr Bowdler by Michael Reid

- 2 Sorbie Wind Farm – Energy loss estimate due to noise curtailment
- 3 Pages from Ardrossan Environmental Statement May 2002
- 4 Pages from Ardrossan Environmental Statement May 2002
- 5 Pages from Ardrossan Environmental Statement – Submitted version
- 6 Decision notice ref 02/00378/PP
- 7 Decision notice ref 05/01151/PP

## **Appendix 5 – Note of Pre-examination meeting**

### **CALLED IN APPLICATION FOR PROPOSED SORBIE WIND FARM, SORBIE FARM, ADROSSAN, NORTH AYRSHIRE**

**Directorate for Planning and Environmental Appeals reference: AIR-NAY-001**

**PROCEDURE NOTICE 1 – NOTE OF MATTERS AGREED AT OR ARISING FROM THE PRE-EXAMINATION MEETING HELD AT 10:00 AM, THURSDAY 20<sup>th</sup> NOVEMBER 2014, WHITLEES COMMUNITY CENTRE, CARRICK PLACE, ARDOSSAN, KA22 7DT**

#### **1. Introduction**

Scottish Ministers have issued a direction under Section 46 of the Town and Country Planning (Scotland) Act 1997 confirming that they will determine the planning application. The application has now been transferred to the Scottish Government's Directorate for Planning and Environmental Appeals for examination. Mr Dan Jackman BA (Hons) MRTPI has been appointed as the Reporter to consider the application and prepare a report for Scottish Ministers.

The pre-examination meeting related to discussing the procedural arrangements for the above application. This note and accompanying covering letter is a "procedure notice".

#### **2. Those present**

Representatives from the applicant (Sorbie Windfarm Ltd), North Ayrshire Council, Glasgow Prestwick Airport and Mr and Mrs Slater (local residents) attended the meeting.

#### **3. Choice of procedure**

The Reporter's suggested procedures were discussed. On behalf of the applicant and Glasgow Prestwick Airport, it was explained that discussions had been on going and it was likely that an agreement could be reached. Therefore, an inquiry session may not be necessary.

North Ayrshire Council stated that they did not intend to be a party at either the proposed inquiry session or hearing sessions. Now that Scottish Ministers would determine the application, they considered that they had no further role. In addition, it was not council practice for councillors to attend appeal proceedings and planning officers had previously recommended the application for refusal.

The Reporter explained that whilst Scottish Ministers would be determining the application, they would want to consider the view of the statutory planning authority before doing so. The minute of the Local Review Body was an inadequate basis to convey the position of the planning authority and assistance from the council at the inquiry session and both hearing sessions would be necessary to prepare his report. Explaining the council's position need not compromise the professional integrity of any officers.



The Reporter also explained that Section 265 of the Act allowed him to cite named individuals to present evidence and expressed the hope that the use of such a power would not be necessary in this case. The council representatives agreed that the council would co-operate in the examination and participate in the sessions.

Subject to the above comments, the procedures and matters to be addressed as set out in the pre-examination meeting agenda were agreed.

#### **4. Date and venue**

It was agreed that it would be prudent to diary 28<sup>th</sup> and 29<sup>th</sup> January 2015 for the sessions and site visiting arrangements, although it was hoped that a single day would be adequate.

The provisional timetable would be to start with the policy hearing session at 10:00 am, followed by the inquiry session (if necessary), then the conditions session finishing with site visits. 29<sup>th</sup> January 2015 would be kept free in case of any over running.

Whitlees Community Centre, Ardrossan Civic Centre and the Ardrossan Youth Centre were possible venues. It was agreed that the final choice would be left to the DPEA depending on availability and meeting its own venue selection criteria.

#### **5. Procedure for Inquiry Session**

The participants would be the applicant, North Ayrshire Council and Glasgow Prestwick Airport. The applicant agreed to take the lead in organising an agreed written statement and associated documents. Annex 2 sets out the Reporter's further guidance on the matters such an agreed statement should cover in order to help him to write his report. The agreed written statement and accompanying documents should be submitted by 17:00 on Tuesday 23<sup>rd</sup> December 2014.

If complete agreement is not possible, any outstanding matters should be set out in a statement of case that should outline the parties case, identify any documents that would be referred and identify any witnesses. The statement of case and documents should also be submitted by 17:00 on Tuesday 23<sup>rd</sup> December 2014. If an inquiry is necessary, the precognitions of the witness should be submitted by 17:00 Wednesday 14<sup>th</sup> January 2015. As a guide, precognitions should be limited to 2000 words.

In the event of an agreed statement, the Reporter may nonetheless hold an inquiry session to ask questions of the parties.

The Reporter would need both hard and electronic copies of any statement, document and precognition. He could not accept weblinks. Copies should also be circulated to the other parties.

Any closing submissions should be in writing and the Reporter indicated that he had found it helpful on previous occasions for closing submissions to encompass all the sessions. The timetable for closing submissions would be discussed on 28<sup>th</sup> January 2015.

## 6. Procedure for Hearing Sessions

The participants would be the applicant, North Ayrshire Council and Mr Slater. For the policy session, a hearing statement addressing the matters set out in the agenda to the pre-examination meeting would be necessary. For the conditions hearing session, a set of suggested conditions would suffice.

The Reporter encouraged the participants to agree as much as possible before the hearing so the discussion at the hearing could focus on those areas where differences remained including:

- Agreed list of development plan policies
- Agreed list of other relevant policy documents
- Agreed list of core documents
- Agreed list of conditions in the event Scottish Ministers grant planning permission (based on the LRB minute)
- Agreed heads of terms for any necessary agreement in the event Scottish Ministers grant planning permission (based on the LRB minute)

The applicant agreed to take the lead in liaising between the parties for the above agreed matters.

The hearing statement and any documents that the parties wished to rely upon should be submitted by 17:00 Tuesday 6<sup>th</sup> January 2015. As for the inquiry session, The Reporter would need both hard and electronic copies of any statement, and documents. He could not accept weblinks. Copies should also be circulated to the other parties.

The Reporter would use his best endeavours to circulate the agenda for the hearing sessions by 14<sup>th</sup> January 2015

## 7. Other procedural matters

The Reporter agreed to have an accompanied site visit to the site itself and Mr Slater's property. This would follow the hearing and inquiry sessions on either 28th or 29th January depending on the available time.

No other matters were raised

## Annex 1: Further procedure and participants

Topic	Procedure	Participants
<b>Aviation radar matters</b> <ul style="list-style-type: none"> <li>The impact of the proposal on existing operational radar</li> <li>Potential mitigation measures</li> <li>Whether the use of a suspensive condition is appropriate</li> <li>Any implications of using a suspensive condition for aviation radar operators</li> </ul>	Inquiry session (or agreed written statement)	(1) The applicant (2) Glasgow Prestwick Airport (3) North Ayrshire Council
<b>Planning policy matters</b> <ul style="list-style-type: none"> <li>Assessment of the proposal against development plan policies</li> <li>Assessment of the proposal against the Scottish Government's policies and advice</li> <li>Assessment of the proposal against North Ayrshire Council's guidance and advice</li> <li>Assessment of the proposal against other published guidance and advice</li> </ul>	Hearing session (hearing statement required)	(1) The applicant (2) North Ayrshire Council (3) Mr Slater
<b>Conditions</b> <ul style="list-style-type: none"> <li>Recommended planning conditions in the event Scottish Ministers grant planning permission</li> <li>Appropriate planning obligations in the event Scottish Ministers grant planning permission</li> </ul>	Hearing session (agreed conditions required)	(1) The applicant (2) North Ayrshire Council (3) Mr Slater



## **Annex 2: The Reporter's further advice on the content of any agreed statement for aviation radar matters**

### ***i) Impact of the proposal on existing operational radar***

I have the general information from the environment report that there is an impact and it causes clutter. In Tech appendix 10, I have a brief overview of the regional airspace structure and I have the consultation responses.

An agreed statement setting out what is the actual impact and why that is important would be helpful. This should cover both systems.

### ***ii) Potential mitigation measures***

The environment report and Aveillant report suggests a range of mitigation measures. The consultation responses are a mix of objection, indication that mitigation may be possible and more recently from NATS an unconditional withdrawal – relying on a private agreement.

An agreed statement setting out clearly the appropriate mitigation measures and what that involves in practice for the two systems would be helpful

### ***iii) Whether the use of a suspensive condition is appropriate***

The Scottish Government's guidance in relation to the use of suspensive conditions for radar impacts has been mentioned. However, the council's LRB minute implies that the permission should just not be issued until mitigation is demonstrated. NATS's position appears to be now that a private contract is appropriate. At the time of the call in, Glasgow Prestwick Airport sustained its objection.

An agreed statement setting out the up to date position with the reasoning for that position, including the reasons for any changes in the position for both systems would be helpful.

### ***iv) Any implications of using a suspensive condition for aviation radar operators***

My understanding is that the reason the Scottish Government issued guidance on the use of suspensive conditions is that in some circumstances the uncertainty as to whether mitigation was realistic caused problems for future schemes. (i.e. a suspensive condition imposed on a scheme that was not realistic could result in continuing objections to schemes that were realistic). That seemed to me to be the position of Glasgow Prestwick Airport at the time of the call in

An agreed statement confirming that any mitigation measures have no implications for other/future schemes would be helpful

I would not expect the council to have a view on matters i), ii) and iv). I would expect it to have a view on matter iii)

Even if complete agreement is not possible, it is still helpful for my report to ministers to be clear where you agree and disagree

### Annex 3: Key dates relating to the examination

Dates	Procedure
20 November 2014	Pre-examination meeting
26 November 2014	Procedure notice 1 and note of meeting issued
23 December 2014	Agreed written statement and supporting documents submitted (if no agreement statement of cases and documents submitted)
6 January 2015	Hearing statements and supporting documents submitted
14 January 2015	Inquiry precognitions submitted (if necessary)
14 January 2015	Hearing agenda issued
28 & 29 January 2015	Hearing and Inquiry sessions (if necessary)
28 or 29 January 2015	Accompanied site visits
To be discussed at Hearing	Closing submission timetable

Our Ref: AIR-NAY-001  
30 November 2015

Dear Mr Gillies

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
ERECTION OF 3 WIND TURBINES AND ASSOCIATED INFRASTRUCTURE AT SORBIE  
FARM, NORTH OF ARDROSSAN, NORTH AYRSHIRE, KA22 7NP**

1. I refer to the e-mail, of 26 November, from Jacqui Alleyne, confirming that the Section 75 Agreement has been recorded with Registers of Scotland.
2. The Scottish Government's letter of 28 September 2015 gave notice that the Scottish Ministers were minded to grant planning permission for the above development, subject to conditions and to the satisfactory conclusion of a planning obligation or suitable alternative binding agreement as set out in paragraph 6.85 of the report.
3. Having considered the matter, the Scottish Ministers are satisfied with the executed Section 75 Agreement and hereby grant planning permission to your client, Sorbie Windfarm Limited, for the erection of 3 wind turbines and associated infrastructure at Sorbie Farm, North of Ardrossan, North Ayrshire, KA22 7NP subject to the conditions as set out in Appendix 1 of the report and in the Annex to this letter.
4. The foregoing decision of the Scottish Ministers is final, subject to the right, conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997, of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.



5. A copy of this letter has been sent to North Ayrshire Council, National Air Traffic Services (NATS), Glasgow Prestwick Airport, Mr and Mrs Slater and all other interested parties.

Yours sincerely

## ERECTION OF 3 WIND TURBINES AND ASSOCIATED INFRASTRUCTURE AT SORBIE FARM, NORTH OF ARDROSSAN, NORTH AYRSHIRE, KA22 7NP

### CONDITIONS OF PLANNING PERMISSION AND ADVISORY NOTES

#### Appendix 1 - Reporter's recommended planning conditions

1. This planning permission shall expire 25 years from the date on which electricity is first generated from all of the approved wind turbines to the electricity grid network (the "First Export Date"). Written confirmation of the First Export Date shall be provided to the planning authority within one month of the First Export Date. Thereafter, the wind farm shall be decommissioned unless a further application for planning permission is timeously submitted and approved.

***Reason : To limit the lifetime of the development and to protect the visual amenity of the area, beyond the lifetime of the permission.***

2. That by the end of a period of 25 years from the First Export Date, unless a further application has been submitted and approved in accordance with condition 1, all the turbines, turbine foundations down to one metre below ground level, buildings and ancillary equipment, shall be dismantled and removed from the site, the site roads treated, other elements of the scheme dealt with, and the site restored, all in accordance with a Restoration and Decommissioning Plan (RDP – see notes below)

***Reason : To limit the lifetime of the development and to protect the visual amenity of the area, beyond the lifetime of the permission.***

3. That, if any turbine ceases to be operational for a continuous period of 6 months or such other period of time as may be agreed in writing by North Ayrshire Council as Planning Authority, all of its above ground elements, plus its foundation to a depth of one metre below ground level, shall be removed, and the ground reinstated, within a period of not more than 6 months after the expiry of the 6 month period referred to above, all in accordance with the RDP. The developer shall provide operational data for individual turbines to North Ayrshire Council as Planning Authority on reasonable request.

***Reason : To ensure that any turbines that become redundant are removed promptly, and to protect the visual amenity of the area.***

4. That the turbines shall be erected and the site roads constructed in the locations identified on the plans hereby approved, save for the ability to vary these locations by 30m. Any movement greater than 30m would require the written approval of North Ayrshire Council as Planning Authority. Before the turbine bases are concreted, the precise position of the turbines shall be notified to, and approved in writing by, North Ayrshire Council as Planning Authority.

***Reason : To ensure that micrositings decisions take account of environmental considerations.***

5. That all cabling on the site between the wind turbines and the site sub-station shall be installed underground.

**Reason : To protect the visual amenity of the area.**

6. That no development shall commence on the site until a Construction Method Statement, including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling, have been submitted to and approved in writing by North Ayrshire Council as Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This shall include detailed specifications of:

- the construction method of the site roads including their width, means of drainage (which shall have regard to SUDS principles), and edge reinstatement. The specification shall be accompanied by a plan at a scale of not less than 1:25,000 identifying the locations of:
  - cut roads, other excavated roads and “floating” roads.
  - the cable trenches (which shall be located alongside the site roads).
  - the turbine bases in accordance with Condition 4.
- the method of working of the borrow pits, including any proposals for blasting, together with the post-construction reinstatement of the borrow pits.
- the formation of the construction compound.
- the construction of the crane pads.
- all foundation works.
- the construction and design of the control building and sub-station
- the means of erection of any permanent meteorological mast.
- the formation of the hardstanding areas.
- post-construction restoration/reinstatement of all working areas.
- watercourse crossings.
- a pollution prevention and control method statement.
- arrangements for the storage of oil on the site.
- measures to protect ecological and ornithological interests. These shall include the making of check surveys for nesting birds and a check survey timetable.
- construction activity undertaken within peat.
- a traffic management plan (including proposals for off-site roadworks). For the avoidance of doubt, these shall include the provision of visibility splays in each direction at the junction of the site access with the public road, details of which shall be agreed beforehand with North Ayrshire Council as Roads Authority. The visibility splays as may be agreed shall be provided before any other work begins on the site and shall be maintained during the lifetime of the development, such that there is no obstruction to visibility above a height of 1.05m measured above the road carriageway level.
- arrangements for the cleaning of the site entrances and the adjacent public road.

Thereafter, the development shall take place in accordance with the Construction Method Statement unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

**Reason : To ensure that the development is constructed in a satisfactory manner; to minimise its visual impact in the interests of visual amenity; to protect ornithological and other ecological interests; to protect watercourses from sedimentation and pollution; and in the interests of traffic safety.**



7. That no turbines will be erected until details of the model, height, colour and finish of the turbines and of any external transformers, have been submitted to, and approved in writing by, the planning authority. The turbines shall not be illuminated and shall not carry any symbols, logos or other lettering except where required under other legislation. The development shall be carried out thereafter in accordance with the approved details, unless any changes are subsequently agreed in writing by North Ayrshire Council as Planning Authority.

**Reason : To protect the visual amenity of the area.**

8. That, prior to the commencement of development, the developer shall prepare and submit a public access plan for the site for the written approval of North Ayrshire Council as Planning Authority. The approved plan shall thereafter be implemented as approved.

**Reason : To agree arrangements for public access to the site.**

9. That no development shall take place within the development site as outlined in red on the approved plan until the developer has prepared a written scheme of investigation (WSI) in agreement with the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter, the WSI will be fully implemented.

**Reason : To protect archaeological interests on the site.**

10. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, a scheme providing for the mitigation of any impacts of the operation of the development on TV, radio and telecommunication reception. The scheme shall be implemented as approved and shall provide as follows:

- i) a baseline reception survey to be carried out by a suitably qualified engineer prior to commencement of turbine installation, the results of which shall be submitted to North Ayrshire Council as Planning Authority,
- ii) a scheme of alleviation, including procedures for the handling of complaints and disputes, shall be included within this study which shall be agreed in writing by North Ayrshire Council as Planning Authority,
- iii) within 12 months of the commissioning of the development, any claim by any individual person or business regarding loss or interference of reception, shall be investigated by a suitably qualified engineer and results submitted to North Ayrshire Council as Planning Authority,
- iv) should any impairment to reception be attributable to the wind turbines, the developer shall remedy such impairment to the scheme of alleviation as agreed, to remedy the impairment to the equivalent reception received at the baseline study.

For the avoidance of doubt the resolution of disputes shall be determined by an independent arbiter eg OFCOM or other Professional Body as appropriate.

**Reason : To provide for the correction of any interference with television reception/telecommunications systems arising from the development.**

11. That, prior to the commencement of the development, the developer shall submit for the written approval of North Ayrshire Council as Planning Authority in consultation with the Scottish Environment Protection Agency, a report addressing the potential effect of the development on any private drinking water resources in the area and any measures required to minimise the impact on drinking water quality during construction and operation. Any recommendations for mitigation works shall thereafter be carried out in full.

***Reason : To safeguard the quality of private drinking water resources in the area.***

12. No development shall commence unless and until such time as the Planning Authority receives confirmation from the Airport Operator that: (a) a Radar Mitigation Scheme has been identified; and (b) the Radar Mitigation Scheme can be implemented and maintained for the lifetime of the development (for definitions see notes below)

***Reason: In the interests of aviation safety***

13. No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the Testing Protocol, unless and until such time as the Planning Authority receives confirmation from the Airport Operator: (a) all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented; and (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator that the Radar Mitigation Scheme is acceptable mitigation for the development and has been satisfactorily implemented by the Airport Operator (for definitions see notes below)

***Reason: In the interests of aviation safety***

14. No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme (for definitions see notes below)

***Reason: In the interests of aviation safety***

15. That prior to the commencement of development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme for mitigating the effects of shadow flicker on nearby residential properties. The scheme shall be implemented as approved unless otherwise agreed in writing by the Planning Authority.

***Reason: To mitigate any shadow flicker effects in the interests of residential amenity***

16 The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

b) No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may

undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables for the closest listed location to the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

f) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's



assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Property	Standardised 10 m Height Wind Speed, ms <sup>-1</sup>								
	4	5	6	7	8	9	10	11	12
Darleith Farm	34.3	31.9	30.7	35.7	39.3	43.6	45.1	47.2	49.2
Knockrivoch Farm	36.2	38.6	41.3	44.5	47.6	50.7	53.5	56.0	58.0
Meikle Busbie Cottage	34.8	35.5	37.5	42.6	46.7	50.7	53.2	55.7	57.8
Sorbie Farm Cottage	36.1	38.4	41.2	44.4	47.6	50.7	53.4	56.0	58.0
Tower Lodge	36.1	38.5	41.2	44.4	47.6	50.7	53.5	56.0	58.0
Knockrivoch Cottages	36.2	38.6	41.4	44.5	47.6	50.7	53.5	56.0	58.0
1 Mill Farm	36.1	38.3	41.1	44.3	47.5	50.7	53.4	56.0	58.0
2 Bluebell gardens	36.1	38.5	41.2	44.4	47.6	50.7	53.5	56.0	58.0
12 Millglen Gardens	36.1	38.4	41.2	44.4	47.6	50.7	53.4	56.0	58.0
Arran View	36.2	38.6	41.4	44.5	47.6	50.7	53.5	56.0	58.0
Little Busbie	34.5	34.6	36.1	42.1	46.5	50.6	53.1	55.7	57.8
Little Ittington	34.6	33.5	34.3	37.5	40.3	43.6	45.5	47.6	49.4
Meikle Busbie Farm	34.8	35.3	37.2	42.5	46.6	50.7	53.1	55.7	57.8
Meikle Ittington	34.5	32.8	33.0	36.8	39.9	43.6	45.3	47.4	49.3
Meikle Laught	36.2	38.6	41.4	44.5	47.6	50.7	53.5	56.0	58.0
Muirlaught Bungalow	34.8	34.3	35.6	38.2	40.8	43.7	45.7	47.7	49.5
Muirlaught Farm	34.8	34.2	35.4	38.1	40.7	43.7	45.6	47.7	49.5
Rashley	35.7	37.5	40.1	43.7	47.2	50.7	53.3	55.9	57.9

Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Property	Standardised 10 m Height Wind Speed, ms <sup>-1</sup>								
	4	5	6	7	8	9	10	11	12
Darleith Farm	42.9	42.6	42.2	42.0	41.8	42.9	44.0	43.6	43.6
Knockrivoch Farm	43.0	42.9	42.8	42.8	43.6	46.3	48.1	48.1	48.1
Meikle Busbie Cottage	42.7	42.0	40.5	39.7	40.6	46.2	46.9	46.3	46.3
Sorbie Farm Cottage	43.0	42.9	42.7	42.6	43.5	46.3	48.0	48.0	48.0
Tower Lodge	43.0	42.9	42.7	42.7	43.5	46.3	48.1	48.0	48.0
Knockrivoch Cottages	43.0	42.9	42.8	42.8	43.6	46.3	48.1	48.1	48.1
1 Mill Farm	43.0	42.8	42.6	42.5	43.4	46.3	48.0	47.9	47.9
2 Bluebell gardens	43.0	42.9	42.7	42.7	43.5	46.3	48.0	48.0	48.0
12 Millglen Gardens	43.0	42.9	42.7	42.6	43.4	46.3	48.0	48.0	48.0
Arran View	43.0	42.9	42.8	42.8	43.6	46.3	48.1	48.1	48.1
Little Busbie	42.7	41.8	39.8	38.7	39.7	46.2	46.5	45.8	45.8
Little Ittington	42.9	42.8	42.6	42.5	42.4	42.9	44.5	44.3	44.3
Meikle Busbie Farm	42.7	42.0	40.3	39.5	40.4	46.2	46.8	46.2	46.2
Meikle Ittington	42.9	42.7	42.4	42.2	42.1	42.9	44.3	44.0	44.0
Meikle Laught	43.0	42.9	42.8	42.8	43.6	46.3	48.1	48.1	48.1

Muirlaught Bungalow	43.0	42.9	42.8	42.7	42.7	43.0	44.7	44.6	44.6
Muirlaught Farm	43.0	42.9	42.7	42.7	42.6	43.0	44.7	44.6	44.6
Rashley	42.9	42.6	42.0	41.7	42.5	46.2	47.6	47.4	47.4

Table 3: Coordinate locations of the properties listed in Tables 1 and 2.

Property	Easting	Northing
Darleith Farm	225061	646294
Knockrivoch Farm	225361	644575
Meikle Busbie Cottage	223941	645709
Sorbie Farm Cottage	224616	644646
Tower Lodge	225638	645304
Knockrivoch Cottages	225374	644544
1 Mill Farm	223569	644498
2 Bluebell gardens	223417	644231
12 Millglen Gardens	223397	644287
Arran View	225368	644533
Little Busbie	223493	645659
Little Ittington	225646	647161
Meikle Busbie Farm	223944	645734
Meikle Ittington	225386	647130
Meikle Laught	225963	645039
Muirlaught Bungalow	226099	646067
Muirlaught Farm	226024	646196
Rashley	223244	645204

*Reason: In the interests of residential amenity*

## Guidance Notes for Conditions

### Definitions

**“Restoration and Decommissioning Plan”** means the scheme for restoration and decommissioning approved as part of the accompanying Section 75 Planning Obligation

**“Airport Operator”** means Glasgow Prestwick Airport Limited or any successor as holder of a licence under the Air Navigation Order 2000 from the Civil Aviation to operate Glasgow Prestwick Airport

**“Radar Mitigation Scheme”** means such equipment, procedural or technological measures, as the Airport Operator identifies as necessary and sufficient to prevent the operation of the development or of any turbines forming part of the development impacting adversely on radar performance or on the performance of other navigational aids at Glasgow Prestwick Airport or on maintaining safe and efficient air traffic control services or procedures or airspace and which the Airport Operator is willing and able to implement and maintain for the lifetime of the development or for such shorter period as may be agreed in consultation with the Airport Operator as necessary to mitigate such adverse impact.

**“Testing Protocol”** means the protocol to control the operation of any turbine or turbines forming part of the development for the purposes of testing of the Radar Mitigation Solution

## Noise condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

### Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in “free field” conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be ‘standardised’ to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter.



- (e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.
- (f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

### **Guidance Note 2**

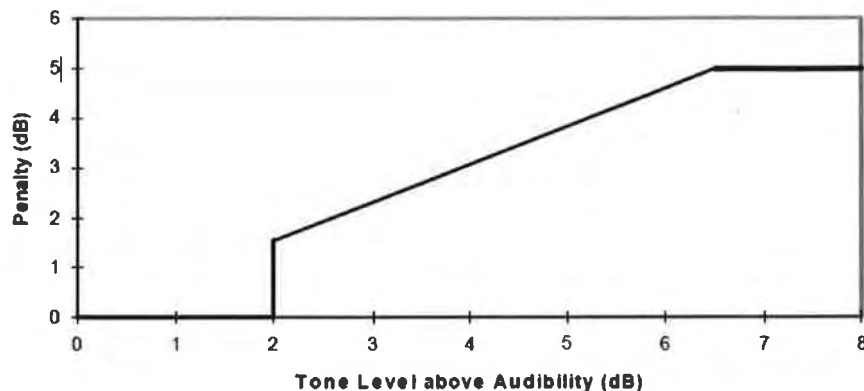
- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b).
- (b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

### **Guidance Note 3**

- (a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- (c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares “best fit” linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



#### **Guidance Note 4**

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.





## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

<b>Reference No:</b>	19/00882/PP
<b>Proposal:</b>	Section 42 application to vary condition 2 of planning permission 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m
<b>Location:</b>	Sorbie Farm, Ardrossan, Ayrshire, KA22 7NP
<b>LDP Allocation:</b>	Countryside/Rural Community
<b>LDP Policies:</b>	Detailed Policy 29 - Energy Infrastructure /
<b>Consultations:</b>	Yes
<b>Neighbour Notification:</b>	Neighbour Notification carried out on 27.11.2019 Neighbour Notification expired on 18.12.2019
<b>Advert:</b>	Regulation 20 (1) Advert Published on:- 04.12.2019 Expired on:- 25.12.2019
<b>Previous Applications:</b>	19/00306/PP for Section 42 application to vary condition 2 of planning permission 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m Local Review Requested on 11.07.2019

### Appeal History Of Site:

14/00001/LRB for Erection of 3 no. wind turbines each with a maximum blade tip height of up to 104.3 metres and associated infrastructure including upgraded site entrance, upgraded access tracks, new access tracks, foundations, hardstandings, 1 no. temporary construction compound, 1 no. control building/substation, 1 no. temporary borrow pit and 1 no. permanent 65m meteorological mast was LODGED on

### Relevant Development Plan Policies

Detailed Policy 29 - Energy Infrastructure  
Policy 29:

Energy Infrastructure Development

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

#### Environmental

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

#### Community

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

#### Public Safety

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

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

#### Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating

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technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

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

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## Description

A further application to amend the height of the previously approved wind turbines at Sorbie Farm to the north of Ardrossan has been submitted. The proposal follows the dismissal of an appeal by the Council's Local Review Body (LRB) in October 2019 for increasing the height of the wind turbines from 104.3m to 125m blade tip (ref. 19/00306/PP). As per the previous application, the hub height of each turbine in the revised proposal would be increased by 4.2m to 67.5m above ground level, and the rotor diameter from 82m to 115m.

The only differences between this proposal and the previous application would be the planting of approximately 1 hectares of trees at two locations near the site as well as the removal from the scheme a 1km section of access track leading from the B780 to the site. The removal of the access road from the development would substantially reduce the quantity of quarried stone required to construct the wind farm. Instead, existing roads through Ardrossan, via Sorbie Road, would be utilised for delivering the turbines, as well as for all other construction purposes. The purpose of the tree planting is to filter views of the wind turbines from adjacent road corridors, such as the A78 Ardrossan Bypass and the B780 Dalry Road, and also to attempt to reduce the visibility of the turbines from housing estates in the north of Ardrossan.

Otherwise, the proposal would be identical to the earlier application that was refused planning permission in 2019, and, as noted above, the subsequent Review not upheld by the LRB. In terms of the turbine positions, type and heights, there would be no difference in terms of the 2019 submission.

The applicant advises that the original 2MW turbine model, dating from a planning application originally submitted in 2013, is not economically viable to develop following the removal of subsidies for wind energy developments by the UK Government in 2016. Therefore, regardless of its scale, the development would have to operate without public subsidies. The applicant argues that the increased height would be modest. However, the 4MW turbines currently proposed would be capable of generating up to 87% more electricity in comparison with the original

scheme, which was first approved in November 2015 and renewed in January 2019 (ref. 18/01061/PP). This additional output would, the applicant argues, also make a positive contribution to the Scottish Government's renewable energy target which seeks to generate the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied by renewable sources by 2030. The applicant has drawn attention to the Scottish Government's Onshore Wind Policy Statement of December 2017, which highlights that "we must support development in the right places and - increasingly - the extension and replacement of existing sites, where acceptable, with new and larger turbines, based on an appropriate, case by case assessment of their effects and impacts."

The main change in circumstances since the dismissal of the previous application by the LRB has been the adoption of the Council's replacement Local Development Plan on 28th November 2019. The policy framework in respect of energy infrastructure developments has therefore altered in comparison with the previous Local Development Plan, dating from May 2014.

A further consideration is the Council's action on climate change. In June 2019, North Ayrshire Council declared a Climate Emergency, committing to achieve net-zero emissions and to increase actions being taken at the local level to mitigate global climate change. Whilst the actions following this declaration primarily relate to steps the Council intends to take directly in the coming years, it is acknowledged that renewable energy developments within North Ayrshire also have a role to play. In this regard, the LDP states "we want to reduce our impact on climate change and facilitate our transition to a low carbon economy by encouraging mitigation and adaptation measures."

The proposal has been submitted along with the following supporting information:

- planning statement
- comparative environmental appraisal
- landscape and visual impact assessment annexes
- location/site layout plan
- turbine elevation drawing
- woodland planting proposals

### **Planning Statement**

This sets out a range of new supporting information, including the commercial availability of 100m turbines and information on the comparative heights of Sorbie and Ardrossan wind farms. The statement also highlights that the planning policy context has changed following the previous refusal, referencing Policy 29 of the recently adopted Local Development Plan as being more supportive and balanced than the equivalent policy in the former LDP. It highlights that the new policy sets out a different approach to the use of landscape capacity studies.

### **Comparative Environmental Appraisal**

This report sets out a series of comparisons between the original scheme design and the revised turbine heights now proposed. It considers a series of topics, including landscape and visual amenity; noise and shadow flicker, and concludes that the increased magnitude of change between the consented scheme and the proposed changes would not be significant in terms of landscape and visual effects. It also states that the noise impacts would be within the same parameters as the consented scheme (ie. below the industry standard ETSU-R-97 noise limits) and that no additional mitigation measures are necessary. With respect to shadow

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flicker, 6 properties were identified as being within the zone where such effects could occur. Mitigation measures would be implemented, using computer software controls, to ensure that there would be no unacceptable effects.

### **Landscape and Visual Impact Assessment (LVIA) Annexes**

The methodology for carrying out the LVIA is consistent with the standards adopted for onshore wind energy developments, taking into account both Scottish Natural Heritage and Landscape Institute guidance. The significance of effects is assessed through a combination of the sensitivity of the landscape receptor (or view) and the magnitude of change that will result from the addition of the proposed development within that landscape. The annexes contain a series of 17 photomontages and/or 3D wire frame drawings from a variety of viewpoints. They allow comparisons of the consented scheme with the proposed increase in turbine height. Six of the viewpoints which were chosen as being representative of the anticipated landscape and visual impacts within or relatively close to Ardrossan, with another four further away but still within 10km of the site. The remaining seven viewpoints are located at distances of between 10km and 25km of the site. The LVIA annexes are contained in the same document as was submitted for the previous application.

### **Location Plan/Site Layout Plan**

The site is within the countryside approx. 1.5km to the north of Ardrossan at ground levels of between around 75m and 157m Above Ordnance Datum (AOD). The turbines would be sited roughly in a triangular pattern, all to the north of Sorbie Farm. Two turbines would be sited southwest of the vacant Craigsark steading, the third to the northwest, partially screened from the south by the Craigsark Plantation. As noted above, the proposed means of access to the site would be from Sorbie Road, which leads northwards from Ardrossan past the town and over the A78 bypass. Sorbie Road becomes a private access north of Ardrossan, and serves Sorbie Farm and the vacant Craigsark steading. As well as omitting a previously approved access road leading from the B780 northwest of the site, the application proposes various changes to the access routes between Sorbie Road and the three turbine sites. It is also proposed to delete the 65m high permanent anemometer mast from the development, together with the associated access track. A potential battery storage area has also been identified on the site plan, although this does not form part of the current application. The turbines would be mounted on light grey coloured circular towers. Each would have three light grey coloured rotor blades with heights as noted above.

The application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). The guidance provided in Annex I of Circular 3/2103 makes it clear that the effect of granting planning permission for a Section 42 application is such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, a decision on a Section 42 application.

### **Consultations and Representations**

The application was subject to statutory publicity procedures, which included an advertisement in a local newspaper. A total of 110 letters of support and 3 letters of objection were received.

### **Support letters**



The support letters were submitted in several variations of a pro forma style that highlighted the following points:

1. The planning application is extremely welcome, and renewable energy has to be seen as the future of our energy system.

*Response: Noted. The application must be assessed in terms of its specific location and details, not just in general terms. See Analysis.*

2. It is well publicised and generally accepted that climate change is happening and we must do more as a society to stop it where possible.

*Response: Noted. See Analysis.*

3. North Ayrshire Council has already declared a climate emergency so it would make sense to give consent to a local wind farm to help tackle this.

*Response: Noted. See Analysis.*

4. The proposed increase in height would not be significant and woodland planting would screen the closest views of the wind turbines.

*Response: Disagree. See Analysis.*

5. The proposal would help Sorbie Farm to grow its business and retain local jobs.

*Response: Noted. See Analysis.*

## **Objections**

1. There is no scope for turbines greater than 100m in this location.

*Response: Noted. See Analysis.*

2. Policy 29 of the LDP advises significant protection should be given to the areas within 2km of towns and villages, including this site.

*Response: Noted. See Analysis.*

3. Blackshaw Wind Farm was refused permission for 125m turbines in 2013 for similar reasons - because of their glaring incompatibility with other turbines nearby.

*Response: Noted. The application must be assessed in terms of its specific location and its details. See Analysis.*

4. Nowhere is it stated that in the Scottish Government's Climate Emergency Policy that inappropriate developments should be allowed to disregard local development plans.

*Response: Noted. The application must be assessed in terms of the adopted LDP. See Analysis.*

5. Alleged financial community benefits should be seen as a form of bribery and have no place in the consideration of the proposal.

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*Response: Agreed.*

6. The developer claims that the originally consented 104m high turbines are no longer commercially available, but on the internet it seems there are still producers who do so. An objector has personally contacted 3 manufacturers who informed him that they are still on the market.

*Response: Noted.*

7. The temptation of a battery storage facility within the site at an unknown future date - a technology which is still in its infancy - is an insult to the Council.

*Response: Noted. This application does not seek explicit consent for a battery storage facility.*

8. Planting trees takes time and may never grow high enough to screen the 106 Ardrossan residences mentioned in the petition against the earlier application and the inevitable dominance of the proposed 125m high turbines.

*Response: Noted. See Analysis.*

9. The increased scale is significant, and the applicant is simply playing down the increase.

*Response: Noted. See Analysis.*

10. Whether or not the turbines would benefit from subsidy is not a material consideration.

*Response: Noted.*

11. Noise impacts have not been fully assessed.

*Response: Noted. See Environmental Health response, below.*

12. How many more times must this application be made to the Council? The application should be refused as the resubmission is not materially different.

*Response: Noted.*

## **Consultations**

**NAC Environmental Health** - no objections subject to noise limits for the proposed wind farm are those given in condition 21 of planning application 18/01061/PP. To prevent audible tones, the applicant's Noise Impact Assessment states that candidate turbines at T1 and T3 will have to operate in reduced noise mode at 6m/s. If turbines other than the candidate turbines are used, the applicant must review the Noise Impact Assessment to ensure continuing compliance with the noise conditions.

*Response: Noted. The previous grant of planning permission included conditions for dealing with noise mitigation, and similar measures could be adopted in the event of this application being granted.*

**Glasgow Airport** - no objection.

*Response: Noted.*

**MoD** - no objection.

*Response: Noted.*

**NATS** - no objection.

*Response: Noted.*

**Glasgow Prestwick Airport** - object to the increased tip height as it will likely increase the clutter generated on the radar displays above the windfarm. GPA's primary responsibility is to ensure the safety of the airspace above and around Prestwick, and it must have done all it can to ensure such safety prior to removing its objection. This now includes conducting a radar mitigation feasibility assessment against the proposed windfarm, which is governed by the full mitigation agreement between both parties. As such, GPA would object to this increased tip height and will only remove the objection once the full radar mitigation agreement has been entered into (between GPA and the Developer) and the radar feasibility assessment has successfully confirmed that the Terma radar being deployed at GPA can successfully address the clutter generated from the rotating turbine blades.

*Response: The previous grant of planning permission included conditions for dealing with radar mitigation and similar measures could be adopted in the event of this application being granted.*

**NAC Active Travel and Transport** - no objections. The applicant should complete all relevant abnormal load movement application and notification forms and submit all relevant forms to North Ayrshire Structures Team (Roads).

*Response: Noted.*

**Stevenston Community Council** - supports the development.

*Response: Noted.*

RSPB, Saltcoats Community Council and Scottish Natural Heritage made no comments on the application.

## **Analysis**

Section 42 of the Town and Country Planning (Scotland) Act 1997 allows for the submission of a planning application for the development of land without complying with conditions subject to which a previous permission was granted. Section 42 of the Act stipulates that in this type of application the "planning authority shall consider only the question of the conditions subject to which permission should be granted."



The main determining issue in this case is whether the proposed modification would accord with the relevant Local Development Plan (LDP) policy.

Policy 29 of the LDP addresses Energy Infrastructure Developments and states "we will support development proposals for energy infrastructure development" including wind "where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse impacts, taking into consideration, including cumulatively, the following:"

- Environmental
- Community
- Public Safety
- Buildings: Zero and Low Carbon Technologies

The applicant contends that the emphasis of Policy 29 is more positive in terms of its support for energy infrastructure proposals, and notes that the policy requires consideration to the above topics rather than satisfying all matters contained within a range of criteria (as was set out in Policy PI 9 of the previous LDP).

The policy is accompanied with a windfarm spatial framework, which sets out places where there should be protection from windfarm developments and areas where there is potential for such development. Sorbie Farm is within 2km of the towns of Ardrossan and Saltcoats and, as such, is within an area of significant protection.

However, there is a consented three turbine wind farm for the site. Notwithstanding the presumption against new wind farm development at such locations, it is therefore necessary to take this background factor into account in terms of the recently adopted LDP. Scottish Planning Policy (SPP) also recognises the need for significant protection within 2km of towns and villages. Whilst wind farms may be appropriate in these areas, "further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation."

Taking each of the matters in turn, the following observations can be made:

### **Environmental**

It is considered that the environmental and amenity impacts relating to noise and shadow flicker could be overcome through the use of planning conditions already attached to the previous grant of consent. The landscape and visual impacts would be similar in terms of the assessment carried out for the previous application submitted during 2019 (ref. 19/00306/PP). In particular, this expressed concerns about the increased turbine scale being visually more dominant than the previous design, largely due to the 115m rotor diameter, and therefore likely to cause conflict in the local landscape due to the cumulative effects with the existing Ardrossan Windfarm. In addition, the larger scale turbines would be particularly noticeable from transport corridors, such as the A78 bypass of Ardrossan and Saltcoats to the south, as well as the local routes B780 and B714, west and east of the site respectively. It is also considered that the increased scale of turbine would result in adverse visual impacts on nearby settlements, given the proximity of the windfarm to the nearest built-up areas at Ardrossan and Saltcoats, as well as other nearby dwellings in the countryside. Although some tree planting, in the form of corridors alongside the A78 Ardrossan Bypass and a field boundary to the west of the site have been proposed for mitigation, this would offer very limited (if any) screening to most receptors within the nearby built-up area even when mature.

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As noted above, the increased height would be around 19% greater than the original permission, with the hub height just over 6.5% greater. Visually, the main difference is therefore unlikely to be the hub height, which is not significantly different, but the 33m increased length of the rotor blades, resulting in an increased area of the swept path. This remains the main issue raised in the current application, a factor that would be more noticeable at this site as well as the difference in design with the nearby Ardrossan Wind Farm, which has 100m high turbines. As well as being 20m higher at the blade tip in comparison with the previously approved design, this would also result in the turbine blades coming much closer to ground level as they rotate. The applicants still consider that the proposed increase in scale would not be substantial. However, this is not agreed with: it is considered that this degree of change would be substantial in terms of landscape and visual impact, especially given the locational context of the site near a built-up area and near an existing wind farm, resulting in a cumulative impact from a variety of viewpoints. However, it is not considered that the proposal would have any additional impact on natural heritage, carbon rich soils, the historic environment or the water environment in comparison with the originally consented development. Nonetheless, the proposal to increase the height of the turbines is not considered acceptable for the environment at this location due to its adverse landscape and visual impacts on the area.

### **Community**

Consideration is required to be given to the net economic impacts of the development, such as employment, associated business and supply chain opportunities. Whilst the development would result in an order being placed for the purchase of 3 wind turbines, other materials (such as quarry products) as well as the hire of plant and labour necessary to construct the project, the turbines could not be sourced locally. Construction jobs would be for a relatively short period. However, by hosting the development, the proposal would also support income and employment at Sorbie Farm and help towards the long-term survival of the agricultural unit.

Longer term, other than the agricultural jobs which would be indirect benefits of the development, only a limited number of jobs would be required to manage and maintain the site once it becomes operational. Any net economic benefit to the local area would, therefore, be marginal in the medium to long term. Whilst the scale of the contribution to Scotland's renewable energy targets would be relatively slight, the applicants state that there would be a significant increase in potential electric power output from the increase in installed capacity - from 6MW in the original scheme to 12MW. The development could power up to 11,050 homes and save 100,000 tonnes of CO<sub>2</sub> per year, which is roughly twice the power output and twice as much CO<sub>2</sub> savings per year in comparison with the original scheme.

The proposal would not impact directly on any walking or cycling routes, nor would it have any direct impact on existing tourism and recreation facilities in the locality. However, the turbines would be widely visible from the coastline at Ardrossan's North Shore, as well as from the town's ferry terminal, where the existing windfarm at Busbie Muir is already visible. The main difference is that the site of Sorbie Wind Farm is over 1km closer to the northern edge of the town than the existing Ardrossan Wind Farm. The increased height and scale of the turbines in the proposal would, therefore, increase the dominance of the development in the rural backdrop to the town in comparison with the original permission. Such long-term impacts on the landscape setting of the town would not be mitigated by increased short-term job opportunities in the procurement or construction of the development.

## **Public Safety**

Subject to the radar mitigation scheme being successfully deployed, it is not considered that there would be any adverse impacts on public safety arising from the proposed revisions to the development. As a renewable energy development, the proposal would contribute toward the efforts being made globally to reduce greenhouse gas emissions during its operational phase. The proposal also seeks to reduce the carbon footprint of the development by removing from the project the need to construct 1km of new access roads through the countryside. Instead, access to the site would be made using existing roads in Ardrossan. The abnormal loads this would involve would require some localised road alterations and traffic management for a relatively short duration during the construction phase of the development. These matters have been raised directly with the roads authority. Finally, in terms of decommissioning, current national planning policy guidance is based on wind energy sites becoming permanent once they are established, with repowering rather than decommissioning being the preferred option in order to safeguard infrastructure and energy capacity for a longer period than the lifespan of the original wind farm. Whilst approval is already in place for a three turbine wind farm at Sorbie, the main area of concern in this assessment relates to the landscape and visual impact of an increased scale of turbine, taking into account the effects on the setting of the nearby settlements as well as rural housing.

The final category in Policy 29, entitled Buildings Zero and Low Carbon Technologies, is not considered relevant to the proposal.

In summary, it is considered that there would be a precedent set by supporting a proposal of a scale that exceeds the previously agreed wind turbine height at this location, within 2km of a built-up area. The applicant is of the view that the 2km figure is simply a 'guideline' - however, as is clearly illustrated in the recently adopted LDP, the Council's spatial strategy for wind farm development seeks to safeguard the 2km buffer around settlements from wind farm development as a matter of principle in order to safeguard the amenity, and the setting, of settlements and the houses near them, in accordance with the Scottish Government's Scottish Planning Policy. As is clear in terms of LDP Policy 29, planning has the role of supporting renewable energy developments, provided the development is of an appropriate scale and in the right place. The extant planning permission for Sorbie Farm would be within the 2km buffer, but it is considered that the 104.3m high turbines already approved in terms of the 2015 appeal decision by Scottish Ministers represents an appropriate upper limit for development within this area. The additional scale would be further emphasised by the greatly increased length of the rotor blades. As many views towards the development would combine both the proposed windfarm and the existing Ardrossan wind farms together, it is considered that this difference in scale would be more evident, to the detriment of landscape character in the locality.

Having now assessed the proposal against the Council's new LDP and considered the tree planting measures offered by the applicant as mitigation as well as the Climate Emergency, it is recommended that planning permission is refused for the proposed amendment to the Sorbie Wind Farm development for the reasons given below. As noted above, planning permission ref. 18/01061/PP and the associated conditions remains unaffected by any decision on this application.

**Decision**

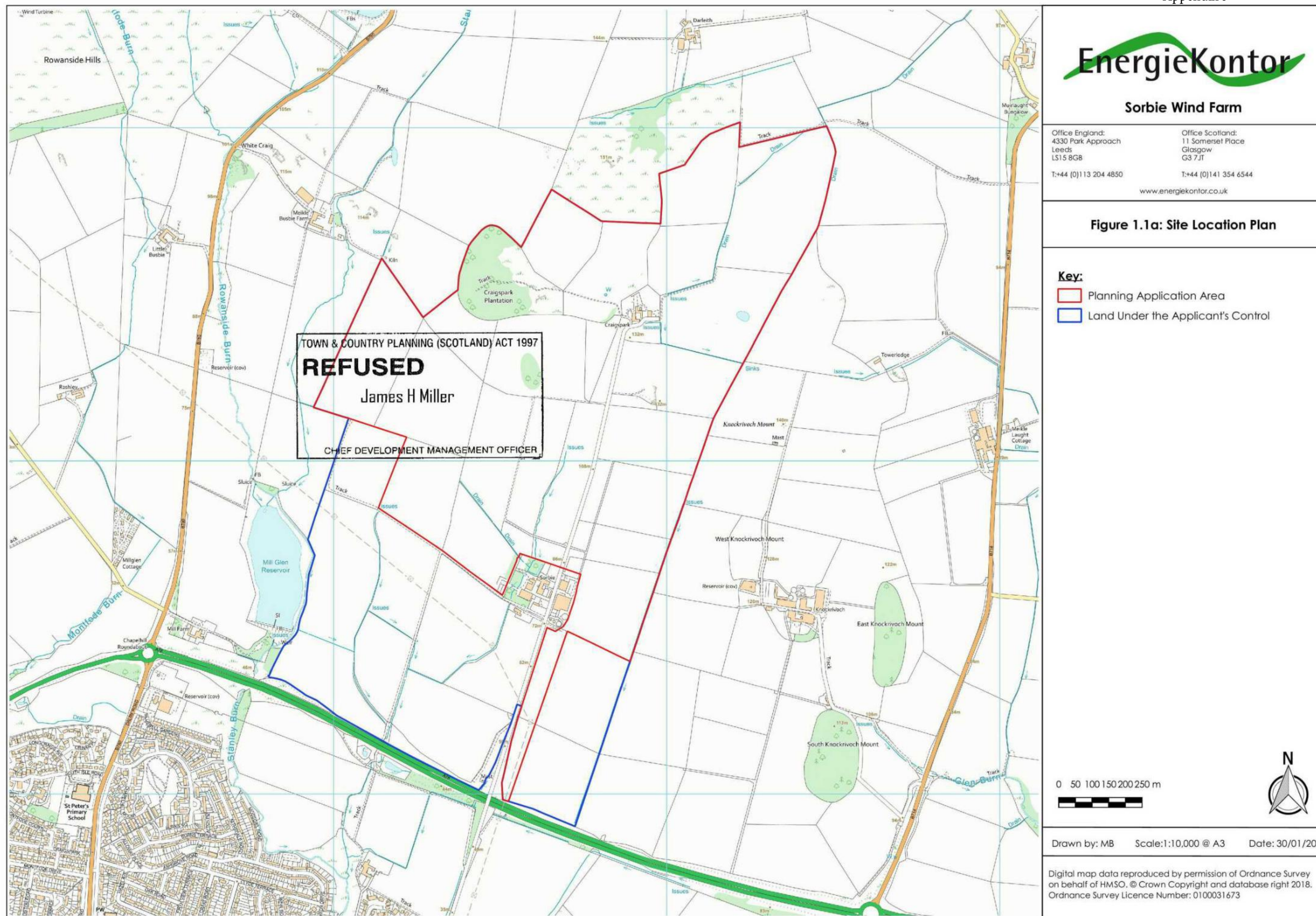
Refused

Case Officer - Mr A Hume



## Appendix 1 - Drawings relating to decision

<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Location Plan	Figure 1.1	A
Proposed Elevations	Figure 1.2	
Site Plan	Figure 1.3	
Landscaping	Figure 1.4	A







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

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/19/00882/PP

(Original Application No. N/100204248-001)

**REFUSAL OF PLANNING PERMISSION**

Type of Application: Local Application

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

To : Energiekontor UK Ltd Fao Mr Michael Briggs  
4330 Park Approach  
Thorpe Park  
Leeds  
LS15 8GB

With reference to your application received on 27 November 2019 for planning permission under the above mentioned Acts and Orders for :-

Section 42 application to vary condition 2 of planning permission 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m

at Sorbie Farm  
Ardrossan  
Ayrshire  
KA22 7NP

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

1. The proposal would be contrary to the provisions of Policy 29 of the adopted North Ayrshire Local Development Plan (LDP) in the following ways: It is considered that the degree of change from 104.3m blade tip to 125m blade tip would be adverse in terms of landscape and visual impacts, especially given the locational context of the site within 2km to the north of the settlement of Ardrossan, which is afforded protection in terms of the Windfarm Spatial Framework as set out in the LDP. Such an increase in scale would contrast markedly with the turbine design approved in the previous consents and would have a significant adverse effect on the rural setting of Ardrossan. This contrast would also be unfavourable against the design of the nearby Ardrossan Windfarm, resulting in adverse effects on the landscape character and visual amenity of the locality.
2. The proposed development would set an undesirable precedent for a scale of windfarm development that is unjustified at a location within 2km of a settlement, which would undermine the Policies of the adopted North Ayrshire Local Development Plan.

Dated this : 5 February 2020

.....  
for the North Ayrshire Council

(See accompanying notes)



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

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

KAREN YEOMANS : Executive Director (Economy & Communities)

**FORM 2**

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

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



Town and Country Planning (Scotland) Act 1997  
Planning, etc (Scotland) Act 2006

## RESPONSE BY \_\_\_\_\_, Objector

to

An Application to the North Ayrshire Council Local Review Board

### 1 INTRODUCTION

This is a response by \_\_\_\_\_, a local resident and consistent third-party objector to a s. 42 (1997 Act) application referenced as 19/000882/PP (the Application) by EnergieKontour UK Limited of Leeds (EK). The Application was to allow development to proceed without compliance with the original height limiting conditions, and thereby to permit tip heights for three turbines at Sorbie Farm, Ardrossan to be raised from 104.3m to 125m (a 19.9% increase, described as “modest” (sic)). In addition the application seeks a variation in the internal track layout and the identification of an area which may be used for energy storage, although no such application is made on this occasion. New woodland planting is proposed on the southern boundary, and a 65 m high permanent anemometer mast would be removed.

The Application was refused on 5 February 2020 (the Decision).

EK has appealed to North Ayrshire Council Local Review Board for review of the Decision. That appeal extends to 401 pages. This response answers the principal arguments in the appeal.

### 2 REFUSAL OF THE APPLICATION

The Application was refused by committee as being contrary to Policy PI 9 of the adopted North Ayrshire Local Development Plan because *“the change would be adverse in terms of landscape and visual impact, especially given the locational context of the site within 2 km to the north of Ardrossan. That locality is afforded protection in terms of the Council’s adopted Windfarm Spatial Framework. Further, such an increase in scale would contrast markedly with the turbine design approved in the previous permissions and would have a significant adverse effect on the rural setting of the town of Ardrossan. Finally, the permission which is sought would set an undesirable precedent for a scale of windfarm development which is unjustified within 2 km of a settlement, and which would undermine the policies of the LDP.”* In short, this reason amounts to refusal on account of a variety of very significant and adverse landscape visual and residential amenity impacts, judged to be unacceptable in the circumstances.

### 3 GROUNDS

The sole ground argued as the reason for the change of tip height is one of viability (Appeal, §1.11 and §1.12)). It is argued in the Planning Statement submitted on behalf of the Appellant that 100 metre turbines are not available and that the comparative heights of Sorbie and Ardrossan windfarms are not of significance. 100m turbines are said to be unviable, because of the absence of subsidy. §1.13 states the obvious; that larger blades capture more energy. This is not “push(ing) design envelopes further” whatever that means. It is simply that manufacturers have made larger blades in an attempt to secure larger installations and to capture more energy. But that is not the whole picture, because blade lengths alone are not enough to change the performance of the turbines.

No financial or engineering analysis of these statements is presented anywhere in the Appeal. There is no way of knowing whether or not the statements are true. §1.50 bears to assert that viability can be achieved if the application is granted, but no working is shown.

Table 1.2 asserts that the Approximate Annual Energy Yield will increase from 23GwH to 43 GwH (about a 90% increase), but the same table shows that that the increase in output is ***actually due to the use of larger turbines not larger blades***. They are to increase from 2.05MW Installed Capacity to 4.0 MW Installed Capacity – virtually a doubling in the size of the turbines. That is what generates the extra energy.

A question for the appellant might therefore be to ask whether the improved energy output from the proposed turbines is actually due to the larger blades or the larger turbines. Since it is obviously the latter, but that issue is undisclosed, and no application is made for larger turbines, then in the absence of clarity on this matter, this application should be refused.

In addition, the calculation for the alleged “carbon saving” of an additional 44,5000 per annum to be found in §1.21 (second page) is not shown.

The applicant argues a change in “*planning policy context*” and adherence to Policy 29 as being more supportive and balanced than a previous policy. Some argument is made in relation to the use of landscape capacity studies and compliance therewith – they are now non-prescriptive.

### 3 CRITERIA TO BE APPLIED

As the Board knows, determinations under the Planning Acts ***must*** be made in accordance with the local development plan unless material considerations indicate otherwise<sup>1</sup>. The Appeal begins correctly by recognising that at page 9. The relevant policy is set out in full at §2.3. It is a criteria based policy, permitting renewables development *subject to* satisfactory

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<sup>1</sup> Town and Country Planning (Scotland) Act 1997, ss.25 and 37

compliance with criteria(a) to j). Read properly, the policy means compliance with all of the relevant criteria – “...*subject to the proposal satisfying the following criteria...*” They are then listed, *seriatim*, with the word “AND” in block capitals between each of the criteria. That means that compliance with all of them is required.

#### 4 THE APPELLANT’S ARGUMENT

The Appellant argues for the application instead of adopted policy 29 (page 98 of the Plan), itself adopted only in November 2019. There can be no doubt of its relevancy. This policy only offers support for such projects in certain events. The first of these is a positive contribution to “our transition” to a low carbon economy; and secondly that there is no unacceptable adverse environmental impact – that means NO impact - taking into consideration (a range of criteria).

The appellant argues at paragraph 2.7 that Policy 29 amounts to a “shift in tone”. It notes that instead of having to satisfy all of the criteria, the council is merely required to take them into consideration.

The appellant cites national policy in support of its application, beginning with SPP from June 2014, and moving to the Onshore Wind Policy Statement of December 2017. It appears to be at the heart of the appellant’s argument that any renewable energy generated by turbines will contribute to carbon saving and work to combat “the climate emergency”. That proposition is not otherwise justified.

However, the height of the Appellant’s argument is that policy 29 is “inherently supportive of windfarms and the proposals”.

The objector submits that the first application was refused because of its proximity to settlement and its significant adverse landscape and visual impact. These turbines are to be 20% bigger *and closer*. How can the impact be less? That proposition defies common sense.

Evidently, in some desperation, the Appellant submits that the Council should not rely on its own landscape capacity study. When it comes to considering the 2 km separation distance, it argues only that that distance is “a guide”, not a rule. It also argues that the proposed location of the turbines, despite being less than 2 km from the town of Ardrossan, would not “materially alter the relationship that the consented windfarm maintains with that settlement.” This far fetched proposition is advanced despite the very significant increases in height. Proximity of less than 2km is usually thought of as fatal to any windfarm proposal. That is the reason for the constraint, which has existed since the late ‘90s.

## 5 SUMMARY SUBMISSION AND CONCLUSIONS

Finally, turning to the summary at paragraph 3.55, the appellant asserts compliance with the development plan. The objector disagrees. It is quite clear that the proposal does not comply with policy 29 in respect that

- There is no presumption in law in favour of renewables, and in particular, in favour of wind turbines. Wind turbines which have excessive and immoderate impacts on people and places is NOT sustainable development. That is what SPP (June 2014) says.
- These very few proposed turbines will not make any significant or measurable impact on the causative factors for climate change.
- Scottish Government Policy, however it is expressed, is but a material consideration, according to the law.
- All Scottish Government Policy, however and wherever it is to be found, contains carefully worded caveats against granting consent in respect of impacts on people and places which are significant and adverse.
- It was both the Planning Officer's and the Committee's view that the impacts were significant adverse, and excessive. Those views should be respected. The Appellant does not highlight that they have assessed anything incorrectly.
- Any Community Benefit which may flow from the proposed turbines is not a planning consideration, and should be ignored.

In the whole circumstances, refusal of this application is amply justified. It is respectfully submitted that the application for review should be refused.

26 February 2020.



Ms Hayley Clancy  
Democratic Services,  
North Ayrshire Council  
Cunninghame House  
Irvine,  
KA12 8EE

24<sup>th</sup> February 2020

**Sorbie Local Review Re Ref: 19/00882/PP**

Dear Ms.Clancy,

I refer to a statement submitted to North Ayrshire Council by  
, objecting to a request for a Local Review of the LPA decision to refuse an  
application at Sorbie Windfarm for an increase in Turbine Size.

I have seen and read statement and agree profoundly that the review should  
not be allowed on account of all the points mentioned in it.

P.S.

I must further add:

- Energiekontor simply seeking to overturn the result of the last Local Review Body, and with resources their opponents could only dream of, they use their facilities with unparalleled brutality towards those whose properties they threaten. This is clear from the article in the Saltcoats and Stevenson Herald "A Storm picks up over Windfarm" where they seem completely to disregard even the existence of any objectors whatsoever whose properties are overlooked. **By contrast we objectors operate as part-time operators with only a handful of letter written pages to support our case.**
- Guilty of mis-selling, they allege to power so many 1,000's of homes and seek consent based on maximum 'capacity' but rarely power even 1/3<sup>rd</sup> of that figure.
- Their 10<sup>th</sup> February 19/00882/PP 'Supporting Document' submission demonstrates that they will twist Government statement meanings (LDP. WFCS. WFSF. Etc.,) to achieve their aim.
- With Developers receiving £55.7 million added to our electricity bills through Constraint Payments to not even produce electricity within the first 6 weeks of this year, we are saturated with wind turbines. Every turbine consented effectively raises this figure.
- As the Saltcoats & Stevenson Herald article illustrates, this developer has chosen to bribe local councillors with a fraction of even the cost of one small house, to support their plans. Although tempting it might be to lie about employ more people, and brandish 'community benefits', the developer knows fine well that these must not be matters upon which to determine an application. The alleged production of 'clean' 'green' energy must be the sole consideration behind the application.

# Storm picks up around wind farm

By Gianni Marini @giannimarini Multimedia Reporter



Picture Christopher Furlong .Hagshaw Hill windfarm, South lanarkshire.

## **A REQUEST for councillors to decide on the fate of a wind farm planning application has been denied.**

Councillors Jean McClung, Tony Gurney and Jim Montgomerie wanted the full planning committee to determine the Sorbie Farm application instead of council officers.

Councillor McClung said: "North Ayrshire Council declared a climate emergency which means we really do have to reduce carbon substantially.

"One of the way to do this is to have more renewable energy produced in a safe, clean way.

"I find it astonishing that an application for a renewable source of energy would be turned down in these circumstances."

The application, to increase the height of three wind turbines which were previously granted planning permission, will now be determined by officers.

Members of both Saltcoats and Stevenston Community Councils want the plans to go ahead, citing a community fund as a motivator.

Kyle Haddow, of Saltcoats Community Council, said: "As it stands it has been refused on two occasions with no real reason other than political differences instead of remaining impartial.

"Saltcoats would have benefitted from an annual community development fund of £20k which would help us address the locality priorities for economy, regeneration and communication."

A North Ayrshire Council spokesperson said: "It has always been the case, both in Scottish Government Planning Guidance and North Ayrshire practice, that community benefits can never be a factor which can be considered in determining a planning application.

"The Supreme Court recently confirmed that such benefits 'constituted a method of seeking to buy the permission sought, in breach of the principle that planning permission cannot be bought or sold.'

Michael Briggs, project manager with planning applicant Energiekontor UK, said: "We are disappointed the planning committee has refused a Call In Request by local councillors to determine our proposed Sorbie Wind Farm at the next available meeting.

"The decision will add more uncertainty and delay for the community who badly want to see this development come forward.

"If consented, the project will provide significant investment both regionally and nationally with a total investment of more than £14.5 million. This includes contracts worth around £3 million in North Ayrshire and £6.1 million in Scotland as a whole.

"The project is vital to supporting a local dairy farm at Sorbie which would be able to expand their milking herd from 370 cows to 500 and build a new state of the art dairy facility. Sorbie Farm currently has three full-time and one part-



time employee. If approved, the business will be in a position to put the part-time employee through a full-time apprenticeship scheme.

"The community benefit associated with the project would equate to £60,000 per annum over the 25-year lifetime of the project. The beneficiaries of this are the communities of Ardrossan, Saltcoats and Stevenston. The application has attracted an overwhelming level of support from the community with 112 letters of support including from Stevenston Community Council.

"Now that the application has been returned to council officers to determine, we await the decision in due course."

Councillor McClung said: "I am very disappointed. I find it ironic after a climate emergency has been announced but I hope it will eventually be approved.

"Previously, applications for wind farms were turned down or approved on the basis of visual impact, but this one has taken that into account.

"Climate change should supersede any other consideration.

"More jobs will be created in North Ayrshire as a whole."

Ian Miller, a North Ayrshire resident who wrote a letter of objection to the proposals, said: "Climate Emergency or not, the Scottish Government and NAC Planning who commissioned the Windfarm Capacity Study and the Local Development Plan with the assistance of landscape architects at considerable expense, cannot allow their set parameters to be simply trampled on by some philistine developer who, rather obviously, simply wishes to overturn the result of the previous local review body's fairly conducted hearing."

Remember that you are personally responsible for what you post on this site and must abide by our [site terms](#). Do not post anything that is false, abusive or malicious. If you wish to complain, please use the 'Report' link underneath the comment.

**Badenoch** 3rd February 8:25 pm

A new observational analysis using data from 10 European Union countries, published in May 2018, affirms the devastating conclusion that wind power installation "Amplifies the growth of fossil fuels", and "Preserves Fossil Fuel Dependency" because for every 1% increase in the installed capacity of wind power, a quarter as much again is permanently required as back up!

Last Updated: 4th February 0:08 pm

ReplyQuote

Report

**The Vid** 4th February 8:04 am

Agriculture one of the biggest contributors to climate change and we are using a wind farm to aid expansion. There are places for wind turbines these beautiful hills are not one of them.

Last Updated: 4th February 10:40 am

ReplyQuote

Report

**Camusmore** 4th February 10:46 am

I find this article to be very biased as it fails to mention the 100+ letters of objection, that it contravenes the Local Development Plan and the Scottish Governments own advice on proximity of wind farms to communities not to mention that the three massive wind turbines will completely destroy the local vista.

Last Updated: 4th February 0:08 pm

ReplyQuote

Report

16th February 9:47 pm

By far, the more substantive arguments against the development were provided by the 100 + objecting petitioners, which contrasted with the 100 + repetitious but generally rather weak letters of support to which the Ardrossan Herald most studiously singularly referred.

It should also be pointed out that the Ardrossan objectors' petition was signed by almost all the 100 + residents whose very gardens would be immediately overlooked by this development ! - unlike the various houses and gardens, of the Stevenson and Salcoats Community councillors.

The £60,000 is a paltry sop to offer the community whose houses would be collectively devalued by many times that amount, while as is the case with most of these subsidised developments, hardly any of the long term jobs would arise for North Ayrshire as spuriously claimed.

Of Wind-Turbines hell-bent on trashing our environment, Enough is Enough !

Last Updated: 7th February 4:40 pm

ReplyQuote

Edit DeleteReport

**gaol** 7th February 0:34 pm

Councillors cannot override their own LDP, it is written in stone. If they choose to do so they will leave their council open to legal action which will be footed as always by the innocent tax payers.

Last Updated: 7th February 0:40 pm

## OBJECTION LETTER Ref No: 3

20<sup>th</sup> December 2019

Mr. A. Hume,  
North Ayrshire Council  
Planning Department  
Cunninghame House  
Irvine  
KA12 8EE

N.A.C. ref: 19/00882/PP Section 42 application to vary condition 2 of planning permission of 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m

Dear Mr. Hume,

The Sad Sorry Sorbie tale goes roughly as follows:-

1)

13/00236/PP received 10/04/13 Application withdrawn

2)

13/00627/PP received 25/10/13 LRB requested ?

3)

18/1061/PP to increase size from 104m to 125m Rejected by NAC. Inappropriate to area ?

4)

19/00306/PP received 24/04/19 requested LRB . Refused 2/10/19 5 votes to 4.

5)

CURRENT..... 19/00882/PP Section 42 application to vary condition 2 of planning permission of 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m

1. the Ardrossan Wind Farm and the Sorbie cluster both share the Landscape Wind Capacity Study area 19e where it is stated there is no scope for turbines over 100m, it is also affirmed in the '**re-powering section**' that **100m turbines** are the optimum size for the area and **should not be increased** when the turbines are being renewed. This application should be refused.
2. The Sorbie cluster is specifically within the Local development Plan, Group 2 Windfarm Spacial Framework, as being firmly in the 'Area of significant Protection'. As such it also **doesn't comply with the N.A.C. Local Development Plan Policy 29** encroaching into the 2km protected zone as it does. In the extraordinary event of the Sorbie re-powering application being consented, - as mentioned 7 months ago, - nothing would stop the **Ardrossan Wind Farm applying for a similar re-empowerment** in complete contradiction of N.A.C. Planning aspirations and no point in producing any further wind capacity studies. This application should clearly be refused.

3. Although the S.G. consented the 104m Sorbie application in 2013, The developer should be reminded that the S.G refused to consent the Blackshaw farm application for 125 metre turbines because of their glaring incompatibility with other turbines in close proximity. Sorbie, in the vicinity of the **Ardrossan Wind Farm is in exactly the same position as the Blackshaw application**, - which is indeed why its 125m re-empowerment application should be similarly refused.
4. Nowhere is it stated in the **Scottish Government's stated Climate Emergency policy** does it indicate that inappropriate developments should be allowed disregarding of either Windfarm Capacity Studies, or Local Development Plans, - nor does it suggest consent being given in the face of local community opposition. Alleged financial community benefits seen as being a form of bribery being offered by the developer, also should not be treated as a material consideration in this or any other application..
5. The developer claims that the originally consented 104m turbines are no longer available, but on the internet it seems that there are still producers only too willing to supply turbines of similar size and generating capacity. The 125m turbine application admits that although 20% higher than those already consented, not mentioned is that the calculated swept area of the **blades of the preferred turbine would exceed twice that of the already consented** turbines and, they would therefore not only clash badly with the surrounding Ardrossan Windfarm, but also very obtrusively would dominate the housing estates they overlooked. This application should not be consented.
6. The Applicant, hoping to tempt North Ayrshire Council in effect to overturn the previously refused LRB 5:4 application of 2nd of October, by dangling the possibility of battery siting with an indeterminate and separate application at some future date is an insult to N.A.C Planning staff who will be fully aware that **battery technology** is still in its infancy. Apart from ironing out the peaks and troughs on the grid from moment to moment, batteries are a long way from mitigating the shortfall between 'rated output capacity' sold as having, - and the real part-time 'actual output' over weeks and months of intermittent power generation . The possibility of a **separate application (if and "when it is commercially viable")** should therefore not be used as a reason to consent this one. "Pie-in-the-Sky" comes to mind.
7. Similarly the developer hopes that by moving the turbines by 30 metres in any direction and planting a few trees will do the trick of overturning last October's LRB rejection. **Trees take time to grow** and the developer conveniently forgets that the trees may never even grow high enough - to screen the 106 Ardrossan residences mentioned in the petition against the earlier application from the inevitable dominance of these proposed 125 metre turbines. Furthermore the developer conveniently forgets and couldn't care less, - that the **significant strength of local feeling against this development** will hardly have reduced since the previous application. This development variation should be refused.
8. It beggars belief. How many times and at what cost to North Ayrshire Council Planning and the Ardrossan people, can this Sorry Sorbie Saga resuscitation be attempted ? Maybe it is that the **developer counts on residents' 'objection fatigue'** and that following persistence, they only have to win once.



# PETITION (MAY '19)

F.Y.I. . COPIED OBJECTION PETITION Ref: 36574 below: signed by > 106 petitioners in May 2019, together with the other objectors' letters are as equally valid today as then.

1. In the first instance, with the Ardrossan, Dalry, Neilson and the massively extended Whitelee windfarms, we're being surrounded by turbines wherever we look. Three more proposed turbines now of dis-proportionate size to an area already over exposed, **no way should be allowed further to Cumulatively Impact the area.**
2. The <25% increased turbine blade height to 125m of this Sorbie application would contrast badly with the smaller 104m adjoining Ardrossan turbines. Recently, the Scottish Government well known for over-ruling applications previously dis-allowed by Local authority planners, had nevertheless condemned on the grounds of intrusiveness and disproportionality, **the Blackshaw Farm application which had identical blade heights** to this application close to other smaller turbines in the vicinity. This application should therefore be dis-allowed for the same reasons.
3. Increasing Blade height beyond that which has previously been consented (Re-powering) can be a method used by developers disregarding the effect on the environment, to increase the size of turbines beyond which they would have initially been consented. The October '18 **North Ayrshire Landscape Wind Capacity Study also mentions the dominating position the already consented turbines would have,** overlooking Ardrossan. Keeping to agreed standards is important and for this reason **the enlargement** should be dis-allowed.
4. The current very thorough and extensive N.A.L.W.C.S. states that there is 'no scope to increase the height' of the 100m Ardrossan Wind Farm turbines on Haupland Moor on the Southern fringes of Muirshiel Country Park. The dangerous aspect of this will doubtless not have escaped notice, is that in the unfortunate event that should the Sorbie repowering height increase be consented within the same character area, - absolutely nothing would prevent **developers of the adjoining Ardrossan windfarm from seeking similar re-powering with the inevitable consequences for environmental and cumulative impact** already at its limit.
5. Finally it should be mentioned that since Wind Turbines possess only one possible function it must be emphasised that developers be prevented from evading their responsibilities to the public by their producing up-front Mandatory Funding for End-of-Life Decommissioning. This should be available for lodgement into a Local Authority Escrow a/c, for if and when application is consented. Decommissioning should never be at the taxpayers' expense.

Sincerely

Ms Hayley Clancy  
Democratic Services,  
North Ayrshire Council  
Cunninghame House  
Irvine,  
KA12 8EE

24<sup>th</sup> February 2020

**Sorbie Local Review Re Ref: 19/00882/PP**

Dear Ms.Clancy,

I refer to a statement submitted to North Ayrshire Council by  
 \_\_\_\_\_  
 objecting to a request for a Local Review of the LPA decision to refuse an  
 application at Sorbie Windfarm for an increase in Turbine Size.

I have seen and read \_\_\_\_\_ statement and agree profoundly that the review should  
not be allowed on account of all the points mentioned in it.

Sincerely

Dear Ms. Clancy,

I am extremely disappointed that yet again, despite overwhelming local support for this project, planning has been refused.

This refusal flies in the face of democracy, and is denying benefits and employment to one of the most deprived areas of North Ayrshire.

I sincerely hope that the review body will approve the latest application in line with the wishes of the local people.

Stevenston Community Council

**Review Statement - Objection to request for a Local Review of LPA decision to refuse an application at Sorbie Windfarm for an Increase in Turbine Size**

Application Number 19/00882/PP

Location Sorbie Farm Ardrossan Ayrshire KA22 7NP

Proposal 1997 Act, s.42 application to grant a new permission varying condition 2 of planning permission 18/01061/PP to enable an increased permitted wind turbine tip height from 104.3m to 125m (19.8%).

Details of Objector

Name

Address

Telephone Number

Email address

**Review Statement – Objection SUMMARY**

Having obtained advice from Legal Counsel the following statement refutes the conclusions submitted by the Applicant in its application for review, specifically that:

- Because the law requires determination to be in accordance with the Local Development Plan unless material considerations indicate otherwise, it can confidently be said that the application does not comply with the requirements of the adopted Local Development Plan (LDP) Policy 29.
- There are no material considerations indicating that Planning Permission should be granted.
- Renewables developments do not carry any presumption in favour of granting planning permission.
- Where an LDP is up to date, SPP 2 is crystal clear that it must have primacy (para 32)
- The applicant is wrong in suggesting the LWCS is general on the specific point of repowering – it is very specific and targeted and states “**Turbines of 100m are the optimum**”.
- Scottish Natural Heritage commented and gave explicit clear advice that any new turbines should be smaller in size.
- The proposed development is well within 2km of a major community contravening LDP Policy 29 and SPP 2 (Table 1, col 3, page 39)
- The applicant is wrong to suggest the Planning Officer has applied the 2km guide as a pass or fail test. He has properly assessed the increased impact and concluded that it is significant, adverse, and therefore inappropriate; it should be noted that due to further residential development housing is now closer to the turbines than when the original scheme was consented, thus increasing the impact on the community.
- All independent landscape architect advice has concluded that the proposed increase in size is inappropriate.



**Review Statement - Objection to request for a Local Review of LPA decision to refuse an application at Sorbie Windfarm for an Increase in Turbine Size**

- No account seems to have been taken by the promoter of the 100 plus local objections despite the Scottish Government underlining again and again the importance of community engagement.
- The applicant consistently demonstrates a lack of reliability bias in their arguments, for instance they claim turbines the size of the consented scheme are no longer available. They are. We have checked. One has to ask why an applicant appears to be making untruthful submissions.
- The only opinion that supports the proposed change in tip height is that of the applicant who cannot be considered objective.

**DETAILED SUBMISSIONS**

1. The application is in essence the same as the previous application 19/00306/PP.  
**On this basis the application should be refused as the resubmission is not materially different.**
2. The Environmental Appraisal submitted by the applicant is not independent and objective and has been prepared by the applicant with the sole purpose of justifying the scheme. It should be disregarded, and the opinion of the professional independent experts should be adopted – all of which reject the proposal.
3. The Applicant States that SPP2 (June 2014) has a presumption in favour of renewables and that renewables are an important new aspect of transport planning policy (sic). This is of questionable relevance, but in any event, SPP makes it clear (§32) that where the LDP is up to date it maintains its primacy, and so **the presumption is in favour of the LDP.**
4. The application introduces the concept of land designated for future battery storage. As recognised by the application the technology for the large scale storage of electricity does not exist at present, and therefore does not form part of this application. This is a clear attempt to differentiate this application from the previous one, but it is based on a non existent proposition.
5. The application introduces the planting of some trees. While tree planting is always to be welcomed, they will not reduce in any way the significant adverse impact of the turbines. Once again this is a bogus, almost pointless attempt to differentiate this application from the previous one.
6. The 2km setoff guidance in SPP2 has been widely and successfully used throughout Scotland. House building adjacent to the site since the first Ardrossan permission would bring houses closer than that, increasing the residential and amenity impacts if this application was granted. This scheme would have individual properties only some 800m from the turbines.  
**Objection – The proposal contravenes Policy 29 of the LDP and Scottish Government Planning Policy, A Low Carbon Place.**
7. The proposed development does not comply with the Local Development Plan (LDP) in that it creates an unacceptable visual and environmental impact – supported by all independent experts.  
**Objection – The proposal contravenes the Local Development Plan.**

**Review Statement - Objection to request for a Local Review of LPA decision to refuse an application at Sorbie Windfarm for an Increase in Turbine Size**

8. Local Development Plan Policy 29 designates the area under consideration as Group 2 **Areas of Significant Protection** – as such the application contravenes LDP Policy 29.  
**Objection – The proposal contravenes Policy 29 of the Local Development Plan.**

9. The Applicant's Comparative Environmental Appraisal is conceptually flawed in that it takes the base line as the currently consented turbines installed and then looks at the difference in impact of the proposed change; but this is only part of the picture. When a developer adopts that approach, he neglects the impact of the development as a whole. To consider only the impact of this proposal in isolation will tend to trivialise the proposal and minimise the magnitude of the change and therefore the significance of the impact of the development as a whole.

**Objection - The Comparative Environmental Appraisal is conceptually flawed.**

10. It is noted that in the assessment the applicant has identified a number of visual effects which have been moved from Medium-High level to High level impact. These impacts have been simply dismissed as not important.

11. Site specific independent advice provided by Scottish Natural Heritage and Carol Anderson Associates (Professional Landscape Architects) **does not** support the proposed amendment.

12. North Ayrshire Landscape Wind Capacity Study 2018 (LWCS), prepared by Carol Anderson Associates, October 2018 section 20.3 provides Guidance for Development in the Haupland Muir. Section 20.3.1 states that there is **No Scope** for additional new development for large turbines. An increase in height of the consented scheme would exacerbate the impact of the already consented scheme.

**Objection – The proposal contravenes section 20.3.1 of NAC LWCS 2018**

13. In addition, a cognate policy in LWCS section 20.3.2 states that for Repowering of operational and consented wind farms *'Turbines substantially above the height of the existing turbines (which are around 100m) would overwhelm the relief of the low knolly hills of Haupland Muir. They would also adversely affect the setting of Ardrossan (and potentially other coastal settings such as West Kilbride depending on position and height). Cumulative effects would also occur with other operational and consented wind energy developments sited in this and nearby LCT 19d.'* This proposal will give effect to a 20% increase in overall height; a 40% increase in the length of the turbine blades; and a 100% increase in swept path. These figures are not trivial, by any standard.

**Objection – The proposal contravenes section 20.3.2 of NAC LWCS 2018**

14. North Ayrshire Landscape Wind Capacity Study (NALWCS) of October 2018 Appendix E states that increasing turbine size within the Ardrossan and Kirkhill wind farms would overwhelm the low relief hills within which both these developments are sited and would significantly affect the setting of settlements. It follows from this that the same conclusion would apply to the Sorbie Wind Farm development.

**Objection – the proposal contravenes Appendix E of NAC LWCS 2018.**

15. When generalising the LWCS refers to 150m Turbines; however, when being specific about area 19e, where the proposal is sited, the LWCS is detailed and targeted. For this area it specifically states that it considers **"Turbines of 100m are the optimum"** and that increasing the height would not be appropriate in landscape and visual terms.

**Review Statement - Objection to request for a Local Review of LPA decision to refuse an application at Sorbie Windfarm for an Increase in Turbine Size**

**Objection – The proposal contravenes Annex E, Table B Point 3 of NAC LWCS 2018.**

16. It is also worth noting that the landscape area identified as Area 19e is small in acreage again demonstrating that the Landscape Architects' professional advice is specific and targeted.
17. Furthermore the conclusion reached in the applicant's Planning Statement, s.3 is wrong. The revised LWCS recognises Sorbie Wind Farm Development and is then very specific in stating that **100m turbines are the optimum**. This must carry more weight than the Applicant's Assessment, as it is independent advice.
18. The LWCS also states "*The assessment concluded that there is no scope to increase the heights of the operational wind turbines in the Haupland Muir (19e) landscape character type due principally to effects on the scale of these smaller hills as well as the effects on the setting and views from Ardrossan, the coast and the Firth of Clyde*". This is not a general statement but a specific one.
19. Scottish Natural Heritage (SNH) submitted a consultee response on the consented scheme which significantly challenged the appropriateness of the original proposal. SNH considered that the size of the turbines did not accord with the stated strategy in that they were too large. They stated: "*We recommend that a lower height of turbine be considered to allow closer spacing in order to achieve a more compact and distinctive layout, which may lessen the cumulative effects with the Ardrossan windfarm*". This again was specific advice that the turbines should be lower than 100m not increased. The proposed amendment to further increase the turbine size will exacerbate this situation even further.

**Objection – The proposal contravenes SNH advice that the turbine size should be reduced.**

20. The Comparative assessment by the applicant quotes several comments from the Reporter and concludes that the Reporter's comments are still valid. But the author has been selective in extracting partial quotes and surmising what the Reporter would have concluded.
21. Having attended and presented at the Hearing (note: the applicant was not present as they have only recently become involved in the project) it is the Objector's opinion that their conclusions are wrong. The **Reporter placed a significant weighting on the fact that the turbines were of similar size to the existing Ardrossan Windfarm, that they were in scale of the surroundings and would appear as an extension** – clearly increasing the overall height of the turbines by a significant amount negates that conclusion.  
**Objection – Proposed increase in turbines negates the Reporter's conclusions and the arguments put forward to justify the original scheme.**

22. The consented scheme Environmental Appraisal states that the Design Strategy of the development is inter alia:
  - a. Turbine height *similar to adjacent Ardrossan Windfarm* and in keeping with the scale of the existing features; (emphasis added)
  - b. Proximity to Ardrossan Windfarm and location in upland ensures that particularly in views from the settled areas to the south and the uplands to the north, the Development appears to have visual unity with Ardrossan Windfarm.
23. This concept of being in keeping and visual unity with the Ardrossan Windfarm was significant in the decision to grant the current planning permission. By increasing the size of

**Review Statement - Objection to request for a Local Review of LPA decision to refuse an application at Sorbie Windfarm for an Increase in Turbine Size**

the turbines by some 20% this proposal directly and flagrantly contravenes that strategy, and a corner stone of the consented scheme is removed.

**Objection - The proposal contravenes the consented strategy.**

24. The reference in 3.21 of the Planning Statement to AOD is irrelevant. The authors of the LWCS were fully aware of the difference in ground levels as were the Reporter and SNH when they made their recommendations. The perception of scale that will be derived by the observer will not be affected by the relative difference in AOD. The eye will take in the relative low hills and the increased size of the turbines and perceive them as out of context, complex and inappropriate, which is why all independent advice has been opposed to the proposal.

25. Appendix 3.1 paragraph 1.7.5 of the Comparative Environmental Report recognises that the consistency of image of proposed development in relation to other wind farm developments is likely to be lower if its turbine height, arrangement and layout are broadly similar to other wind farms in the landscape, as they are more likely to appear as relatively simple and logical components of the landscape. The proposed increase in turbine size will create three turbines which will look completely out of place and will create an undesirable and complex visual effect.

**Objection – the proposed significant increase in size will create an undesirable complex visual effect.**

26. All independent advice recognises that the environmental cumulative impact of the wind farms in the area is already at the limit and indeed in many informed opinions the consented scheme at Sorbie takes the area beyond the limit. Certainly, all independent experts agree that a 20% increase would take the cumulative impact above acceptable limits.

27. The applicant claims that Sorbie wind farm has not been constructed due to it no longer being viable; however, no substantiation of that statement is provided. A significant factor must be the fact that despite years of trying, the aviation radar interference concerns have not been addressed.

28. The applicant claims, to support the statement on economic viability, that turbines equivalent to those already consented at Sorbie are no longer available; however, this objector has contacted four suppliers who confirmed that Turbines of 75-100m are available and more efficient than the original Sorbie turbines. Again, this significantly challenges the applicant's report truthfulness and reliability.

29. The removal of subsidies may have increased the challenge in finding suitable sites; however, that is no reason to develop on unsuitable sites and indeed every publication issued by the Scottish Government and North Ayrshire Council makes that clear. The challenge for industry and the planning authorities is to find ways of reducing society's carbon footprint without significant adverse impact on the landscape and people's lives.

30. It is noted that the Comparative Assessment acknowledges that there will be significantly more properties affected by shadow flicker. It is not clear from the assessment if control measures will or will not be put in place and if so what will they be? There is no proposed requirement for that to be agreed/consulted upon with those affected.

**Objection – additional properties affected by shadow flicker.**

31. The proposed development is contrary to planning policy by reason of it not safeguarding the amenity of nearby dwellings due to size and position, furthermore this development will



**Review Statement - Objection to request for a Local Review of LPA decision to refuse an application at Sorbie Windfarm for an Increase in Turbine Size**

visually impact on an area which already has other windfarms nearby and thus a cumulative effect will further diminish the landscape value and scenic qualities of the area as a whole.

32. The benefits to the community, such as they are, can be provided by alternative means without having the significant adverse impact on the landscape.
33. This development would add less than 3% to the renewable electricity currently being generated. It is submitted that this small contribution is not sufficient to overturn the conclusions reached by the LWCS and the LDP.
34. Scotland is blessed with many suitable open landscape areas and off shore sites – there is no need to squeeze wind farm developments on top of local communities.
35. Simply looking at the photomontages provided by the Applicant drives home the highly significant impact these turbines will have on the landscape and upon the residents who live closest.
36. The Applicant's Comparative Environmental Appraisal is conceptually flawed in that it takes the base line as the currently consented turbines installed and then looks at the difference in impact of the proposed change. But we submit this is only part of the picture. When one adopts that approach one neglect the overall Impact of the development and that will tend to trivialise the holistic impact. The Baseline must be the landscape as it is and a full assessment of the proposal undertaken to ensure that it still fully meets the criteria identified in the previously consented scheme. As this area is already on the limit the last straw has been reached.

**Objection - The Comparative Environmental Appraisal is conceptually flawed.**

37. Appendix 3.1 paragraph 1.5.7 of the Comparative Environmental Appraisal acknowledges that the magnitude of change that the proposed development will have on the landscape receptors is assessed in terms of size or scale of the change. This supports that an assessment of the scheme as a whole is required rather than just carrying out a comparative study.
38. The applicant places emphasis on this being an *unsubsidised* development – this is irrelevant as the cost is the cost, the customer will now pay rather than the tax payer. If the cost of the energy was uneconomical then, it is now. This is emphatically not a material fact in the consideration.
39. There is constant reference to Scottish Government and North Ayrshire's documents which clearly state the importance of tackling climate change and the importance of wind farms in this task. However, NONE of these documents support inappropriate developments and indeed are at lengths to reinforce that the development of the wind turbines be sympathetic and appropriate to the environment and landscape character and must take cognisance of the communities that will be affected.  
Indeed the vision for Scotland states *"By 2023, Scotland will have reduced its emissions by 66% relative to the baseline, while growing the economy, increasing the **wellbeing of the people of Scotland and protecting and enhancing our natural environment**"*
40. The Applicant makes reference to Paul Wheelhouse MSP's Foreword to the Scottish Government Onshore Wind Policy Statement. However, what they omit is the importance he places on the development of the partnership of all stakeholders. Despite receiving in excess of 100 objections to this proposal the Applicant has made no attempt to reach out to the

**Review Statement - Objection to request for a Local Review of LPA decision to refuse an application at Sorbie Windfarm for an Increase in Turbine Size**

community and work with them to see if there is a better solution. They are simply trying to railroad the application through – to suit their business plan and profits, and not to benefit the community.

41. It is noted that North Ayrshire has made significant inroads towards achieving carbon neutrality by the use of solar refit, biomass and landfill gas recovery. This is clearly the way ahead for urban areas and the development of wind farms is for off shore or remote areas.
42. It is noted that in Section 3.52 of the Applicant's Review Statement the money values are emphasised, this seems inappropriate and a cheap attempt to sway the opinion. It is incumbent on us all to protect our natural landscape, we should not sell our beautiful landscape for an apparent short-term gain, no matter how tempting. Development of the scheme in an appropriate location would bring the benefits and not adversely impact on the Landscape.
43. It is also noted that no detailed calculations are provided to substantiate either the carbon reduction or financial claims.
44. The detailed noise calculations are not provided. There has therefore been no opportunity to assess the appropriateness of the noise limits and to consider whether they take account of all factors, for instance the addition of the cumulative effect of the other wind farms in the area.
45. Note: that the original assessment submitted by Sorbie Windfarm in October 2013 did not (this was identified by myself) which was acknowledged at the hearing and the Reporter provided them the opportunity to submit further calculations at the hearing. This resulted in the noise impact on the residential properties significantly increasing and the developer agreeing to reduce the output of the turbines to ensure compliance with the limits.  
**Objection – Impact of increase in noise not fully assessed and insufficient evidence provided that it will comply with the restrictions.**  
**Objection – Full noise assessment not provided to allow a review to be obtained and to seek an independent expert to review as necessary.**  
**Objection – No evidence AT ALL that a cumulative noise assessment has been undertaken.**
46. While the Turbines will be required to work within the noise limits stipulated given that these turbines generate greater noise than the consented turbines, at the present day they are having to operate at reduced outputs at certain wind speeds. While in theory this may be possible it is difficult to see how this can be policed to ensure that residents are not subject to excessive noise other than installing noise monitoring stations at suitable locations such as the control property.
47. It should be noted that for noise an approach of "*as long as you comply then it is okay*" should not be taken as once the turbines are in place the carbon price of the installation will have been realised and any reduction in efficiency will impact on the whole life benefits vs disbenefits – the impact must be understood before installation to allow a full whole life benefits assessment to be undertaken.
48. Residents are of high sensitivity due to them being static receptors, no visualisations from the greatest affected properties have been supplied. Note this was the case in the original assessment; however, further visualisations were presented at the hearing.

**Review Statement - Objection to request for a Local Review of LPA decision to refuse an application at Sorbie Windfarm for an Increase in Turbine Size**

49. The conclusions put forward in the report do not align with the facts within the document which is disappointing as the UK and Scottish government has requested that wind farm developers are sympathetic to the local environment, recognising the strong local opposition that is developing towards wind farms. Clearly this proposal pays no heed to this request as it completely ignores North Ayrshire's own recommendation that there is no further capacity in this area, the accepted strategy developed for the Sorbie Windfarm, the advice provided by SNH and the strong opposition of the local community.
50. It is submitted that the application for Review should be refused, the Planning Officer's recommendation confirmed, and the application for this proposal finally and firmly refused.

Name .....

Signed \_\_\_\_\_

Dated ..... 25/2/20 .....





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## NORTH AYRSHIRE COUNCIL

2 September 2020

### Local Review Body

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**Title:** Notice of Review: 19/00752/PP – Site To North West Of 10 Crompton Way North Newmoor Irvine

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

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

---

### 1. Executive Summary

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

### 2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 19/00752/PP - Erection of a Lidl foodstore with a sales area of up to 1,257 square metres to include the provision of access, car parking, landscaping and boundary treatment at the Site To North West Of 10 Crompton Way North Newmoor Irvine.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report: -

Appendix 1 - Notice of Review documentation;  
Appendix 2 - Report of Handling;  
Appendix 3 - Location Plan;  
Appendix 4 - Planning Decision Notice;  
Appendix 5 - Further representations from interested parties: and  
Appendix 6 - Applicants response to further representations.

### 3. Proposals

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

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

##### **Financial**

4.1 None arising from the recommendation of this report.

##### **Human Resources**

4.2 None arising from the recommendation of this report.

##### **Legal**

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

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

4.4 None arising from the recommendation of this report.

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

4.5 None arising from the recommendation of this report.

##### **Key Priorities**

4.6 None arising from the recommendation of this report.

##### **Community Benefits**

4.7 None arising from the recommendation of this report.

#### **5. Consultation**

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations and their response is set out in Appendix 6 to the report.

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

#### **Background Papers**

0

# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)  
IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**  
**Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be  
through this representative: ☒

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed  
development

Date of application

Date of decision (if any)

**Note:** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- |  |                                     |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application)   | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle  | <input type="checkbox"/>            |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/>            |
| 4. Application for approval of matters specified in conditions   | <input type="checkbox"/>            |

**Reasons for seeking review**

- |   |                                     |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer  | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/>            |
| 3. Conditions imposed on consent by appointed officer   | <input type="checkbox"/>            |

**Review procedure**

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input checked="" type="checkbox"/> |
| 2. One or more hearing sessions                                   | <input checked="" type="checkbox"/> |
| 3. Site inspection  | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/>            |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Please refer to the enclosed Appeal Statement and associated Appendices which sets out the substantive case on why the LRB appeal should be heard. Specifically this is shown in paragraphs 5.102 to 5.107 of the statement and page 4 of the Executive Summary.

**Site inspection**

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

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

No - however notice of a site visit taking place would be helpful.



## Statement

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to the enclosed Appeal Statement and associated Appendices. The documents and plans submitted with the application equally are relevant to the LRB appeal.

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

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

No substantive new matters raised. However, further investigation has been undertaken in some areas in response to new points raised in the Report of Handling, as these had not been raised by Council Officers during the consideration of the planning application.

## List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Appeal Statement, Rapleys LLP, May 2020

Supporting appendices:

Appendix 1 Report of Handling, North Ayrshire Council, Undated  
 Appendix 2 Planning and Retail Statement, Rapleys LLP, October 2019  
 Appendix 3 Rebuttal Letter, Rapleys LLP, 7 November 2019  
 Appendix 4 Douglas Armstrong QC opinion, 12 November 2019  
 Appendix 5 Email from Case Officer, 1 November 2019  
 Appendix 6 Further Sequential Assessment of East Road Retail Park, Rapleys LLP, April 2020  
 Appendix 7 Google Maps satellite extract (accessed 25 March 2020)  
 Appendix 8 North Ayrshire Council Car Parking Strategy 2014  
 Appendix 9 North Ayrshire Council website extract, March 2019  
 Appendix 10 SEPA Response on former Ayrshire Metals Site, 19 March 2020  
 Appendix 11 Transport Assessment, Systra, 2 October 2019  
 Appendix 12 Report and Minutes of NAC's Planning Committee held on 22 January 2020  
 Appendix 13 Statement of Community Involvement, Rapleys LLP, October 2019  
 Appendix 14 Press Reports of Public Meeting Held 2 March 2020

**Note:** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

## Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

## Declaration

I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Daniel Wheelwright

Date

6 May 2020

Supporting Appeal Statement for  
**Lidl Great Britain Limited**  
Application Reference: N/19/00752/PP

## LAND AT STANECastle ROUNDABOUT, IRVINE, NORTH AYRSHIRE

May 2020

Our Ref: 18-02874

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## Appendices

Appendix 1	Report of Handling, North Ayrshire Council, Undated
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QUALITY ASSURANCE

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2008.

Created by:	
Signature:	
Checked by:	Daniel Wheelwright BA (Hons) MA MRTPI
Signature:	

## FOREWARD

Rapleys LLP is instructed by Lidl Great Britain Limited to lodge an appeal to the North Ayrshire Local Review Body (LRB) under Section 43A of the Town and Country Planning (Scotland) Act 1997, against refusal of planning permission N/19/00752/PP for the “*Erection of foodstore with a sales area of up to 1,257 square metres to include the provision of access, car parking, landscaping and boundary treatment.*” This Appeal Statement, accompanying appendices and LRB form comprise the applicant’s case in response to the reasons for refusal issued by North Ayrshire Council (NAC) on 12th February 2020. The applicant’s appeal comprises this Appeal Statement, accompanying appendices and completed LRB form.

## EXECUTIVE SUMMARY

The reasons for refusal are outlined in Section 3 and refer to the following key matters governing the principle of development:

- Whether the site is the most sequentially preferable having regard to other suitable and available sites in and on the edge of Irvine Town Centre;
- Whether the proposal will lead to a significant adverse impact on Irvine Town Centre;
- Whether the design of the proposal is distinctive and appropriate to its surroundings; and
- Whether the proposal is accessible by a range of transport modes

### The Applicant’s Case,

**The reasons set out in the Council’s delegated refusal notice contain a number of errors, are not justified, and fail to take into account material planning considerations which would alter the planning balance to that of approval.**

In summary, the applicant’s case is that:

- **Retail sequential assessment** - **There are no sequentially preferable, suitable or available sites within the catchment area that can accommodate the application proposal.** The ‘real world’ operations and requirements of Lidl must be considered and not unrealistic alternatives. Section 5 of the statement outlines in detail why the suggested alternative sites are not suitable and/or available for the proposed development.

The position of Officers of the Council in refusing the application does not reflect previous legal rulings i.e. the Tesco vs Dundee High Court judgement in paragraph 69: “**...the issue of suitability is directed to the developer’s proposals, not some alternative scheme which might be suggested by the planning authority...** these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.”

The Officer’s stated preferable sites are:

- **East Road/ Caledonian Carpark** - This land is classed as ‘common good’ and as such is not available and should not have been stated by Planning Officers as being a preferable site. The car park is new, well utilised and also not the size required for a Lidl store. Furthermore, the consultation with the public has indicated that there are issues egressing from the site during peak times, any additional development would add to this.
- **Riverway Retail Park/ Lamont Drive** - Lidl has shown that this is not suitable for them (having traded from Riverway previously). **There is no current availability, it should therefore not have been stated as a preferable site by Officers.**

- **Ayrshire Metals** - This site has **no visual prominence and poor accessibility**, meaning that it functions as an out of centre site and not sequentially better than the application site. There is a **high likelihood of contamination on the site and is classed as having a medium to high risk of flooding by SEPA**. Although this site is being marketed it should be classed as 'unavailable' and hence not a preferable site. **SEPA has confirmed that they will object to any application for the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.**
- **Montgomerie Park** - During the application process Officer's promoted Montgomerie Park as the only preferable site despite it being out of centre and further away from the town centre compared with the application site. Following the applicant's submission of a QC Opinion, **officers now accept that Montgomerie Park is not sequentially preferable to the application site.**
- **Retail impact** - As acknowledged in the Report of Handling, the proposal satisfies the impact test - it will not have a significant adverse impact on Irvine Town Centre. Reference to the proposal potentially 'competing' with the Irvine Town Centre, is unfounded and not a policy test. In addition, the positive benefits of the proposal have been ignored by Officers. The proposal will meet an identified retail need for a discount foodstore in this part of Irvine, serving an expanding population locally including residents in Girdle Toll and Bourtreehill.
- **Design and context of the proposal** - The single-storey and high-quality contemporary design of this proposal is entirely consistent with its surroundings which are a mix of residential and commercial properties. The redevelopment of this derelict, previously developed site will provide a significant enhancement to the area. The previous use of the site was a factory and the Tennent's factory is in close proximity. It should also be noted that the area is not a sensitive location in landscape or heritage terms. **The proposal also allows for added safety measures installed on Stanecastle roundabout.**
- **Accessibility of the site by a range of transport choices** - the site benefits from close access to bus stops which provide frequent bus services in and around Irvine and wider North Ayrshire. Wide public footpaths also serve the site, connecting into adjacent residential areas. The site is therefore highly accessible and therefore the officer's refusal on this basis is not justified.

The 'principles of development' identified in the Report of Handling and Decision Notice, ignored a number of important matters which should have been critical to deciding the planning application. These are positive aspects of the development which should be 'weighed' in the overall planning balance. The failure to do so in the Report of Handling has meant that the determination of the planning application was 'skewed' and did not take all relevant factors into account. In combination with the applicant's case summarised above, these points should have led to a positive determination of the application:

- **The significant economic benefits of the proposal** - The substantial multi million pound investment in the local area and creation of up to 40 full time equivalent, well paid positions should carry substantial weight. The Scottish Government's recent 'State of the Economy' report highlights that the economy is likely to shrink by a third over this period due to COVID-19 and that there will be a significant longer-term impact to Scotland's economy. Against this context, **Lidl's current and continuing investment should be welcomed and fully recognised.**

Other Benefits Include;

- Multi-million pound capital investment in Irvine, bringing a third Lidl store to North Ayrshire.
- Minimal impact on town centre trading.
- The regeneration of a prominent and derelict site.
- Traffic calming installed to Stanecastle roundabout.
- Local walkway improvements.
- Up to 40 new full and part-time jobs.
- Lidl offers employees Living Wage Foundation hourly rate (£9.30) as well as starting salaries of £24,000 for Assistant Store Managers and £37,000 for Store Managers.
- A new 1,257 sqm. sales area discount foodstore.
- High quality products at affordable prices.
- Wide range of Scottish sourced products in stores - Lidl now works with over 60 Scottish suppliers.
- In store fresh bakery.
- Modern store with generous welfare areas for staff.
- 130 parking spaces including parent & child, disabled and electric charging spaces.
- Lidl's Full range of award winning, great-value Scottish products.
- Support for community charities.

- **The substantial public support for the proposal** - During initial public consultation by the applicant on the scheme, **284 responses were received at this point, of which 98% supported the proposal.** During the consideration of this planning application, **184 letters of support were received (including Irvine Community Council) in comparison to only two letters of objection.** This local support is shown by a local action group being set up to express a strong community desire for a Lidl foodstore at the application site, with **a recent meeting held on 2 March 2020 being attended by over 80 people all in support of a Lidl store at the Stanecastle location.** This support is based on the proposal meeting an identified retail need for a discount foodstore in this location of Irvine.

Having regard to this statement, supporting appendices and associated application documents, we request that the LRB - following a hearing - overturn the decision of officers to approve the application proposal. The applicant is happy to wait until the LRB's September meeting following the relaxation of social distancing measures.

The applicant strongly requests that this LRB appeal be heard for the reasons set out in Section 5 of this statement because:

- **Highly material points and justifications in the applicant's evidence have not been taken into account in the Report of Handling,** which is the Council's main justification for the decision taken. If these matters had been fully addressed, it would have directly affected the determination of the planning application.
- **The Report of Handling raised new issues not previously known to the applicant and which they had no ability to address.** Had the applicant been able to consider the various points raised, this would have materially influenced the Council's decision-making process.
- **The Report of Handling makes a number of assertions without recourse to the evidence submitted by the applicant.** Had these been taken into account, these also would have altered the Council's decision-making process.



- 
- Officers have failed to take into account the overall ‘weighing’ of the planning balance. This includes failure to consider the substantial economic benefits of the development outlined in the Planning and Retail Statement and associated strong public support. These are significant material planning consideration in support of the proposal.
  - There is very significant public interest in the proposal for which it is essential that natural justice is allowed for relevant interested parties to be heard. This has been compounded by the fact that the application was not decided at planning committee.

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## 1 INTRODUCTION

1.1 Rapleys LLP is instructed by Lidl Great Britain Limited ('Lidl') to lodge an appeal to the North Ayrshire Local Review Body (LRB) under Section 43A of the Town and Country Planning (Scotland) Act 1997, against refusal of planning permission.

1.2 The proposal was for:

*“Erection of foodstore with a sales area of up to 1,257 square metres to include the provision of access, car parking, landscaping and boundary treatment”*

1.3 The application reference for the application was N/19/00752/PP.

1.4 This report comprises the Appeal Statement and sets out the case of the applicant in response to specific elements of the reason for refusal issued by North Ayrshire Council (NAC) on 12<sup>th</sup> February 2020.

1.5 The purpose of this Appeal Statement is to provide a clear description of the proposal which was refused, the context of the application, and the grounds on which the decision made should be overturned. It also sets out the reasons why the applicant considers that the appeal should be 'heard' at a forthcoming meeting of the LRB and why the applicant deems it appropriate to be present at the Review meeting

1.6 A summary of the case background is provided, followed by an assessment of the key planning considerations and justification as to why the appeal should be allowed and planning permission granted for the above described development. Against this background, the content of this statement has been set out as follows:

- Introduction
- Site Specific Information
- Case Background
- Planning Policy
- Planning Considerations
- Conclusions

---

## 2 SITE SPECIFIC INFORMATION

- 2.1 This section provides details of the site and surrounding area, the planning history of the site, and the development proposed.

### SITE AND SURROUNDING AREA

- 2.2 The site is located on land to the immediate west of Stanecastle Roundabout. Access to the site is gained from Crompton Way. The site is 'brownfield' and was formerly occupied by industrial buildings which have now been demolished.
- 2.3 The site is irregular in shape and extends to 1.17ha in size and is generally flat.
- 2.4 Manson Road bounds the site to the north of Newmoor Industrial Estate; and the A78 bounds the site to the west. The site is located to the north-east of the town centre. The wider area to the north, east and west consists of housing, community facilities, hot-food takeaways, restaurants and other complementary uses.
- 2.5 The site previously had an industrial use reflecting the wider Newmoor Industrial Estate, however over time low level vegetation has established itself on the site. New housing development is being built to the west of the site presenting an increasingly residential/mixed use form of development.
- 2.6 There are a number of trees present on the grass embankment which bounds Stanecastle Roundabout and on the northern boundary. A number of self-seeded low-quality trees and shrubs are located on the remainder of the site to the west of the existing footpath which runs north/south.
- 2.7 The site is accessible to public transport having a number of bus stops in close proximity, including those on Manson Road. These provide links to the town centre to the west, the east of Irvine and other settlements including: Kilwinning, Kilmarnock, Stewarton, and Glasgow. The site also benefits from connections to the public footpath network.
- 2.8 The town centre of Irvine is located approximately 15 minutes' walk to the west or 5 minutes by car. The site is also well served by the A78 (Irvine Bypass) which runs north/south and the A71 which connects to Kilmarnock.
- 2.9 The site is not located in a conservation area and no statutory listed buildings are located on the site or in close proximity to the site.

### RELEVANT PLANNING HISTORY

- 2.10 A search of North Ayrshire's online planning application search has identified the following planning applications which are relevant to the site:
- 19/00050/PP - Erection of a foodstore with sales area of up to 1,410 square metres to include the provision of access, car parking, landscaping and boundary treatment. Application withdrawn 30<sup>th</sup> April 2019.
  - 05/00184/PP - Partial change of use of factory premises to provide area for factory retail outlet for sale of goods produced on premises, and erection of 2.4 metre high palisade boundary fence. Application approved subject to conditions 19<sup>th</sup> April 2005.
- 2.11 In relation to planning application 05/00184/PP, this confirms the previously developed nature of the site.
- 2.12 It should be noted that the applicant previously submitted planning application 19/00050/PP to NAC on the 22 January 2019 This comprised the initial proposal for a Lidl foodstore on the

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site, which was subsequently withdrawn on the 30 April 2019. The reason for the withdrawal was to address the specific issues identified by NAC during its consideration. These were:

- The retail impact assessment - demonstrating a qualitative or quantitative deficiency that the proposal will address;
- The sequential site assessment - further assessment required of sites which the Council considered to be sequentially preferable to the application site;
- Potential impact on the amenity of future occupiers of the new dwellings to the west of the application site; and
- Transport and connectivity to and from the application site.

2.13 Following these discussions, the applicant has sought to address the concerns raised through the updated proposal. This includes further analysis of the development's impact on the local road network, the amenity of the neighbouring Persimmon residential development and additional sequential site analysis.

2.14 This application has sought to build on the previous proposal. Key amendments include:

- The addition of a pedestrian footpath to the north of the site connecting the store to the existing footpath and subway;
- The reduction in the footprint of the store resulting in a reduced net-sales area (further reducing the already limited impact on Irvine Town Centre);
- Providing a further analysis of the impact on the local road network demonstrating that there is capacity for a new discount foodstore in this location;
- A further analysis regarding connectivity showing that the site is well location in relation to public transport, cycle routes and pedestrian routes;
- An increase in the number of parking spaces in compliance with the North Ayrshire Council 'Road Development Guide';
- The undertaking of a daylight/sunlight Assessment demonstrating that the proposal will not impact on the amenity of the houses near the western boundary of the Lidl site;
- An expanded sequential assessment, further demonstrating that there are no suitable or available sequentially preferable sites to accommodate the application proposal; and
- An updated retail impact assessment, including additional justification on how the proposal addresses qualitative and quantitative deficiencies within the catchment.

#### DEVELOPMENT PROPOSAL

2.15 The application sought planning permission for the erection of a discount foodstore, together with associated parking and landscaping on the currently vacant land beside Crompton Way, Stanecastle Roundabout, Irvine.

2.16 The Lidl foodstore (Use Class 1) is proposed to extend to 1,996 sq.m. GEA with a net sales area of 1,257 sq.m, together with 130 parking spaces (including 8 disabled spaces and 12 parent & child spaces).

2.17 The foodstore is proposed to the west of the site with car parking provided directly in front extending eastwards. The delivery bay is sited on the northern elevation parallel with Mansons Road; with a glazed façade on the southern elevation.



- 
- 2.18 Of the total net sales area (1,257 sq.m), 1,006 sq.m (80% of net floor space) is proposed for convenience goods sales; and 251 sq.m (20% of net floor space) for comparison goods sales.
- 2.19 The proposed Lidl foodstore provides a clean and contemporary design, featuring a single height glazed entrance; and a single height glazed elevation along the southern elevation facing Crompton Way. It is considered that the proposal would enhance the appearance of both the site and the surrounding area.
- 2.20 Vehicular access is taken from a new road access at Crompton Way. There is an existing footpath along the eastern boundary which will be maintained. A new pedestrian access will be provided from Crompton Way, providing direct access to the store. A separate pedestrian access will also be provided, connecting the existing footpath to the north of the site and the subway which passes under Mansons Road.
- 2.21 A dedicated servicing area will be provided adjacent to the north of the building. Delivery vehicles will drive into the site in forward gear and reverse into the delivery bay, where product will be deposited within the warehouse. All store waste will be stored within the warehousing area and will be collected at the same time as deliveries, thereby minimising HGV movements.

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### 3 BACKGROUND

3.1 The application was refused consent on 12<sup>th</sup> February 2020. The accompanying Decision Notice and Report of Handling (RoH) outlines the reasons for refusal.

3.2 The Decision Notice issued by NAC states the following reasons for refusal:

*“1. The proposed development would be contrary to Strategic Policy 1: Spatial Strategy (Towns and Villages Objective) and Policy 3: Town Centres and Retailing of the adopted North Ayrshire Local Development Plan, as the applicant has not demonstrated a town centre first approach as required. The proposed site is not suitable for a large retail development as it would compete with the town centre and there are preferable sites available in, or close to the town centre.*

*2. The proposed development would be contrary to Strategic Policy 2: Placemaking of the adopted North Ayrshire Local Development Plan as it would be neither distinctive in respect of scale, street, building form and material and does not create a place with sense of identity. Nor in-keeping with the predominantly residential character of the surrounding area.*

*3. The proposed development would be contrary to Strategic Policy 27: Sustainable Transport and Active Travel of the adopted North Ayrshire Local Development Plan as the application would be for an out-of-centre retail development, encouraging car use, which would not take into account the need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.*

*4. The proposed development would set an undesirable precedent for the development of unjustified out-of-centre retail developments within North Ayrshire, which would undermine the town centre first policies of both North Ayrshire Council and the Scottish Government.”*

3.3 The associated Report of Handling provides the following overarching conclusion on the proposal:

*“In conclusion, the adopted Local Development Plan clearly states that the preference of the Council is that large retail developments be located in town centres, which is in accordance with Scottish Planning Policy. The application site is some 1.2km outside Irvine town centre and it is not considered that the applicant has provided convincing evidence that there are no preferable sites in or close to the town centre. While no suitable town centre sites were identified, the Ayrshire Metals site (located immediately adjacent to the town centre) is sequentially preferable to the application site, is available and meets all of the applicant’s requirements. If the proposed supermarket were to be located in, or adjacent to, Irvine town centre, then it would add to the sustainability and vibrancy of Irvine town centre as a retail destination. However, if located at the application site, the supermarket would compete with and would be detrimental to the Council’s policies aimed at revitalising the town centre. There are no other material considerations that have been identified which would outweigh this conclusion.”*

3.4 The Reasons for Refusal and conclusions of the Report of Handling will be addressed in this Statement, alongside the applicant’s request that the appeal is ‘heard’ by the Local Review Board.

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## 4 PLANNING POLICY

4.1 This section considers the planning policy which is relevant to the determination of the proposal.

4.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 and as amended by the Planning etc. (Scotland) Act 2006, requires the determination of a planning application must be made in accordance with the development Plan, unless material considerations indicate otherwise. Proposals must first demonstrate compliance with the adopted planning policy. Where they do not, the planning system allows a further opportunity to examine relevant facts that justify why the proposed change is beneficial and is considered material to the case.

4.3 The current development plan comprises the North Ayrshire Local Development Plan (LDP2).

### NORTH AYRSHIRE LOCAL DEVELOPMENT PLAN (2019)

4.4 The North Ayrshire Local Development Plan (LDP) was adopted in November 2019.

4.5 The following policies are considered to be most pertinent to this application:

4.6 **Strategic Policy 1: Towns and Villages Objective:** states that the towns and villages are where most of the homes, jobs, community facilities, shops and services are located. New development will be directed to the towns and villages.

4.7 The Policy lists a number of criteria which if satisfied, development proposals will be supported in the towns and villages. Criteria C includes proposals which generate new employment opportunities, and criteria E supports proposals which prioritise the re-use of brownfield land.

4.8 **Strategic Policy 2: Placemaking:** states that the policy safeguards and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. All development proposed is expected to mix the six qualities set out in the policy. These are; distinctive; safe and pleasant; resource efficient; welcoming; adaptable; easy to move around and beyond.

4.9 **Detailed Policy 3: Town Centres and Retail:** states that for development which has the potential to generate significant footfall, proposals will be supported which have adopted a town centre first sequential approach. Locations should be considered in the order of preference; Town Centres, edge of town centres, other commercial centres, out of centre locations that are or can be made easily accessible by a choice of transport modes.

4.10 The Policy states that the Council will be flexible and realistic in applying the sequential approach to ensure that different uses are developed in the most appropriate locations.

4.11 **Detailed Policy 27: Sustainable Transport and Active Travel:** states that development will be supported where it is in accordance with the points listed. These include development that supports long term sustainability, provides safe and convenient sustainable transport options, reduces the need to travel.

4.12 The policy states that significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and are supported by measures to promote the availability of high-quality public transport services.

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## 5 PLANNING CONSIDERATIONS

- 5.1 Planning Application Ref. 19/00752/PP for the erection of a Lidl foodstore was refused by North Ayrshire Council on 12<sup>th</sup> February 2020. There were four reasons for refusal given. The reasons for refusal will be considered in turn.

### REASON FOR REFUSAL ONE (RFR1)

- 5.2 The first reason for refusal states:

*1. The proposed development would be contrary to Strategic Policy 1: Spatial Strategy (Towns and Villages Objective) and Policy 3: Town Centres and Retailing of the adopted North Ayrshire Local Development Plan, as the applicant has not demonstrated a town centre first approach as required. The proposed site is not suitable for a large retail development as it would compete with the town centre and there are preferable sites available in, or close to the town centre.*

- 5.3 RFR1 is appears to comprise two principal elements:

- Suggested failure of the proposal to satisfy the sequential approach; and
- Suggestion of an adverse impact on though Irvine Town Centre ‘competition’.

- 5.4 We take each element in turn.

### Sequential Approach

- 5.5 Compliance with the sequential approach is an area which was substantially debated through the consideration of the planning application and which is detailed in the Council’s Report of Handling (RoH) as shown in Appendix 1. The applicant has provided robust evidence to demonstrate that there are no suitable or available sequentially preferable sites within the defined catchment area. The applicant’s substantive justification on this matter is set out in the accompanying October 2019 Planning and Retail Statement (PRS - shown in Appendix 2), 7 November 2019 Rebuttal Letter (Appendix 3) and 12 December 2019 Advocate’s Opinion (Appendix 4).

### Sequential Search Parameters

- 5.6 The penultimate paragraph of page 14 of the states that the Council considers that the applicant has not shown enough flexibility in its approach to identifying potentially sequentially preferable sites, including referring to other examples of Lidl stores occupying a smaller footprint than 0.6ha such as Giffnock (which has a ‘deck’ car park arrangement) and Lanark.

- 5.7 This argument repeats the view of the Case Officer in his email sent 1 November 2019 at 11:51am (Appendix 5) which states:

*‘It is noted that Lidl operate other town centre stores in Scotland which do not meet the minimum requirements as detailed in the SSA.’*

- 5.8 At the point of the email being sent, ‘other Lidl stores’ were generically referred to, it is clear that the Council in continuing this point in the RoH, has failed to take into account the clear opinion of Douglas Armstrong’s Counsel Opinion (12 November 2019 - Appendix 4) which states:

*‘Paragraph 9.22 of the PRS highlights what can happen when such minimum requirements are not met.*

*It is not appropriate to simply state that there are stores operated in other town centres by Lidl that do not meet the minimum requirements detailed in paragraph*



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*9.20. It is the proposal for Irvine and the minimum requirements for the area that must be considered. There will be site specific and historic reasons for operations in other areas which can explain why stores operate differently in these areas. The planning officer has not set out which stores he is referring to or what criteria are not met. He does not set out an analysis of the minimum requirements and explain why any of the requirements should not be applied in this particular analysis.’* (Our emphases added)

5.9 This position is backed up by paragraph 69 of Scottish Planning Policy which states: “*Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach*”. It is not just the developer and landowners who need to demonstrate flexibility but also the planning authority. (Our emphases added)

5.10 As also outlined in the Counsel opinion in Appendix 4, the Tesco vs Dundee<sup>1</sup> judgment provides decisive case law on this matter:

*“...the issue of suitability is directed to the developer’s proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer’s assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism to which Lord Reed refers in para 28, above, they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.”* (Our emphases added)

5.11 With that important framing in mind - that it is the suitability of the application proposal and not some other alternative scheme - we take the references to the other examples stores in turn.

5.12 In relation to Giffnock, this is a former standalone Wholefoods Market store which closed in 2018. Lidl has occupied the store from 2019 onwards. This store represents an outlier in Lidl’s Scottish portfolio as it was an Amazon Whole Foods Market store (the only store outside of Greater London at the time, reflecting Giffnock’s wealthy catchment). Whilst it occupies a smaller overall area, this is because the parking for the store is on the roof, thus reducing its overall footprint. This is an extremely costly arrangement which no discount operator in the UK would themselves propose as part a standard new-build construction. In this case, the internal floorspace of the unit provides sufficient floorspace to accommodate Lidl’s current requirements. This is different to Irvine, where an entirely new foodstore is proposed with associated surface level car parking and where no suitable existing retail units can accommodate the proposed store.

5.13 The Lanark example refers to a legacy town centre Lidl store which is now too small to accommodate current discount foodstore requirements and poorly located in comparison to other retail offerings in the town. Lidl has an active requirement for a new store in Lanark, to relocate from this existing store.

5.14 Lidl now has over 100 stores trading in Scotland and it is evident that the examples referred to in the RoH are not representative of the wider store portfolio. It is therefore not correct to state that the applicant hasn’t applied sufficient flexibility in the sequential search

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<sup>1</sup> Tesco Stores Limited v Dundee City Council (2012) UKSC 13

parameters. The minimum requirements are those in relation to the proposed development and not some alternative scheme asserted by officers of the Council. Furthermore, the established minimum requirements for proposed new Lidl foodstores have been accepted by numerous local authorities in the consideration of similar planning applications, both across Scotland and in the rest of the UK.

#### **Sites Considered Through the Sequential Assessment**

- 5.15 We take each site/ location referred to in the RoH in turn, based on the Council's consideration of their sequential status.

#### ***Available Units in Irvine Town Centre***

- 5.16 We note that the RoH accepts that there are no suitable or available existing retail units within Irvine Town Centre, including that The Forum does not meet Lidl's minimum requirements.

#### ***Edge of Centre Sites/ Locations***

- 5.17 Riverway Retail Park and Lamont Drive are considered in page 15 of the RoH. Despite the Council recognising that there are no units of a sufficient size available at either location, the Council repeats the suggestion that a unit may become available in the near future. This repeats the speculative suggestions previously outlined by the Council, and which were specifically dismissed in paragraph 15 of Douglas Armstrong QC's Opinion, dated 12 November 2019 (Appendix 4):

*'...the sequential assessment has to consider what is available at the current time or what is likely to become available in the near future. It is not designed as a forward planning assessment. Such an approach would again undermine the sequential approach. Policy TC4 of the Local Development Plan 2014 identifies that the sequential assessment involves consideration of available and suitable sites/premises (or which can reasonably be made available or suitable). Consideration of unspecific vacancies that might become available in the future is not appropriate. Such an approach would undermine the whole basis for a sequential assessment. It cannot be considered a reasonable approach.' (Our emphases added)*

- 5.18 Further, the RoH goes further to suggest that because other convenience retailers - Farmfoods and the Food Warehouse - trade in smaller units from this location, then the applicant could similarly be flexible in its approach to trading in this location. This is categorically not the case. Lidl is a recognised limited assortment (LAD) discounter and has a specific model which is recognised in numerous appeals. These are set out in paragraphs 6.4 to 6.10 of the PRS. Indeed, the PRS is explicit in referring to the fact that Lidl previously traded at Riverway Retail Park (outlined in paragraph 9.22 of the PRS), however the sub-standard nature of the retail unit meant that the Lidl store could not viably trade from this location. This point underlines that the stated minimum requirements outlined in the supporting PRS (paragraphs 9.20-9.22), are integral components for achieving a viable store operation.

#### **East Road Retail Park**

- 5.19 The sequential assessment within the PRS considers East Road Retail Park in paragraphs 9.34 to 9.39 and also in the accompanying Appendix 2 to the PRS. What is evident is that the retail park has full occupancy and that the recently completed Caledonian Car Park is in active use. The conclusion of the applicant was therefore that there are no sites to assess within East Road Retail Park.

- 5.20 Despite its active use, page 15 of the RoH considers that the Caledonian Car Park should have been considered in combination with a further vacant site to the east of the car park associated with the Argos retail unit. The applicant is extremely surprised to see an additional site being suggested by the Council at such a late stage. The applicant was unable to view the RoH until the application was determined, and as such had no time to review or respond to the suggestion site of an additional site. Council officers had numerous opportunities under this application (19/00752/PP) and under previous application (19/00050/PP) to do so when other additional sites were suggested for assessment. As such, this suggestion of an additional site at East Park can only be viewed as a last-minute addition and one which has denied the applicant the natural justice of a right of reply through the application determination.
- 5.21 Notwithstanding this, the applicant has assessed the suitability and availability of the Caledonian Car Park and other vacant site as part of this LRB appeal and the details are shown in Appendix 6. The assessment identifies that the suggested sites (considered in combination) are neither suitable or available for the proposed development.
- 5.22 In particular, we dispute the assertion in page 16 of the RoH that the Caledonian Car Park is 'underused'. This appears at odds with satellite imagery, which indicate good utilisation of the car park (Appendix 7). Furthermore, as Irvine's only dedicated long-stay car park, the loss of the car park would be in complete contradiction of NAC's own Car Parking Strategy (Appendix 8), which underscores the need for additional car parking capacity, particularly in relation to long-stay parking for workers commuting to the centre. Indeed, the car park was only opened in 2016 as a key recommendation from the car parking strategy. Also of note, is that the car park has designated coach parking and an electric charging point, providing critical infrastructure for the needs of different users visiting the town. It is self-evident that Lidl operates parking on the basis of short-term occupancy, to ensure an appropriate turnover of spaces for customers of the store. This is incompatible with the operation of the Caledonian Car Park.
- 5.23 Additionally, there is a known issue with the junction capacity at East Road Retail Park during peak times. Specifically, the rotation of the signalised junction causes significant queueing within East Road Retail Park, blocking the ability for access to and egress from the retail park at peak times. The applicant's community consultation has also highlighted this issue which acts as a barrier, dissuading customers from visiting the retail park at busier periods. Clearly, additional retail units at this location would only exacerbate this issue.
- 5.24 Despite the reference in the RoH to being 'underused', we also note that the car park is not being actively marketed by the Council (see Appendix 9). On further investigation, we are aware that both the Caledonian Car Park and the vacant site are designated as 'Irvine Common Good Land', which means that they cannot be seen as available within a reasonable timeframe in any case, to change the classification of this land an application to the court would have to be made and be approved
- 5.25 Following our updated assessment in Appendix 6, it is evident that there are no suitable or available sites in, or adjacent to East Road Retail Park which can accommodate the proposed development.

#### **Former Ayrshire Metals Site**

- 5.26 Throughout application discussions with Council Officers, it was confirmed that the Ayrshire Metals site was not considered a sequentially preferable site. Indeed, the applicant's substantive response on this matter in the PRS and subsequent correspondence makes clear why this is the case. Despite this position, the proposition by Officers that it is sequentially preferable to the application site in the RoH has led the applicant to undertake further investigation of the level of flood risk associated with the former Ayrshire Metal site. This confirms the position that the site is neither suitable nor practically available for the proposed

development. Specifically, Appendix 10 contains the response from the Scottish Environmental Protection Agency (SEPA) outlines both the troubling extent of Flood Risk and associated substantive constraints which are an effective bar to the viable development of the site. We detail these further issues against the ‘suitability’ and ‘availability’ headings below.

- 5.27 However, before then we highlight that- at the outset - the location and nature of the Ayrshire Metals site is in all practical reality an ‘out of centre’ site and consequently not sequentially preferable to the application site.

#### ***Sequential Status***

- 5.28 Appendix 2 of the submitted PRS and page 4 of the rebuttal letter state why the applicant considers that the site is ‘out of centre’ in relation to its relationship to the town centre. In summary the reasons given were:

- Lack of prominence of the site - a fatal issue in relation to the minimum requirements of a LAD retailer;
- Very limited passing traffic to Victoria Roundabout as a consequence of no significant destinations to the west of the railway line;
- Poor pedestrian links in practical terms through perceived difficulties in crossing roads, the ‘hidden’ nature of the site from the town centre, and lack of visual attraction for this route; and
- The lack of a development scheme being taken forward on the site since the Ayrshire Metal buildings were demolished, being a key indicator that the site is not considered to be well-linked to the town centre.

- 5.29 Neither Policy 3 of NAC’s LDP2 or SPP contain a definition of ‘edge of centre’ and therefore the most helpful guide to the assessment of what constitutes an edge of centre site is the former SPP8 (Town Centres and Retailing) (August 2006). We set this out in Appendix 2 of the PRS. In summary, this states:

*‘Edge of Town Centre cannot be defined by a precise distance as different centres vary in their size and scale. Generally, edge of town centre should be interpreted as adjacent to the boundary of the town centre but consideration must also be given to the local context, including the function and the character of the site in relation to the town centre as well as the ease of movement between the site and the town centre in terms of physical linkages and barriers, for example paths and roads. It should be within comfortable and easy walking distance of the identified primary retail area of the town centre. Thought should also be given to topography, visual integration, the attractiveness of the experience of accessing the site by different modes and whether transport links allow or deter easy access to the surrounding area.’ (Our emphases added)*

- 5.30 What is evident from the above former SPP8 definition is that the judgement on this matter is not just the physical distance of the site from the town centre, but should be a wider consideration of the *perceived* ease of access to the site, taking into account visual attractiveness, potential barriers and other factors which affect the user experience.

- 5.31 On page 16 of the RoH, the case officer states why the Council consider this site to be ‘edge of centre’. NAC consider that pedestrian links are good, despite the presence of a dual carriageway and the embanked railway crossing. These are clear and significant barriers between the site and the town centre as reflected in the SPP8 definition. The RoH on page 16 focusses just on the physical distance of the site from the town centre and the bus stops



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from the site, rather than a more detailed assessment of the barriers a user would experience in taking such a route.

- 5.32 Furthermore, SPP8 refers to edge of centre commonly meaning ‘adjacent to’ the town centre. At 75m from the nearest point of the site to the town centre boundary, this cannot be considered be ‘adjacent’ even adopting the most generous definition of that term. As such, it is evident that the site - for all practical purposes and with reference to the former SPP8 definition - exhibits the clear characteristics of an out of centre site.

As such, as an ‘out of centre’ site in practical terms, the former Ayrshire Metals is sequentially equal to the application site. In accordance with established case law, the site does not therefore need to be specifically considered in the sequential assessment as it is not ‘sequentially preferable’ to the application site. Nevertheless, for completeness and to fully engage with the points raised in the RoH, we consider the suitability and availability of the former Ayrshire Metals site below.

#### ***Availability***

- 5.33 In relation to availability, the RoH refers to the site being actively marketed. The applicant has looked into this further and the anticipated exclusivity agreement with a residential developer has now fallen through. We understand this is on the basis of the level of flood risk associated with the development of the site. Whilst it could be said that the site is theoretically ‘available’ for the purposes of the sequential assessment in that the site is being marketed by the landowner, it is not available for development in practical terms because of flood risk being a substantive bar to its development. We outline this further below in the suitability section, supported by Appendix 10 (SEPA response).

- 5.34 Notwithstanding this, and as consistently identified in Appendix 2 of the PRS and amplified in this statement, there are numerous issues which render the site as categorically unsuitable for the proposed development. These issues remain a fatal issue for any discount foodstore to locate here, which is evidenced by the fact that no food retail development - or development of any kind - has occurred on this site since becoming vacant.

#### ***Suitability***

- 5.35 Section 9 and Appendix 2 of the PRS set out the applicant’s case in relation to the suitability of the former Ayrshire Metal site. This assessment still stands and whilst we don’t seek to repeat the substantive arguments, though we outline a summary of the main points further below.

- 5.36 As discussed above, the applicant has undertaken further investigation of the level of flood risk associated with the former Ayrshire Metal site. Appendix 10 of this statement contains the response from the Scottish Environmental Protection Agency (SEPA) outlining both the level of Flood Risk and the issues associated with bringing any development forward.

- 5.37 The pertinent points raised in the response are:

- The site is at a medium to high risk of flooding (0.5% annual risk of flooding);
- SEPA will object to any application for proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy;
- The Lower Irvine Flood Study shows the site to be fully within the 0.5% Annual Exceedance Probability (AEP) flood extent; and
- There are anticipated issues with access/ egress in light of the site falling entirely within the fluvial flood extent.

5.38 This additional evidence is therefore clear that this presents a significant suitability constraint, and one which is an effective bar to any re-development of the former Ayrshire Metals site. This fact is underlined by the negotiations with a housebuilder falling through, with flood risk being a fatal factor in that outcome as we understand it.

5.39 We now outline a summary of the suitability issues set out in the PRS - all of which remain relevant and entirely material to the site not being suitable for the proposed development:

- **Lack of Prominence** - The site is not prominent enough to attract passing trade. Victoria Roundabout is not a key arterial route which has a significant amount of passing traffic. Vehicles using the Marress Roundabout generally either turn off at New Street to visit the town centre or commercial retail parks to the north and south; or use the A737 to travel to residential areas of Irvine to the south-east. Moreover, the Magnum Leisure Centre, formerly located at Beach Drive near the Harbour, has also recently moved into the town centre (now known as The Portal). This has further reducing the passing traffic at this site. People who would normally visit the Magnum are now travelling into the town centre.
- **Poor pedestrian connections to the town centre** in practical terms - for a variety of reasons. Firstly, the closest bus stops are located on New Street to the east of the site and to the east of the Railway Bridge which acts as a natural boundary of the town centre. The Railway Bridge severs the link between the town centre and this part of Irvine. Visitors would have to walk and cross Boyle Street, before walking under the bridge to access the bus stop heading away from the town centre. The bus stop on the southern side of New Street is more difficult to reach with visitors having to cross New Street to get to this. There are no designated, signalised pedestrianised crossing to cross New Street and reach the bus stops.
- **Complete lack of visibility** - A further, pertinent point regarding the railway line is its impact on visibility from the town centre. From New Street, this site cannot be seen. The railway line rises considerably above New Street via a steep embankment with associated grass verges on either side. The consequential extremely poor visibility does not meet the identified requirements of a discount convenience retailer. Similarly, visitors would not be able to view the site from the key Marress Roundabout which is a key entrance into the edge of the town centre. Whilst visitors may be able to briefly glimpse the site from New Street on arrival to the town centre, this is not sufficient and would be likely to result in customers missing the turn-off.
- **Lack of active development interest** - The site was demolished and cleared to slab level in the early 2010's and since that time, there has been no tangible development interest. This is surprising considering NAC consider this to be a prominent location with development potential. In light of the site's previously developed status, it is likely that the it may suffer from contamination issues, alongside the site being at a medium to high risk of flooding. These issues are collectively making the site unviable for development and unsuited to commercial operations. Any contamination or deep-rooted site issues - including the need to clear the substantial concrete slab and potential contaminated material - are likely to cause this site to be unviable for the Lidl retail operation and will halt this welcome investment into Irvine.

**Previous regeneration plans did not consider the site to be appropriate for retail uses** - The site was included within the 'Irvine Town Regeneration Plan' created by the then Irvine Bay Regeneration Company. Within this, the site was noted as being suited for Class 10 (non-residential institutions) as part of the wider Harbourside proposal. It was noted that this site would ideally include business space, office pavilions, a hotel, gyms, health spa and apartments to integrate into the wider

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residential-led development. It was considered to be more suitable for this to be a mixed-use area with leisure, tourism and residential at its core - not retail of this proposed scale. Clearly, this document would have assessed the potential of the site and what would be most suited here to successfully regenerate the area. It is evident that this comprehensive regeneration document did not plan for retail to be at the heart of this site. As such, this regeneration document demonstrates further the unsuitability of this site for a Lidl foodstore.

- The site as a whole is also too large for a Lidl store to accommodate. Even if Lidl - forgetting all other suitability factors - had an interest in the site, this would need to be on the basis of a wider development which would lead to a suitable destination in this area. No other interest is apparent. As noted in the preceding reasons, the applicant considers the site to be totally unsuitable for its discount retail operation.

5.40 Despite this extensive analysis in the applicant's PRS, page 17 of the RoH only briefly engages with matters of suitability set out by the applicant and instead focusses on the issue of the sequential status of the site, which we have addressed above. This is disappointing as the numerous points made in Appendix 2 of the PRS have evidently not been engaged with.

5.41 In particular, a critical point outlined in Appendix 2 is the extremely poor visibility of this site. Page 20 of the RoH again fundamentally misses the key point that this is a crucial factor for the siting of a discount food operator. This does not just refer to Lidl, but to all discount food retail operators. The RoH does not engage with this critical point, despite stating that the Council remains of the view that the site is suitable for the application proposal. Lidl as the applicant and operator of the store, is clear that this is simply not the case.

5.42 In summary - and as has been continually affirmed by the applicant - the former Ayrshire Metals is not suitable for the proposed development for the reasons outlined. The suggestion by Council officers to the contrary, does not stand up to detailed scrutiny. Put simply, the site cannot meet the well documented and distinct requirements of a discount food retailer.

#### Out of Centre Sites/ Location

##### Montgomerie Park.

5.43 We note that page 17 of the RoH makes clear that the previously identified site at Montgomerie Park is not sequentially preferable to the application site. This is because it constitutes an 'out of centre site' and is not sequentially preferable to the application proposal. We welcome this change in the Council's view which reflects the clear advice highlighted in the Advocate's opinion (Appendix 4). Prior to this, the view of officers was that Montgomerie Park was the only sequentially preferable site that could accommodate the application proposal, which was self-evidently incorrect.

#### Conclusion on sequential approach

5.44 As we have set out in the submitted PRS and re-affirm in this statement, there are no sequentially preferable, suitable or available sites within the catchment area that can accommodate the application proposal. As such, RfR1 cannot be supported and should be respectfully overturned by the LRB.

5.45 The Council's statement in page 18 of the RoH that, '*Placement of the proposed development at the application site, would in effect, be a missed opportunity.*' Is therefore entirely misplaced. If there are no sequentially preferable suitable or available sites to accommodate the application proposal, then development of the site is consistent with local and national planning policy and self-evidently cannot be a 'missed opportunity'.

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The statement on page 14 of the RoH concludes that ... *'The Applicant is not considered to have shown any sufficient flexibility with regards to the application of their minimum requirements in the sequential test. These minimum requirements, not immediately evident in full elsewhere, are considered to be very onerous. By their inherent lack of flexibility, these minimum requirements would tend to act against selecting any town centre sites.'*

5.46 As we have demonstrated above, this conclusion is both erroneous and fails to understand the recognised LAD model that discount retailers (such as Lidl and Aldi) currently operate. This conclusion is evidently not founded on an operational knowledge of how discount food retailers trade. The stated minimum requirements are just that - the minimum necessary to achieve a viable trading store.

5.47 We re-emphasise the Tesco vs Dundee High Court judgment of which is very clear on this matter:

*"...the issue of suitability is directed to the developer's proposals, not some alternative scheme which might be suggested by the planning authority... these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so."* (Our emphases added).

5.48 It is evident that Officers have not been cognisant of this central point - the sequential assessment is in relation to application proposal and the associated trading characteristics of a discount food retailer. Instead, they have sought to try and impose the characteristics of an entirely different scheme. This is not working in a 'real world' scenario. Put simply, this view is counter-productive - Lidl will not invest in Irvine if there is not a suitable and available site which meets their stated requirements (i.e. that of a discount food retailer).

#### Impact on Irvine Town Centre

5.49 Furthermore, RfR1 also implies concerns over retail impact, though this is vaguely worded on the basis that the proposal will 'compete' with Irvine Town Centre. This phrasing is outside of any recognised policy basis and is not worded with reference to any alleged significant impact on its vitality or viability, which is the basis of SPP and Policy 3: Town Centre and Retailing. As outlined in the RoH, responses from the Council have centred on the sequential approach and not on retail impact.

5.50 Pages 17 and 18 of the RoH do specifically refer to the impact of the proposal and it is clear that in relation to the impact of the proposal, that the proposed development *'would not, in itself, affect the vitality and viability of the [Irvine] Town Centre'*. Further down page 18 of the RoH, again it is stated that *'the proposal would probably not significantly adversely affect the viability of the town centre'*. Simply put, the proposal satisfies the impact test, which is the relevant test in relation to the determination of planning applications.

5.51 The further commentary in the RoH in relation to the proposal potentially 'competing' with the Irvine Town Centre, is not a policy test and relies on a speculative view which is not material to the decision-making process. The assessment of impact is a straightforward test - does the proposed development lead to a significant adverse impact on a defined town centre or not? If not, then the impact test has been passed.

5.52 As the applicant set out in Section 9 of the submitted PRS, the forecast convenience retail impact of the proposal on Irvine Town Centre as a whole is 3.85%. This substantially derives from trade diversion from the Asda store (£2.27m trade diversion from an estimated convenience store turnover of £50.54m) which will continue to trade healthily on the basis of the post-impact turnover. In relation to other town centre convenience destinations, the forecast impact on the Iceland store is predicted to be only 0.96% and 0.25% in terms of 'other local stores'. These figures represent a minimal order of impact, reflecting the limited degree



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of overlap between Iceland and Lidl. This conclusion similarly applies to the other local stores which serve very localised or specialist needs.

5.53 The overall convenience retail impact on Irvine is therefore not likely to be significantly adverse because:

- Any potential impact is spread across a number of stores and a range of retailers;
- The good existing vitality and vitality of Irvine Town Centre, having regard to the various key indicators; and
- In reality, the role and function of a Lidl store seeks to encourage linked trips to the town centre retailers, which isn't captured in the forecast impact figures. The proposed Lidl store is in a well-connected location with effective links to the Town Centre.

5.54 Accordingly, the RoH on pages 17 and 18 confirms that the impact of the proposal is not significantly adverse, and therefore this element of the retail tests has evidently been passed.

5.55 On a separate matter, we also take issue with the contention in RfR1 that this is a 'large retail development' without any qualification. The proposal relates to a single retail unit for occupation by a discount foodstore operator, as opposed to an all category large format supermarket, or a retail park development. This categorisation presents a skewed sense of the scale of the application proposal.

5.56 Furthermore, the assertion that the site in insolation is '*not suitable for a large retail development*' does not relate to an approach that is recognised in either local or national planning policy. The sequential approach as outlined in LDP2 Policy 3: Town Centres and Retailing and Scottish Planning Policy (SPP) is the principal determinant of the site's appropriateness for development in planning policy terms. As outlined in this Section above, the proposal is fully in accordance with the retail sequential approach. Simply put, there are no other, suitable and available, sequentially preferable sites which can accommodate the proposed development. Consequently, the application site must be the most sequentially preferable site for the application scheme.

#### REASON FOR REFUSAL TWO (RfR2)

5.57 The second reason for refusal states as follows:

*2. The proposed development would be contrary to Strategic Policy 2: Placemaking of the adopted North Ayrshire Local Development Plan as it would be neither distinctive in respect of scale, street, building form and material and does not create a place with sense of identity. Nor in-keeping with the predominantly residential character of the surrounding area*

5.58 The applicant fundamentally disagrees with the assertion in RfR2 that the proposal is out of context. Page 20 of the RoH fails to engage with paragraphs 11.21 to 11.30 of the PRS or the benefits of the proposal in enhancing the site in design terms, as set out in the submitted Design and Access Statement (DAS) in paragraphs 3.34 to 3.38, 3.4 to 3.45 and 5.1 to 5.3.

5.59 As the DAS sets out, the context of the application site currently reflects the site's former industrial identity as part of the wider Newmoor Industrial Estate. It is a previously developed site as evidenced by the concrete foundations remaining from its former industrial use. On this basis, the proposed development would lead to the positive development of a long vacant and derelict brownfield site.

5.60 The wider context of the site is as an area of change with residential development taking place to the west. Characterising it currently as a primarily residential location ignores the

other mixed uses to the north, east and west of the site which also consist of community facilities, hot-food takeaways, restaurants and the Tennent's Breweries factory to the south of Crompton Way.

- 5.61 The new Lidl store will be of contemporary design, with a full-height glazed façade on the southern elevation to maximise natural light entering the store. To that end the proposed store provides an, uncluttered and crisp appearance that is entirely reflective of the modern dwellings being constructed to the west, which have a modern and unadorned appearance. Furthermore, a comprehensive landscaping scheme is proposed which seeks to soften the building form.
- 5.62 It is therefore unclear why the Council considers that the Lidl is incompatible with the neighbouring residential development under construction, when a significant number of current Lidl stores are co-located adjacent to residential uses. Indeed, Section 6 of the PRS makes clear that the proposed store represents a 'neighbourhood facility', serving a reasonably localised catchment commensurate with LAD format. The strong public support for the proposal underlines that the proposed foodstore's location is seen as appropriate by residents.
- 5.63 Furthermore, the applicant is disappointed at the inclusion of this reason for refusal. At no point during the consideration of the subject application (nor the previous planning application 19/00050/PP), was this point raised as a critical issue. Furthermore, the Council did not make any request to the applicant for any amendments to be made to either the design or layout of the store. If the case officer had considered that changes should be made, then the applicant should have been afforded opportunity to respond. This is a further point on which the applicant has been denied the opportunity to exercise a right of reply; the issue was raised in the RoH, which the applicant could not review prior to the application being refused.
- 5.64 We also note that there appears to be an internal contradiction in the phrasing of this RfR where it initially states that the application proposal is not '*distinctive in respect of scale, street, building form*' and then goes on to state that it is not '*in-keeping with the predominantly residential character*' of the area. These two disparate elements cannot be reconciled in the RfR and is a clear flaw in the drafting of the RfR.
- 5.65 We also emphasise that the site is not subject to any local or national landscape designations, is not within a Conservation Area and does not impact on any designated or non-designated heritage assets.
- 5.66 In conclusion, we consider that RfR2 is contradictory in seeking opposing characteristics from the development; and is misleading in suggesting that the proposal does not fit in with the site context. It is evident that the scale and mass of a discount foodstore is entirely appropriate to neighbouring residential properties which have been accepted on numerous similar locations. Furthermore, the Council's RfR ignores the significant positive urban design benefits of the proposal as outlined in the PRS and DAS and that the site is not in a sensitive location in landscape or heritage terms. On this basis, we consider that the grounds for refusal outlined in RfR2, are not justified or appropriate and that the proposal is fully compliant with Strategic Policy 2 of LDP2.

### REASON FOR REFUSAL THREE (RFR3)

- 5.67 The third reason for refusal states as follows:

*3. The proposed development would be contrary to Strategic Policy 27: Sustainable Transport and Active Travel of the adopted North Ayrshire Local Development Plan as the application would be for an out-of-centre retail development, encouraging car use, which would not*

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*take into account the need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.*

- 5.68 The applicant fundamentally disagrees with this assessment which does not reflect the clear accessibility of the site, or the lack of objection by roads officers. We take each point in turn below.

#### **Accessibility**

- 5.69 On page 19 of the RoH, the Council acknowledges that the site is accessible by a range of transport modes:

- Bus stops to the east and west of the site at a distance of approximately 100m from the proposed foodstore. However, the RoH does not go on to state that these stops are served by a number of high frequency bus services throughout the day and serve multiple destinations.
- The site is served by a network of off-road paths which can safely serve both pedestrians and cyclists

- 5.70 This is entirely compliant with the LDP2 Strategic Policy 27 where it states that proposed development will be supported where it *‘provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel’*.

#### **Sustainability of the Location**

- 5.71 RfR3 is phrased to indicate that the proposed development, simply by virtue of its location, is unsustainable. This assertion is then underpinned without reference to key details of the proposal which are entirely relevant to demonstrating compliance with Strategic Policy 27. Furthermore, the limited detail within the RoH analysis, focusses selectively on information contained within the submitted Transport Assessment (TA) (Appendix 11) and does not provide a balanced review of the overall sustainability of the proposal. Specifically, the RoH does not reflect the positive points advanced by the Applicant as set out in paragraphs 11.31 to 11.37 and 11.38 to 11.43 of the PRS and pages 15 to 17, 22 to 25 and 54 to 56 of the Transport Assessment. We outline these further below.

#### **Trip Generation**

- 5.72 The RoH then refers to car trips generated by the development stating that a *‘significant number of new trips’* will occur (penultimate paragraph of page 19) before going on to focus on the level of non-car trips to the store during the Saturday peak period stated in the Traffic Assessment (TA).

- 5.73 This represents a selective use of the information and does not provide an objective and balanced assessment of these matters. As the TA sets out in paragraphs 4.4.1 to 4.4.3, the TA has, for robustness, assumed that all car trips generated by the development are new. Importantly however, it then states that ‘pass-by’ trips - those who are already travelling to a destination and hence are not ‘new trips’ - will inevitably form a proportion of this trip generation. Furthermore, based on experience of similar stores, this figure is likely to be around 30% of total trips. The only reason for assuming that all trips are new in the TA, is to provide the local roads authority with the worst case scenario data on trip generation, to demonstrate conclusively that the proposal will not lead to an unacceptable impact on the local road network. This important point is simply not reflected in the RoH.

#### **Mode Distribution and Non-Car Modes**

- 5.74 In relation to the proportion of non-car modes, the RoH omits three very important points of detail which qualify the points made. Firstly, that the proportions of non-car users is

generated from standard TRICs data and represents a conservative estimate of non-car users. Local circumstances will inevitably influence the level of non-car visits, however given the good accessibility of the site, the proportion of non-car visitors can be reasonably assumed to be higher. On the second point, the RoH only references the Saturday peak proportion of non-car visitors. However, the TA sets out in Table 5 that 26% of visitors to the store during the weekday peak period, will be non-car users. This is notably higher and is notable by its omission from the RoH.

- 5.75 Thirdly, the RoH does not refer to the numbers of predicted passenger trips (i.e. visitors who arrive at the store as a passenger in a car, separate to the driver. These do not lead to additional car trips but are reflected in the 'people trips'. As the TA sets out in Table 5, 49% of people trips in the weekday peak to the proposed development, are made by those not driving a car. This increases to 52% for the weekend peak period. This conclusively demonstrated that the proposed development is not dominated by single car trips, and that the actual trip generation will be lower.
- 5.76 Furthermore, and as outlined in Section 6 of the PRS, it has to be recognised that a proportion of trips to the proposed store will involve the purchase of bulky goods which cannot be carried easily on public transport. Again, this material point is not recognised in the RoH.
- 5.77 On this basis it is evident that - contrary to RfR3 - the proposal is fully compliant with LDP2 Strategic Policy 27 in that it is a development which is accessible by a range of non-car modes and does not result in an adverse impact on the local road network, even when judged on a 'worst case scenario' basis.
- 5.78 Furthermore, the RoH doesn't give due regard or weight to the fact that the proposal includes two rapid electric vehicle charging points and will encourage low-carbon trips to the store.
- 5.79 **Conclusion on RfR3**
- 5.80 On this basis, we conclude that the proposed development, by virtue of its demonstrable accessibility outlined above, together with the accepted position that the proposal can be satisfactorily accommodated on the local highway network, is fully compliant with LDP Strategic Policy 27 which reflect the provision of the Climate Change (Scotland) Act 2009.
- 5.81 The construction of RfR3, appears to be principally on the basis that the proposal is in an 'out of centre' location, which it is assumed will lead to a greater level of car trip generation than in other locations. This assertion does not stand up to scrutiny in relation to the application site which is clearly accessible by various non-car modes, including a sizable residential catchment to the north and east of the application site. By way of comparison, if such an approach was taken to Montgomerie Park - which has been agreed as being out of centre for the purposes of the retail assessment - then it follows that would have to be similarly judged as an unsustainable location, for the same reasons.
- 5.82 As noted in Section 6 of the PRS, Lidl stores serve a relatively localised catchment, providing a 'neighbourhood store. Section 9 of the PRS outlines that there is both a qualitative and quantitative need for a discount foodstore in this location, which will also reduce the amount of travel that residents in this locality and who currently have to travel further afield to serve their needs and thus reduce emissions rather than add to it as stated on the RoH
- 5.83 RfR3 and the supporting RoH also fail to take into account the wider benefits of the proposal including two rapid electric vehicle charging points, free at the point of use. These matters should have weighed favourably in the planning balance.



#### REASON FOR REFUSAL FOUR (RFR4)

5.84 The fourth reason for refusal states as follows:

*4. The proposed development would set an undesirable precedent for the development of unjustified out-of-centre retail developments within North Ayrshire, which would undermine the town centre first policies of both North Ayrshire Council and the Scottish Government.*

5.85 This RfR is a ‘parasitic’ condition to RfR1, in that it substantially repeats the matters set out in RfR1, without adding any additional points of substance. For this reason, the justifications advanced under RfR1 should equally be referred to in relation to this RfR.

5.86 However, we do find it necessary to challenge the statement that ‘*the proposed development would set an undesirable precedent for the development of out-of-centre retail development within North Ayrshire*’. Such a statement ignores the fact that each planning application has to be considered on its own facts and circumstances and assessed against the relevant policies of the Development Plan. This is a fundamental principle of planning law, as set out in the Town and Country Planning (Scotland) Act 1997 (as amended), secondary legislation and relevant Scottish Government Circulars. It is therefore incorrect to justify a refusal of the proposal on the basis of setting a precedent, when this evidently cannot be the case. As such, both the framing and execution of this RfR is erroneous.

#### MATTERS NOT ADDRESSED IN THE NOTICE OF DECISION OR REPORT OF HANDLING

##### Economic benefits

5.87 The proposed development will involve a capital investment of £4m as well as the associated direct and indirect economic benefits during the construction phase.

5.88 The proposed foodstore will lead to the direct creation of up to **40 full time equivalent jobs**. Linked to this, Lidl has a policy of employing local people to work in their stores which assists in both the recruitment and retention of store staff. The positions are also flexible to the personal circumstances of staff offering part-time hours as appropriate.

5.89 The foodstore will also provide a range of managerial and administrative positions in addition to positions such as store assistants and cashiers. Being part of a larger company, Lidl also runs comprehensive management development and training programmes, providing clear career paths for store workers who are keen to progress.

5.90 Current pay for store workers is as follows:

- Store Assistants - entry level pay of £9.30 per hour (reflecting current ‘Real Living Wage Foundation’ rates)
- Assistant Store Manager - starting salary of £24,000 per annum
- Store Manager - starting salary £37,000 per annum

5.91 These substantial benefits have not been reflected in the Council’s consideration as is evident by its absence in the discussion of the planning balance in the RoH.

##### Addressing quantitative and qualitative deficiencies in this area of Irvine

5.92 The RoH does not engage with the point that the proposal will meet an identified retail need for a discount foodstore in this part of Irvine, serving an expanding population locally, including residents in Girdle Toll and Bourtreehill.

5.93 As outlined in paragraphs of the PRS, currently there is only one discount foodstore (Aldi within the East Road Commercial Centre) serving the substantial catchment of 42,000 residents. Typically, a single discount convenience store is intended to serve a population of

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approximately 15,000-20,000 people, reflecting its operational capacity and the likely associated consumer draw from within the catchment area. Consequently, a single discount foodstore serving the identified catchment is clearly insufficient to meet the consumer demand for this market sector. Provision of a second discount foodstore will therefore retain this expenditure more locally and will mean that the majority of residents in Irvine can satisfactorily access a LAD discount retailer.

- 5.94 The proposed store's location to the east of the A78, is closest to a significant and growing residential catchment to the north-east of Irvine. 2017 population projections sourced from Experian (based on ONS projections) indicate that a total population of 18,388 reside east of the A78, resulting in more than enough available expenditure to demonstrate a quantitative need

#### Significant Public Support

- 5.95 Whilst the RoH lists the responses received to the application in basic terms, it is clear that from the outset of the submission of the initial planning application there has been strong support for the proposal from the community. This should carry material weight in the decision-making process, particularly as representations focussed on the proposal meeting a qualitative deficiency in retail provision locally. However, it is not evident that the RoH has given any weight to this strong public support. To remedy this omission, we set out the various stages of public involvement in the proposal below.
- 5.96 Public consultation on the proposal occurred prior to the submission of initial planning application 19/00050/PP (see Appendix 13). This included:
- The delivery of circa 9,000 consultation leaflets to surrounding residential addresses making people aware of the development proposal and a community consultation exhibition as well as providing them with a freepost response card where people could share their thoughts on the proposal; and
  - A dedicated webpage giving further details about the proposal as well as online feedback; and
  - A public exhibition was held on 11th December 2018 at Irvine Park Bowling Club.
- 5.97 A total of 284 responses were received at this point, of which 98% of respondents supported the proposal. This represents an overwhelming level of public support, even at this early stage.
- 5.98 During the consideration of the planning application and as referenced in the RoH, 184 letters of support were received - including Irvine and Bourtreehill Community Councils - in comparison to only 2 letters of objection.
- Three further public information days also took place:
- 9th and 10th October 2019 - Gulab Tandoori Restaurant
  - 25th October 2019 - Vineburgh Community Centre
  - 184 letters of support from local people and stakeholders including Irvine Community Council and Bourtreehill and Broomlands Tenants and Residents Association
- 5.99 The high levels of public support for the proposal from the local community, has led to the establishment of a local action group which holds weekly meetings. The purpose of this group is to highlight that there is a strong community desire for a Lidl foodstore at the application site.
- 5.100 Specifically, the local action group has:

- Held a successful public meeting on Monday 2nd March at Volunteer Rooms, Irvine with 80 people in attendance.
- Collected over 450 signatures to a petition in support of the application proposal.

5.101 The principal reasons stated by supporters are:

- Affordable discount food provision within walking distance close to neighbourhoods whose retail needs aren't being met.
- Proposed store at a location which is well connected with high frequency public transport services.

#### REASONS FOR REQUESTING A HEARING AT THE LOCAL REVIEW BOARD

5.102 On the basis of the arguments advanced under each of the RfRs and additional matters set out above, it is evident that there are a number of fundamental issues which require particular and focussed consideration by the LRB. On this basis, it is not sufficient for these matters to be considered by written representations alone. The gravity of the matters and issues raised mean that the applicant considers it vital that the LRB appeal is duly 'heard'. Specifically, we set out our reasons below:

1. That highly material points and justifications in the PRS have not been specifically engaged with in the RoH. If these matters had been fully taken into account, it would have directly affected the determination of the planning application.
2. There are a number of new issues forming the basis of the decision, of which the applicant was unaware of and had no ability to address. As a consequence, the democratic process of natural justice has not been followed and had the applicant been able to consider the various points raised<sup>2</sup>, this would have demonstrably influenced the Council's decision-making process.
3. Furthermore, had the application gone to planning committee for determination, this would have enabled the various points to be addressed through the planning application stage, enable transparent and informed decision making.
4. A number of assertions are made in the RoH without recourse to objective evidence or without reference to the detailed justification of the applicant in the submitted application information, in particular the PRS and DAS.
5. Officers have failed to take into account the 'weighing' of the planning balance - i.e. balancing the overall compliance of the proposal with the development plan as well as other positive material considerations. Instead the assessment of the application - as evidenced by the RoH - focusses primarily on the negative elements of the proposal.
6. There is very significant public interest in the proposal for which it is essential that natural justice is allowed for relevant interested parties to be heard. This has been compounded by the fact that substantive consideration of the application at planning committee did not occur (Appendix 12 - 22 January 2020 Planning Committee

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<sup>2</sup> Specifically this includes matters related to consideration of the East Road Retail Park area in the sequential assessment, the sequential status of the former Ayrshire Metals site, the accessibility and sustainability of the application site and the design of the proposal in relation to the site context.

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Minutes). Given the significant of this public interest, we expand further on the detail on this below

- 5.103 From the outset of the submission of the initial planning application there has been - and which continues - strong support for the proposal from the community. Public consultation on the proposal occurred prior to the submission of initial planning application 19/00050/PP (see Appendix 13). This included:
- The delivery of circa 9,000 consultation leaflets to surrounding residential addresses making people aware of the development proposal and a community consultation exhibition as well as providing them with a freepost response card where people could share their thoughts on the proposal; and
  - A dedicated webpage giving further details about the proposal as well as online feedback; and
  - A public exhibition was held on 11th December 2018 at Irvine Park Bowling Club.
- 5.104 A total of 284 responses were received at this point, of which 98% of respondents supported the proposal. This represents an overwhelming level of public support, even at this early stage.
- 5.105 During the consideration of the planning application and as referenced in the RoH, 184 letters of support were received - including Irvine Community Council - in comparison to only 2 letters of objection. Again, this re-confirms the strong public interest and support for the proposal
- 5.106 Furthermore, the high levels of public support from the local community has led to the establishment of a local action group. The purpose of this group is to highlight that there is a strong community desire for a Lidl foodstore at Stanecastle roundabout, Crompton Way, Irvine. A recent meeting held on 2 March 2020, was attended by over 80 people following the refusal of the planning application. Members of the public wanted to express their dismay at the decision made and to understand what the next steps in the process will be. The oversubscribed meeting was received close attention being covered in both local and national press (Appendix 14).
- 5.107 For any and all of the aforementioned reasons 1-6, the applicant duly requests that this LRB appeal be heard by committee members in due course.



## 6 OVERALL CONCLUSIONS

6.1 This Appeal Statement has been prepared by Rapleys LLP on behalf 'Lidl') to support the lodging of an appeal to the North Ayrshire Local Review Body (LRB) under Section 43A of the Town and Country Planning (Scotland) Act 1997, against refusal of planning permission N/19/00752/PP on 12<sup>th</sup> February 2020.

6.2 The proposal was for:

*“Erection of foodstore with a sales area of up to 1,257 square metres to include the provision of access, car parking, landscaping and boundary treatment”*

6.3 The applicant's appeal comprises this Appeal Statement, accompanying appendices and completed LRB form. As made clear in this statement and in the LRB form, the Applicant strongly requests that this LRB appeal be heard and has set out accompanying reasons for such a request in Section 5.

6.4 The applicant's case, is that the reasons set out in the Council's delegated refusal notice contain a number of errors, are not justified, and fail to take into account material planning considerations which would alter the planning balance to that of approval.

6.5 In summary, the applicant's case is that:

- RfR1 (part1) - as set out in the submitted PRS and re-affirmed in this statement, **there are no sequentially preferable, suitable or available sites within the catchment area that can accommodate the application proposal. As such, RfR1 cannot be supported and should be respectfully overturned by the LRB**
- RfR1 (part 2) - as Officer's have recognised, **the proposal satisfies the impact test**, which is the relevant test in relation to the determination of planning applications. **The further commentary in the RoH in relation to the proposal potentially 'competing' with the Irvine Town Centre, is not a policy test and relies on a speculative view which is not material to the decision-making process.**
- RfR2 - is contradictory in seeking opposing characteristics from the development; and is misleading in suggesting that the proposal does not fit in with the site context, when the scale and mass of a discount foodstore is entirely appropriate to neighbouring residential properties and which has been accepted in numerous similar locations. Furthermore, RfR2 ignores the significant positive urban design benefits of the proposal as outlined in the PRS and DAS and that the site is not in a sensitive location in landscape or heritage terms. **The proposal is therefore fully compliant with LDP2 Strategic Policy 2.**
- RfR3 - the proposed development, by virtue of its demonstrable accessibility outlined in the submitted application documents, together with the accepted position that the proposal can be satisfactorily accommodated on the local highway network, is fully compliant with LDP Strategic Policy 27 which reflect the provision of the Climate Change (Scotland) Act 2009.
- RfR4 - is a 'parasitic' condition to RfR1, in that it substantially repeats the matters set out in RfR1, without adding any additional points of substance. For this reason, the justifications advanced under RfR1 should equally apply to RfR4 and **there are no reasonable grounds to refuse the planning application on this basis.**

6.6 Furthermore, the 'principles of development' identified in the Report of Handling and RfRs, ignore a number of important matters which are material to deciding the planning application:

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- **The significant economic benefits of the proposal** - this substantial **multi-million pounds investment** in the local area and creation of up to **40 full time equivalent, well paid positions** should carry substantial weight. The Scottish Government's recent 'State of the Economy' report highlights that the economy is likely to shrink by a third over this period due to COVID-19 and that there will be a significant longer-term impact to Scotland's economy. Against this context, Lidl's current and continuing investment should be welcomed and fully taken into account.
  - **The substantial public support for the proposal** - During initial public consultation by the applicant on the scheme, 284 responses were received at this point, of which **98% supported the proposal**. During the consideration of this planning application, 184 letters of support were received (including Irvine Community Council) in comparison to only two letters of objection. This local support is shown by a local action group being set up to express a strong community desire for a Lidl foodstore at the application site, with a recent meeting held on 2 March 2020 being attended by over **80 people, all supporting a Lidl at the proposed location**. This support is based on the proposal meeting an identified retail need for a discount foodstore in this location of Irvine.

6.7 Having regard to this statement, supporting appendices and associated application documents, we request that the LRB - following a hearing - overturn the decision of officers to approve the application proposal.

Appendix 1

# REPORT OF HANDLING, NORTH AYRSHIRE COUNCIL

## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

<b>Reference No:</b>	19/00752/PP
<b>Proposal:</b>	Erection of foodstore with sales area of up to 1,257 square metres to include the provision of access, car parking, landscaping and boundary treatment
<b>Location:</b>	Site To North West Of , 10 Crompton Way, North Newmoor, Irvine Ayrshire
<b>LDP Allocation:</b>	Residential/Housing
<b>LDP Policies:</b>	SP1 - Towns and Villages Objective / Detailed Policy 19 - Open Space Devs / Detailed Policy 3 - Town Centres & Retail / Detailed Policy 27 / Strategic Policy 2 /
<b>Consultations:</b>	Yes
<b>Neighbour Notification:</b>	Neighbour Notification carried out on 04.10.2019 Neighbour Notification expired on 25.10.2019
<b>Advert:</b>	Regulation 20 (1) Advert Published on:- 16.10.2019 Expired on:- 06.11.2019
<b>Previous Applications:</b>	19/00050/PP for Erection of foodstore with sales area of up to 1,410 square metres to include the provision of access, car parking, landscaping and boundary treatment Application Withdrawn on 30.04.2019
<b>Appeal History Of Site:</b>	None

### Relevant Development Plan Policies

SP1 - Towns and Villages Objective  
Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is



shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Detailed Policy 19 - Open Space Devs  
Policy 19:

#### Developments Involving Open Space

Developments involving the loss of open space (excluding outdoor sports facilities) will only be supported where they accord with the Council's current Open Space Strategy and in the following exceptional circumstances:

- o the open space is:
- o of limited amenity and/or recreational value (not as a result of neglect or poor maintenance) and does not form part of a recognised upgrading/ improvement scheme or strategy; or
- o a minor part of a larger area of functional open space and the development would not harm or undermine the function of the main site; or
- o a minor part of the wider provision of open space and its loss would not result in a significant deficiency of open space provision within the immediate area; or
- o the development would result in
- o a local benefit in terms of either alternative equivalent provision being made or improvement to an existing public park or other local open space; or

19/00752/PP

- o significant benefits to the wider community which outweigh the loss of open space.

## Detailed Policy 3 -Town Centres & Retail

### Policy 3:

#### Town Centres and Retail

Our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns.

In principle, we will support development in our network of centres shown in schedule 6 where it would be of a scale appropriate to that centre.

For development that has the potential to generate significant footfall, we will support proposals that have adopted a town centre first sequential approach. This includes retail and commercial leisure uses, offices, community and cultural facilities and where appropriate, public buildings such as education and health facilities.

We will require that locations are considered, and a reasoned justification given for discounting them, in the order of preference:

- o Town centres (as defined in Strategic Policy 1).
- o Edge of town centres.
- o Other commercial centres (as defined above).
- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they intend to serve. We recognise that for some uses, such as sports centres and schools, a town centre location may not always be the appropriate location for them, particularly where sports pitches are part of the proposal.

When a development is proposed within our Network of Centres, we will support proposals which positively contribute to:

- o The role and function of the centre within the network, including by addressing an identified opportunity.
- o Quality of character and identity that creates a shared sense of place for users, visitors and residents
- o Community well-being, including by supporting the integration of residential uses and by enhancing links with surrounding residential areas and tourist attractions via the road and path network with associated blue & green network.
- o Vitality, viability and vibrancy of the centre, supporting it as a place for business to locate, expand and flourish by enhancing and diversifying the mix of uses including supporting economic and social activity.
- o Our important retail streets/areas (as described in schedule 6 and in our Town Centre Audits), recognising the fragile nature of some of our retail areas.
- o Accessibility of the town centre including considering the location of regular rail and bus routes.

In principle, we will also support proposals which align with town centre strategies and we will continue to encourage other

regeneration initiatives, such as Conservation Area renewal projects, which improve the quality, accessibility and perception of town centre environments.

#### Detailed Policy 27

##### Sustainable Transport and Active Travel

We will support development that:

contributes to an integrated transport network that supports long term sustainability

- o reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- o provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- o reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.
- o takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.
- o considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.
- o enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.
- o considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gables.

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.

#### 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.

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## Description

Permission is sought for the erection of a food store with a sales area of 1,257sqm, access, car parking, landscaping and associated boundary treatment.

The total site area is some 11,790sqm forming a roughly rectangular area at the western end with a curved boundary at the eastern end, following the shape of Crompton Way, Stanecastle Roundabout and Manson Way. The site is bounded by the road network the east, north-east and south-east sides. The site was formerly part of a factory premises. To the south is a vacant site which is currently subject to a residential development application. To the west of the site is a recent residential development. To the north, across Manson Way, at some 65m is another residential

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area. There are other residential areas to the east, on the other side of Stanecastle Roundabout at approx. 200m.

The building would be sited in the western portion of the site. The site would be accessed from Crompton Way to the south. Car parking and a servicing area would be formed in the middle to the site and to the south of the building. There would be spaces for 130 vehicles, including 8 disabled spaces, 12 parent and toddler spaces and 2 electric charging bays. The eastern portion of the site would be landscaped.

The building would have a footprint of approximately 1,996sqm excluding the canopy which would wrap around the south-eastern corner of the building. There would be 1,257sqm of sales area. An external plant area of some 125sqm would be formed at the north-western corner of the building.

The building would have a mono-pitched roof sloping east to west from a height of some 6.8m to approx. 5m. The covered external area would have a roof some 4.95m in height. The elevations would be finished in grey and white cladding panels with the main access door at the southern end of the eastern elevation. The service bay would be on the northern elevation which would otherwise be blank. There would be two pedestrian doors on the rear (western) elevation.

The submitted drawings show advertisements on the eastern elevation; however, these would require to be the subject of a separate advertisement consent application.

The application site lies some 1.2km to the east of Irvine Town Centre, as identified by the adopted Local Development Plan (LDP). The majority of the site was previously in industrial use and is identified by the LDP as being part of the General Urban Area. The eastern side of the site is identified as being open space.

The LDP adopts a 'town centre first' approach which promotes town centres as the desired locations for proposals which generate significant footfall, such as large food store developments such as is proposed. This town centre first approach is based upon a network of centres with Irvine as the primary centre in North Ayrshire.

The town centre first principle is a long-standing element of planning policy and practice in Scotland through successive development plans. It is also embedded within Scottish Planning Policy (2014). SPP requires that local authorities place the health of town centres at the heart of decision making. It seeks to deliver the best local outcomes, align policies and target available resources to prioritise town centre sites, encouraging vibrancy, equality and diversity.

Over recent years, the Council has implemented the town centre first principle through major capital investment decisions. Within Irvine, these include the renovation of Bridgegate House to facilitate the relocation of office staff from Perceton House; the development of a new leisure facility (the Portal) in conjunction with the refurbishment of the historic Townhouse as an events venue and the development of the Quarry Road business and sports facilities. Other investment decisions include enhancements to the streetscape and public realm of Irvine town centre, such as Bridgegate. Work is currently ongoing within High Street and Bank Street and is due for completion during 2020. All of these efforts have supported the regeneration of Irvine town centre by diversifying the range of facilities on offer. The policies contained within The Local Development Plan align closely with national

policy, ensuring that the Council's own decision-making framework comply with National Policy.

The Local Development Plan shows support for development which helps keep town centres healthy and vibrant. The Plan's Spatial Strategy is based on the principle that the "right development should happen in the right place" by directing new development to our towns, villages and developed coastline. This is a key aim that is required to be achieved in order to ensure sustainable development. Part a) of the towns and villages objective explicitly shows support for the social and economic functions of town centres by adopting the town centre first principle and directing development and investment to town centre locations as a priority. This policy position is further supported by policy 3: Town Centres and Retail. The policy outlines how the town centre first principle will be implemented and highlights that development should be directed in a manner which is most beneficial to the residents, employees and visitors.

Some of the additional benefits of taking the town centre first approach include that town centres are accessible to a greater percentage of the population since they are at the heart of local transport networks. Town centres are better connected than out of centre locations, reducing the need for those who shop or work there to take private transport and therefore reducing the carbon footprint of the development. This in turn can help the Council realise its aspirations in dealing with the declared climate emergency.

It is considered that the other relevant policies of the LDP are Policy 19: Developments Involving Open Space and Policy 27: Sustainable Transport and Active Travel. In addition, all development applications require to be assessed under Strategic Policy 2: Placemaking.

Planning permission was originally sought to develop the site at Crompton Way in February 2019 with a foodstore with a floor area of 1,410 square metres (ref. 19/00050/PP) ("the original application") but was subsequently withdrawn by the applicants in April 2019. This action was taken after the planning authority advised the applicants that a grant of planning permission would not be supported, for the following reasons:

#### 1. Location

The proposal was considered to be contrary to Policy TC4: Edge of Centre/Out of Centre Development from the previous LDP. Policy TC4 was very similar in content to Policy 3 in the current LDP, as it sought to restrict new retail development (of a scale larger than a local shop) to town centre locations. The policy also stated that, where a town centre location cannot be found, edge of centre sites and other sites designated within the LDP as having potential for commercial development can be considered. If all these locations can be discounted, then another location may be suitable.

The application site does not fit any of the preferred categories and it was not considered that the application suitably demonstrated that no other sites were available. The Council identified the site of 'The Forum' shopping centre within Irvine town centre which has been vacant for several years, and also the vacant Ayrshire Metals site which is approximately 75m from the western boundary of the town centre. It should be noted that the applicant previously operated a unit within Riverway Retail Park, which is a large commercial centre of shops and related uses adjoining Irvine town centre. The applicant discounted The Forum as it does not

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appear to be marketed, does not have an adjacent car park and is not considered to be in a prominent location. The Applicant argued that the former Ayrshire Metals site can be discounted because they consider that the site is not prominent enough to attract passing trade; that it has poor pedestrian links; that it has poor visibility from the town centre; that there is the possibility of contamination; that the site was not allocated for retail under the Irvine Town Regeneration Plan and that the site is too large.

The Council also identified the new housing estate of Montgomerie Park as a potential site. Whilst this was not a town centre nor edge of centre location, the adopted LDP identifies an area to the southwest of Hill Roundabout as being suitable for the development of facilities to serve the Montgomerie Park community including, potentially, retail. The site is some 1km to the north of the application site and further from Irvine town centre. The Montgomerie Park site was discounted by the applicant because it was not considered to be sequentially preferable to the Stanecastle site and they considered that it has poor visibility.

## 2. Access

The Council's Active Travel and Transportation team had concerns about the proposal. The concerns related to the number of vehicle trips the development would generate and the impact on the road network. In particular, concerns were raised about the impact on the adjacent Stanecastle Roundabout as well as the suitability of the site for non-vehicular forms of transport (eg. walking and cycling). The applicant was requested to provide more information in this respect, which they have since addressed.

## 3. Overshadowing

The store would have been sited to the east of a number of recently constructed houses. Concern was raised that the proposal could overshadow these houses, to the detriment of their amenity. The applicant was requested to provide further information so that this could be fully assessed.

In summary, it was considered that the access and overshadowing issues could potentially be overcome. However, it was considered unlikely that the applicant could overcome concerns regarding the location of the site, which is the fundamental planning issue in this case.

The following supporting information has been submitted with the current application:

### Design and Access Statement

Provides a design rationale and policy assessment.

### Planning and Retail Statement

Includes a Retail Impact Assessment (RIA), a Town Centre Health Check (TCHC), details of Lidl's minimum site requirements and a Sequential Site Assessment (SSA). Also includes a more in-depth Planning policy analysis than that included in the Design and Access Statement.

### Statement of Community Involvement

The statement sets out the discussions undertaken between the developer and North Ayrshire Council's Planning Services which has led to the revised proposal as well as the additional information being submitted in support of the application. The



changes to the proposal, in comparison with the original application, include the addition of an additional footpath connection north of the site; a reduction in sales area by approximately 250sqm; the provision of further analysis on the impact of the development on the local road network; an increase in the number of parking spaces; a daylight/sunlight analysis and a strengthened sequential location assessment. The statement also sets out the consultation undertaken between the developer and the local community. Note: there was no statutory requirement for the applicant to carry out pre-application public consultation.

#### Extended Phase 1 Habitat Survey

The habitats and plant species on site typical of those found on brownfield sites and are not of any significant ecological value either at the local or Local Authority level, so are not considered an ecological constraint for development. There are a group of 10 semi-mature Norway maples covered in Ivy which are considered a moderate roost potential location for bats and therefore a follow up Bat Presence/Absence Survey is required. There was no evidence of Badgers on site. The application site has negligible value for breeding birds, however to ensure breeding birds are not an ecological constrain the site clearance should take place outwith the main bird breeding season, or a walkover survey should be conducted by an ecologist prior to site clearance.

#### Bat Presence and Absence Survey

No bat roost was found to be present within the trees on site; roosting bats are therefore not an ecological constraint at the present time.

#### Daylight and Sunlight Study

This study considered the effect of the proposed development on 16 neighbouring properties in the adjacent housing development in terms of loss of daylight and sunlight. The study used a 3D computer model to undertake this analysis. The results confirmed that the neighbouring rooms, windows and amenity spaces would be fully compliant with the various standards for daylight, sunlight and overshadowing.

#### Noise Impact Assessment

Takes into account the effect of the noise generated by the proposed fixed plant, on-site vehicle movements and customer vehicles on the nearby noise sensitive receptors. The rating level, due to the operation of the foodstore, has been predicted to be equal to or below the measured daytime and night-time background sound levels at all assessment locations. The proposed development is therefore considered likely to have a low impact on its closest receptors.

#### Site Investigation Report

Whilst the majority of the site had been planted with trees during the 1970s as part of the landscaping works for North Newmoor Industrial Estate, a small part of the site was previously used as a car park associated with a factory unit to the west of the site between the 1980s until the early 2000s. No significant constraints were uncovered on site as a result of previous development.

#### Tree Survey and Arboricultural Implication Assessment

Considers that the existing trees on site are of low quality and therefore their removal and replacement with new landscaping would enhance the landscape value of the site.

#### Transport Assessment

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The assessment concludes that the site is highly accessible by all modes of transport and that traffic volumes generated by the foodstore would not have a detrimental impact on the local road network.

The applicants have also provided letters from their agents and legal representative which seek to address some of the reasons given by Council planning officers in opposition to the proposal. These letters largely reiterate the arguments made in the Planning and Retail Statement.

## **Consultations and Representations**

The statutory neighbour notification process was undertaken, and the application was also advertised in a local newspaper, the Irvine Herald. 184 letters of support (including one from Irvine Community Council) and 2 letters of objection have been received. The overwhelming majority of the letters of support were signed standardised letters. The representation points are summarised and responded to below:

### **Support:**

1. It would be good to have a shop within walking distance; the site is very accessible by active travel.

Response: It is noted that the proposed site is within walking distance of some residential areas, however, town centre or edge of centre locations are accessible for a greater number of people than out of centre sites such as the application site.

2. The proposed development would create local jobs. The applicant pays their employees more than the national living wage.

Response: The applicant has stated that the proposed development would employ up to 40 full-time staff, however, this consideration does not outweigh the inappropriate location of the development. If the supermarket was located in or adjacent to the town centre it would generate the same level of employment. Wage levels are not a material planning consideration.

3. The site has been derelict for a long time and it would be good to see it developed.

Response: The majority of the application site was covered by woodland that was planted by Irvine Development Corporation in the 1970s as part of the landscaping works associated with the development of the North Newmoor Industrial Estate. The semi-mature trees and shrubs were then cleared by the landowner during the early part of 2015. This included the removal of a significant number of trees on Council land adjacent to the Stanecastle Roundabout, without the Council's prior consent. The landowner also indicated, during 2016, their aspirations for a "neighbourhood retail centre" on the site. As such, it is inaccurate to claim that the site is derelict, since the trees were removed in order to promote commercial development. The land to the west of the application site had been developed in the 1980s as a factory unit which, following closure, was demolished during 2013. As noted above, that site is currently being redeveloped as a housing estate. The application site is allocated as General Urban Area in the LDP and would be suitable, in principle, for residential development.

4. There are no supermarkets or shops in this area of Irvine.

Response: The Local Development Plan directs large retail developments towards town centre locations.

5. The proposed development would ease traffic congestion in the town centre.

Response: The Transport Assessment anticipates that the proposed store would generate 155 and 250 vehicle trips per hour on the peak weekday PM and Saturday periods respectively. There is no evidence to suggest the amount of these vehicles which would be diverted from the town centre, if indeed any would. There is therefore no evidence to suggest that the proposed development would ease congestion in the town centre.

6. Numerous comments have been made in relation to the desire to see a Lidl in Irvine and the benefits in terms of consumer choice and affordability of food.

Response: Irvine is currently well served by a wide range of food retailers and there is a choice of options in terms of affordability. While the Council would support additional choice in terms of discount food retail in Irvine, any new store would need to be situated in a suitable location in order to meet planning policy requirements.

7. A neighbouring resident supports the application but does not want trees along the back boundary of the property because they may shed leaves onto neighbouring gardens.

Response: The applicant is proposing trees along the boundary to act as screening. It is not considered that the shedding on leaves onto neighbouring gardens would constitute a significant amenity concern.

8. Lidl has demonstrated that the site is suitable via a sequential analysis.

Response: The applicant has submitted a Sequential Site Analysis (SSA), however the conclusions that they arrive at are disputed. See Analysis section, below.

9. There is a need for another discount retailer in Irvine.

Response: Irvine is currently well served by a wide range of food retailers and there is a choice of options in terms of affordability. While the Council would support additional choice in terms of discount food retail in Irvine, any new store would need to be situated in a suitable location in order to meet planning policy requirements.

Objections:

1. The proposed development does not accord with the town centre first strategy adopted in the North Ayrshire Local Development Plan.

Response: Agreed. See analysis.

2. The development would compete with established local stores and could lead to job losses or store closures.

Response: The applicant has submitted a Planning and Retail Assessment which considers the effect of the proposed development on established retail in the area. Given the information contained in the assessment, it is accepted that on balance the development would not significantly affect the vitality of Irvine town centre or other local shops and retail centres. The proposed development would however compete with rather than compliment the town centre and is contrary to the town centre first approach promoted by the LDP and by Scottish Planning Policy.

3. There are already many supermarkets in the surrounding area and Irvine does not need any more. Additionally, there are too many off-licences in the area leading to anti-social behaviour.

Response: It is not considered that there are too many supermarkets in Irvine, however, it is noted that there is no deficiency of major food retailers in Irvine, all of which have been able to locate in or adjacent to the town centre. Licensing matters fall outwith the scope of material planning considerations.

4. The Stanecastle Roundabout cannot cope with an increase in traffic.

Response: The applicant has submitted a Transport Statement which considers the impact of the proposed development on traffic flows at the Stanecastle Roundabout and concludes that it would continue to operate in its practical capacity following the development. This assessment has been accepted by North Ayrshire Council Active Travel and Transportation.

#### Consultations

NAC Environmental Health - No objections subject to a condition controlling noise levels.

Response: Noted

NAC Active Travel and Transportation - No objections subject to conditions.

Response: Noted.

#### Analysis

In terms of the statutory requirements placed on the Council by the Planning Acts, the determination of a planning application requires to be made in accordance with the provisions of the development plan unless material considerations indicate otherwise.

In this respect, the development plan is the adopted North Ayrshire Local Development Plan, adopted by the Council on 28th November 2019.

Policy 3 of the LDP states: "for development that has the potential to generate significant footfall, we will support proposals which have adopted a town centre first sequential approach." The proposed supermarket is considered likely to generate significant footfall and therefore requires a sequential approach to be undertaken with the following order of site preference:

#### 1. Town Centres

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2. Edge of town centres
3. Other commercial centres
4. Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes

This sequential approach is based upon the town centre first principle as promoted by Scottish Planning Policy (2014). Paragraph 73 of the Scottish Planning Policy states that out-of-centre locations should only be considered for uses which generate significant footfall where:

- All town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
- The scale of the development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to become accommodated at a sequentially preferable location;
- The proposal will help to meet quantitative or qualitative deficiencies; and
- There will be no significant adverse effect on the viability of existing town centres.

The applicant has submitted a Sequential Site Assessment (SSA) where they outline the sites they considered in sequence. In terms of their sequential analysis, the applicant states that they have a set of minimum requirements that need to be met for them to consider a site suitable. These parameters include minimum site and floor areas, availability of vehicular access and parking, visual prominence and accessibility. The applicant also states that sites need to both be available and meet their minimum standards in order for them to be considered acceptable.

It should be noted that Lidl operate stores in other areas of Scotland which do not meet some of the minimum requirements which they have set out for this application. As an example, their recently opened store in Giffnock town centre which makes use of an existing building, has a site area of less than 0.6ha and has car parking on a raised deck not visible from the street. Likewise, their Lanark store is in a town centre site of less than 0.6ha in size. A supporting document submitted by the applicant states that the minimum requirements are not general minimum requirements for Lidl stores but refer specifically to the Irvine area. No evidence has been provided to explain why Lidl has certain minimum requirements to operate a store in Irvine that are not required in other towns, such as Giffnock and Lanark. The applicant is not considered to have shown any sufficient flexibility with regards to the application of their minimum requirements in the sequential test. These minimum requirements, not immediately evident in full elsewhere, are considered to be very onerous. By their inherent lack of flexibility, these minimum requirements would tend to act against selecting any town centre sites. By way of contrast, the Council has been flexible in terms of discounting its preferred sites where they are not suitable in terms of the applicant's operational requirements, as will be demonstrated in the forthcoming section of this report.

In respect of town centres sites, the applicant's SSA considers that there are no vacant units within Irvine Town Centre which are suitable. Most of the vacant units are considered too small for their purposes. They identify The Forum centre as being vacant and having a site area of 0.17ha. This is discounted by the SSA as it does not appear to be marketed, has no adjacent car park, is below their minimum site area and is not considered to be in a prominent location to attract passing trade.

It is agreed that the majority of vacant units within the historic core of Irvine town centre are unlikely to be of a size Lidl would consider large enough. The Forum had

previously been promoted by the Council as a potential site because it is in the middle of the town centre with proximity to established public transport links and the Rivergate Shopping Centre. The Forum is visually prominent in approaches from Low Green Road and also from Marress Roundabout on the western side of the town centre. There is car parking in the undercroft of The Forum and additional surface car parking at West Road, the High Street and many other locations within the town centre. It is not considered that adequate information has been submitted to suggest that The Forum is unavailable. Nevertheless, despite all of the above considerations being in favour of The Forum as a potential retail redevelopment site, it is accepted that it fails to meet Lidl's minimum requirements in terms of site area, floor area and parking provision. Following consideration of these requirements when set against the particular circumstances, including the quality of available parking provision, the justification for discounting The Forum is accepted.

In respect of edge of town centres sites, the applicant's SSA has considered Riverway Retail Park, Lamont Drive and East Road Retail Park as designated commercial centres and edge of centre of sites. Riverway Retail Park is immediately to the south of the town centre with Lamont Drive contiguous to the south. East Road Retail Park is immediately adjacent to the east of the town centre. The SSA considers that there are no suitable units vacant within Riverway Retail Park or Lamont Drive. It also stated that there are no suitable units in East Road.

Whilst there may be no units of a size considered suitable by the applicant available within Riverway and Lamont Drive, it is not considered that the SSA has taken cognisance of the turnover of units within the site, particularly at Riverway. There are 11 units in Riverway of between approx. 705sqm and 1500sqm with occupants of those units having changed regularly over the years. It is noted that Lidl previously operated from one of these units for a number of years. It is also noted that in the period between the submission of the original (ref. 19/00050/PP) and current application that 'The Food Warehouse', also a discount food store, moved into one of the Riverway units during 2019. This demonstrates the occurrence of availability or turnover which arises, and suitability of these units for discount food retailers. Furthermore, planning permission was granted during 2019 (ref. 19/00532/PP) for the removal of the historic planning condition dating from 1997 that had limited the choice of goods which can be sold in Riverway Retail Park. The consequence of this decision is that all retail units in Riverway can now be used for the sale of all types of retail goods, without any restrictions in the event that they become vacant. While it is accepted that there are at present no sites available within the Riverway or Lamont Drive retail parks, the existence of discount food retailers such as The Food Warehouse and Farmfoods which apparently successfully operate units which fall below the minimum requirements set out for this application is evidence that the reasonability of the minimum requirements the applicant has proposed could be questioned

In terms of East Road, this site is identified in the LDP as being suitable for comparison goods but there is no restriction requiring large bulky goods only. There is one convenience food retailer within East Road, Aldi. The applicant notes that a previous application for a supermarket was refused at East Road, however, this application was refused because of its excessive scale, not its location. A smaller supermarket in this location may be acceptable. The East Road retail park is highly accessible to the eastern part of Irvine town centre and has a large Council owned public car park adjacent, the Caledonian Car Park. There is a vacant site immediately to the north of the carpark some 2,800sqm. in area. This could easily accommodate the proposed Lidl store. The vacant site and the Caledonian Car Park

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have a combined site area of approximately 0.8ha, which is well above Lidl's minimum site requirements. The Caledonian Car Park is currently underused, and the applicant has not given due consideration to the suitability or availability of the East Road site.

The SSA has also not considered the possibility of new development within the town centre. Permission has been granted in the past for new retail units and extensions to the Rivergate Shopping Centre within the town centre and no assessment of the possibility of such development has been provided. Furthermore, current vacancy rates in the Rivergate Centre mean that there may be an opportunity to create a shop unit with access to adequate parking of a suitable size for Lidl's requirements in the Centre through reorganisation of the shop units, however, this possibility has not been considered in the SSA. The applicant rightly states that the SSA has to consider what is available at the current time or is likely to become available in the near future, however, although it is not suggested that at present there are any alternative available sites it is considered that the approach appears to demonstrate a lack of meaningful effort has been made into exploring alternative town centre or edge of centre options which may require a degree of flexibility or creativity.

The applicant was also asked to consider the Ayrshire Metals site as part of their SSA. The Ayrshire Metals site is allocated as General Urban Area within the LDP and lies within 75m to the west of the Irvine town centre adjacent to the Victoria Roundabout on the main route to Irvine Harbourside. No definition of 'edge of centre' is given in Policy 3 and the applicant argues that based on previous definitions the site would not qualify and should be considered as 'out of centre'. They argue that there is therefore no requirement to consider the Ayrshire Metals site as part of the sequential assessment as it would be in the same category as the application site. The applicant considers that the railway line acts as a barrier between the town centre and the site. However, there are two bridges under the railway line which provide good pedestrian access to the town centre at Irvine Railway Station and Church Street as well as a dual-carriageway road leading from the Victoria Roundabout to the Marress Roundabout. The applicant contends that the site has very poor pedestrian connectivity, however, the site is approximately 2 minutes' walk from Irvine railway station (where there are also bus stops) and 5 minutes from the entrance to the Rivergate adjacent to Asda. As such, the Ayrshire Metals site therefore has very good pedestrian connectivity to the town centre, as well as good road links to other parts of the town via Marress Road (north) and Fullarton Street (south). The Ayrshire Metals site is immediately adjacent to Irvine town centre and clearly meets both previous and common-sense definitions of edge of centre. As such, it is quite clear that the Ayrshire Metals site is an edge of centre site in relation to Irvine town centre.

Despite not considering that the Ayrshire Metals site needs to be considered under the sequential assessment, the applicant outlines reasons that they do not consider it to be an appropriate site. The reasons given are: the site is not prominent enough to attract passing trade; it has poor pedestrian links; it has poor visibility from the town centre; there is the possibility of contamination; the site was not allocated for retail under the Irvine Town Regeneration Plan and that the site is too large.

As previously noted, contrary to the applicant's analysis, the site actually has very good pedestrian connectivity (as well as good road connections to other parts of the town). The Ayrshire Metals site is in a more prominent position within the townscape than the application site, being immediately adjacent to the town centre, railway and Harbourside. The applicant has not submitted any evidence to suggest that the site

is contaminated, and even if it were, this would not affect the sequential site analysis. The fact that the site was not allocated as retail under the Irvine Town Regeneration Plan is irrelevant as that plan was indicative in nature, and not part of the development plan. In any case, the Irvine Town Regeneration Plan no longer has any official status and the site is allocated in the adopted LDP as a General Urban Area - which could include retail due to the edge of centre location. The fact that the site is too large is also not considered to be an issue in terms of planning as the partial development of the site would be preferable to no development at all and may act as a catalyst for further development of the site. The applicant states that the site is under offer from a housebuilder, however, and at time of writing the site is still being actively marketed by Savills on behalf of its current owner. In light of the above consideration it is considered that the Ayrshire Metals site is not only sequentially preferable to the application site, but also meets all of Lidl's minimum requirements, and clearly so if reasonable flexibility were applied.

Finally, in respect of 'other commercial centres', the applicant was asked to consider a site at Hill Roundabout in Montgomerie Park approximately 750m to the north of the application site. Like the Ayrshire Metals site, the applicant does not consider that this site requires to be assessed under the SSA as it would be considered out of centre. While this site is out of centre, it is in a site allocated in Strategic Policy 3 of the LDP as part of the Montgomerie Park Strategic Development Area (SDA). Within the SDA, the potential supermarket site is allocated as General Urban Area: Support for Education and Community Facilities. The policy specifically states that the Council will encourage other community activities such as shops for local residents.

While it is the position of the Council that the Montgomerie Park site could be considered an 'other commercial centre' and would therefore be sequentially preferable to the application site, it is accepted that the Montgomerie Park site is further away from the town centre than the application site and would therefore be difficult to justify promoting in terms of the town centre first principle. The allocation of the site for community facilities would suggest a scale of retail smaller than what is being proposed. As such, locating the proposed shop at a site in Montgomerie Park would raise similar planning policy issues as the current application site in terms of competing with Irvine town centre. It is therefore accepted that the Montgomerie Park site is not suitable for this specific retail proposal in terms of the SSA.

In conclusion, the applicant has failed to demonstrate that there are no sequentially preferable sites in Irvine. The Ayrshire Metals site is an edge of centre site and is therefore sequentially preferable to the application site which is out of centre. Furthermore, the Ayrshire Metals site meets all of Lidl's minimum requirements and is available and on the market. It is therefore considered that the proposal does not comply with Policy 3.

Since the proposal does not accord with Policy 3 it is not acceptable in principle. However, in the interests of conducting a thorough analysis of the proposal, this report will now consider the impact of the proposed development on the viability of Irvine town centre and whether the development would tackle any deficiencies which cannot be met in the town centre.

With regards to the economic impact of the proposal on the viability of Irvine town centre, the applicant has submitted a Retail Impact Assessment (RIA) with projected impact of the proposed development on commercial properties within Irvine. The RIA considers that the development would have the largest impact on the East Road



Commercial Centre, diverting approx. 10.94% of its convenience turnover by 2025. It considers that the impact on shops within Irvine town centre would be the equivalent of approx. 3.85% of the projected turnover in 2025 and the Riverway/Lamont Drive Retail Park would be impacted by approx. 2.52%.

A Town Centre Health Check (TCHC) has also been submitted by the applicant. This states there is a town centre vacancy rate of 11% which is slightly below the Scotland average of 11.1%. The TCHC notes the number of large parking facilities within the town centre and its easy accessibility.

The RIA demonstrates that there will be a diversion of trade from the town centre to the development. However, given the percentage amount, it is not considered that the development would, in itself, affect the vitality or viability of the town centre. The proposal could impact more significantly on commercial premises within the East Road Retail Park, which is immediately adjacent to the town centre. Again, however, it is not considered that this would necessarily cause cumulative impact on the vitality or viability of the town centre.

The Council carried out a town centre audit of Irvine in October 2018. Whilst the audit is still in its draft stage, it found a vacancy rate of 13.9%. However, this fell to 10.6% when units which would require planning permission to be used as retail premises were excluded. Despite different methodologies, it is considered that the applicant's TCHC and the Council's own audit are broadly in agreement. It is important to note the Policy led investment in our town centres by both the Council and the Scottish Government is aimed at regenerating our town centres, which have seen higher vacancy rates arising from changing trends in the retail sector. It is envisaged that, despite public sector investment in the town centre, the trends in retailing will continue in the years ahead.

The applicant states that their business model is for their store to be used by their consumers in addition to other food retailers; their customers are expected to buy basic staples in Lidl then go to another store to purchase more specialist items. For this business model to function effectively, it would benefit a store to be located close to the existing retail outlets i.e. within, or close to, a town centre. The proposed site, being remote from the town centre, is not located near any other food shops and therefore this model does not seem likely to be commonly adopted by consumers. The proposed site is isolated from other retailers and would likely be used as a single destination shop. Any cumulative positive effects as a result of linked trips to other nearby shops would be difficult to demonstrate given its isolated position in relation to Irvine town centre. While the applicant has demonstrated that the proposal would probably not significantly adversely affect the viability of the town centre, the proposed development would clearly compete with, rather than complement or enhance, the town centre. Placement of the proposed development at the application site would, in effect, be a missed opportunity. If located in, or adjacent to the town centre, the proposal would provide a positive addition to the retail offering of Irvine town centre and would provide cumulative economic and social benefits.

Regarding the issue of whether the proposed development would tackle any deficiencies that cannot be met within the town centre, the applicant has stated that they consider themselves to be a 'deep' discount retailer, distinct from what they describe as 'mainstream' convenience retailers eg. Asda, Tesco, Sainsbury's and Morrisons. They consider Aldi to be the other retailer which provides the type of service they do.

Whilst the applicant may consider themselves a distinct type of retail, in planning terms the proposed development (and all the above retailers) is within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Class 1 makes no distinction between different shopping categories or retailer, and it is not the role of the Council to consider the precise format adopted by the business model of individual retail traders. In Irvine Town Centre there exists over 5,919sqm of convenience retail sales area (the applicants RIA) and a larger area of all types of potential retail. As stated above, there are potential retail development opportunities in or adjacent to the town centre. This does not include the large Riverway, Lamont Drive or East Road Retail parks which further add to the retail offer within, or adjacent to, the established town centre. It is not considered that there is a deficiency in the retail offer within Irvine Town Centre. If there were, it is also considered that there would be potential to address these deficiencies within the town centre.

Policy 19 of the LDP states that development of land identified on the LDP Maps as protected open space will only be supported when it accords with the Council's Open Space Strategy and in certain exceptional circumstances. The area of the site allocated as open space is at the eastern end, between an existing footpath and the Stanecastle Roundabout. The proposal seeks to retain the land as open space. It currently contains unmanaged woodland on land owned by the Council. The proposal is to fell the remaining woodland and replace it with grass, presumably to give the frontage of the shop maximum visibility from the Stanecastle Roundabout. Regardless of the change in character of the open space, it would not be developed and thus the proposal does not conflict with Policy 19.

In terms of Policy 27: Sustainable Transport and Active Travel, the Applicant's transport assessment describes the public transport linkages of the application site as being good; there are east and westbound bus stops on Manson Road approximately 100m from the site where buses serve Irvine Town centre as well as the surrounding residential areas of Girdle Toll, Bourtreehill and Broomlands. While there is no on-road cycling provision surrounding the site, the site is well served by off-road footpaths which could cater to pedestrians as well as cyclists. The proposed development would have a pedestrian link to the existing pavement on Crompton Way and from there onto the existing path which cuts through the east of the site. This footpath leads to the bus stops to the north of the site and eventually to Irvine Town Centre; the eastbound bus stop is accessed via an underpass.

The proposed development would be likely to generate a significant number of new trips and therefore have an impact on the local road network. The impact of the proposed development on the Stanecastle Roundabout and Towerlands Interchange was assessed in the applicant's Transport Assessment. It was found that both junctions would continue to operate within their practical capacity following the proposed development. The proposed access would be formed onto Crompton Way. There would be spaces for 130 vehicles in the car park, including 8 disabled spaces, 12 parent and toddler spaces and 2 electric charging bays, which is considered acceptable provision.

The modal split of the trips to the proposed store estimate that during the Saturday peak period only 16% of journeys to the supermarket would be made by sustainable transport modes. Approximately 250 cars would arrive and depart from the site during that 3-hour period. Policy 27 of the LDP states that the Council will take account of the need to adapt to climate change. Out-of-town retail development that

is heavily dependent on access by private car such, as that proposed, is not considered to be in line with the Council's aspirations to move towards greener and more sustainable transport modes in order to tackle climate change. A town centre or edge of centre location would be more likely to result in a much higher share of trips to the store being made by sustainable transport modes. In light of the above consideration, the proposal is contrary to Policy 27.

The relevant criterion of Strategic Policy 1 (Towns and Villages Objective) is (a). Criterion (a) states that proposals should support the social and economic functions of town centres by adopting a town centre first principle that directs major new development and investments to town centre locations. As we have already discussed in this report, the applicant has not demonstrated a town centre first approach, and there is a sequentially preferable site immediately adjacent to the town centre. The proposed development therefore conflicts with criterion (a).

With respect to Strategic Policy 2: Placemaking, the design of the unit follows a typical design for Lidl stores and is modern in appearance with white and grey cladding panels being the main finishing material. The design is not distinctive and does not draw upon the positive characteristics of the surrounding area in respect of scale, street, building form and material and does not create a place with a sense of identity. It has not been altered or adapted to adhere to the positive characteristics of the surrounding area. The surrounding area is residential and suburban in character, with the nearby Tennents distribution warehouse being the only remaining industrial building. The scale of the proposed foodstore, the use of cladding panels and lack of appropriate architectural detail would mean that it would be utilitarian in appearance. North Newmoor is an area transitioning from industry to a new residential area. As such, a higher standard of design would be expected for new developments than is proposed.

The applicant's Daylight and Sunlight Study took account of 16 neighbouring properties in the adjacent Persimmon housing development and concluded that there would be no detrimental impact on these properties in terms of loss of light or overshadowing. The methodology adopted and the results of this study are accepted. The applicant is proposing to plant trees along this boundary to provide visual screening of the development.

The applicant carried out a Noise Assessment which predicted that the rating level, due to the operation of the foodstore, would be equal to or below the measured daytime and night-time background sound levels at all assessment locations. The proposed development is therefore considered likely to have a low impact on its closest receptors and would not cause any noise disturbance for the adjacent residential properties.

The Phase 1 Habitat Survey did not discover any evidence of protected species within the site. The Survey did identify a stand of trees at the north-eastern end of the site which could be a potential summer roost feature for bats. A further Bat Survey was carried out and did not uncover any roosting bats within this woodland. The Tree Survey finds that these trees are in poor condition and do not have any landscape value. These trees are to be removed as part of the development and maintained as open grass. The trees do not benefit from any protection and the findings of the Tree Survey are accepted.

It is not considered that the design of the proposed foodstore distinctive or in-keeping with the residential character of the surrounding area and therefore the proposal is contrary to Strategic Policy 2: Placemaking.

It is considered that because the applicant has failed to demonstrate a town centre first approach in line with the policies of the recently adopted LDP, that if the development was permitted, it could set an undesirable precedent for further out-of-centre retail developments which would undermine the primacy of the town centre as the location of retail development within North Ayrshire's towns.

In conclusion, the adopted Local Development Plan clearly states that the preference of the Council is that large retail developments be located in town centres, which is in accordance with Scottish Planning Policy. The application site is some 1.2km outside Irvine town centre and it is not considered that the applicant has provided convincing evidence that there are no preferable sites in or close to the town centre. While no suitable town centre sites were identified, the Ayrshire Metals site (located immediately adjacent to the town centre) is sequentially preferable to the application site, is available and meets all of the applicant's requirements. If the proposed supermarket were to be located in, or adjacent to, Irvine town centre, then it would add to the sustainability and vibrancy of Irvine town centre as a retail destination. However, if located at the application site, the supermarket would compete with and would be detrimental to the Council's policies aimed at revitalising the town centre. There are no other material considerations that have been identified which would outweigh this conclusion.

The proposal is considered to be contrary to Strategic Policy 1: Spatial Strategy (Towns and Villages Objective), Strategic Policy 2: Placemaking, Policy 3: Town Centres and Retailing and Policy 27: Sustainable Transport and Active Travel. On this basis, it is recommended that the application be refused.

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## **Decision**

Refused

Case Officer - Mr John Mack



## Appendix 1 - Drawings relating to decision

<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Location Plan	2271_310	
Block Plan / Site Plan	2271_311	
Block Plan / Site Plan	2271_313 Rev B	
Proposed Floor Plans	2271_314	
Roof Plan	2271_315	
Proposed Elevations	2271_316	
Block Plan / Site Plan	2271_318 Rev A	
Sections	2271_320	
Landscaping	R/2198/1C	

Appendix 2

# PLANNING AND RETAIL STATEMENT, RAPLEYS LLP, OCTOBER 2019

Planning and Retail Statement for  
Lidl Great Britain Ltd

# ERECTION OF NEW LIDL FOODSTORE WITH ASSOCIATED WORKS

AT  
LAND BESIDE CROMPTON  
WAY,  
IRVINE,  
NORTH AYRSHIRE

October 2019

Our Ref: 18-02874



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## Appendices

Appendix 1	Catchment Plan
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Appendix 3	Retail Impact Assessment Tables
Appendix 4	Irvine Town Centre Health Check



QUALITY ASSURANCE

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2008.

Created by:	Grant Allan MA (Hons) MSc MRTPI
Signature:	
Checked by:	Daniel Wheelwright BA (Hons) MA MRTPI
Signature:	

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## 1 INTRODUCTION

- 1.1 This Supporting Planning and Retail Statement has been prepared by Rapleys LLP (Rapleys), on behalf of Lidl Great Britain Limited (Lidl), and is submitted in support of a planning application for the erection of a new Lidl foodstore with associated car parking and landscaping at Crompton Way, Irvine.
- 1.2 Proposals for the development have been subject to pre-application discussions with North Ayrshire Council (NAC) details for which are summarised in the accompanying Statement of Community Involvement.
- 1.3 This application seeks to erect a new Lidl foodstore (Use Class 1), comprising 1,996 sq. floorspace gross external area (GEA) with a net sales area of 1,257 sq.m; 130 car parking spaces (including 8 disabled spaces and 12 parent & child spaces); and a trolley bay located underneath the store entrance.
- 1.4 The nature of the Lidl business model means that this store will perform a predominantly “top up” shopping role. Deep discount convenience operators, such as Lidl, therefore serve complementary roles to mainstream foodstore operators. The proposal will thus provide increased consumer choice and competition to Irvine as well as the creation of up to 40 full time equivalent job positions locally.
- 1.5 A previous planning application was submitted to NAC in January 2019 for the erection of a Lidl foodstore on this same site. Following discussions with NAC this application was withdrawn in April 2019. As a result of these discussions, a number of positive changes have been made to the scheme and these form the basis of this amended application submission. It is believed that these changes add further credibility to the proposal and demonstrate why it is an appropriate development for this location.
- 1.6 Lidl previously operated from a sub-standard unit at Riverway Retail Park, in relation to the requirements of a discount foodstore operator. Despite attempts to ensure an efficient and viable operation at the unit, had to ‘pull-out’ as the scale and configuration of the unit could not be made viable. This underlines how important it is for Lidl to be able to trade from suitability configured, sustainable store which will provide additional choice within the catchment area and which is complementary to existing mainstream convenience retailers.
- 1.7 This Statement provides an overview of the development proposal, details of the pre-application consultation that took place, and appraises the compliance of the proposed development with relevant national and local planning policy, as well as any other material considerations. It also provides evidence of the unique nature of the discount foodstore operation, as supported by key appeal decisions
- 1.8 This Statement should be read in conjunction with the documentation submitted in support of this application submission. These documents include:
  - Full Architectural Drawing Package prepared by Mansons;
  - Design and Access Statement prepared by Rapleys LLP;
  - Statement of Community Involvement prepared by Rapleys LLP;
  - Daylight and Sunlight Assessment prepared by Rapleys LLP;
  - Landscape Plan produced by FDA;
  - Transport Assessment prepared by Systra Ltd;
  - Noise Impact Assessment prepared by SLR;

- 
- Phase 1 Habitat Survey and Bat Survey prepared by Acorna Ecology Ltd; and
  - Tree Survey and Arboricultural Impact Assessment prepared by Donald Rodger Associates

1.9 The submission documents conclude that the proposed development is acceptable and should be supported in planning terms. Therefore, planning permission should be duly granted by the local planning authority.

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## 2 SITE AND SURROUNDS

- 2.1 The site is located on land to the immediate west of Stanecastle Roundabout. Access to this site is gained from Crompton Way. This site is 'brownfield' and was formerly occupied by industrial buildings which have now been demolished (believed to be a former fireplace factory).
- 2.2 The site is irregular in shape and extends to 1.17ha in size and is generally flat.
- 2.3 Manson Road bounds the site to the north of Newmoor Industrial Estate; and the A78 bounds the site to the west. This site is located to the north-east of the town centre. The wider area to the north, east and west consists of housing, community facilities, hot-food takeaways, restaurants and other complementary uses.
- 2.4 The site previously had an industrial use reflecting the wider Newmoor Industrial Estate, however over time low level vegetation has established itself on the site. New housing development is being built to the west of the site presenting an increasingly residential/mixed-use form of development.
- 2.5 There are a number of trees present on the grass embankment which bounds Stanecastle Roundabout and on the northern boundary. A number of self-seeded low quality trees and shrubs are located on the remainder of the site to the west of the existing footpath which runs north/south.
- 2.6 The site is accessible to public transport having a number of bus stops in close proximity, including those on Manson Road. These provide links to the town centre to the west, the east of Irvine and other settlements including: Kilwinning, Kilmarnock, Stewarton and Glasgow. The site also benefits from connecting to the public footpath network with this network moving in all directions.
- 2.7 The town centre of Irvine is located approximately 15 minutes walk to the west or 5 minutes by car. The site is also well served by the A78 (Irvine Bypass) which runs north/south and the A71 which connects to Kilmarnock.
- 2.8 The site is not located in a conservation area and no statutory listed buildings are located on the site or in close proximity to the site.



### 3 PLANNING AND SITE HISTORY

- 3.1 A full search of NAC online planning portal/facilities has identified the following planning applications which are relevant to the site:

Planning Application Reference	Description	Outcome
19/00050/PP	Erection of foodstore with sales area of up to 1,410 square metres to include the provision of access, car parking, landscaping and boundary treatment	Application Withdrawn - 30 <sup>th</sup> April 2019
05/00184/PP	Partial change of use of factory premises to provide area for factory retail outlet for sale of goods produced on premises, and erection of 2.4 metre high palisade boundary fence	Application Approved Subject to Conditions - 19 <sup>th</sup> April 2005

Table 1: Planning History of the application site

- 3.2 A previous proposal was submitted to NAC in January 2019 for the erection of a Lidl foodstore (Application Reference 19/00050/PP). Following discussions with the planning Case Officer and other consultees, the applicant withdrew the planning application to make to address a number of points raised and to make associated amendments to the proposed development. These are described in Section 5.

#### Other Relevant Planning History

- 3.3 A residential development is currently being built to the immediate west of the site. This development consists of 93 homes. This application was approved by NAC on 23<sup>rd</sup> August 2017 and was submitted by Persimmon Homes and Dawn Developments (Application Reference 17/00581/PPM).
- 3.4 Prior to the submission 17/00581/PPM by Persimmon, Dawn Homes & Toscafund (Crompton Way) Ltd submitted a planning application (16/00070/PPM) for the erection of 144 homes which was approved by NAC on 1<sup>st</sup> June 2016. This covered a wider area than the Persimmon site and also included an indicative masterplan identifying the potential options for the wider development of the area. The current application site, formed part of this wider masterplan and which indicated that it was suitable for mixed-use development including retail and other commercial uses.

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## 4 PRE-APPLICATION CONSULTATION

4.1 Scottish Planning Policy (2014) (SPP) identifies that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. It is explained that good quality pre-application discussion enables better co-ordination between public and private resources and improved outcomes for the community.

4.2 The following sections will provide an overview of the consultations with NAC and the local community.

### NORTH AYRSHIRE COUNCIL

4.3 Prior to submitting the planning application, Lidl undertook pre-application consultation discussions with NAC. This involved:

- Sending a formal pre-application enquiry email to NAC on 14<sup>th</sup> November 2018;
- Receiving a response from the Case Officer, Iain Davies on 21<sup>st</sup> November 2018;
- Engaging in discussion via email and telephone with the Case Officer; and
- A formal Pre-Application Meeting with Iain Davies at NAC Officer in Irvine on 3<sup>rd</sup> December 2018.

4.4 As a part of the pre-application enquiries, correspondence was sent to clarify the scope for the Retail Impact Assessment on 14<sup>th</sup> November 2018.

4.5 Subsequent responses from NAC were received on 16<sup>th</sup>, 21<sup>st</sup>, 23<sup>rd</sup> November 2018 including relating to retail impact assessment matters. This was also followed-up by the Case Officer in an email of the 5<sup>th</sup> December 2018.

4.6 Overall, discussions focussed on what supporting documents were required and the policy position of the Local Development Plan (LDP) regarding a retail proposal at Stanecastle Roundabout. The Case Officer understood the reasoning behind Lidl's proposal and why this location was chosen for the development. He noted that it was for the applicant to satisfy the sequential and retail impact policy tests.

4.7 It was noted that there may need to be some screening to the south of the site to protect the visual amenity of the residential properties being built to the south of the subject site.

4.8 The Case Officer also noted that discussions with the roads department within the NAC highlighted that a Transport Assessment was require to assess the impact of the proposal on the local road network

4.9 This feedback has aided in the design of the new store and scope of the relevant planning application documentation to accompany the application.

### Further Consultation with North Ayrshire Council

4.10 During the consultation and determination periods of Planning Application Reference 19/00050/PP, regular dialogue between NAC and the applicant took place.

4.11 This included email and telephone correspondence to discuss the scheme; and to discuss planning matters as well as other comments from consultees.

4.12 This included such matters as:

- The retail impact assessment;
- The sequential site assessment;

- 
- Impact on the surrounding area; and
  - Transport and connectivity.
- 4.13 Following these discussions, the applicant has sought to address any concerns raised through this updated proposal. This includes further analysis of the development's impact on the local road network, the amenity of the neighbouring Persimmon residential development and additional sequential site analysis.
- 4.14 This application has sought to build on the previous proposal. Key amendments include:
- The addition of a pedestrian footpath to the north of the site connecting the store to the existing footpath and subway;
  - The reduction in the footprint of the store resulting in a reduced net-sales area (further reducing the already limited impact on Irvine Town Centre);
  - Providing a further analysis of the impact on the local road network demonstrating that there is capacity for a new discount foodstore in this location;
  - A further analysis regarding connectivity showing that the site is well location in relation to public transport, cycle routes and pedestrian routes;
  - An increase in the number of parking spaces in compliance with the North Ayrshire Council 'Road Development Guide';
  - The undertaking of a daylight/sunlight Assessment demonstrating that the proposal will not impact on the amenity of the houses near the western boundary of the Lidl site;
  - An expanded sequential assessment, further demonstrating that there are no suitable or available sequentially preferable sites to accommodate the application proposal; and
  - An updated retail impact assessment, including additional justification on how the proposal addresses qualitative and quantitative deficiencies within the catchment.
- 4.15 Further discussions with NAC have allowed the applicant to bring forward an improved scheme demonstrating the appropriateness of the development site at Crompton Way.
- 4.16 A further pre-application meeting was held between the applicant and NAC Planning and Road officers on the 24<sup>th</sup> September 2019 at NAC Offices in Irvine. This meeting was used to discuss the above points, how previous issues have been overcome and to display the new proposal.

#### PUBLIC CONSULTATION

- 4.17 Lidl also undertook consultation with the local community within the area where the application is proposed. This community consultation comprised:
- The delivery of circa 9000 informative leaflets to surrounding residential addresses making people aware of the development proposal and community consultation event as well as providing them with a response card where people could share their thoughts on the proposal; and
  - A dedicated webpage giving further details about the proposal and inviting feedback was set-up. This also provided the opportunity for residents to submit any comments via email; and

- 
- A public exhibition was held on 11<sup>th</sup> December 2018 at Irvine Park Bowling Club, Woodland Avenue, Irvine, KA12 0PZ from 3pm-7pm.
- 4.18 Over 260 leaflets were returned with comments about the proposal.
- 4.19 In summary, the comments received set out:
- Support for a new Lidl foodstore in Irvine including their product range and prices;
  - That it was a convenient location in relation to the surrounding residential areas and in this part of Irvine;
  - They would shop at this new Lidl;
  - This proposal will complement the town centre;
  - Support for the design of the foodstore which will fit into the area well;
  - That it will help redevelop this part of Irvine;
  - It is well-connected to existing footpaths and with wider area; and
  - Some comments were made which expressed concern that at peak-times, Stanecastle Roundabout can be busy, causing congestion for local residents
- 4.20 Overall, the overwhelming majority of comments supported the proposal.
- 4.21 Further details of the public consultation are provided in the Statement of Community Involvement, submitted alongside the planning application.



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## 5 PROPOSED DEVELOPMENT

- 5.1 This application seeks planning permission for the erection of discount foodstore, together with associated parking and landscaping on the currently vacant land beside Crompton Way, Stanecastle Roundabout, Irvine.
- 5.2 The Lidl foodstore (Use Class 1) will extend to 1,996 sq.m. GEA with a net sales area of 1,257 sq.m, together with 130 parking spaces (including 8 disabled parking spaces and 12 parent & child spaces). Full details of the proposed development are presented in the drawings accompanying the submission.
- 5.3 The Lidl store will be located to the west of the site with car parking provided directly in front of it and extending eastwards. The delivery bay will be located on the northern elevation in parallel with Mansons Road; with a glazed façade on the southern elevation.
- 5.4 Of the total net sales area (1,257 sq.m), 1,006 sq.m (80% of net floor space) will be for convenience good sales; and 251 sq.m (20% of net floor space) has been identified for comparison goods sales.
- 5.5 The proposed Lidl foodstore building, and overall site, will provide a clean and contemporary design, which will feature a single height glazed entrance; and a single height glazed elevation along the southern elevation facing out on to Crompton Way. A Design and Access Statement also accompanies this application and appraises the aesthetic appearance of the proposal, which has been designed to present an attractive built frontage along Crompton Way. The proposal therefore enhances the appearance of both the site and surrounding area.
- 5.6 The vehicular access to the site will be taken from new road access at Crompton Way. There is an existing footpath along the eastern boundary which will be maintained. A new pedestrian access will be provided from Crompton Way, providing direct access to the store. A separate pedestrian access will also be provided, connecting to the existing footpath to the north of the site and the subway which passes under Mansons Road.
- 5.7 A dedicated servicing area will be provided adjacent to the north of the building. Delivery vehicles will drive into the site in forward gear and reverse into the delivery bay, where product will be deposited within the warehouse. All store waste will be stored within the warehousing area and will be collected at the same time as deliveries thereby minimising HGV movements.
- 5.8 A detailed landscaping plan has also been prepared which provides further detail on the landscaping improvements which will be made as part of this application. This includes new tree planting, soft landscaping and paving features of the pedestrian paths.

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## 6 THE LIDL RETAIL OPERATION

- 6.1 This section provides an overview of the Lidl retail operation, including the position of the company within the UK retail market and its key trading characteristics.

### POSITION WITHIN THE MARKET

- 6.2 Lidl is part of Schwarz Grocery Wholesale which was founded in Germany in the 1930s, since then the company has diversified into hypermarkets under the trading name 'Kaufland' and discount foodstores known as 'Lidl'. Today the Schwarz Group is one of the largest grocery retailers in Europe.
- 6.3 The first Lidl stores opened in Germany in 1973 and by the 1980s Lidl had become a household name. In the early 1990s Lidl began to expand throughout Europe and now has more than 9,000 stores in 26 countries. Lidl commenced trading in the UK in November 1994 and since that date has grown to become a substantial presence in the convenience retail market, with over 600 stores currently trading nationwide. It is estimated by Mintel (April 2014) that UK sales reached £6.4BN in 2017/18. Research from Kantar Worldpanel in January 2019 identifies that Lidl has a 5.3% share of the grocery market.

### DISCOUNT FORMAT

- 6.4 The Lidl retail philosophy is centred on simplicity and maximum efficiency at every stage of the business, from supplier to customer, enabling the company to sell high quality own brand products at the lowest prices. It is this format that has resulted in Lidl being classified by retail research company Verdict as a 'deep' or 'hard' discounter.
- 6.5 The 'deep discount' sector includes Lidl and Aldi and formerly also included Netto. 'Deep discounters' concentrate on selling a limited range of primarily own brand goods at extremely competitive prices. These retailers are therefore distinct from the mainstream convenience retailers (principally Tesco, Asda, Sainsbury's and Morrison's) in the offer that they provide to shoppers.
- 6.6 Lidl is able to offer high quality products at low prices due to extensive pan European bulk purchasing. This enables the company to achieve significant economies of scale that can then be passed on to the customer in the form of highly competitive prices. Other factors that enable Lidl to offer consistently low prices include the format of its stores and the approach taken to the display and sale of products.
- 6.7 The fact that Lidl provides a distinct offer to the main convenience retailers was recognised by the Competition and Markets Authority (formerly the Competition Commission) in its 2008 'Grocery Market Investigation'. The Glossary to the investigation report refers to Lidl as 'Limited Assortment Discounter' or 'LAD', which is defined as:

*"Limited Assortment Discounters (i.e. grocery retailers offering noticeably lower prices than a conventional supermarket but which stock a limited range of products)."*

6.8 Further reference is made to LAD stores at paragraph 3.3, page 30 of the investigation:

*“Limited Assortment Discounters (LADs) carry a limited range of grocery products and base their retail offer on selling these products at very competitive prices. The three major LADs in the UK are Aldi, Lidl and Netto. Each of Aldi, Lidl and Netto carries in the region of 1,000 to 1,500 product lines in stores ranging from 500 to 1,500 sq.m. (Stores of a similar size operated by a large grocery retailer generally carry around 10,000 - 15,000 products.)”*

6.9 Paragraph 4.80, page 70 of the investigation goes on to state that due to the limited number of products carried by LADs they are not close substitutes for other foodstores of a comparable size - in short they are different operations:

*“The limited number of products carried by LADs stores means that these stores are not close substitutes for similarly-sized stores operated by CGL (Co-op), M&S, Sainsbury’s, Somerfield and Tesco. In particular, we note that Aldi, Lidl and Netto stores typically sell fewer than 1,000 products. In comparison, large grocery retailers generally sell around 5,000 to 10,000 products in stores in the same size range as those operated by LADs (i.e. 500 to 1,400 sq.m.). The results of our entry analysis also show that Aldi, Lidl and Netto stores are not close substitutes for the stores of large grocery retailers”.*

6.10 Whilst, the number of lines now stocked by Lidl is typically around 2,000-2,200, this represents only a modest uplift since 2008 and therefore the findings of the Competition and Markets Authority’s 2008 investigation remain entirely appropriate - therefore that Lidl does provide a distinctly different offer to the non-LAD food retailers.

#### LIMITED PRODUCT RANGE

6.11 Aside from the difference in pricing from the main convenience retailers, another characteristic of the Lidl business model, is that Lidl predominantly stock their own brand products (around 90% of all products in store), with only a small proportion of non-own branded products. This is distinct from conventional food retailers who typically stock a much larger provision of branded products.

6.12 Approximately 300 convenience product lines are directly sourced from 60 Scottish suppliers. This includes a large proportion of seasonal fruit and vegetables. Overall, approximately two-thirds of convenience product lines are sourced from within the UK. The remaining products are sourced from Europe. Lidl aims to keep the shopping experience simple for its customers and operates a ‘no frills’ policy by avoiding unnecessary packaging and presentation, including a basic store fit-out, all of which contributes to keeping the cost of products low.

6.13 Comparison goods items are limited to around 20% of floorspace in store. The comparison offer is mainly focused on household cleaning and health and beauty products. Lidl stores do receive a twice weekly delivery of non-food ‘specials’, which can range from garden equipment and small items of furniture to flat screen TVs. These are also sourced on a pan European scale at competitive prices. These items are provided on a ‘when it’s gone, it’s gone’ basis and owing to the limited and constantly changing offer, the potential for impact upon other retailers is negligible.

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## NOT THE 'FULL' RETAIL OFFER

- 6.14 Lidl stores also differ from other convenience retailers by not offering any of the following products or services in-store:
- Fresh meat counter
  - Fresh fish counter
  - Delicatessen/cheese counter
  - Hot food counter
  - Pharmacy
  - Dry-cleaning service
  - Post Office services
  - Photographic shop
  - Mobile phone shop
  - Café/restaurant
- 6.15 Lidl does not offer any of the above products/services because these do not fit with the company's retail concept and business model. Lidl has a successful, proven format that works, and there is no intention to change it. The introduction of any of the above could have an adverse impact on the prices offered to customers.
- 6.16 As a consequence of the Lidl business model, its customers tend to purchase part of their main grocery shop (i.e. basic staples) in store, taking advantage of the low prices, but then visit other retailers to purchase luxury food or more specialist items. This, combined with the fact that Lidl does not offer the products and services listed above that are found in many of the main convenience retailers as well as smaller local independents, means that its stores complement existing retail provision, while providing additional opportunity and choice for shoppers.

## SHORTER TRADING HOURS

- 6.17 The standard opening hours for Lidl stores are also more limited than the main convenience retailers, as well as smaller independent convenience retailers. Generally, Lidl stores open for a core period of between 08.00-22.00 Monday to Sunday (including Bank Holidays).
- 6.18 The standard opening hours of Lidl stores are therefore more limited in comparison to the 24 hour convenience superstores format or - at the opposite end of the spectrum - to the smaller convenience or 'c' store format. This is another factor underlining Lidl's distinct operation which hence the limited overlap with the operation of other convenience retailers.

## STORE FORMAT

- 6.19 Lidl has an established store format that is integral to the success of its business model. The typical store size required by Lidl to meet its operational requirements is between 1,800 and 2,500 sq. m gross external area. This equates to a net sales area of between approximately 1,150 sq. m to 1,400 sq.m gross internal area.
- 6.20 There are a number of reasons why this size of store is required. Lidl stores stock a limited number of products compared to other retailers, as space is required in the sale area for non-food specials, which can be bulky items. Furthermore, the market position of Lidl as a 'deep discounter' is dictated by its ability to cut costs throughout the business. In order to do so, all products are displayed from the original pallets or boxes on/in which they were



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delivered to the store. This minimises the costs associated with manual handling by removing the need to break pallets down and stack them on shelves. A significantly smaller sales area would therefore reduce the number of products that could be displayed.

- 6.21 A single level store of this scale allows for pallets to be easily moved directly from the delivery bay and placed in the sales area. This cannot be achieved in the same way in smaller stores, resulting in the need to break pallets down and stack more products on shelves, which consequently increases staff costs. This therefore makes it more difficult for Lidl to pass cost savings on to its customers, thereby impacting on its ability to deliver the benefits of discount retailing.
- 6.22 In addition, the standard store format has been purposefully designed in order to provide mobility impaired customers, the elderly and those with small children, space to move through the store easily. Also by placing bulky products on the sales floor, Lidl ensure easy access to these items for all customers.

### LOCAL CATCHMENT

- 6.23 Lidl stores serve a relatively compact catchment area and are intended to provide a local shopping facility. The locational strategy of Lidl is for stores in urban areas, to serve an area that typically equates to a 0-5 minute drive-time of the site. Because of its limited offer, people do not tend to travel long distances to shop at Lidl.
- 6.24 As stated above, many customers use Lidl stores to purchase part of their main grocery shop (i.e. basic staples), taking advantage of the low prices, but to then visit other retailers to purchase luxury food or more specialist items that are not offered at Lidl (e.g. fresh fish). In addition, many Lidl customers also continue to visit smaller independent convenience stores in close proximity to their homes for top-up/basket shopping (i.e. buying a pint of milk or a loaf of bread) as well as to use services that are not provided by Lidl (e.g. dry cleaning, Post Office etc.).

### EMPLOYMENT OPPORTUNITIES

- 6.25 The proposed Lidl store will employ up to 40 full staff in store. Lidl has a policy of employing local people from all backgrounds to work in their stores. This allows for a short commute to work and for staff to potentially work at short notice. The company is an equal opportunities employer with a strong social inclusion policy. The following extract is taken from Lidl's employee handbook, which sets out the company's equal opportunities stance

*"Lidl is an equal opportunities employer. We wish to ensure that employees are treated, trained and promoted, and job applicants are selected on the basis of their respective skills, talents, performance and experience, without reference to their sex, marital status, race, colour, nationality, ethnic origin or disability. Whilst the company strives to realise these principles, it is your responsibility to ensure that they are applied in practice. We will not tolerate any form of harassment and we will seek to ensure that your working environment is free from prejudice. Harassment at work is unlawful."*

- 6.26 Lidl offer many different career paths and opportunities within the retail sector. These include managerial and administrative positions in addition to positions such as store assistants and cashiers. The company also runs comprehensive management development and training programmes, enhancing skills of staff and maximising staff retention.

- 6.27 When setting up a new store, Lidl will bring in a manager from another store that ideally has links with the area. This is vital to provide the necessary experience and leadership during the training period of the new store staff. It is then the responsibility of the store manager and district manager to recruit and train the necessary numbers of staff prior to store opening. New staffs are recruited from the local community using a variety of methods, including local newspaper advertisements, Job Centre advertisements and open days.

## DELIVERIES

- 6.28 Lidl products are purchased throughout the UK and Europe and then packaged and distributed directly to the relevant Regional Distribution Centre (RDC), of which there are currently 10 in the UK, for onward distribution to its stores across the UK. The nearest RDC to Crompton Way is located at Holytown near Eurocentral in North Lanarkshire.
- 6.29 Lidl are mindful of the need to minimise any disturbance to neighbouring residents and landowners. To assist in achieving this, each store has only one or two dedicated deliveries per day. This provides all the necessary products for the store, including frozen and chilled goods, which are carried using individual temperature controlled units that can be loaded on to the vehicle. This ensures minimum disruption by removing the need for noisy air conditioning units on the vehicle.
- 6.30 During deliveries, it is company policy that vehicle engines are switched off to reduce noise and disturbance. New stores (such as that proposed) also feature graded ramps in the delivery bay and manual dock levellers, negating the need for noisy scissor or tail lifts. The total unloading time for deliveries is approximately 45 minutes.

## SUSTAINABILITY MEASURES

- 6.31 Lidl implement a variety of measures to minimise the environmental impact of its stores and to contribute toward sustainability objectives, including:
- Limiting deliveries to a maximum of two per day. Delivery vehicles are also used to remove waste from the store on their return journey to the RDC where the waste/recyclable material is sorted and managed centrally. This also helps to reduce vehicle trips and emissions.
  - Lidl lead the sector in terms recycling and waste to landfill reduction by recycling all paper/cardboard and plastic waste produced by the store. This means that over 80% of all waste produced in store is recycled.
  - Lidl stores include highly efficient condensing boilers, which recover waste heat from the combustion process. All heating is regulated by sensors.
  - Lidl stores use a manual dock leveller for deliveries, reducing noise emissions and energy use.
  - All Lidl stores are fitted with a 'Building Management System' incorporating movement sensors, Lux meters and thermostatic controls. This ensures that the back of house areas of the store are only lit when people are using them, that external lighting is only used when required and that the temperatures of the various areas within store

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are maintained at the correct levels. Energy efficient LED lighting is used and lighting within the sales area is cutback to one third before and after trading hours.

- Water consumption is carefully monitored and flow control devices and water meters are fitted in all stores.
  - Car park lighting is designed in accordance with Lidl's 'Dark Sky' policy with light fittings carefully specified in order to keep light spill beyond the site boundary to a minimum, with Lux and timer controls fitted.
- 6.32 Lidl also produce and implement Travel Plans to promote sustainable transport choices.
- 6.33 Lidl communicate to staff and customers on a continual basis and encourage all stakeholders to implement environmentally friendly practices where possible.

#### SECURE BY DESIGN AND THE EQUALITY ACT 2010

- 6.34 Lidl design their stores and sites to minimise anti-social behaviour and crime. Lidl provide open and well-lit schemes to deter criminal activity. Lidl will, if required, fit CCTV internally and/or externally to ensure the safety of staff, customers and property.
- 6.35 Lidl provides its customers with disabled car parking spaces that comply with the latest Equality Act Regulations, ensuring infirm or wheelchair bound customers can manoeuvre as simply as possible. Lidl car parks are designed with the customer in mind to ensure that cars can pass easily into and around the car park. Disabled and parent and child spaces are positioned near the store entrance, in order to provide shorter walking distances from cars to the store.

#### SUMMARY

- 6.36 The key trading characteristics that distinguish Lidl from the mainstream convenience retailers and smaller independent retailers are therefore as follows:
1. **Restricted number of product lines** - Lidl is not a one stop shop and sells a limited range of predominantly own brand goods, with customers visiting other stores for branded or luxury goods.
  1. **Not the full retail offer** - Lidl provides a limited range of comparison goods 'non-food specials' which are sold on a constantly changing basis which ensures that any impact of other retailers is not constant and is limited. Lidl stores do not offer the range of services provided by the mainstream food retailers or smaller independent stores.
  2. **Small store size and localised catchment** - Lidl provide neighbourhood scale stores which do not draw customers from a wide area.
  3. **Shorter trading hours** - Lidl stores are not open 'all hours' and so there is limited overlap with mainstream food retailers and local convenience stores.
- 6.37 The above factors ensure that the trading impacts of new Lidl stores on existing retailers and centres are necessarily limited.





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## 7 PLANNING POLICY

7.1 This section will outline the development plan policy which is relevant to the subject site and proposed development.

7.2 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 requires the determination of a planning application must be made in accordance with the development plan, unless material considerations indicate otherwise.

7.3 The current development plan is the North Ayrshire Local Development Plan (2014) ('LDP').

### NORTH AYRSHIRE LOCAL DEVELOPMENT PLAN (2014)

#### Site Allocation

7.4 The LDP (2014) identifies this site as a 'Mixed Use Employment Area' (Policy IND5) and as an 'Additional Housing' Site (RES2). The western edge of the site beside Stanecastle Roundabout is allocated as 'Open Space'.

#### Relevant LDP Policies

7.5 **LDP Policy: General Policy** will be applied to all proposed development and provide numerous general criteria. This includes:

- a) Sitting, Design and External Appearance;
- b) Amenity;
- c) Landscape Character;
- d) Access, Road Layout, Parking Provision;
- e) Safeguarding Zones;
- f) The Precautionary Principle;
- g) Infrastructure and Developer Contributions;
- h) 'Natura 2000 ' Sites;
- i) Waste Management

7.6 **LDP Policy TC1: Town Centres** notes that areas identified on the LDP map as Town Centres, excluding Core Shopping Areas, development comprising Classes 1, 2, 3, 4, 7, 9, 10 and 11, and hot food takeaways, amusement arcades, public houses, theatres and flats shall accord with the LDP.

7.7 **LDP Policy TC2: Core Shopping Areas** notes that within the areas identified on the LDP Map as Core Shopping Areas, development comprising Classes 1, 2 and 3, and hot food takeaways, amusement arcades, public houses and flats above ground floor level shall accord with the LDP.

7.8 **LDP Policy TC3: Commercial Centres** notes that Uses in the allocated Commercial Centres will be restricted as follows:

- (a) Comparison goods, secondary convenience goods and ancillary other commercial development at Riverway Retail Park and Lamont Drive in accordance with the note below;
- (b) Comparison goods retailing at the East Road Retail Park, with commercial leisure uses also acceptable for expansion of the Retail Park; and

- (c) Bulky goods comparison retailing at Hawkhill, Stevenston. For the avoidance of doubt proposals in accordance with the retail goods categories specified in this policy will also need to comply with Policy TC 4: Edge of Centre/Out of Centre Development. In the case of the Riverway Retail Park, this particularly applies to convenience retailing which should remain a secondary function to the primary function of the park as a comparison goods retail park, and to any other ancillary commercial development which may be considered appropriate. These uses are considered to be more likely to undermine the function and character of the town centre

7.9 **LDP Policy TC4: Edge of Centre/Out of Centre Development** notes that proposals for new retail or commercial leisure development (including extensions to or redevelopment of existing premises) on sites located outwith the town centre boundaries identified on LDP Maps shall not accord with the LDP unless the following criteria can be satisfied:

- (a) the development comprises local shops permitted in terms of Policy TC5; or
- (b) that the proposal site has been selected after sequential assessment of available and suitable sites/premises (or which can reasonably be made available or suitable) in the following order (1) sites within the town centre (2) sites within edge of centre locations (3) other sites designated on the proposals map as commercial centres, with each alternative sequentially preferable option being discounted for demonstrable reasons; and
- (c) that the development would not adversely affect, either on its own or in association with other built or consented developments, the vitality and viability of the town centre; and
- (d) the development would tackle deficiencies (the nature of which shall require to be described and quantified) in qualitative or quantitative terms which cannot be otherwise met in the town centre; and
- (e) the development is well located in relation to access by public transport, cycle routes and on foot. For the avoidance of doubt, the above policy shall apply to all retail and commercial leisure development proposals within Commercial Centre allocations, which do not form part of defined town centres. Where commercial centres are in edge of centre locations, this will be sequentially preferable to other commercial centres. Applicants may be required to submit a proportionate retail impact assessment and undertake a town centre health check in order to demonstrate compliance with the above criteria. This will depend on the scale of the proposal and will be at the discretion of the Council.

7.10 **LDP Policy RES2: Additional Housing Sites** notes that the sites identified in Table 1 and on the LDP Maps are allocated for market housing to meet the identified housing requirement to 2025. Sites will require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the site's development. Indicative requirements are set out within the Action Programme. The site, subject of this application, falls under Site 2: North Newmoor which was allocated an indicative capacity of 300 homes.

7.11 **LDP Policy IND 5: Mixed Use Employment Areas** notes that sites allocated with this designation must demonstrate an element of retained employment use, the nature of which will be negotiated on a site by site basis with reference to a business plan.

7.12 **LDP Policy ENV 12: Development of Open Space** notes that development on allocated land shall not accord with the LDP unless the following criteria can be met, *inter alia*:

- Where the proposed development is for a use other than outdoor recreational or physical activity purposes, it will not set an undesirable precedent for further incremental loss of open space;
- The proposed development will not unacceptably impact upon the recreational and/or amenity value of any area of active or passive open space when considered in relation to the overall level of provision in the local area; and
- Where the loss of open space has a material effect on the quality, function or playing capacity of a facility, alternative provision of similar or improved community benefit and accessibility will be made available in a location which is convenient for its users.

7.13 **Policy PI1: Walking, Cycling & Public Transport** notes that all development proposals which will generate significant trip generation shall require to demonstrate that account has been taken of the needs of walkers, cyclists and public transport users by demonstrating, *inter alia*, that:

- a) the proposals reflect the principles of “Designing Streets” where applicable;
- b) at an early design stage, consideration has been given to likely desire routes (public transport nodes, schools, town centres etc.) which shall inform the design of the development;
- c) connectivity is maximised within and to the development site by providing direct routes to wider path networks where possible
- d) any paths through the site are clearly signposted, well lit and where possible overlooked; and
- e) secure cycle parking of a proportionate scale, in a visible and accessible location, is provided where the development will be used by a significant volume of visitors (including employees). Changing and shower facilities should also be provided where appropriate;

7.14 The policy continues by noting that a Transport Assessment may be required where development will involve significant trip generation.

7.15 **Policy PI3: Parking** notes that the development of new car parking facility is supported subject to other policies within the LDP.

7.16 **Policy PI4: Core Path Network** notes Development proposals impacting on an area occupied by a Core Path route, Right of Way, or other important route, must incorporate this route within the layout of the site, or alternatively agree a diversion route with the Council, as Access Authority. Development within close proximity to the Core Path network should provide suitable links to the Core Path network where appropriate.

7.17 **Policy PI8: Drainage, SUDS & Flooding** provides guidance and policy for Drainage, SUDS, Flooding. It states that development on areas identified as at or greater than 0.5% risk of flooding annually 76 (0.1% for essential civil infrastructure) on flood risk plans, or on areas of known or suspected incidences of flooding, shall not accord with the LDP, unless the following criteria can be satisfied:

- a) a Flood Risk Assessment, completed to the satisfaction of the Council’s Flood Risk Management Section, has been submitted;
- (b) the ability of any functional floodplain to store and convey water will not be impaired;

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(c) the development will not increase the risk of flooding elsewhere or materially increase the number of buildings at risk of being damaged by flooding; AND

(d) the risk of flooding to the development itself can be mitigated satisfactorily (i.e. through an existing or planned flood protection scheme); OR

(e) where flood risk cannot be satisfactorily mitigated, the development has an operating requirement that makes the location essential (e.g. for emergency services coverage, agriculture related use, water based activity) and will be capable of remaining operational and accessible during extreme flooding events.

7.18 **Policy PI13: Carbon Emission and New Buildings** notes that All new buildings must reduce their carbon dioxide emissions above or in line with building standards through appropriately designed:

- On-site low or zero carbon generating technologies (LZCGTs); and/or
- Passive/operational energy efficiency measures.



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## 8 MATERIAL PLANNING CONSIDERATIONS

8.1 As noted at the beginning of Section 7 of this Supporting Planning Statement, all planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 Whilst many factors are capable of being a material planning considerations, we consider the following material considerations are the most relevant:

- Scottish Planning Policy (SPP) (2014)
- Proposed North Ayrshire Local Development Plan 2 ('PLDP2') (2018)

### SCOTTISH PLANNING POLICY (2014)

8.3 Published in June 2014, Scottish Planning Policy ('SPP') establishes planning policies which reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land.

8.4 SPP provides that the presumption in favour of development that contributes towards sustainable development is a material consideration in all planning applications.

8.5 Specifically:

*"the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term" (Paragraph 28).*

8.6 Paragraph 29 notes that development should be guided by the following principles, *inter alia*:

- *giving due weight to net economic benefit;*
- *responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*
- *supporting good design and the six qualities of successful places;*
- *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;*
- *supporting delivery of accessible housing, business, retailing and leisure development;*
- *protecting, enhancing and promoting access to cultural heritage, including the historic environment; and*
- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.*

8.7 Importantly, Paragraph 40 requires decisions to be guided by a number of principles including: *"considering the re-use or redevelopment of brownfield land before new development takes place on greenfield sites"*.

8.8 Paragraphs 41-46 of SPP note that development should demonstrate the six qualities of successful place:

- *Distinctive;*
- *Safe and Pleasant;*

- Welcoming;
- Adaptable;
- Resource Efficient; and
- Easy to Move Around and Beyond

8.9 SPP discusses town centre and retailing matters. Specifically, paragraph 68 details the sequential approach which should be adopted by local planning authorities:

*“Development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:*

- *town centres (including city centres and local centres);*
- *edge of town centre;*
- *other commercial centres identified in the development plan; and*
- *out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.”*

8.10 Moreover, paragraph 69 notes that flexibility and realism should be used when applying the sequential approach to ensure different uses are developed in the most appropriate locations.

8.11 Paragraph 71 notes that local planning authorities should apply a sequential test to planning applications for main town centre uses (including retail) that are not in an existing centre and are not in accordance with an up-to-date local plan. The sequential test will require development for main town centre uses to be located in town centres, followed by edge-of-centre locations and only if suitable sites are not available will out-of-centre sites be considered. When considering edge-of-centre and out-of-centre proposals, SPP confirms that preference should be given to accessible sites that are well connected to a centre. Where a retail and leisure development with a gross floorspace over 2,500 sq.m. is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken.

8.12 Paragraph 72 notes that applicants and planning authorities, where possible, should agree a scope for undertaking an impact assessment.

8.13 Paragraph 73 notes that out-of-centre locations should only be considered for uses which generate significant footfall where:

- *all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;*
- *the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;*
- *the proposal will help to meet qualitative or quantitative deficiencies; and*
- *there will be no significant adverse effect on the vitality and viability of existing town centres.*

- 8.14 Paragraphs 270-274 of SPP advise that the transport system should be balanced in favour of schemes that promote sustainable transport modes, to provide people with a real choice about how they travel. The document advises that encouragement should be given to development solutions which support reductions in greenhouse gas emissions and reduce congestion. Local Planning Authorities should therefore support schemes that seek to encourage and facilitate the use of sustainable modes of transport.
- 8.15 All developments that generate a significant amount of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:
- Opportunities for sustainable transport modes have been taken up depending on the nature and location of the site;
  - Safe and suitable access to the sites can be achieved for all people; and
  - Whether improvements can be undertaken within the transport network that effectively limits any significant impact of the development. Development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.
- 8.16 SPP guidance on travel plans, transport assessments and statements in decision-taking identifies that the documents are required (as appropriate) for all developments which generate significant amounts of movements.

#### PROPOSED NORTH AYRSHIRE LOCAL DEVELOPMENT PLAN (2018)

- 8.17 NAC approved the PLDP2 in April 2018 for public consultation. This has now ended and the PLDP2 was sent to Scottish Ministers for Examination on 9<sup>th</sup> October 2018. The Reporter's published their Report of Examination on 10<sup>th</sup> July 2019 with their proposed modifications. On 17<sup>th</sup> September 2019 NAC Local Development Plan Committee approved the PLDP2 for submission to the Scottish Ministers for adoption.
- 8.18 The PLDP2 provides an up-to-date reflection of NAC planning policy position and therefore has significant weight in the determination of planning applications.

#### Site Allocation

- 8.19 The North Ayrshire PLDP2 does not provide any site specific allocation. However, it does note that the site is in a 'General Urban Area: Irvine'. The eastern most portion of the site is (the grass embankment beside Stanecastle Roundabout) is allocated as 'Open Space'.

#### LDP Policies

- 8.20 **Strategic Policy 1 (Spatial Strategy)** is split into a number of sub sections which are relevant to this proposal including:

**Towns and Villages Objective** - Towns and villages are where most of homes, jobs, community facilities, shops and services are located. NAC will support communities, businesses and protect our natural environment by directing new development to towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

This objective also notes that development proposals will be supported in towns and villages that, *inter alia*:

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- Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living;
  - Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living;
  - Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver regeneration of vacant and derelict land.
- 8.21 **Strategic Policy 2 (Placemaking)** notes that all development proposals will be judged against the Six Qualities of Successful Place.
- 8.22 **Policy 3: Town Centres and Retail** noted that development that has the potential to generate footfall will be assessed against a town centre sequential approach. This includes retail use. Location will be considered, and a reasoned justification given for discounting them, in the following order of preference:
- *Town centres (as defined in Strategic Policy 1)*
  - *Edge of town centre*
  - *Other commercial centres (as defined above)*
  - *Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.*
- 8.23 The policy notes that a flexible and realistic approach will be taken with the sequential approach to ensure that different uses are developed in the most appropriate locations.
- 8.24 **Policy 18: Forestry, Woodland, Trees and Hedgerows** notes that 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 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.
- 8.25 **Policy 19: Developments Involving Open Space** notes that developments involving the loss of open space will only be supported where they accord with the Council's Open Space Strategy and in the following exceptional circumstances:
- The open space is of limited amenity and/or recreational value and does not form part of a recognised upgrading/improvement scheme or strategy; or
  - a minor part of a larger area of functional open space and the development would not harm or undermine the function of the main site; or
  - a minor part of the wider provision of open space and its loss would not result in a significant deficiency of open space provision within the immediate area; or
  - the development would result in a local benefit in terms of either alternative equivalent provision being made or improvement to an existing public park or other local open space; or
  - significant benefits to the wider community which outweigh the loss of open space



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- 8.26 **Policy 23: Flood Risk Management** notes that development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans will be supported. Generally development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings (such as those on stilts) will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.
- 8.27 **Policy 27: Sustainable Transport and Active Travel** notes that development will be supported if it meets the following criteria including, *inter alia*:
- contributes to an integrated transport network that supports long term sustainability;
  - reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities;
  - provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel;
  - 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;
  - 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; and
  - 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.

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## 9 RETAIL ASSESSMENT

- 9.1 This section sets out the applicant's approach to the sequential and impact assessments, taking into consideration the requirements of SPP and Policy TC4 the LDP.

### SEQUENTIAL SITE ASSESSMENT

- 9.2 This site at Crompton Way, Stanecastle Roundabout, Irvine, is located in an 'out-of-centre' in policy terms with regards to Irvine Town Centre.
- 9.3 As outlined in Section 8, SPP, the LDP and the PLDP2 all require that out-of-centre retail proposals of a certain scale should undertake a sequential assessment. This should demonstrate why the proposed retail use cannot be accommodated in a more central location. Policy TC4 sets out the hierarchy of locations to assess in the search for potentially sequentially preferable sites:
- Sites within the town centre;
  - Sites within edge of centre locations; and
  - Other sites designated on the proposals map as commercial centres,
- 9.4 The sequential assessment of sites should consider their suitability and availability to accommodate the proposed development.
- 9.5 Importantly, Policy TC4 of the LDP notes that where commercial centres are located in edge-of-centre locations, these will be sequentially preferable to other commercial centres.
- 9.6 On this basis we have considered the following locations in our sequential assessment which are also listed in order of priority:
- Irvine Town Centre and Core Shopping Area
  - Edge-Of-Centre Sites
  - Riverway Retail Park/Lamont Drive and East Road Retail Park
- 9.7 To identifying any other potentially sequentially preferable sites, we undertook the following:
- A review of North Ayrshire Council Development Plan Documents;
  - A search of relevant online property databases including: CoStar, EGI, Focus; and
  - A site visit to establish and understand any opportunities 'on the ground'.
- 9.8 In line with Paragraph 73 of SPP and to ensure a robust assessment of the availability or suitability of other potential sites, physical site visits together with desktop appraisal was undertaken.
- ### Catchment Area
- 9.9 Policies TC1-TC7 of the LDP provide the retail suite of planning policies for North Ayrshire.
- 9.10 Typically, any centre located within the catchment area of a proposed store should be assessed for sequentially preferable sites. As set out in Section 6 of this statement, Lidl stores typically serve a relatively compact catchment area that provides as it provides a local shopping facility. Typically this equates to a 0 - 5 minute drive-time from the store. However, in this instance, an 8 minute drive-time has been utilised with regard to the surrounding context. A catchment plan for the proposal is attached at Appendix 1.

- 9.11 Drawing on this approach, the applicant has undertaken a sequential site assessment appropriate to the proposal's catchment area and the policies of the LDP.

#### Considering Suitability and Availability

- 9.12 The key principle in SPP, which this report emphasises, is that in assessing alternative sites, they need to be **suitable or available**.
- 9.13 In searching and assessing other sites and their suitability, it is necessary to make reference to *Lidl UK GmbH v North Ayrshire Council and Scottish Ministers (2006)*. In this case, Lord Glennie confirmed that, in the application of the approach, regard should be had to the identification of sites or premises capable of accommodating the proposed development and that it is not appropriate for the decision maker to seek to change the type of development in order to make it fit other sites or premises. In this decision, Lord Glennie stated: *"the question is whether the alternative town centre site, in this case the existing Lidl site, is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit into the alternative site"*.
- 9.14 This matter was also endorsed by judges in the case of *Tesco Stores Ltd v Dundee City Council (2012)*. This case dealt with the issue of identifying whether or not a proposed site can fit within the suggested alternative site. In the Supreme Court, Lord Reed considered the extent to which the approach of the developer or operator should be flexible and realistic in the assessment of the suitability of alternatives.
- 9.15 In this case, the Lords stated:
- *"The question remains whether an alternative site is suitable for the proposed development not whether proposed development can be altered or reduced so that it can be made to fit in alternative site; and*
  - *"The issue of suitability is directed at the developer's proposal's, not some alternative scheme which might be suggested...these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest in doing so"*
- 9.16 The Supreme Court's position frames our considerations of alternative sites and therefore what is required in this instance is a site capable of accommodating the proposed store and associated car parking.
- 9.17 The suitability of alternative sites is not restricted to just the size of alternative sites/existing premises, it is also necessary to take into account other key factors that are directly relevant to the operation of this convenience sector including a location to a core residential catchment, good accessibility, prominent site frontage and use compatibility. This represents the 'real world' trading characteristics of discount or 'LAD' convenience retailers.
- 9.18 Therefore the sequential approach must have regard to the broad form of development including the associated operational and commercial requirements - in this case a discount foodstore operator as detailed in Section 6.
- 9.19 It is also important to note that there is no requirement under the sequential approach to consider other sites within the same sequential category as the proposed site. This was confirmed by Lord Malcolm in his judgement of the *Tesco Stores V Highland Council*. Thus, as the application site at Crompton Way is classified as an out-of-centre location, there is no reason to consider other out-of-centre sites within the settlement.

#### Site Search Parameters

9.20 In light of the above, in assessing alternative sites a number of factors/requirements, we have adopted the following search parameters which set out the minimum requirements for the application proposal:

- A site that can accommodate a discount foodstore suitable for occupation by Lidl with a minimum gross external floor space of 1,500 sq. m to allow for provision of enhanced consumer choice based on a full product range offer;
- A site which is a minimum of 0.6ha in size and can provide sufficient car parking for staff and visitors;
- A site that can allow for the safe manoeuvring of customer vehicles and delivery vehicles on site;
- A prominent site which serves the intended catchment of Irvine and with the ability to attract passing trade;
- A site that is easily accessible by a choice of means of transport;
- A site that is able to offer benefits to its customers, including adjacent surface level car parking, so that customers can easily transfer goods to their vehicles;
- Provision of a dedicated service area to the rear of the store, including the ability to accommodate HGV's; and
- A single storey, open and unrestricted sales floor area which benefits from a level/flat topography, or which has the ability to be developed as such.

9.21 As set out in Section 6 of this Statement, it has been accepted by the Secretary of State and Planning Inspectors in England that a single level retail operation is essential to the trading format of LAD discounters and therefore the footprint of the store cannot be reduced though a multi- level operation without the discount format being lost. Furthermore, the size of a proposed store and accordingly its site area is predicated on the ability for a store to provide its full range of products which provide enhanced consumer choice and provision in terms of goods and price.

9.22 The importance of the above parameters cannot be over-emphasised. Lidl previously operated out of a retail unit within Riverway Retail Park, to secure a presence within the Irvine catchment. However this had to cease trading due to the inefficient and unviable operation of the sub-standard retail unit which fell some way below the minimum requirements. Therefore, to secure a site which provides a sustainable basis for Lidl to operate is essential. This means that it must meet at least the minimum requirements outlined above to ensure its viable operation.

9.23 Whilst we have sought to agree the full scope of the retail assessment with NAC, this has not been possible due to lack of capacity. We have therefore advanced the assessment on the basis outlined above, which has been accepted by numerous Local Planning Authorities in Scotland in relation to similar proposals.

9.24 We provide a summary below of the sites that we have considered as part of the sequential assessment. A full assessment is provided in Appendix 2.

#### **Irvine town Centre and Core Shopping Area (LDP Policy TC1 & TC2)**

9.25 The town centre of Irvine comprises of the Rivergate Shopping Centre (which is built over the River Irvine). This eastwards and comprises of the traditional high street area (Bridgeway, High Street, and Eglinton Street) as well as NAC Offices and the Asda supermarket to the west.



- 9.26 Following our site visit to the town centre on 3<sup>rd</sup> December 2018, we observed that the centre primarily consists of traditional small shop units containing a mixture of retail, commercial, café/restaurants, residential uses.
- 9.27 Our assessment of potential vacant shop units and sites is shown in Appendix 2. However as noted, there are no sites or existing vacant shop units in Irvine Town Centre which are capable of accommodating the proposed Lidl store on the basis of the criteria specified above. Indeed, the vast majority of opportunities fall well below the specified requirements necessary to accommodate a LAD convenience retailer.
- 9.28 Another review of the town centre in July 2019, has confirmed that there are still no suitable properties to accommodate the proposed Lidl foodstore.
- 9.29 **Verdict: On reviewing the town centre, we consider that there are no vacant units/sites within the boundary that are suitable or available to accommodate the proposed development.**

#### **Riverway Retail Park & Lamont Drive Commercial Centre (LDP Policy TC3(a))**

- 9.30 Riverway Retail Park and Lamont Drive Commercial Centre is located immediately south of Irvine Town Centre and Rivergate Shopping Centre which denotes the boundary of the town centre. This area extends southwards to include Tesco Superstore and the other retail units beside Riverway; Sainsbury's to the west of Ayr Road; and the grouping of Farmfoods, B&M and XS Stock to the east of Ayr Road.
- 9.31 A visit was undertaken on the 3<sup>rd</sup> December 2018 and found that only one unit is available to let, Unit 9B. This is located directly beside the new Taco Bell restaurant which is due to opened in December 2018. At only 158 sq.m, this is substantially below Lidl's requirements. All other units are in active use and no other sites or buildings could be identified.
- 9.32 A search of this area in May 2019, confirms that Unit 9b is still available for let. Furthermore, the Frankie and Benny's restaurant is also now closed. This is located adjacent to the Taco Bell Restaurant. It has to be assumed that this is available; however, it is not suitable for development. The approximate site area is 0.07ha meaning it is too small, and it would not meet the other site requirements as listed earlier in this section.
- 9.33 **Verdict: On, this basis we consider that the vacant unit located within the Riverway Retail Park & Lamont Drive Commercial Centre is unsuitable to accommodate the development proposed by this application; and there are no other opportunities present.**

#### **East Road Retail Park (LDP Policy TC3)**

- 9.34 East Road Retail Park bounds Irvine Town Centre's northern boundary. Policy TC3 of the LDP stipulates that comparison goods retailing are allowed in this located. Argos, Halfords, Aldi, Boots, Barnardo's and Dominoes Pizza all occupy units within the retail park currently; as well as Creepy Crawlies Soft Play. A new car park has been built by North Ayrshire Council to behind the Aldi footsore (Caledonian Car Park).
- 9.35 The Retail Park is of a modest size and is fairly self-contained with one access road coming from East Road.
- 9.36 This site was visited on the 3<sup>rd</sup> December 2018 and noted that the retail park benefits from full occupancy with no vacancies. As a very self-contained designation, it is clear that there are no sites available within the retail park.
- 9.37 The Caledonian Car Park has just been recently opened and is intended as additional car parking in this location. We also note that a previous application for retail use on this site

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was refused, and therefore it is clearly intended to remain in use as a car park. In any case, the car park only extends to approximately 0.12ha in size, and is therefore well below Lidl's operational requirements.

9.38 A review of East Road Retail Park in May 2019, has confirmed that there are still no available or suitable premises to accommodate the proposed Lidl foodstore.

9.39 **Verdict:** It is considered that there is no availability in this retail park for the proposed Lidl foodstore. There are no suitable or available sites within East Road Retail Park to accommodate the proposed Lidl foodstore.

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### Supplementary Sequential Site Assessment

9.40 Following further discussions with NAC planning officers during the determination of planning application reference 19/00050/PP, a further sequential analysis has been undertaken focusing on a number of potential development sites. These are:

- The Former Ayrshire Metals Site (beside Victoria Roundabout);
- Montgomerie Park; and
- The Forum Shopping Centre.

9.41 We have duly assessed these sites and our assessment is shown in Appendix 2.

9.42 In summary, we have concluded that these sites are:

- Not suitable or available; and/or
- Are not sequentially preferable to the application site.

### Summary

9.43 In conclusion, the sequential site assessment has evidenced that there are no suitable or available sites, which are sequentially preferable sites to the application proposal. We therefore conclude that the proposal is fully compliant with SPP and the requirements of Policy TC4(b) of the adopted LDP.

### RETAIL IMPACT ASSESSMENT

9.44 SPP notes that retail proposals outside an existing centre should be assessed according to their impact (if any) on existing centres. Impact assessments should be undertaken to support all proposals over 2,500 sq.m where it is not located within an existing centre and not in accordance with an up-to-date development plan.

9.45 As previously mentioned, Policy TC4 of the adopted LDP requires that all proposals for retail development in out-of-centre locations that the viability and vitality of existing centres will not be adversely affected.

9.46 In this instance, the proposal consists of a new Class 1 discount store of 1,996 sq.m gross area and a net sales area of 1,257 sq.m, which is under the SPP threshold. However, in line with Policy TC4 of the LDP, a full retail impact assessment has been prepared.

9.47 Specifically, Paragraph 73 of SPP states that out-of-centre locations should only be considered for uses which generate significantly footfall where:

- The proposal will help to meet qualitative or quantitative deficiencies; and
- There will be no significant adverse effect on the vitality and viability of existing town centres.

9.48 LDP Policy TC4 makes similar provisions for out-of-centre retail development.

9.49 We demonstrate below how the application scheme is in full compliance of the proposed development with LDP Policy TC4 and the relevant provisions of the SPP.

### Proposed Retail Floorspace

9.50 The development proposed consists of a discount store for occupation by Lidl comprising of 1,996 sq.m. GEA and 1,257 sq.m. net sales area broken down between 1,006 sq.m convenience floorspace (80%) and 251 sq.m. comparison floorspace (20%).

### Catchment Area

- 9.51 Following an analysis of the settlement, it has been concluded that the proposed store will serve an 8 minute drive time core catchment. This encompasses Irvine Town Centre and the other commercial centres as defined in the LDP. The retail impact analysis has therefore been produced on this basis.

**IMPACT OF THE PROPOSAL UPON EXISTING, COMMITTED AND PLANNING PUBLIC AND PRIVATE INVESTMENT IN A CENTRE OR CENTRES IN THE CATCHMENT AREA OF THE PROPOSAL**

- 9.52 As set out above, the only identified Town Centre within the catchment area of the proposed store is Irvine.
- 9.53 There are no existing, committed, and planned public and private investment proposals that are considered the proposed development would impact upon.
- 9.54 Indeed, in this context, it is considered that the significant investment which will be made by Lidl, will assist in instilling investor confidence in Irvine. This in turn, should lead to further development and investment within the town, improving the vitality and viability of Irvine.
- 9.55 On this basis, the development is therefore considered to have no impact on any committed investment.

**THE PROPOSAL WILL HELP MEET QUALITATIVE OR QUANTITATIVE DEFICIENCIES**

- 9.56 The proposal seeks to create a new discount foodstore which will be occupied by Lidl. Lidl stores serve a relatively compact catchment area and are intended to provide a local shopping facility. The locational strategy of Lidl is for stores to serve an area that broadly equates to an up to 5 minute off-peak drive-time distance. This is because the relatively limited offer of LAD discounters means that people do not tend to travel long distances to shop. In this instance and based on the nature of the surrounding hinterland and other available discount foodstores, this has been extended up to an 8 minute off-peak drivetime catchment.
- 9.57 As is evident from the population figures within Appendix 3, there is a significant population within Irvine and its surrounding hinterland (approximately 42,000 people within the catchment). Furthermore, it should be noted that the population forecasts are based on ONS datasets which are based on past trends and which do not take into account planned development. Therefore in reality and reflecting the committed residential development in the pipeline, population growth within the catchment is likely to be greater over this period than the Experian forecast.
- 9.58 Currently, there is only one LAD discounter (Aldi within the East Road Commercial Centre) serving this substantial catchment. As we have identified in Section 6, the LAD retailer has been recognised as operating in a discrete market segment, separate to the operations of other mainstream retailers.
- 9.59 Typically, a single discount convenience store is intended to serve a population of approximately 15,000-20,000 people, reflecting its operational capacity and the likely associated consumer draw from within the catchment area. Consequently, a single discount foodstore serving the identified catchment is clearly insufficient to meet the consumer demand for this market sector. Indeed, currently this means the Aldi, East Road store is meeting less than half of the needs of the resident population within the catchment.
- 9.60 Therefore, there is a clear qualitative need for an additional LAD discount foodstore serving this under-represented catchment. Currently, a notable number of residents will be travelling out of the catchment (such as the Lidl store in Stevenston or Dalry) to meet their needs dependent on where they reside. Provision of a second discount foodstore will



therefore retain this expenditure more locally and will mean that the majority of residents in Irvine can satisfactorily access a LAD discount retailer.

9.61 Furthermore, the proposed store's location to the east of the A78, is closest to a significant and growing residential catchment to the north-east of Irvine. The 2017 population projections sourced from Experian (based on ONS projections) indicate that a total population of 18,388 reside east of the A78. Taking into account the per capita convenience expenditure (at 2017 sourced from Experian), this equates to a total available convenience expenditure of £45.36m just within this area of Irvine. It should also be noted that this is simply the available expenditure from the resident catchment and does not make any allowance for any inflow of expenditure from beyond the catchment.

9.62 As we have noted, it is likely that significant leakage from the Irvine catchment area is occurring owing to the limited LAD foodstore provision available locally. Even assuming just 25% (£11.34m) of this resident expenditure 'leaks' to other convenience retail destinations outside of the catchment area, this more than exceeds the total convenience turnover of the store (£9.71m). Thus it is evident that the application proposal will meet both a qualitative and quantitative deficiency that is not currently being met by the market.

9.63 On this basis we consider that the proposal is fully compliant with Paragraph 73 of SPP.

**THERE WILL BE NO SIGNIFICANT ADVERSE EFFECT ON THE VITALITY AND VIABILITY OF EXISTING TOWN CENTRES**

9.64 A quantitative impact assessment has been undertaken, underpinned by the latest Experian and Mintel data.

9.65 The estimated total turnover of the proposed store has been calculated using benchmark turnover figures within the Retail Impact Assessment Tables which are provided within Appendix 3. This identifies a total predicted turnover of £12.13m at 2017.

9.66 This turnover should be viewed in the context of available expenditure within the catchment area of the proposed development (£224.88m in 2017 in Table 5c of Appendix 3). Thus the total turnover of the store represents only 5% of the total available retail expenditure within the catchment.

9.67 **Table 1 of Appendix 3** confirms the population figures for the 8 minute drive time catchment area which the store will serve. At the point of submission, the population within this area is 42,151 in 2020, though it is forecast to marginally decline to 41,651 in 2025.

9.68 **Table 2** sets out the convenience expenditure per capita which is available within the catchment area. This has been derived from Experian Micro marketer at a 2017 base year. This figure is then projected forward utilising the appropriate levels of growth from the Experian Retail Planner Briefing Note 16 (December 2018) and also accounts for Special Forms of Trading (SFT).

9.69 Figures are provided for both 2019 (the anticipated year in which planning permission will be obtained) and 2025 (impact year). The adoption of 2025 for the quantitative assessment of impact assumes that planning permission for the development will be obtained in 2019 with completion of the development in 2020. Thus the store will have achieved a mature pattern of trading by that point.

9.70 **Table 3** sets out the available convenience expenditure within the catchment area, calculated via the figures set out within Tables 1 and 2. At 2025, this equates to £97.35m.

- 9.71 **Table 4** confirms the turnover of the proposed Lidl store development, utilising a benchmark turnover sourced from Mintel Retail Ranking databook (2019). As noted above, this equates to £12.13m. The same benchmark figure has been adopted for both the convenience and comparison elements of the proposed store.
- 9.72 **Table 5** provides a comparison between the proposed store's convenience turnover and then relative to the available convenience expenditure within the catchment area. This identifies that at 2025, the proposed store's convenience turnover will equate to £10.03m; just 10.3% of the total convenience expenditure within the catchment area. Consequently, this means that a further £87.31m of convenience expenditure from the catchment area remains available to be spent at other convenience destination both within and outside of the defined retail located in the wider surrounding area.
- 9.73 Of course it is unlikely that the store will draw all of its trade from within the catchment area alone. In reality there will be a proportion of 'inflow' from outside the catchment area which comprises a proportion of the total turnover of the store. Nevertheless, this exercise does illustrate that in the event that all of the store's trade did come from within the catchment area, it could easily be supported with over £87m of convenience retail expenditure still available.
- 9.74 **Table 6** provides a summary of the sales turnovers of various convenience stores within the catchment area at 2017, based on benchmark figures. These sales turnovers are then projected forward to 2025, taking account of predicted sales density growth.
- 9.75 Through this submission, with a view to assisting the Council in illustrating that the proposal is acceptable in retail planning terms, the applicant has also undertaken trade diversion analysis for the proposed development commensurate with the scale and nature of the development proposed
- 9.76 The applicant has had regard to the existing convenience retail provision within and around the 8 minute drive time catchment area for the proposed Lidl store, the role and function of these stores, and the areas from which they are likely to draw the majority of their trade.
- 9.77 As noted above, it is anticipated that the proposed Lidl will result in trade diversion which falls principally on other LAD discounters and mainstream foodstore destinations located within the 8 minute drive-time catchment area. To that end, **Table 7** provides a summary of the anticipated convenience retail trade diversion to the proposed Lidl store.
- 9.78 As is evident from **Table 7**, it is anticipated that the majority of trade will be diverted from the established main food stores or 'main supermarkets' in the catchment area. This principally includes, Asda - Irvine, Tesco - Riverway Retail Park, Sainsbury's - Riverway Retail Park, Aldi - East Road Commercial Centre and Morrisons on the edge of Stevenston. The rest of the trade diversion will be dispersed amongst a large number of stores and therefore will have a minimal impact on any individual store.
- 9.79 As noted above, given the proposal's location it is also appropriate to take into account that a proportion of the store's turnover will be derived from 'inflow' trade. In this context, it is anticipated that 15% of the store's turnover will be constitute 'inflow' trade from outside of the 8 minute drive time catchment area.

## CONVENIENCE RETAIL IMPACT

### Impact on Irvine Town Centre

- 9.80 It is important to note that out of the stores referred to in paragraph 9.77, only Asda falls within Irvine Town Centre and this is afforded policy protection. We therefore consider the convenience retail impact of the proposal on Asda as well as the town centre as a whole.
- 9.81 It is anticipated that £2.27m will be diverted from Asda to the Lidl store, leading to a forecast impact of 4.29%. This is not considered to be significantly adverse on Asda, given that the post-diversion turnover of Asda will still be £50.54m. This represents a healthy trading turnover for a store of this size, and is extremely unlikely to threaten the viability of the store. Furthermore, as we outline above Lidl is a limited assortment discounter and therefore shoppers at Lidl, will still need to visit large ‘all-category’ supermarkets to meet all of their needs. For this reason the forecast impact on Asda is likely to be overstated in reality.
- 9.82 Of course, the consideration whether the retail impact from a development proposal is significantly adverse, is based on the centre as a whole, as opposed to the impact upon any single retailer. Table 7 demonstrates that there will be a forecast 3.85% convenience retail impact on Irvine Town centre as a whole. As noted above, this substantially derives from trade diversion from the Asda store. The forecast impact on the Iceland store is predicted to be only 0.96% and 0.25% in terms of ‘other local stores’. This is clearly a minimal impact reflecting the limited degree of overlap between Iceland and Lidl. This conclusion similarly applies to the other local stores which serve very localised or specialist needs.
- 9.83 The overall convenience retail impact on Irvine is therefore not considered to be significantly adverse because:
- Any potential impact is spread across a number of stores and a range of retailers;
  - The good existing vitality and vitality of Irvine Town Centre, having regard to the various key indicators; and
  - In reality, the role and function of a Lidl store seeks to encourage linked trips to the town centre retailers, which isn’t captured in the forecast impact figures. The proposed Lidl store is in a well connected location with effective links to the Town Centre.
- 9.84 Overall, therefore, the convenience retail impact of the proposal on Irvine is not considered to be significantly adverse as the bulk of the trade diversion from the town centre will be from the Asda store which will continue to trade healthily after the proposed Lidl store has reached a mature trading pattern. The forecast trade diversion from Iceland and ‘other local stores’ will be minimal given the limited amount of overlap.
- 9.85 Furthermore, as there is no Lidl located currently located at Irvine, it is reasonable to assume that some residents are currently leaving the settlement to visit other Lidl stores in nearby towns. Indeed, from the public consultation exercise undertaken in advance of the planning application submission, it has become apparent that a significant number of shoppers from Irvine currently travel to the Lidl store located at Dalry and Stevenston. Therefore, it is anticipated that these residents will choose to shop more locally and will remain in Irvine to undertake their food shopping, as opposed to traveling further afield. This means that additional expenditure is likely to be ‘clawed back’ locally as a consequence of the new Lidl, with associated linked trips to other convenience retail destinations, including Irvine Town Centre.

#### Impact on other destinations outside of defined town centres

- 9.86 As noted above, the majority of convenience stores that the proposed development is predicted to divert trade from, fall outside of any defined town centre and are therefore not afforded any policy protection. Notwithstanding this, we set out the level of trade diversion to the proposed Lidl store from these destinations in Table 7. As is evident, the

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post-impact turnovers of these destinations following the trading of the proposed Lidl store, will remain healthy and substantial. It is therefore considered that the viability of these stores will not be threatened from the proposed store, despite them not having any policy protection. Indeed, as mentioned above, the proposed Lidl is likely to assist in ‘clawing back’ some expenditure lost to areas outside of the catchment area.

- 9.87 This conclusion is further supported by the operational nature of the proposed Lidl foodstore: it is of a smaller scale and diminutive turnover, relative to mainstream foodstores of the type operated by Tesco, Sainsbury’s Asda or Morrisons.

#### COMPARISON RETAIL IMPACT

- 9.88 In regard to the comparison turnover of the proposed Lidl store (£3.03m in 2025), it is deemed this will have a minimal impact on Irvine town centre. The limited level of comparison goods sold at Lidl stores tend to be purchased by customers who visit the store for convenience shopping purposes, as opposed to a comparison only visit. In any case, Lidl is not a comparison goods destination in its own right, given that items are typically sold on a ‘promotional’ basis, and effectively represent impulse purchases in association with the primary purpose of food shopping.

- 9.89 The majority of comparison expenditure is expected to be drawn from the main food stores (which have extensive comparable comparison goods), and other bulky goods retail destinations. On this basis, it is considered the comparison goods floorspace proposed by Lidl will not have a significant adverse impact on the vitality and viability of Irvine Town Centre.

#### CONCLUSION

- 9.90 This we conclude that the proposed Lidl foodstore will not lead to a significant adverse impact on the vitality of any designated retail centre.
- 9.91 The proposal will not have any significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal.
- 9.92 As we demonstrate in our healthcheck in Appendix 4 and Section 10, Irvine is a healthy town centre which performs well against the SPP key indicators. Having regard to this and the quantitative retail assessment, we conclude that the impact of the proposal on Irvine town centre’s vitality and viability, including local consumer choice and trade in the town centre and wider area, will not be significantly adverse.
- 9.93 Furthermore, the proposal will improve the range and choice of retail offer within the town of Irvine; whilst encouraging linked trips to the town centre.





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## 10 TOWN CENTRE HEALTHCHECK

- 10.1 We outline below a summary of our health check of Irvine Town Centre which is the only defined town centre within the catchment area. The full details of the health check are presented in Appendix 4
- 10.2 The following can be concluded from the healthcheck which was completed on the 3<sup>rd</sup> December 2018:
- Vacancy levels are below the national average;
  - There is a healthy mix of national and independent retailer provision;
  - The town centre can be easily accessed via a range of transport modes including active travel options and most of the car parks are free/restriction free;
  - The town centre has benefited from recent regeneration initiatives to improve the public realm, but some areas of the town could still be aesthetically improved;
  - The addition of the Portal leisure centre serves to increase the attractiveness of the town centre as a leisure destination encouraging people to visit this area.
- 10.3 Overall, it is considered that Irvine Town Centre is in a good state of health and compares favourably against most of the SPP's healthcheck indicators. This is especially true when compared against other comparable town centres in the West of Scotland which are suffering from retail and footfall decline.
- 10.4 Following another desktop review in May 2019 of Irvine Town Centre, it is concluded that there have been no material or drastic changes from the healthcheck completed in December 2018.

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## 11 PLANNING ASSESSMENT

- 11.1 This section considers the merits of the current proposal with regard to the relevant planning policy considerations identified in Section 6 & 7.

### PRINCIPLE OF DEVELOPMENT

- 11.2 The majority of the subject site falls within an area allocated as Mixed Use Employment Area under Policy IND5 of the adopted LDP. This policy states that that sites allocated under this designation must demonstrate an element of retained employment use, the nature of which will be negotiated on a site by site basis.
- 11.3 It is important to note that there is no strict definition for ‘employment’ uses with the Scottish Planning System, although Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage and Distribution) are typically referred to when discussing and classifying employment uses. However, Scottish Planning Policy (SPP) (2014) states that the planning system should: *“promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets”* and *“give due weight to net economic benefit of proposed development”*.
- 11.4 There has been little to no interest from ‘traditional employment’ companies in this site. The landowner has received no viable interest or enquiries from industrial or business units to take forward this site as a feasible development opportunity. Notwithstanding this, it is clear that the local context has changes with the neighbouring residential development under construction. Providing traditional employment development in this location is likely to cause potential amenity conflict, notwithstanding there is has been no demand shown for such uses. Indeed, an industrial or employment generating use is would be likely to have a greater adverse impact on residential amenity. Indeed the proposed Lidl store represents a positive opportunity to redevelop this As such, derelict and vacant brownfield site with a high quality foodstore.
- 11.5 It is important to note that previous planning applications for land to the west of the site (16/00070/PPM & 17/00581/PPM) both indicated that the application site would be suitable for a commercial/retail development. These applications provided indicative masterplans/development frameworks for the subject site noting that it would serve the residents of the new homes and ‘complete’ the development.
- 11.6 This development will represent a natural rounding off of this part of Irvine: the Persimmon housing development in conjunction with this retail foodstore will allow this area to look ‘complete’. This prominent entrance to the wider town will now appear welcoming, modern and attractive. Furthermore, the proposed foodstore will provide an important local facility for these new residents, as well as planned future residential development at Irvine.
- 11.7 This application for a retail foodstore has demonstrated that there will be limited impacts on residential amenity. Screening mechanisms such as new tree planting will protect visual amenity and appropriate fencing is being deployed to mitigate any potential noise level increases. It is also important to bear in mind that this new foodstore will create up to 40 new full time equivalent jobs locally. As aforementioned, Lidl recruit locally and would look to fill these new roles with residents in the local area.
- 11.8 A large proportion of the population of Irvine lie to the east of A78 and Long Drive. The proposed development would provide a convenience retail offer with a scale suitable for this location to serve this part of the town for ‘top-up’ shopping. Lidl are a top-up retailer, and as demonstrated, the store would have very little negative impact on the designated town centre.

11.9 Moreover, the eastern portion of land in the application boundary is designated as open space in the adopted LDP. Currently, this portion of land is occupied by two groups of trees which have been defined as being of poor quality with no long-term future. It is the intention of this proposal to maintain this area as open space, free of any structures and to remove these trees. Thus the proposal will provide a landscaped high quality area of open space under long-term management.

11.10 We therefore consider that the principle of development has been established for the re-development of this vacant, brownfield site for a Lidl foodstore. As we have outlined, the proposal is in full compliance with the retail policies of the adopted LDP and emerging PLDP. Furthermore the proposal will generate significant new employment opportunities.

#### RETAIL POLICY

11.11 As the site is located in an out of centre location, we have undertaken a sequential and impact assessment in compliance with LDP Policy TC4 and Paragraph 68 of the SPP.

11.12 The sequential assessment set out in Statement has demonstrated that there are no sequentially preferable sites within the town centre, on the edge, or in the commercial centres within the catchment, which can accommodate the application proposal.

11.13 Our healthcheck assessment of the vitality and viability of Irvine Town Centre demonstrates that the centre is in good health (see Section 10 and Appendix 4).

11.14 The retail impact assessment incorporated into this statement demonstrates that the proposed Lidl store will not lead to a significant adverse impact on Irvine Town Centre.

11.15 Thus it has been demonstrated in Section 9 of this Supporting Planning Statement that the proposed development fully complies with the retail tests set out within SPP and Policy TC4 of the LDP.

#### ECONOMIC BENEFITS

11.16 The economic role is one of the three dimensions for achieving sustainable development. In these terms, the economic role of sustainable development is to contribute to building a strong, responsive and competitive economy. The Scottish Government is committed to securing economic growth in order to create jobs and prosperity and for the planning system to support sustainable economic growth.

11.17 Lidl has had a desire for many years to open a new store in Irvine. Lidl previously operated a store in the Riverway Retail Park. However, this previous store did not fit with Lidl's current operational requirements and therefore closed. Since that point, Lidl have been investigating suitable and available potential sites which can meet their current operation requirements. The proposed development is the culmination of those efforts and represents the best opportunity for Lidl to gain representation at Irvine.

11.18 This proposal represents a significant investment in Irvine and underlines the desire to get back into the town and redevelop a prominent brownfield site. As this Supporting Planning Statement has highlighted, Lidl offers a range of benefits and training opportunities for staff to progress within the company. As discussed above, the proposed store will provide up to 40 full time and part-time equivalent employment roles for the local community.

11.19 Therefore, the local economy of Irvine is being supported and developed by this proposal. Lidl also have an extensive history of working with the communities they are located within; this involves being involved in local businesses and charity initiatives. These principles equally apply to Irvine.



- 11.20 Thus, we consider that the proposal meets the requirements of SPP to deliver sustainable economic development.

#### DESIGN

- 11.21 The design, layout and appearance of the development proposal have been informed by Lidl's design and operational requirements, a review of the surrounding area, through a public consultation exercise and planning policy. Lidl seeks to provide a high quality design delivered through quality materials to deliver a contemporary shopping experience.
- 11.22 It is considered that the design approach offers a high quality design solution to provide retail floorspace, whilst meeting both Lidl's operational requirements and customer expectations, in accordance with the relevant policy requirements.
- 11.23 The layout of the site is shown on the proposed site layout plan which shows the location of the store to the west of the site, with the car parking extending eastwards.
- 11.24 The elevational treatment to the proposed store is of a high quality, with a modern and contemporary design. The glazed entrance to the store front on Crompton Way providing an active frontage to the car park which also encourages natural surveillance of the site. Further information relating to the scale of the development proposals can be seen on the proposed elevation drawings.
- 11.25 Customer vehicular access is proposed from Crompton Way which runs off of Stanecastle Roundabout. It is proposed that HGVs will access the site via Crompton Way to then enter the delivery bay to the north of the site.
- 11.26 A Tree Survey has been prepared as part of this planning application and it has identified that there are two groups of trees on the grass embankment to the east of the site (fronting Stanecastle Roundabout). These are identified as being of poor quality which are suitable for removal. It is proposed that this area is re-landscaped with new turf providing a long-term sustainable solution and to enhance the landscape value of the site. The grass embankment is allocated as open space in the LDP and will be maintained as such.
- 11.27 The proposed landscaping of the area will retain this as green space with improved landscaping. The current open space is of no amenity value and in the winter, when the trees are dormant, the area is of no visual value. The proposed landscaping scheme will vastly improve the current condition of the open space and retain it as this for the long-term. .
- 11.28 Importantly, the rear of the store and western boundary of the site will have a 1.8m high screening fence to protect the visual amenity of the housing development. Additionally, a number of trees are going to be planted between the rear of the store and this screening fence to further protect the residential amenity of the housing units. It is considered that these will provide an additional level of protection and add to the overall design quality of the development.
- 11.29 As part of this new planning application, a detailed Daylight and Sunlight assessment was completed to assess if the development would have any adverse impact on the amenity of the neighbouring housing development. This report concludes that the amenity areas do not have the sunlight reduced at all following the implementation of the proposed massing. The proposed development will therefore not have a noticeable impact on the light receivable by the neighbouring properties.
- 11.30 Design has been carefully managed here and the development meets the requirements of LDP Policy: General Policy, Policy ENV 12; and Strategic Policy 1 (Placemaking), Policy 18 and Policy 19 of the PLDP.

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## ACCESS AND TRANSPORT

- 11.31 A full transport Assessment was completed as part of this development proposal. This has assessed the impacts the development would have on the local road network; the connectivity of the site and level of parking provision.
- 11.32 This has concluded that the proposal is highly accessible by all modes of transport including walking, cycling and public transport. The site is surrounded by housing with an industrial estate located to the immediate south. There is an existing network of good pedestrian infrastructure - street lighting, footpaths and footways - all of which allow successful integration with the surrounds. The site will provide footpaths which connect to Crompton Way and Manson Road; as well as providing 6 Sheffield Bike stands to accommodate up to 12 bikes. Bus stops are located in very close proximity on Manson Road. These provide access to the town centre and other surrounding areas of Irvine.
- 11.33 The proposal will also include two electric charging bay parking spaces in order to provide use for customers with electric vehicles. A further pedestrian footpath is to be installed from the northern end of the site to connect to the existing footpath which runs along the eastern boundary of the site.
- 11.34 The level of parking is in accordance with the relevant guidelines and has been concluded to provide sufficient support for customers travelling by car.
- 11.35 The transport assessment has demonstrated that the impact of the proposed Lidl store on the local road network will be low and no off-site junction improvements are necessary to support the development proposals. It also concluded that Stanecastle Roundabout and Towerlands Interchange will be able to support the development proposal and operate sufficiently.
- 11.36 The TA has been further updated to take account of comments from NAC Active Travel and Transport during the determination of the previous planning application.
- 11.37 Overall, it is clear that the site is well-connected to the surrounding area, encourages the use of active travel, and the development will not cause an adverse impact on the local road network. Further detail can be found in the accompanying Transport Assessment and the Design & Access Statement which accompany this planning application. However, the proposal fully complies with LDP Policy TC4, LDP Policy PI1, LDP Policy PI3 and PLDP Policy 3 and Policy 27.

## SUSTAINABILITY

- 11.38 Lidl undertake a variety of sustainability measures as standard procedure in the operation of their stores. The measures minimise the environmental impact of the store and are set out within an earlier section of this Supporting Planning Statement.
- 11.39 Lidl stores are therefore designed, built and operated to industry leading standards and the company is constantly looking for new and creative ways of reducing energy consumptions and emissions.
- 11.40 The proposal will assist in limiting carbon dioxide emissions with the objective to be resilient towards climate change through its choice of a sustainable location and the use of innovative design.
- 11.41 Furthermore, the proposed development will also secure the redevelopment of a vacant and derelict brownfield site in a prominent location. This is in line with sustainable development principles of the Scottish Planning System which seeks to prioritise the redevelopment of brownfield land over greenfield land.

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- 11.42 As demonstrated above, the site is located in a sustainable location which is well-connected to existing transport infrastructure; helping to promote the use of active transport.
- 11.43 Therefore, the proposal is in accordance with LDP Policy PI13; and Strategic Policy 1 (Town and Villages Objective) and Strategic Policy 2 (Placemaking) the PLDP.

#### NOISE IMPACT

- 11.44 As part of the development proposal, a Noise Impact Assessment was undertaken to identify noise impacts which may result from the proposed development.
- 11.45 This was completed with reference to BS4142:2014, whereby the sound sources under investigation have been compared to the existing (background) sound levels. This noise impact assessment relates to the potential impact of fixed plant noise and on-site vehicle movements on nearby residential properties.
- 11.46 The rating level, due to the operation of the foodstore, has been predicted to be equal to or below the measured daytime and night-time background sound levels at all assessment locations.
- 11.47 In this regard, BS4142:2014 states that, “where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context”.
- 11.48 Therefore, with reference to BS4142:2014, the operation of the development is likely to have a “low impact” at the closest receptors, as noted in the Impact Assessment.
- 11.49 Overall, based on the results of the assessment, noise should not prove a material constraint for the development proposals.

#### ECOLOGY

- 11.50 As part of the development proposal, an Extended Phase 1 Habitat Survey was undertaken to understand if there were any ecological issues that needed to be addressed.
- 11.51 This report noted that the site presented no significant ecological issues which need to be addressed as part of the proposal.
- 11.52 The report noted that one group of 10 semi-mature trees adjacent to the public footpath that crosses the site just south of Manson Road had a moderate roost potential location in the absence of any other sustainable habitat for roosting bats. A Bat presence/absence survey was undertaken during May and June 2019. This found that there was no roosting by bats and extremely low levels of foraging activity by bats at this location. Roosting bats were not found to be an ecological constraint.
- 11.53 Similarly, the habitat within the application site was of poor quality and no birds were detected within the site. However, as this survey was undertaken outwith the bird breeding season as such, it is recommended that any site clearance work is undertaken outwith the bird breeding season (mid-March-July). Alternatively, would be for any works within this season to be preceded by a walkover survey to check for any indication of breeding birds.
- 11.54 Further detail can be found in the accompanying reports, but it is considered that there are no significant ecological constraints to development on this site.

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## 12 SUMMARY AND CONCLUSIONS

- 12.1 This Supporting Planning Statement has assessed the proposed development against national and local planning policy, and other material considerations.
- 12.2 This is a high quality development that incorporates high standards of design and will bring this derelict brownfield site back into active use.
- 12.3 It is considered that the proposal is in accordance with SPP, the adopted LDP and emerging PLDP. The proposal:
- Will regenerate a prominent and vacant site in Irvine allowing Lidl to accommodate a new Lidl foodstore, adjacent to a growing residential population;
  - Fully complies with both the sequential and retail impact tests as set out within SPP and the LDP and will not lead to a significant adverse impact on Irvine Town Centre;
  - Will provide a contemporary building design that will enhance the visual amenity of the site and enhance the character of the surrounding area;
  - Will improve customer choice and enhance the shopping experience for shoppers within Irvine;
  - Will have a positive economic impact on the town creating a significant number of new full and part time jobs in the area;
  - Has been subject to pre-application discussions with North Ayrshire Council and consultation with local residents;
  - Will provide a high quality design that has been informed by the site constraints and surrounding area along with Lidl's operational requirements; and
  - Provides significant new landscaping, improving the overall aesthetic of the site and the allocated open space beside Stanecastle Roundabout.
- 12.4 Overall, we consider this proposal to comply with both national and local planning policy; and there are no other material considerations which indicate a contrary view should be taken.
- 12.5 Therefore, we consider that this planning application should be fully supported by NAC and duly granted planning permission.



Appendix 1

# CATCHMENT PLAN



Appendix 2

# SEQUENTIAL SITE ASSESSMENT

## SEQUENTIAL SITE ASSESSMENT

### Irvine Town Centre and Core Shopping Area (Lidl Policy TC1 & TC2)

The town centre of Irvine mainly comprises two distinct elements - the Rivergate Shopping Centre built over the River Irvine and the traditional high street of Bridgegate, High Street, and Eglinton Street to the east. As a consequence, our site visit to the town centre on 3<sup>rd</sup> December 2018, revealed that the historic part of the centre primarily consists of large number of small shop units typically containing a mixture of retail, commercial, café/restaurants, residential uses. Whereas the Rivergate Shopping Centre has more modern retail floorplates to accommodate larger multiple retailers.

For the purposes of clarity and ease, the assessment of potential sites in the town centre has been split into two areas:

- The Rivergate Shopping Centre and west of the Rivergate Shopping Centre; and
- Traditional Town Centre to the east of Rivergate Shopping Centre.

From visiting the centre and undertaking our own online research, there are a number of units which are vacant in the Rivergate Shopping Centre:

Address	Size	Comment
Unit 6B Riverside Way	85.7 sq.m	Unit is too small and unsuitable.
Unit 7, Riverside Way	109.4 sq.m.	Unit is too small and unsuitable.
Unit 13 Riverside Way	121.7 sq.m.	Unit is too small and unsuitable.
Unit 11A Fullarton Square	131.5 sq.m.	Unit is too small and unsuitable.
Unit 11B Fullarton Square	170.1 sq.m.	Unit is too small and unsuitable.
55 Rivergate Irvine	53.9 sq.m.	Unit is too small and unsuitable. Furthermore, this is a concession unit within the Asda store behind the main till points

It was also identified that the traditional town centre had a number of vacant properties including:

Address	Size	Comment
5 Bridgegate	47.4 sq.m	Unit is too small and unsuitable.

Address	Size	Comment
5 Bridgegate	47.4 sq.m	Unit is too small and unsuitable.
21 Townhead	589 sq.m.	This property appeared to look vacant on the first site visit to the town centre. However, further research has shown that this property is now being redeveloped in line with planning permission 17/00912/PP. This granted planning permission for the sub-division of the building into two



		commercial units with one to be used as a pool club/bar. Notwithstanding this, the site is not large enough to accommodate the proposed development and is not available.
45 Townhead	182.8 sq.m.	Unit is too small and unsuitable.
115 High Street	901.01 sq.m.	Advertised Pub/Restaurant unit measuring 901.1 sq.m over 2 floors with some car parking to the rear. Unit is too small and unsuitable.
124 High Street	599.1 sq.m	Unit is too small and unsuitable.
148 High Street	N/A	Listed as a development plot to the rear of this address. It is 0.05 ha in size. Site is too small and unsuitable.
166 High Street	206.2 sq.m.	Under Offer and the unit is too small/unsuitable.
20 Bridgegate	136 sq.m.	Unit is too small and unsuitable.
22 Bridgegate	99.6 sq.m.	Unit is too small and unsuitable.
32 Bridgegate	269.6 sq.m.	Unit is too small and unsuitable.
34 Bridgegate	264.3 sq.m.	Unit is too small and unsuitable.
36 Bridgegate	177.8 sq.m.	Unit is too small and unsuitable.
44-46 Bank Street (Office over two floors)	Total space 1486.4 sq.m.	Unit is too small and unsuitable.
32 Eglinton Street	124.4 sq.m.	Unit is too small and unsuitable.
2 Quarry Road	92.9 sq.m	Unit is too small and unsuitable.

Our assessment has show that there are no sites or existing vacant shop units in Irvine Town Centre which are capable of accommodating the proposed Lidl store on the basis of the criteria specified above. Indeed, the vast majority of opportunities fall well below Lidl's identified requirements.

**Verdict:** On reviewing the town centre, we consider that there are no vacant units/sites within the boundary that are suitable to accommodate the proposed development.

Irvine Town Centre and Core Shopping Area (LDP Policy TC1 & TC2)	
Availability	Suitability
The majority of vacant units are considered to be available.	It has been clearly demonstrated that none of the units within the town centre are suitable to meet the requirements of the proposed Lidl food store; and fall way below the requirements.

### Riverway Retail Park & Lamont Drive Commercial Centre (LDP Policy TC3(a))

Riverway Retail Park and Lamont Drive Commercial Centre is located immediately south of Irvine Town Centre and Rivergate Shopping Centre which denotes the boundary of the town centre. This area extends southwards to include Tesco Superstore and the other retail units beside Riverway; Sainsbury's to the west of Ayr Road; and the grouping of Farmfoods, B&M and XS Stock to the east of Ayr Road.

A visit was undertaken on the 3rd December 2018 and found that only one unit - Unit 9B - is available to let. The unit is located directly beside the new Taco Bell restaurant and extends to only 158 sq.m. This is substantially below Lidl's requirements. Furthermore, the Frankie and Benny's restaurant is also now closed. This is located adjacent to the Taco Bell Restaurant. It has to be assumed that this is available; however, it is not suitable for development. The approximate site area is 0.07ha meaning it is too small, and it would not meet the other site requirements as listed earlier in this section.

All other units are in active use and no other sites or buildings could be identified.

**Verdict:** On, this basis we consider that the vacant unit located within the Riverway Retail Park & Lamont Drive Commercial Centre is unsuitable to accommodate the development proposed by this application; and there are no other opportunities present.

Riverway Retail Park & Lamont Drive Commercial Centre (LDP Policy TC3(a))	
Availability	Suitability
This commercial centre has been assessed and it is considered that there is one unit which is available for occupation. This adjoins the Taco Bell restaurant but it is considered to be far too small in floor space to accommodate the proposed Lidl development. It is also considered to not meet the other operational requirements of the Lidl foodstore.	For the reasons outlined, the only available unit in this location is not suitable to accommodate the proposed development in terms of size, for accommodating HGV movements, providing sufficient dedicated car parking or providing unrestricted usage or convenience retailing.

### East Road Retail Park (LDP Policy TC3)

East Road Retail Park bounds Irvine Town Centre's northern boundary. Policy TC3 of the LDP stipulates that retail units providing comparison goods retailing are acceptable in this location. Argos, Halfords, Aldi, Boots, Barnardo's and Dominoes Pizza all occupy units within the retail park currently; as well as Creepy Crawlies Soft Play. A new car park has also been recently built by North Ayrshire Council (Caledonian Car Park).

The Retail Park is of a modest size and is fairly self-contained with one access road coming from East Road. This site was visited on the 3<sup>rd</sup> December 2018 and noted that the retail park benefits from full occupancy with no vacancies. On this basis, it is clear that there are no available opportunities within the retail park for accommodating the proposed development.

The Caledonian Car Park has just been recently opened behind the Aldi foodstore and provides additional car parking in this location. We also note that a previous application for retail use on this site was refused, and therefore it is clearly intended to remain in use as a car park. In any case, the car park only extends to approximately 0.4ha in size, and is therefore well below the state requirements necessary to accommodate a LAD discount operator.

**Verdict:** It is considered that there is no availability in this retail park for the proposed Lidl foodstore. There are no suitable or available sites within East Road Retail Park to accommodate the proposed Lidl foodstore.

East Road Retail Park (LDP Policy TC3)	
Availability	Suitability
<p>This commercial centre has been assessed and it is considered that there is no availability in this commercial centre. This is a relatively small-scale centre which is fully let.</p> <p>There is a recently opened North Ayrshire Council Car Park to the north of the Aldi foodstore but it is not considered that this presents a viable development opportunity.</p> <p>Therefore, there is no availability in this centre to accommodate a LAD foodstore for occupation by Lidl.</p>	<p>The units to the west of the centre were considered unsuitable due to them being too small to accommodate the proposed Lidl store. The role of this retail park is to provide large bulky goods and comparison retail.</p>

#### SUPPLEMENTARY SITE ASSESSMENT

Following further discussions with NAC planning officers during the determination of planning application reference 19/00050/PP, we have assessed the following additional sites:

- The Former Ayrshire Metals Site (beside Victoria Roundabout);
- Montgomerie Park; and
- The Forum Shopping Centre.

As noted in Section 9 of the submitted PRS, potential development sites have to be both **suitable and available** for accommodating the proposed development. The assessment of suitability also needs to consider the specific requirements of the type of occupier - in this case a discount food retail operator. Section 9 of the accompanying PRS also sets out a list of parameters for assessing suitability in the context of this Lidl foodstore.

We take each of these sites in turn.

## FORMER AYRSHIRE METALS SITE (BESIDE VICTORIA ROUNDABOUT)



Figure 1: Former Ayrshire Metals Site Location

It was noted by NAC that this is a potential development site which could accommodate the proposed Lidl foodstore. This site is located to the west of the town centre, the railway line (runs in a north/south direction) and beside Victoria Roundabout. In the context of its location, NAC considers this site to be ‘edge of centre’ in relation to the defined town centre. This assertion is contested with this PRS believing it to be an ‘out-of-centre’ location due to a number of factors discussed below.

### Availability

The site is being marketed by Savills property consultants since April 2019. It can be considered available.

### Suitability

A key consideration surrounding this site is its place within the sequential approach. This PRS considers the site to be an out-of-centre site for many of the reasons outlined below. The LDP provides no detailed description of what edge-of-centre or out-of-centre developments are. Thus, in the context of this application, it is considered appropriate to rely on a previous definition. SPP8 (Town Centres and Retailing) (August 2006) previously described an edge-of-centre site as being:

*“Edge of Town Centre cannot be defined by a precise distance as different centres vary in their size and scale. Generally, edge of town centre should be interpreted as adjacent to the boundary of the town centre but consideration must also be given to the local context, including the function and the character of the site in relation to the town centre as well as the ease of movement between the site and the town centre in terms of physical linkages and barriers, for example paths and roads. It should be within comfortable and easy walking distance of the identified primary retail area of the town centre. Thought should also be given to topography, visual integration, the attractiveness of the experience of accessing the site by different modes and whether transport links allow or deter easy access to the surrounding area.”*



Similarly, the former Ayrshire Joint Structure Plan (2007) provided the following definition for Edge of Centre sites:

*“A location within easy walking distance of the town centre and usually adjacent to the town centre and providing parking facilities that serve the centre as well as the store, thus enabling one trip to serve several purposes.”*

Having assessed the former Ayrshire Metals site, we are of the firm view that it does not meet the criteria above as being an edge of centre site, and thus should be considered an ‘out of centre’ site for the purposes of the sequential assessment. There is no requirement under the sequential approach to consider other sites that are in the same sequential category as the proposed site (i.e. that are sequentially ‘equal’); this was confirmed by Lord Malcolm in his judgement of the *Tesco Stores v Highland Council*. As the application site is in an out-of-centre location, there is no reason to consider other out-of-centre sites

Notwithstanding the above and for completeness, we have still assessed the Ayrshire Metals site below.

This site is allocated under Policy IND5 and RES2 of the LDP. We note that the policy indicates that the site could accommodate approximately 100 housing units and would be suitable as a ‘mixed use employment area’.

It is clear that this site is not suitable for the proposed Lidl foodstore for a number of reasons:

- The site is not prominent enough to attract passing trade. Victoria Roundabout is not a key arterial route which has a significant amount of traffic. On visiting the site (Saturday 30<sup>th</sup> March at Midday) (a peak time for convenience shopping) it was noted that there was very little traffic using this roundabout or immediate surrounding roads. Vehicles using the Marress Roundabout generally either turn off at New Street to visit the town centre or commercial retail parks to the north and south; or use the A737 to travel to residential areas of Irvine to the south-east. Moreover, the Magnum Leisure Centre, formerly located at Beach Drive near the Harbour, has also recently moved into the town centre (now known as The Portal). This has further reducing the passing traffic at this site. People who would normally visit the Magnum are now travelling into the town centre.
- Similarly, this site was found to have very poor pedestrian connections to the town centre. Firstly, the closest bus stops are located on New Street to the east of the site and to the east of the Railway Bridge which acts as a natural boundary of the town centre. Indeed, the Railway Bridge severs the link between the town centre and this part of Irvine. Visitors would have to walk and cross Boyle Street, before walking under the bridge to access the bus stop heading away from the town centre. The bus stop on the southern side of New Street is even more difficult to get to with visitors having to cross New Street to get to this. It is noted that there are no designated, signalised pedestrianised crossing to cross New Street and reach the bus stops.
- A further, pertinent point regarding the railway line is its impact on visibility from the town centre. From New Street, this site cannot be seen. The railway line rises considerably above New Street via a steep embankment with associated grass verges on either side. The consequential extremely poor visibility does not meet the identified requirements of a discount convenience retailer. Similarly, visitors would not be able to view the site from the key Marress Roundabout which is a key entrance into the edge of the town centre. Whilst visitors may be able to briefly glimpse the site from New Street on arrival to the town centre, this is not sufficient and would be likely to result in customers missing the turn-off..

- Furthermore, after crossing these roads, any pedestrian would have to walk further south to reach the town centre. Alternatively, pedestrians could travel south and cross Victoria Roundabout on to Cochrane Street, underneath the railway line to the town centre. There are no bus stops on these routes. This brief description demonstrates the poor connectivity of the site with the town centre. This is unlike the site at Crompton Way where two bus stops are easily accessible on Manson Road; and has existing and accessible pedestrian infrastructure connecting to the surrounds. This is further detail in the accompanying transport assessment reports.
- Whilst NAC have deemed this to be an 'edge of centre site' this can be contested. The Railway line to the east of the subject site (and runs north/south) effectively acts as a natural severance of the town centre and land to the west. It would appear to be unnatural for a commercial foodstore development of this scale to be located in this part of Irvine. With this all in mind, we would conclude that this site has very poor pedestrian connectivity, does not promote active travel and could be considered an out-of-centre site. The site is also not considered to be active in promoting linked trips to the town centre for this reason.
- The site was demolished and cleared in early 2010's and since then there is no evident planning history or development interest. This is surprising considering NAC consider this to be a prominent location with development potential. It can be concluded that the site may suffer from contamination issues resulting from its heritage. There is therefore a good chance that site problems are making the site unviable for development and unsuited to commercial operations. Any contamination or deep-rooted site issues would likely cause this site to be unviable for the Lidl retail operation and halt this investment with the town.
- Additionally, the site was included within the 'Irvine Town Regeneration Plan' created by the Irvine Bay Regeneration Company. Within this, the site was noted as being suited for Class 10 (non-residential institutions) as part of the wider Harbourside proposal. It was noted that this site would ideally include business space, office pavilions, a hotel, gyms, health spa and apartments to integrate into the wider residential-led development. It was considered to be more suitable for this to be a mixed-use area with leisure, tourism and residential at its core - not retail of this proposed scale. Clearly, this document would have assessed the potential of the site and what would be most suited here to successfully regenerate the area. It is evident that this comprehensive regeneration document did not plan for retail to be at the heart of this site. As such, this regeneration document demonstrates further the unsuitability of this site for a Lidl foodstore.
- The site as a whole is also too large for a Lidl store to accommodate. Lidl would only be able to develop a small parcel of this wider site. Feasibly, this would then attract other commercial retailers to locate out here too - creating a 'new destination' away from the town centre. Any other facilities located out here would also be served by the poor connectivity to the town centre, limiting linked trips. It is to be noted that the Crompton Way site would not act in this manner with no other room on the site for a development large enough.

The Proposed LDP allocates this site under 'General Urban Area' where proposals for residential development will accord with the development plan in principle. The site is also listed as a Regeneration Opportunity under Policy 2 (Schedule 4) of the Proposed LDP. This notes that residential uses would be acceptable in such locations, as well as local-scale community & leisure uses, and other local employment uses.

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Furthermore, through a review of the background documents to the Proposed LDP, this has highlighted that a representation was submitted at the Main Issues Report (MIR) stage by the owner of this site. In this submission (MIR REF35) it is made abundantly clear that the owner believes residential use is the most suitable outcome for this site and part of Irvine. It is noted that the previous mixed-use allocation in the adopted LDP has not aided in successfully selling or developing this site. The owner believed that a full residential allocation will be more successful and suitable. It is stated:

*“in the case of the Ayrshire Metal Products Site, the landowners feel that the mixed use allocation has held back delivery. Their research has revealed that developers would prefer a single housing allocation. If the policy had been more flexible and/or single allocation residential development were permissible, it may not have stalled. A single use would have helped the promotion for the site in the wider market.... For sites such as Ayrshire Metal products, a refocus on its residential development suitability and sustainability credentials could enable it to come forward in a timely manner before 2029*

The representation continues:

*“In the case of Ayrshire Metal Products site off Victoria roundabout, the mixed use status of the allocation has not enhanced its prospects for delivery and a new approach must be considered. The site is set away from existing business development areas and is surrounded on two sides by existing residential uses. The site has a greater association with nearby residential land uses than employment. A single residential allocation would be more appropriate on this site and the employment land element reallocated to a more suitable location.”*

Therefore, it is abundantly clear that the owner, who appears to have actively approached the market for a potential developer, believes that the site is suitable as a residential development and not commercial or employment. It is noted that the site is surrounded by residential uses and has greater association with these. The Proposed LDP continues to note in Schedule 4 that this site could accommodate 100 residential units.

This is further evidenced in the marketing brochure recently produced by the selling agent. It is noted in those particulars that the site would be suitable for residential uses.

These assertions tie in with earlier points in this appendix regarding the Irvine Town Regeneration Plan which earmarked this site for residential-led development. It is important to highlight that fact that if this was a prominent site for commercial use and met the need of commercial retailers, it would have been expected to be developed before now. A committee member of the neighbouring Irvine Vics Football Club commented to the local newspaper (Irvine Times 6<sup>th</sup> June 2019): *“it’s been sitting derelict for over 10 years now and nothing’s happened in a long time so I don’t expect anything to happen in a short period either”*.

**Verdict:** This site is unsuitable for the proposed development and does not meet key tests in SPP or the LDP. Due to its location and surrounding characteristics, this site acts like an out-of-centre site. Local Planning policy and market evidence shows that this site is most suitable for residential-led development, not commercial operations; whilst the train line creates a severe severing effect with the town centre.

## MONTGOMERIE PARK



Figure 2: Location of Montgomery Park (Red) and Irvine Town Centre (Blue)

This site is located beside Hill Roundabout on the northern end of Long Drive. There is no defined site at Montgomery Park for commercial use. Instead the proposed LDP, which notes Montgomery Park as being a ‘Strategic Development Area’, identifies land to the north, south and west of the Hill Roundabout. The land to the south of the roundabout is noted as being a, ‘General Urban Area’ with support for Education and Community Facilities. It is considered that this site would therefore be the most feasible for any commercial development.

The site sits to the south of Hill Roundabout with residential housing to the west and Long Drive on the eastern boundary. Other surrounding uses include a BP petrol filling station to the east. The adopted LDP allocates the majority of this site for housing with the northern, eastern and southern boundaries allocated as Open Space.

In assessing this site, it can clearly be classified as an ‘out-of-centre’ location being over two miles away from Irvine town centre. Therefore this site is substantially more remote than the subject site at Crompton Way: there Manson Road leads directly to the town centre; whereas this site is located at the very northern edge of Irvine, with Long Drive connecting to the A78 slightly further to the north. The connections to this town centre site are very poor and would require vehicle transport. The closest bus stops are located to the north on Montgomery Park Drive with no clear pedestrian access to the town centre. Furthermore, there doesn’t appear to be an intention to create a defined town centre at Montgomery Park, with regard to current planning policy.

Consequently, we strongly emphasise again that there is no requirement under the sequential approach to consider other sites that are in the same sequential category as the proposed site. As we have previously noted, this was confirmed by Lord Malcolm in his judgement of the *Tesco Stores v Highland Council*. As the application site is in an out-of-centre location, there is no reason to consider other out-of-centre sites such as the one at Montgomery Park.

However, for completeness we have nevertheless considered and assessed the site.



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### Availability

The Montgomerie Park area appears to be available and is being promoted on NAC's website. The planning case officer also directed the applicant to this site.

### Suitability

Notwithstanding the points above, the site is clearly also unsuitable for a number of reasons including:

- A discount convenience store requires a prominent frontage with the ability to attract passing trade. The area of the site which bounds Long Drive (allocated Open Space) has considerable tree coverage. On inspection, these trees appear to be of good health and quality. A Lidl store would require that these trees be reduced or removed to ensure visibility from the main arterial route of Long Drive. It is unlikely that NAC would permit the removal of so many trees to allow clear and prominent visibility to be attained from Long Drive.
- The site is not visible enough for passing trade which is a key part of the LAD business model as set out in Section 9.
- A Core Path runs through the northern section of the site (east/west). This would be required to be maintained for any development. A discount foodstore would be required to locate to the south of this site with access coming in from Pavilion Gardens. It is unclear whether this road network could handle the volume of traffic associated with a foodstore development.
- NAC's own website states (website can be found here: <https://www.north-ayrshire.gov.uk/business/land-and-property/property-land-to-let-for-sale/montgomerie-park.aspx>), when advertising Montgomerie Park, that the town centre is minutes away from the town centre. In this context, it must be concluded that the application site at Crompton Way is therefore even closer to the town centre with the ability to provide linked trips to the town centre.
- It is sensible to assume that this area is envisaged, as stated in the Proposed LDP, that the site would be used for education, community and neighbourhood facilities more in keeping with small local shops and amenities to serve this area for strategic housing growth. Units would be much smaller than that of the proposed Lidl foodstore at Crompton Way. Indeed, it is intended that a new primary school is to be built at Montgomerie Park. As this area of land is indicated as being for education needs, it is likely to be located to the south of Hill Roundabout. It is unclear then what the size of this school will be and if a commercial foodstore would hinder or prejudice this long-term infrastructure requirement.
- In discussing this site with the Case Officer, it was noted that Montgomerie Park could be used for an, "appropriate commercial development". It would seem unacceptable for a foodstore of this scale to be located right on the edge of the settlement boundary with poor connectivity to the town centre. The proposal is not appropriate development in this location.

There is no need in planning terms to analyse sites which are in the same sequential category as the proposed development site. However, Montgomerie Park has been reviewed and clearly demonstrated that it is unsuitable for the proposed Lidl foodstore owing to its location and context.

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Feasibly, shoppers could be attracted from the A78 with no need to visit the town centre and promote linked trips.

**Verdict:** Montgomerie Park has been assessed and deemed unsuitable for the proposed discount foodstore.

## THE FORUM SHOPPING CENTRE

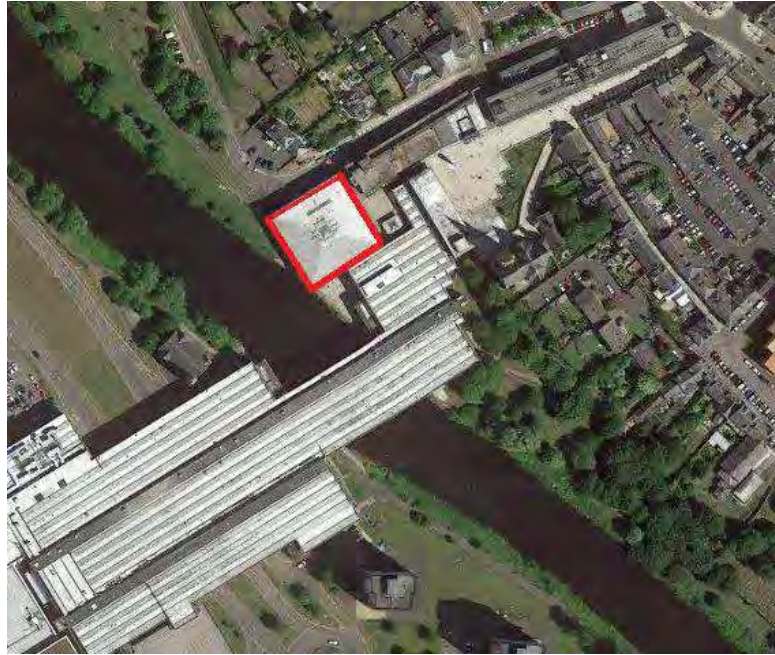


Figure 3: Location of the Forum Shopping Centre

The Forum Shopping Centre is located within the town centre and to the east of the River Irvine beside Bridgegate. This is a former contained shopping centre/indoor market which has been lying vacant for a number of years.

### Availability

As noted above, the site appears to be vacant (being this way for a number of years). However, investigations have not provided any details of ownership.

### Suitability

This site extends to approximately 0.17 ha in size (a hectare smaller than the proposed Lidl development site) and sits over two floors/ground levels. The main entrance to this building can be gained from the main square on the Bridgegate. The lower half, and rear of the building, can be gained from West Road. This appears to be where deliveries were made to the centre. There is a small set of steps which leads up from West Road to provide pedestrian access to Bridgegate. This site is allocated under Policy TC2 of the adopted LDP.

It is clear that this site is not suitable for the proposed Lidl foodstore development for a number of reasons.

Firstly, it is too small to accommodate the proposed development by some margin. The size of the site also means that the proposal would not be able to accommodate car parking for visitors, shoppers and staff. This is evident with the current Forum Shopping Centre structure not providing any dedicated parking. Even if car parking could be located underneath the store on the West Road side of the building, this provision would clearly impact on the ability to provide a dedicated service area to accommodate HGVs. This in turn also means that any proposed development would be difficult to be a single storey, open and with an unrestricted sales floor area which benefits from a level

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topography. Due to the site's physical constraints, it would require undercroft parking which would not be a viable business proposition for Lidl in this location.

Secondly, the site is not prominent enough to attract passing trade. Indeed, this site is located in the Core Shopping Area, but as part of the Lidl model, passing trade is a key criteria for any potential development site. West Road which lies adjacent to the rear of the centre is not a prominent enough road which attracts a high volume of passing trade. West Road, is not a key arterial route through the town and, importantly, does not connect with the High Street. Any vehicles would need to travel via Seagate or Castle Street (to the west of the Forum Centre) which tail off High Street and Eglinton Street. The area in which these roads pass is predominantly residential in nature and self-contained with views out on to the River Irvine. This is clearly not an area with high levels of passing traffic which people use to travel from different area of the town; and indeed, it would not be suitable for amenity purposes for the levels of car journeys associated with a foodstore.

Thirdly, the main entrance to the centre is obstructed from view by buildings in front of it. Access to the site from Bridgegate is taken from a small and narrow pedestrian footpath with provides very little visibility to the main square. This therefore does not meet the visibility requirements required of the proposed Lidl foodstore.

Overall, despite being located in the town centre, and in a sequentially preferable location, the site fails to meet the majority of key requirements set out in Section 9 in assessing suitability.

**Verdict: The Forum Shopping Centre has been assessed and deemed unsuitable for the proposed Lidl foodstore development.**



Appendix 3

# RETAIL IMPACT ASSESSMENT TABLES



**Table 1: Population Forecast for 8 Minute Drive Time Catchment**

Study Area Zone	2017	2018	2019	2020	2021	2022	2023	2024	2025
Catchment Area	42,233	42,416	42,280	42,151	42,028	41,938	41,834	41,737	41,651
Total	42,233	42,416	42,280	42,151	42,028	41,938	41,834	41,737	41,651

**Notes**

Population Figures - ONS Based Population Projections (2017 Base Year)

Figures Provided by Experian

**Table 2a: Convenience Expenditure Per Capita**

Study Area Zone	2017	2018	2019	2020	2021	2022	2023	2024	2025
Catchment Area	£2,431	£2,352.76	£2,348	£2,343	£2,343	£2,340	£2,337.54	£2,337.42	£2,337

**Table 2b: Comparison Expenditure Per Capita**

Study Area Zone	2017	2018	2019	2020	2021	2022	2023	2024	2025
Catchment Area	£3,181	£2,709	£2,755	£2,821	£2,893	£2,970	£3,052	£3,141	£3,233

**Notes**

2017 Base Year Convenience Expenditure - Experian Micromarketer

**Assumptions Regarding Available Expenditure on Convenience Goods**

	2017	2018	2019	2020	2021	2022	2023	2024	2025
Growth in Expenditure	1.0	0.5	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Non store spend	3.4	3.7	4.0	4.3	4.4	4.6	4.8	4.9	5.0

**Assumptions Regarding Available Expenditure on Comparison Goods**

	2017	2018	2019	2020	2021	2022	2023	2024	2025
Growth in Expenditure	2.8	2.6	2.8	3.3	3.3	3.3	3.3	3.3	3.3
Non store spend	15.5	17.0	17.9	18.6	19.2	19.7	20.1	20.4	20.7

**Notes**

Growth Rates - Experian Retail Planner Briefing Note 16 (December 2018) - Figure 1a

SFT - Experian Retail Planner Briefing Note 16 (December 2018) - Appendix 3



Table 3a: Total Convenience Goods Expenditure

Study Area Zone	2017 - Base Year	2018	2019	2020	2021	2022	2023	2024	2025
Catchment Area	£102,668,423	£99,794,595	£99,263,894	£98,750,430	£98,457,741	£98,139,405	£97,788,492	£97,556,729	£97,350,593
Total	£102,668,423	£99,794,595	£99,263,894	£98,750,430	£98,457,741	£98,139,405	£97,788,492	£97,556,729	£97,350,593

Notes

Source - Rapleys LLP Tables 1 & 2

Table 3b: Total Comparison Goods Expenditure

Study Area Zone	2017 - Base Year	2018	2019	2020	2021	2022	2023	2024	2025
Catchment Area	£134,343,173	£114,899,684	£116,461,473	£118,915,031	£121,577,966	£124,545,594	£127,697,267	£131,111,278	£134,649,484
Total	£134,343,173	£114,899,684	£116,461,473	£118,915,031	£121,577,966	£124,545,594	£127,697,267	£131,111,278	£134,649,484

Notes

Source - Rapleys LLP Tables 1 & 2

Price Base - 2017

Table 4: Turnover of Proposed Lidl Store

	Gross Floorspace (sq.m)	Total Net Sales Floorspace (sq.m)	Benchmark Turnover (£/sq.m)	Total Store Turnover
Convenience	-	1,006	£9,652	£9,706,051
Comparison	-	251	£9,652	£2,426,513
Total	1,996	1,257	-	£12,132,564

Notes

Benchmark Turnover - Sourced from Mintel Retail Rankings (2019) 2017/18 Figure  
Price Base- 2017

Table 5a: Turnover of Proposed Store Compared to Available Convenience Expenditure within Catchment

	2017	2018	2019	2020	2021	2022	2023	2024	2025
Catchment Area Available Expenditure	£102,668,423	£99,794,595	£99,263,894	£98,750,430	£98,457,741	£98,139,405	£97,788,492	£97,556,729	£97,350,593
Convenience Turnover of the Proposed Store	£9,706,051	£9,706,051	£9,783,700	£9,832,618	£9,871,949	£9,911,436	£9,951,082	£9,990,886	£10,030,850
Percentage of Total Available Convenience Expenditure	9.5	9.7	9.9	10.0	10.0	10.1	10.2	10.2	10.3
Expenditure Remaining	£92,962,372	£90,088,543	£89,480,195	£88,917,812	£88,585,793	£88,227,969	£87,837,410	£87,565,843	£87,319,743

Table 5b: Turnover of Proposed Lidl Comparison Floorspace Compared to Available Comparison Expenditure within Catchment

	2017	2018	2019	2020	2021	2022	2023	2024	2025
Catchment Area Available Expenditure	£134,343,173	£114,899,684	£116,461,473	£118,915,031	£121,577,966	£124,545,594	£127,697,267	£131,111,278	£134,649,484
Comparison Turnover of the Proposed Store	£2,426,513	£2,477,470	£2,529,496	£2,590,204	£2,673,091	£2,758,630	£2,846,906	£2,938,007	£3,032,023
Percentage of Total Available Comparison Expenditure	1.8	2.2	2.2	2.2	2.2	2.2	2.2	2.2	2.3
Expenditure Remaining	£131,916,660	£112,422,214	£113,931,977	£116,324,827	£118,904,875	£121,786,965	£124,850,361	£128,173,271	£131,617,461

Table 5c: Turnover of Proposed Lidl Floorspace (Convenience and Comparison) Compared to Available Total Expenditure within Catchment

	2017	2018	2019	2020	2021	2022	2023	2024	2025
Catchment Area Available Expenditure	£237,011,596	£214,694,278	£215,725,368	£217,665,461	£220,035,707	£222,684,999	£225,485,759	£228,668,007	£232,000,077
Comparison Turnover of the Proposed Store	£12,132,564	£12,183,521	£12,313,196	£12,422,822	£12,545,039	£12,670,066	£12,797,988	£12,928,893	£13,062,873
Percentage of Total Available Comparison Expenditure	5.1	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.6
Expenditure Remaining	£224,879,032	£202,510,757	£203,412,172	£205,242,639	£207,490,668	£210,014,933	£212,687,771	£215,739,113	£218,937,204

Notes

Benchmark Turnover - Sourced from Mintel Retail Rankings (2019) 2017/18 Figure  
Adjusted for Density Growth - Experian Retail Planner Briefing Note 16 (December 2018) - Figure 3a  
Catchment Area Available Expenditure - Rapleys LLP Table 3  
Price Base - 2017

Assumptions Regarding Convenience Sales Density Growth Rate

	2017	2018	2019	2020	2021	2022	2023	2024	2025
Convenience Growth Rate (%)	0.7%	0.0%	0.8%	0.5%	0.4%	0.4%	0.4%	0.4%	0.4%
Comparison Growth Rate (%)	3.7%	2.1%	2.1%	2.4%	3.2%	3.2%	3.2%	3.2%	3.2%

Table 6: Benchmark Convenience Turnover Calculations

Store / Centre	Net Sales Area - Convenience (Sq.m)	Benchmark Turnover Figure (£/per Sq.m)	Turnover in 2017	Turnover in 2018	Turnover in 2019	Turnover in 2020	Turnover in 2021	Turnover in 2022	Turnover in 2023	Turnover in 2024	Turnover in 2025
Irvine Town Centre			£59,978,377	£59,992,607	£60,472,548	£60,774,911	£61,018,010	£61,262,082	£61,507,131	£61,753,159	£62,000,172
Aldi, Rivergate Centre	4635	£11,024	£51,096,240	£51,096,240	£51,505,010	£51,762,535	£51,969,585	£52,177,463	£52,386,173	£52,595,718	£52,806,101
Iceland, High Street	913	£7,502	£6,849,251	£6,849,251	£6,904,045	£6,938,565	£6,966,319	£6,994,185	£7,022,161	£7,050,250	£7,078,451
Other local stores, Irvine	371	£5,478	£2,032,686	£2,047,116	£2,063,493	£2,073,810	£2,082,106	£2,090,434	£2,098,796	£2,107,191	£2,115,620
East Road, Commercial Centre, Irvine			£14,641,152	£14,641,152	£14,758,281	£14,832,073	£14,891,401	£14,950,967	£15,010,770	£15,070,813	£15,131,097
Aldi, East Road	1229	£11,915	£14,641,152	£14,641,152	£14,758,281	£14,832,073	£14,891,401	£14,950,967	£15,010,770	£15,070,813.46	£15,131,097
Riverway Retail Park and Lamont Drive, Commercial Centres, Irvine			£145,690,234	£145,690,234	£146,840,699	£147,574,903	£148,165,202	£148,757,863	£149,352,895	£149,950,306	£150,550,108
Farmfoods, Lamont Drive	818	£5,687	£4,651,966	£4,651,966	£4,689,182	£4,712,628	£4,731,478	£4,750,404	£4,769,406	£4,788,483	£4,807,637
Sainsbury's, Ayr Road	3762	£11,067	£41,634,054	£41,634,054	£41,967,126	£42,176,962	£42,345,670	£42,515,053	£42,685,113	£42,855,853	£43,027,277
Tesco, Riverway	6917	£11,698	£80,915,066	£80,915,066	£81,562,387	£81,970,198	£82,298,079	£82,627,272	£82,957,781	£83,289,612	£83,622,770
The Food Warehouse, Riverway	669	£7,502	£5,018,838	£5,018,838	£5,043,932	£5,069,152	£5,089,428	£5,109,786	£5,130,225	£5,150,746	£5,171,349
M&S Simply Food, Riverway	1393	£9,670	£13,470,310	£13,470,310	£13,578,072	£13,645,963	£13,700,547	£13,755,349	£13,810,370	£13,865,612	£13,921,074
Out-of-Centre, Irvine			£44,704,126	£44,704,126	£45,061,759	£45,287,068	£45,468,216	£45,650,089	£45,832,690	£46,016,020	£5,398,702
Morrisons, Stevenston	2996	£13,178	£39,480,234	£39,480,234	£39,796,075.63	£39,995,056	£40,155,036	£40,315,656	£40,476,919	£40,638,827	£40,801,382
Co-op, Dregthorn	261	£8,599	£2,244,339	£2,244,339	£2,262,293.71	£2,273,605	£2,282,700	£2,291,830	£2,300,998	£2,310,202	£2,319,443
Co-op, Caidon Road	347	£8,599	£2,979,354	£2,979,354	£3,003,389.93	£3,018,407	£3,030,481	£3,042,602	£3,054,773	£3,066,992	£3,079,266
Costcutter, Girdle Toll	131	£4,341	£566,501	£566,501	£571,032.50	£573,888	£576,183	£578,488	£580,802	£583,125	£585,458

Notes

1. Aldi floorspace area taken floorspace taken from Scottish Assessors Association Website (July 2019). Benchmark turnover sourced from Mintel Retail Rankings (2019) 2017- 2018 figure.

2. Iceland floorspace taken from Scottish Assessors Association Website (January 2019). Benchmark turnover sourced from Mintel Retail Rankings (2019) 2017- 2018 figure.

3. Other Local Centres floorspace taken fro m Scottish Assessors Association Website (July 2019). Benchmark turnover sourced from Mintel Retail Rankings (2019) 2016- 2017 figure

4. Aldi floorspace area taken floorspace taken from Scottish Assessors Association Website (July 2019). Benchmark turnover sourced from Mintel Retail Rankings (2019) 2017- 2018 figure.

5. Farmfoods floorspace area taken floorspace taken from Scottish Assessors Association Website (July 2019). Benchmark turnover sourced from Mintel Retail Rankings (2019) 2017- 2018 figure.

6. Sainsbury's floorspace area taken floorspace taken from Scottish Assessors Association Website (July 2019). Benchmark turnover sourced from Mintel Retail Rankings (2019) 2017- 2018 figure.

7. Tesco floorspace area taken floorspace taken from Scottish Assessors Association Website (July 2019). Benchmark turnover sourced from Mintel Retail Rankings (2019) 2017- 2018 figure.

8. The Food Warehouse floorspace area taken from Planning Application 18/00655/PP submitted to North Ayrshire Council in July 2018. Benchmark Turnover sourced from Mintel Retail Rankings (2019) 2017-2018 based on Iceland company average turnover figure.

9. M & S Simply Food floorspace area taken from Planning Application Refs. 14/00235/PP & 06/00400/PP. Benchmark turnover sourced from Mintel Retail Rankings (2019) 2017- 2018 figure.

10. Morrisons floorspace area taken from Scottish Assessors Association Website (January 2019). Benchmark turnover sourced from Mintel Retail Rankings (2019) 2017- 2018 figure.

11. Co-op (Dregthorn) floorspace area taken from Scottish Assessors Association Website (January 2019). Benchmark turnover sourced from Mintel Retail Rankings (2019) 2017- 2018 figure.

12. Co-op (Caidon Road) floorspace area taken from Scottish Assessors Association Website (January 2019). Benchmark turnover sourced from Mintel Retail Rankings (2019) 2017- 2018 figure.

13. Costcutter floorspace area taken from Scottish Assessors Association Website (January 2019). Benchmark turnover sourced from Mintel Retail Rankings (2019) 2017- 2018 figure.

Figures Adjusted for Density Growth - Experian Retail Planner Briefing Note 16 (December 2018) - Figure 3a  
Price Base - 2017

Year	Growth Rate
2017	0.7%
2018	0.0%
2019	0.8%
2020	0.5%
2021	0.4%
2022	0.4%
2023	0.4%
2024	0.4%
2025	0.4%



Table 7: Anticipated Trade Diversion to the Proposed Development (Convenience Turnover)

Store / Centre	Turnover in 2025	Trade Diversion to Lidl, Crompton Way	%	Post Impact Turnover £m	Impact %
Irvine Town Centre	£62,000,172	£2,388,669	23.81	£16,339,609	3.85
Asda, Rivergate Centre	£52,806,101	£2,267,452	22.60	£50,538,649	4.29
Iceland, High Street	£7,078,451	£96,567	0.96	£6,981,884	1.36
Local Stores, Irvine	£2,115,620	£24,650	0.25	£2,090,970	1.17
East Road Commercial Centre	£15,131,097	£1,654,782	16.50	£13,476,315	10.94
Aldi, East Road	£15,131,097	£1,654,782	16.50	£13,476,315	10.94
Riverway Retail Park and Lamont Drive Commercial Centres	£150,550,108	£3,798,538	37.87	£146,751,570	2.52
Farmfoods, Lamont Drive	£4,807,637	£67,549	0.67	£4,740,088	1.41
Sainsbury's Ayr Road	£43,027,277	£1,628,068	16.23	£41,399,209	3.78
Tesco, Riverway	£83,622,770	£1,765,087	17.60	£81,857,683	2.11
The Food Warehouse, Irvine	£5,171,349	£82,469	0.82	£5,088,880	1.59
M&S Simply Food	£13,921,074	£255,365	2.55	£13,665,709	1.83
Out-of-centre	£46,785,542	£684,233	6.82	£46,101,309	1.46
Morrisons, Stevenston	£40,801,382	£355,549	3.54	£40,445,833	0.87
Co-op, Dreghorn	£2,319,443	£146,580	1.46	£2,172,863	6.32
Co-op, Caldon Road	£3,079,260	£135,604	1.35	£2,943,656	4.40
Costcutter, Girdle Toll	£585,458	£46,500	0.46	£538,958	7.94
Inflow		£1,504,627	15.00		
Total		£10,030,850	100		

Notes  
Price Base - 2017

Appendix 4

# IRVINE TOWN CENTRE HEALTH CHECK

## HEALTH CHECK

### Irvine Town Centre

Prior to undertaking a detailed technical retail impact assessment and sequential analysis, a town centre health check were completed to review the vitality and viability of the network of centres relevant to the proposal. SPP advocates this approach and has influenced the methodology.

Paragraph 70 of SPP makes the following statement: which is relevant to this proposal:

*“Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach outlined above...The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.”*

Using the LDP as a basis, the network of centres relevant to the catchment area of the proposal is:

- Irvine Town Centre and Core Shopping Area (TC1 & TC2)

Annex A of SPP sets out the key indicators which should be used to determine the vibrancy, vitality and viability of a centre and include, *inter alia*:

Activities	Physical Environment
retailer representation and intentions (multiples and independents)	space in use for the range of town centre functions and how it has changed
resident population	physical structure of the centre, condition and appearance including constraints and opportunities and assets
evening/night-time economy	historic environment;
leisure and tourism facilities	public realm and green infrastructure.
Property	Accessibility
vacancy rates, particularly at street level in prime retail areas	pedestrian footfall
vacant sites	accessibility
committed developments	public transport infrastructure and facilities
commercial yield/prime rental values	parking offer

The following sections will now assess the health of Irvine Town Centre and the Core Shopping Area.

### IRVINE TOWN CENTRE AND CORE SHOPPING AREA (TC1 & TC2)

The LDP outlines the extent of Irvine Town Centre: this includes the Town Centre (TC1) and the Core Shopping Area (TC2). This falls within the catchment area of the proposed store, thus a full town centre health check has been undertaken to assess its health.

### Description of the Town Centre

Irvine is the largest centre in North Ayrshire and is the administrative centre of the local authority area. The Town Centre is located to the west of the settlement beside the Firth of Clyde.

The River Irvine cuts through the town centre, with the Rivergate Shopping Centre built over it. The western side of the town centre also includes the NAC Office and a large Asda Supermarket with extensive car parking and the Fullarton Parish Church. The traditional high street is located to east including the pedestrianised Bridgegate and Bridgegate Square. High Street/Eglinton runs north/south through the town centre, extending to the East Road/Castle Street Junction. The town extends eastwards to Townhead to the junction with East Road.

A new Leisure Centre - The Portal - (replacing the Magnum in the harbour area of the town) opened in the Town Centre in 2017. This is located beside the roundabout at High Street/East Road.

Irvine Train Station is located just to the west of the Town Centre on its edge.



### Unit Mix and Composition

A survey was undertaken by Rapleys in December 2018 to survey and record the mix of uses within the town centre boundary as defined in the LDP.

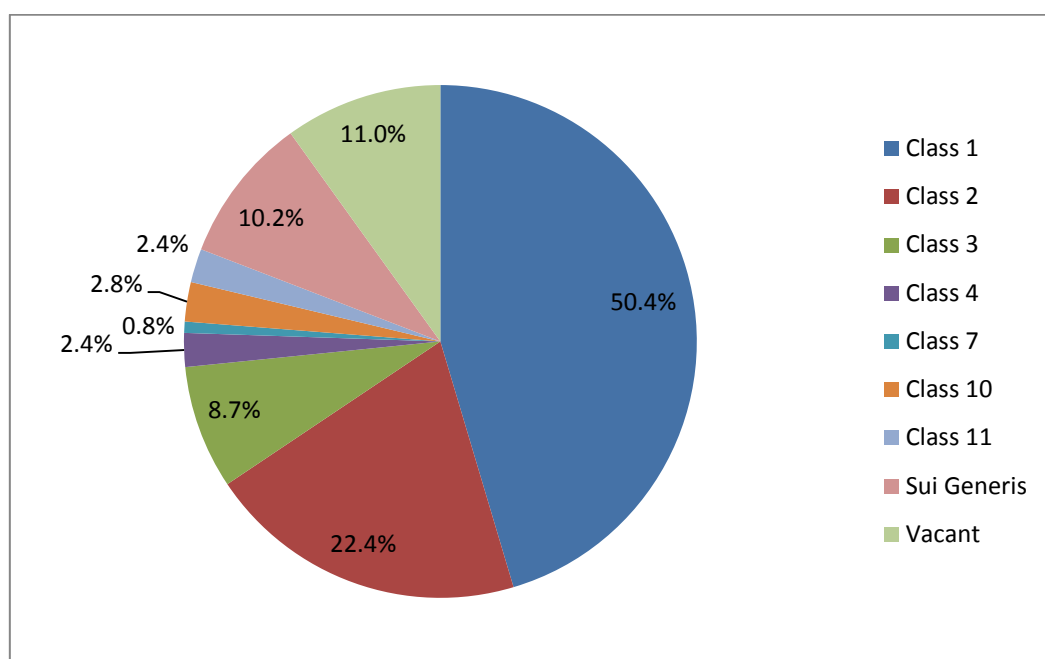


In total 254 units were recorded as being within the town centre boundary.

Class 1 was the predominant use within the town centre making up just over half of the total units at 50.1%. Class 2 units made-up 22.4% of units; with Class 3 representing 8.7% of units in the town centre.

There are a number of other uses in the centre and including leisure, hot food takeaways, public houses and guest houses which are typical and normal for town centre the scale of Irvine.

The following provides a full breakdown of the uses within Irvine Town Centre:



The analysis of the town centre demonstrated that convenience provision within the town centre is limited and mainly comprises mainly of the Asda store to the south-west and the smaller Iceland store on High Street.

There are a number of other large convenience providers outwith the town centre including: The Tesco store, Sainsbury Store and M&S Foodhall within the Riverway Retail Park & Lamont Drive Commercial Centre; and the Aldi store at the East Road Retail Park.

### Retailer Mix

The vitality and viability of town centres depends to a large extent on the quality and variety of retailers represented, with national retailers considered particularly important to attract shoppers. At the same time, independent shops play an important role in distinguishing a town centre from its competitors.

In terms of the mixture of uses, this centre had a wide range of uses including independent and national retailers. These independent retailers are mostly located to the east of the town in the High Street/Bridgeway area.

A number of national retailers and companies were also present within the town centre including: Iceland, Primark, Boots, Burton/Dorothy Perkins, New Look, Superdrug, Semi-Chem, O2, JD Sports, Card Factory, Game and Clarks. This list serves to highlight the attractiveness of the town centre to UK wider retailers.

### Vacancy Levels

The survey of the town centre identified a vacancy level of 11%. This is lower than the Scottish vacancy rate of 11.1% (Scottish Retail Consortium November 2018<sup>1</sup>). This survey therefore identifies that Irvine Town Centre is in a relatively healthy position with a below average vacancy level.

It is also worth noting that the vacant units are not clustered in one particular location. Instead, they are located throughout the town in a mixture of small, medium and large units.

### Pedestrian Footfall

As part of the town centre healthcheck, pedestrian flows/footfalls were monitored. This was around 12pm-1pm on the 3<sup>rd</sup> December 2018.

Pedestrian Activity was monitored in the Rivergate Shopping Centre, outside the Rivergate Shopping Centre, Bridgegate and along High Street.

It was found that there was a high level of footfall in and outside the Rivergate Shopping Centre, as well as the pedestrianised Bridgegate and Bridgegate Square. This correlates with this area being the Core Shopping Area.

The part of High Street which intersects with Bridgegate and Bank Street was also observed as being a busy area. The peripheral eastern and western ends of High Street were noted as being quieter. However this is understandable given the number of residential dwellings increases, whilst commercial units decrease. This was particularly true of the eastern edge, beyond the Portal as the area merges into Townhead.

### Accessibility

In terms of accessibility, the site can be accessed via a range of options including car, bus, bicycle and train. Irvine Train Station is located to the immediate south of the town centre boundary. There are a number of bus stops in the town centre along High Street, Eglinton Street, Townhead and beside the train station. These bus routes provide services to Ardrossan, Troon, Ayr, Kilmarnock and Glasgow.

There are also a number of large car parking facilities within the town centre including:

- Asda/Council Offices (circa 800 spaces);
- Rivergate Shopping Centre Multi-Storey (circa 500 spaces);
- West Road Car Park (circa 70 spaces);
- Kirkgate Car Park (circa 80 spaces);
- East Road Car Park (circa 160 spaces); and
- East Road South Car Park (circa 30 spaces).

The town centre is easily accessible and easy to move around. The health check found that the pavements were well kept and there are a number of crossings throughout the town.

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<sup>1</sup> Scottish Town Centre Vacancy Level figures produced by Springboard for the Scottish Retail Consortium reported in November 2018 by the Scottish Grocer and Convenience Retailer. [Link - https://www.scottishgrocer.co.uk/2018/11/12/vacancies-soar-on-scotlands-high-streets/](https://www.scottishgrocer.co.uk/2018/11/12/vacancies-soar-on-scotlands-high-streets/)

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The Rivergate Shopping Centre (Core Shopping Area) is completely pedestrianised providing access to the southern and northern section of the town centre.

The town centre is also well-positioned to allow easy access from the surrounding residential areas from the north, south and east. The town centre is also well-connected to the adjacent Riverway Retail Park and East Road Retail parks encouraging linked-trips.

### Environmental Quality

Irvine Town Centre has been the focus of regeneration efforts over the recent years. This has had the aim of improving the appearance of the town and includes the installation of new public realm on Bridgegate and the redevelopment of Bridgegate House in 2013. These regeneration efforts have included installing new public lighting, street furniture, surfaces and landscaping.

As the LDP settlement map demonstrates, a large part of the town centre is within the Irvine Town Centre Conservation Area. The conservation area includes most of the town centre to the north of the Rivergate Shopping Centre. A number of listed buildings fall within this boundary including the Grade A Listed Trinity Church located beside the eastern entrance of the Rivergate Shopping Centre which has been subject of restoration work since 2009.

It is considered that the town centre is well maintained with a relatively high standard of environmental quality. Bridgegate Square in particular has high quality soft and hard landscaping. There are a number of attractive street frontages and the addition of the newly opened Portal in the town centre has added to the attractiveness of the town. The number of listed buildings brings an architectural interest to the town and townscape.

It was noted that some vacant units on the High Street/Eglinton Street looked run-down and derelict detracting from the visual amenity of the surrounding area. Similarly, the derelict Forum Shopping Centre does not add to the visual or environmental quality of the town centre. Parts of the Rivergate Shopping Centre and look like they could be refurbished and the car parking area outside the Asda/Council Offices could benefit from being renovated through landscaping measures.

The following can be concluded from the healthcheck which was completed on the 3<sup>rd</sup> December 2018:

- Vacancy levels are below the national average;
- There is a healthy mix of national and independent retailer provision;
- The town centre can be easily accessed via a range of transport modes including active travel options and most of the car parks are free/restriction free;
- The town centre has benefited from recent regeneration initiatives to improve the public realm, but some areas of the town could still be aesthetically improved; and
- The addition of the Portal leisure centre serves to increase the attractiveness of the town centre as a leisure destination encouraging people to visit this area.

Overall, it is considered that Irvine Town Centre is in a good state of health and compares favourably against most of the SPP's healthcheck indicators. This is especially true when compared against other comparable town centres in the West of Scotland which are suffering from retail and footfall decline.

Appendix 3

# REBUTTAL LETTER, RAPLEYS LLP 7 NOVEMBER 2019



Our Ref: 18-02874

7<sup>th</sup> November 2019

LONDON  
BIRMINGHAM  
BRISTOL  
CAMBRIDGE  
EDINBURGH  
HUNTINGDON  
MANCHESTER

Dear John

**Planning Application 19/00752/PP: Erection of foodstore with sales area of up to 1,257 square metres to include the provision of access, car parking, landscaping and boundary treatment at Crompton Way, Irvine**

On behalf of our client, Lidl Great Britain Limited (Lidl), we provide our response to the following:

- A redacted representation submitted by a member of the public (Dated 24<sup>th</sup> October 2019);
- A representation submitted by JAS Campbell & CO on behalf of their client, Mr Basra (Dated 5<sup>th</sup> November 2019); and
- Comments received from North Ayrshire Council during the determination period (1<sup>st</sup> November 2019).

This letter addresses the planning policy points raised within the representations. We consider the 1<sup>st</sup> and 2<sup>nd</sup> objections listed above together as both appear to contain the same comments.

**Representation (dated 24<sup>th</sup> October 2019) & Representation submitted by JAS Campbell & CO on behalf of Mr Basra (dated 5<sup>th</sup> November 2019)**

We take these points in turn.

**POINT 1 – ‘COMPLIANCE WITH THE LDP’**

The letter notes under point 1 (a) that the proposal does not comply with the ‘Town Centre First Principle’ of the Local Development Plan (LDP). The Planning and Retail Statement (PRS) submitted with the planning application has provided a robust assessment of the proposal including a sequential analysis to demonstrate why this proposal cannot be accommodated in the town centre, on the edge-of-centre and in any relevant commercial centre. Specifically this is set out in Section 9 of and Appendix 2 of the PRS.

It is also noted that the objector refers to ‘Boutreehill and Girdle Toll’ Town Centres’ in point 1(a). It must be made clear that both the adopted LDP and emerging LDP (which is due to be adopted by the Council before the end of 2019) do not identify these as defined town centres. Therefore for the purposes of the sequential assessment, they are not afforded policy protection. . . As such, an application for retail development needs to

use this as a basis for undertaking a sequential assessment and retail impact analysis. There is no policy provision for assessment against the aforementioned areas by the objector.

However, as part of the comprehensive retail assessment, the PRS has included a full retail impact assessment (RIA) underpinned by the latest Experian and Minter data. Planning Policy affords protection to defined town centres and this RIA has demonstrated that there will be a very limited impact on the town centre as a result of a new Lidl foodstore operating. It is forecast that there will only be a 3.85% impact on Irvine Town Centre as a whole. As Section 9 of the PRS makes clear, this substantially derives from trade diversion from the Asda store. This conclusion similarly applies to the other local stores which serve the very localised or specialist needs.

Point (b) of the representations makes comments in relation to potential impact and vitality & viability of town centres. It should also be made clear that NAC has raised no concerns regarding the impact analysis throughout the planning application process. It can be concluded that the limited impact on the town centre has been accepted and there is no basis for refusal on this matter.

Regarding point (c), the store will create up-to 40 new full and part time jobs, with Lidl's company policy to recruit locally. It should also be noted that Lidl was one of the first employers to sign up to the national living wage, and that the roles available include a number of managerial and supervisory positions. These employment opportunities are a considerable benefit and should strongly weigh in favour of the proposal. There is no evidence to suggest that the creation of a new Lidl foodstore will lead to job losses elsewhere in the town. Indeed, to reaffirm, the RIA has shown that there will be limited impact on the town centre and other existing retailers throughout the town.

#### POINT 2 – 'SUSTAINABILITY'

Points 2 (a) and (b) make similar comments with regards to the impact of a new Lidl foodstore on the town. To re-emphasise there is projected to be a very limited impact on the town centre of Irvine. The sales densities utilised in the RIA are the most up-to-date figures available and are specifically based on Lidl as an operator. The application does not relate to a speculative proposal for an unnamed convenience food retailer. It is specifically for a named discount food retailer with a specific and distinct operation. Therefore, it would be inappropriate and inaccurate to test the sales densities of other retailers. In any case, appropriate planning control of this matter can be made through a planning condition limiting the convenience floorspace to 'discount convenience retail provision'. This approach has been accepted in numerous planning applications for Lidl foodstores across Scotland, as well as the rest of the UK.

Appendix 3 of the accompanying PRS provides detailed commentary of the impacts the proposed new Lidl foodstore would have.

#### POINT 3 – 'PLANNING AND ECONOMIC BENEFITS' & 'TRANSPORT'

Taking points (a) and (b) together, this letter has already outlined the impact analysis and the creation of new jobs associated with a new Lidl foodstore. As Section 6 of the PRS notes, Lidl sources 300 convenience products from 60 Scottish suppliers. It should also be remembered that Lidl does not provide the 'full retail offer' with the following an example of what is not provided in store: fresh meat counter, fresh fish counter, hot food counter, pharmacy, dry-cleaning, post officer services or a café/restaurant.

Moreover, Lidl as a discount retailer offers an inherently different service to other retailers and the localised retailers who have made these representations. These stores who make the representation, typically open for extended hours for 'top-up'/emergency purchases'.

This further demonstrates, in tandem with the RIA, that Lidl offers a limited range of products which will not negatively impeded on existing businesses which provide a much more localised service.

Regarding point( c ), the objector claims that Stanecastle Roundabout cannot cope with a further increase in traffic. This point is unsupported with no evidence to substantiate this claim. Indeed, the applicant has gone to great lengths to demonstrate that the proposed foodstore will not have a negative impact on the local road network; and that it will be accessible by a range of transport modes – especially active travel modes (e.g. walking and cycling). A full Transport Assessment (TA) has been submitted with the planning application concluding that the proposal is highly accessible by all modes of transport including walking, cycling and public transport. There is an existing network of good pedestrian infrastructure – street lighting, footpaths and footways - all of which allow successful integration with the surrounds. The site will provide footpaths which connect to Crompton Way and Manson Road; as well as providing 6 Sheffield Bike stands to accommodate up to 12 bikes. Bus stops are located in very close proximity on Manson Road. These provide access to the town centre and other surrounding areas of Irvine. The proposal will also include two electric charging bay parking spaces in order to provide use for customers with electric vehicles. A further pedestrian footpath is to be installed from the northern end of the site to connect to the existing footpath which runs along the eastern boundary of the site.

The TA noted the impact of the new store on the local road network will be low, but that the development could be supported. There have been extensive discussions with between Lidl's Transport Consultant and NAC Roads Officers to ensure that the development will not have a negative impact on the area. A further analysis of the existing walking/cycling routes was commissioned through an independent audit. It should be duly noted that NAC Roads Officers have since raised no objections to the proposal from a transport perspective on 24<sup>th</sup> October 2019 with a formal letter to the planning application. This noted that due to the evidence presented, the planning proposal was acceptable with a number of conditions then suggested by this department to be attached to any planning permission.

**Assessment of NAC Comments during the Determination Period received from North Ayrshire Council (email dated 1<sup>st</sup> November 2019)**

We respond to the comments of the case officer in relation to the sequential assessment which state:.

*"It is considered the proposal is contrary to the Towns and Villages Objective of Strategic Policy 1 and Policy 3 of the LDP (due to be adopted prior to the committee date). The proposal does not adopt a town centre first principle and I disagree with the assessment of the SSA. It is my assessment that other sequentially preferable sites, such as Ayrshire Metals and Montgomerie Park, meet what your client considers to be their minimum requirements. While I accept that The Forum does not meet what Lidl consider to be their minimum requirements, I would argue that the high accessibility and visual prominence of The Forum outweigh these considerations."*

We take these points in turn:

**SEQUENTIAL SITE ASSESSMENT**

The application has provided a sequential assessment to demonstrate why the subject site beside Crompton Way is appropriate. The two sites mentioned in the above statement have been thoroughly assessed in the PRS to show why they are not suitable for the proposed development. In short:

- **Ayrshire Metals Site:** This site is considered to act, and be, and out-of-centre site. It is extremely disconnected from the town centre, does not promote linked trips, and does not have the visibility or passing traffic required for a successful Lidl operation. Due to its designation, we do not consider that a detailed assessment should even need to be provided for this site in line with the sequential approach i.e. there is no requirement to assess sites in the same sequential category as the proposed site location. However, a full site assessment has been undertaken in the PRS with the site still not meeting the requirements for a Lidl foodstore. Overall, this site is unsuitable for the proposed Lidl foodstore. It is also pertinent to note that, through discussions between the applicant and selling agent of the Ayrshire Metals Site (which has been on the market since approximately 2019), it can no longer be considered to be available for development. In an email of the 7<sup>th</sup> November 2019, it was made clear to the applicant that an offer had been made to purchase the site and was now 'under offer' with a housebuilder. Currently, an exclusivity agreement is being drawn up between the preferred party and landowner. On this basis, and in the context of this planning application, the Former Ayrshire Metals site can no longer be considered to be available (in addition to being unsuitable).
- **Montgomerie Park:** It is a matter of fact that the site is not a defined town centre and is therefore not afforded policy protection in relation to local and national planning policy. Consequently, as the PRS clearly demonstrates, the site is not sequentially preferable, as it also occupies an out-of-centre location. Notwithstanding this critical point, the PRS goes on to make clear that the Montgomerie Park site is not suitable for occupation by a discount convenience retailer. There are no site specific details for the proposed commercial use apart from the land to the south of Hill roundabout being supported for Education and Community facilities. The applicant has tried to obtain further information from NAC on this area throughout September and October 2019. Representatives in the NAC Regeneration Team who are managing this area note that the site has the potential to come forward at some point, but there is no specific timescale in mind or detailed layouts for development. With that in mind, it has to be considered that the site is wholly unsuitable; and it is not apparent that the site is available in the short to medium term. Discussions between the applicant and NAC have demonstrated that the Council is unclear when the a site(s) might become available.. It is unclear when this site will come forward and cannot be considered a material reason to refuse this application.
- **The Forum:** The site is unsuitable for the proposed Lidl foodstore. It is too small to meet the minimum requirements of a modern Lidl site and would not be able to accommodate on-site car parking. It is also unclear how a dedicated services area could be installed for HGVs. It would also make it very difficult to be a single store, open and unrestricted sales area which benefits from a level topography. These are just some of the reasons why the site is not suitable and does not meet the requirements set out in Section 9 of the PRS. It is important to remember that, in assessing suitability, the outcomes of the *Tesco Stores Ltd v Dundee City Council* (2012) should be considered. This decision noted that an alternative site is suitable for the proposed development not whether a proposed development can be altered or reduced so that it can be made to fit an alternative site. This is pertinent when assessing the Forum in particular. Lidl's previous occupation in the town (in Riverway Retail Park) highlights the importance of ensuring a site is suitable for operation. The previous unit did not meet operational requirements, resulting in Lidl vacating the unit and withdrawing from the town. It is acknowledged that this site is located within the designated town centre of Irvine, but availability is unclear.

The accompanying PRS explores these sites in more detail but concludes that there are not suitable for the proposal, thus ensuring the sequential assessment is entirely met.



Secondly, the Case Officer makes the following point:

*“Furthermore, the SSA does not take into account other considerations such as the high turnover of units within the Riverway Retail Park or the possibility of erecting a new building in or adjacent to the town centre”*

Paragraph 69 of SPP states that ‘realism from planning authorities’ must be adopted in undertaking the sequential approach. In relation to the consideration of availability, sites should be available now or within a reasonable time period. The speculative suggestion of considering vacancies that could occur in the future within a designated commercial centre, is not a reasonable approach, unless a clear vacancy arises during the consideration of the planning application. As we set out in the PRS, there are currently no suitable vacancies in the commercial centres.

Furthermore, the statement that the applicant has not considered erecting a building in or adjacent to the town centre is generic in that the officer is not highlighting any specific site or opportunities for the applicant to consider. At both the pre-application stage and during the determination of the previous application (Application Reference: 19/00050/PP), the applicant held discussions with the planning officers to discuss whether there were any other sites that should be considered. Those that were suggested by the Council have been duly assessed in the accompanying PRS. No other specific sites have been suggested by the Council - indeed, it is unclear where any new buildings could be erected in the town centre. Our assessment has therefore comprehensively considered the suitability and availability of all the sites identified and suggested through the scoping process..

### Conclusions

This letter has considered and fully addressed the points raised in the representations made by two objectors and comments received from NAC.

For the reasons outlined above, there are no sequentially preferable suitable or available sites to accommodate the proposed foodstore development. Therefore the proposal is fully compliant with the adopted LDP, the forthcoming LDP and with paragraph 73 of SPP.

We consider that all outstanding matters have been addressed and that the planning application now be determined favourably. Should you wish to clarify any of the points raised above, please do get in touch.

Yours sincerely,

**Grant Allan**  
MA (Hons) MSc MRTPI  
Senior Planner

Appendix 4

# DOUGLAS ARMSTRONG QC OPINION, 12 NOVEMBER 2019

**Opinion of Senior Counsel**

**for**

**Lidl Great Britain Limited  
("Lidl")**

**Subject : Planning Application  
19/00752/PP : Erection of foodstore  
with sales area of up to 1,257 square  
metres to include the provision of  
access, car parking, landscaping and  
boundary treatment ("the Proposal")  
at Crompton Way, Irvine ("the Site").**

**Introduction**

1. Senior Counsel's opinion is sought on the four questions set out in the paper attached to agents' e-mail of 7 November 2019. Counsel has the following opinion in relation to the questions set out.

**Q1.Does Counsel consider that the proposed development meets the sequential approach set out in local and national planning policy having regard to the submitted application documents and further supporting justification and evidence?**

***Policy and case law background***

2. Scottish Planning Policy ("SPP"), at paragraphs 68 and 69, sets out the Scottish Government's policy on the sequential approach. At paragraphs 70 to 73, the SPP sets out guidance on its use in development management. The North Ayrshire Local Development Plan (2014), through policy TC4, adopts the Scottish Government's policy on the sequential approach. The proposed North Ayrshire Local Development Plan (2018) through policy 3 : Town Centres and Retail also adopts the Scottish Government's policy on the sequential approach.

3. There are three Scottish cases which are particularly relevant to the issues involved in this question. They are *Tesco Stores Limited v Dundee City Council* (2012) UKSC 13 (“Tesco”), *Tesco Stores Limited v Highland Council* 2011 CSOH 11 (“the Highland Council case”) and *Lidl UK GmbH v Scottish Ministers* 2006 CSOH 165. The key, pertinent points from these cases are :
- (i) The application of the sequential approach requires flexibility and realism from the developers and retailers as well as from planning authorities (see paragraph 28 of *Tesco*);
  - (ii) Provided the applicant has followed a flexible and realistic approach the question is whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site (see paragraphs 27 to 29 and 37 of *Tesco*); and
  - (iii) The sequential approach is aimed at protecting and promoting town centres and the most sequentially preferable locations. It has no application to the comparable merits or demerits of out of town centre sites (see the Highland Council case, paragraphs 17, 23 and 33).

***Counsel’s assessment***

4. Accordingly, the first issue is whether flexibility and realism have been applied in the sequential site assessment set out in (a) the Planning and Retail Statement for the Applicant dated October 2019 (“the PRS”) at paragraphs 9.2 to 9.42 and Appendix 2, and (b) Rapleys’ letter of 7 November 2019 to the Planning Department of North Ayrshire Council (“the Rebuttal letter”).
5. In Counsel’s opinion an important consideration in assessing this issue is the site search parameters set out and discussed in paragraphs 9.20 to 9.24.



Counsel considers that the PRS sets out a clear and reasoned justification for the minimum site requirements identified in paragraph 9.20 of the PRS. Flexibility and realism have been applied in reaching the minimum requirements set out in that paragraph.

6. The second issue to consider is the application of these requirements to the identified town centre, commercial centre and retail park sites. Paragraphs 9.25 to 9.39 and Appendix 2 of the PRS set out the analysis of the sites against these requirements. Counsel considers that it is clear from the assessment that there are no suitable or available sites that come even remotely close to meeting the requirements.
7. North Ayrshire Council's planning officers suggested three further sites that should be considered and they are set out in paragraph 9.40 and assessed in Appendix 2 of the PRS and in the Rebuttal letter at page 4. In relation to the Montgomerie Park site, Counsel considers that there is no requirement under the sequential approach to consider the site for the reasons set out Appendix 2 and page 4 of the Rebuttal letter. If the Montgomerie Park site was used as a basis for the Planning Authority refusing the Application, Counsel considers that Lidl would have strong grounds for challenging the decision. Such an approach by the Planning Authority would be following the mistake made by the planning officer in the Highland Council case. It would represent a misunderstanding of the sequential test and its purpose. In addition, the Montgomerie Park site has been assessed as being wholly unsuitable, having regard to the minimum requirements. In any event the site is not available in the short to medium term. Accordingly, Counsel considers that it cannot be considered as an acceptable site in any sequential assessment.
8. In relation to the Ayrshire Metals Site, the analysis in Appendix 2 and on page 4 of the Rebuttal letter supports the conclusion that the site is an out of centre site and not a site that should be considered in the sequential assessment. No justification has been advanced by the North Ayrshire Council planning department for taking a different approach to this site. Also, importantly, the evidence currently shows that the site is not available. Counsel refers to page 4 of the Rebuttal letter. It sets out that an offer

to purchase the site by a housebuilder has been made and provisionally accepted and that it is now “under offer”. Accordingly, this site cannot be considered as available for the proposed development. Counsel notes that the use of this site for residential development is supported by the Irvine Town Centre Regeneration Plan.

9. The third site identified by the North Ayrshire Council planning officers is The Forum Shopping Centre. Appendix 2 of the PRS identifies that this site extends to approximately 0.17ha. Counsel considers that there is no basis for concluding that this is a suitable site and that the verdict identified in Appendix 2 that the site is unsuitable for the proposed development cannot reasonably be challenged. Counsel notes that the North Lanarkshire Council planning officer’s e-mail of 1 November 2019 accepts that this site does not meet what the Applicant considers to be its minimum requirements. In Counsel’s view, the suggestion that the high accessibility and visual prominence of this site outweighs the Applicant’s other minimum requirements highlights an approach which has been rejected by the Courts as being inconsistent with the correct interpretation of the sequential approach. If such an approach was adopted by the planning authority Counsel considers that the Applicant would have strong grounds for challenging a decision based on that approach. Counsel considers this further in the answer to Question 2 below.

10. In conclusion, for the reasons set out in paragraphs 9.2 to 9.42 and Appendix 2 of the PRS and the Rebuttal letter, Counsel considers that the proposed development meets the sequential approach set out in local and national policy.

**Q2 Is North Ayrshire Council justified in seeking to refuse the planning application on sequential assessment grounds, despite the Applicant’s evidence to the contrary?**

11. In the planning officer’s e-mail of 1 November 2019, the officer sets out the planning officer’s analysis of the assessment carried out. He considers that:

- (i) The Ayrshire Metals, Montgomerie Park and The Forum sites are sequentially preferable sites;

- (ii) Whilst The Forum site does not meet the minimum requirements of the Applicant, it is highly accessible and visually prominent and this outweighs these minimum requirements;
- (iii) Lidl operates other town centre stores which do not meet the minimum requirements set in paragraph 9.20;
- (iv) The assessment does not take into account other considerations such as the high turnover within the Riverway Retail Park or the possibility of erecting a new building on or adjacent to the town centre.

12. In relation to reason (i), Counsel has set out his opinion at paragraphs 2 to 10 above. Counsel considers that the planning officer has not set out a valid justification for his position on these sites and that the argument which appears to be advanced by the planning officer displays a fundamental misunderstanding of the sequential approach. If adopted by the planning authority this argument would be open to challenge.

13. As regards reason (ii), Counsel considers that such an approach is not consistent with SPP or the interpretation of the sequential approach by the Scottish Courts. It undermines the requirement to be flexible and realistic when setting out criteria for a minimum requirement. This is highlighted by the relevant factual information on The Forum site. This is a site which is 0.17ha in size, a hectare smaller than the proposed development site. Paragraph 9.20 of the PRS identifies a minimum requirement of a site of 0.6ha which can provide sufficient car parking for staff and visitors. An approach which concludes that accessibility and visual prominence should in some way trump these minimum requirements is an approach which is rejected in the case referred to by Lord Reed in Tesco at paragraph 28. It is in effect the planning authority taking business decisions on behalf of the developer. In the circumstances of this application, Counsel does not consider that such an approach can be justified.

14. With regard to reason (iii), the minimum requirements set out at paragraph 9.20 take on board the particular circumstances relevant to this type of development in this area. Paragraph 9.22 of the PRS highlights what can happen when such minimum requirements are not met.

It is not appropriate to simply state that there are stores operated in other town centres by Lidl that do not meet the minimum requirements detailed in paragraph 9.20. It is the proposal for Irvine and the minimum requirements for the area that must be considered. There will be site specific and historic reasons for operations in other areas which can explain why stores operate differently in these areas. The planning officer has not set out which stores he is referring to or what criteria are not met. He does not set out an analysis of the minimum requirements and explain why any of the requirements should not be applied in this particular analysis.

15. In relation to reason (iv), the sequential assessment has to consider what is available at the current time or what is likely to become available in the near future. It is not designed as a forward planning assessment. Such an approach would again undermine the sequential approach. Policy TC4 of the Local Development Plan 2014 identifies that the sequential assessment involves consideration of available and suitable sites/premises (or which can reasonably be made available or suitable). Consideration of unspecific vacancies that might become available in the future is not appropriate. Such an approach would undermine the whole basis for a sequential assessment. It cannot be considered a reasonable approach. Further, there is also no indication in (iv) of any site within, or adjacent to, the town centre suitable for erecting a new build.

16. If the planning authority was to adopt any of (i) to (iv) as a basis for refusing the application, Counsel considers that the Applicant would have strong arguments to challenge the decision. Accordingly, Counsel considers that in the circumstances North Ayrshire Council would not be justified in seeking to refuse the planning application on sequential assessment grounds.



**Q3. If Counsel concludes that the sequential approach has not been met, what additional justification would be required to satisfactorily address the sequential approach?**

17. For the reasons set out in answers 1 and 2 above, Counsel considers that an appropriate sequential assessment has been carried out.

**Q4. Having regard to the information before Counsel, are there any other matters Counsel considers relevant to the above 3 questions?**

18. Having regard to the information provided, Counsel has nothing further to add.

**Douglas Armstrong QC**

**Advocates Library  
Parliament House  
Edinburgh**

**12 November 2019**

Appendix 5

# EMAIL FROM CASE OFFICER 1 NOVEMBER 2019

## Daniel Wheelwright

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**From:** Daniel Wheelwright  
**Sent:** 17 February 2020 16:38  
**To:** Daniel Wheelwright  
**Subject:** FW: 19/00752/PP - Lidl Irvine

---

**From:** John Mack ( Planning Officer / Planning ) [  
**Sent:** 17 December 2019 12:17  
**To:** Grant Allan  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Good Morning Grant,

Yes I have read the document prepared by your Counsel. It is largely a reiteration of positions and opinions already expressed in your Planning and Retail Statement and Supporting Letter dated 12/11/2019. The document does not provide any additional evidence or analysis that would alter the opinion of the Planning Department that the applicant has failed to demonstrate that there are no sequentially preferable sites available in Irvine.

Regards,  
John

---

**From:** Grant Allan  
**Sent:** 17 December 2019 11:37  
**To:** John Mack ( Planning Officer / Planning )  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Morning John,

Further to the email the below, have you had a chance to review the Counsel Opinion? Can you let me know if you have and what your thoughts are?

In the applicant's view, there is a clear position and conclusion with regards to the application of the sequential approach.

Looking forward to seeing your thoughts.

Grant

**Grant Allan**  
MA (Hons) MSc MRTPI  
Senior Planner  
Town Planning



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Audits | Feasibility | Applications | Appeals/Expert Witness  
Environmental Impact Assessment | Policy | Site Search  
Sector/Specialist Assessments | Section 106 Agreements/CIL



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**From:** Grant Allan  
**Sent:** 09 December 2019 11:21  
**To:** 'John Mack ( Planning Officer / Planning )'  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Morning John,

Please find attached a Senior Counsel Opinion which our client Lidl sought regarding this application.

Can you please review this and include it with the planning application.

Please let me know if you have any further questions.

Grant

**Grant Allan**  
MA (Hons) MSc MRTPI  
Senior Planner  
Town Planning



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---

**From:** John Mack ( Planning Officer / Planning ) [  
**Sent:** 02 December 2019 14:52  
**To:** Grant Allan  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Hello Grant,

My Administration colleague noticed that the document contains individual comments personal details and so it has been taken down temporarily while she redacts the relevant information.

Regards,  
John

---

**From:** Grant Allan  
**Sent:** 02 December 2019 13:59  
**To:** John Mack ( Planning Officer / Planning )  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Thanks and understood, John.



I just checked the application this morning and note that our supplementary support document has been removed? Is this an error or was there a reason for its removal?

**Grant Allan**

MA (Hons) MSc MRTPI  
Senior Planner  
Town Planning



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**From:** John Mack ( Planning Officer / Planning ) [

**Sent:** 02 December 2019 09:27

**To:** Grant Allan

**Subject:** RE: 19/00752/PP - Lidl Irvine

Good Morning Grant,

Yes, we can accept additional support documents up until the committee date. If you do plan on doing this however I would advise submitting any additional documents in good time before the committee so that the members of the committee have an opportunity to examine any such documents as may be received.

Regards,  
John

---

**From:** Grant Allan

**Sent:** 29 November 2019 16:57

**To:** John Mack ( Planning Officer / Planning ) <

**Subject:** RE: 19/00752/PP - Lidl Irvine

Thanks, John. The below is noted.

In terms of deadlines, I imagine you will still be accepting submission right up until the committee date of 22<sup>nd</sup> January 2019. Can you confirm this, please.

**Grant Allan**

MA (Hons) MSc MRTPI  
Senior Planner  
Town Planning



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---

**From:** John Mack ( Planning Officer / Planning )

**Sent:** 29 November 2019 09:57

**To:** Grant Allan

**Subject:** RE: 19/00752/PP - Lidl Irvine

Good Morning Grant,

Unfortunately that is as much detail as I am able to provide at the moment. The full assessment will be available in the Committee Report which will be published a week before the January Committee.

Regards,  
John

---

**From:** Grant Allan  
**Sent:** 28 November 2019 11:49  
**To:** John Mack ( Planning Officer / Planning )  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Thanks for the update on the LDP, I wasn't sure exactly when it was being adopted.

Can you provide some more detail on what the reasons are in relation to these policies: do you feel the proposal doesn't meet the requirements of the sequential assessment, for example?

**Grant Allan**  
MA (Hons) MSc MRTPI  
Senior Planner  
Town Planning



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---

**From:** John Mack ( Planning Officer / Planning )  
**Sent:** 28 November 2019 11:14  
**To:** Grant Allan  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Hello Grant,

As previously stated, the recommendation will be for refusal. The reason for refusal is that the proposal is considered to be contrary to Strategic Policy 1: Spatial Strategy (The Towns and Villages Objective) and Policy 3: Town Centres and Retailing of the adopted LDP (The new LDP has just been adopted today).

Regards,  
John

---

**From:** Grant Allan <[G](#)>  
**Sent:** 28 November 2019 10:48  
**To:** John Mack ( Planning Officer / Planning )  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Morning,

Can you set-out in an email what the recommendation is and reasons for this?

Thanks

**Grant Allan**  
MA (Hons) MSc MRTPI  
Senior Planner  
Town Planning



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---

**From:** John Mack ( Planning Officer / Planning )  
**Sent:** 28 November 2019 10:12  
**To:** Grant Allan  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Morning Grant,

Apologies but that is not something that we would provide.

Regards,  
John

---

**From:** Grant Allan <[G](#)>  
**Sent:** 27 November 2019 15:36  
**To:** John Mack ( Planning Officer / Planning ) <  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Can you issue it in a draft format?

**Grant Allan**  
MA (Hons) MSc MRTPI  
Senior Planner  
Town Planning



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---

**From:** John Mack ( Planning Officer / Planning )  
**Sent:** 27 November 2019 13:46  
**To:** Grant Allan  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Hello Grant,

No sorry, we are not able to provide you with a copy of the report before it is published. While the content of the report is unlikely to change before the 22<sup>nd</sup> of January, we cannot pre-empt the decision.

Regards,

John

---

**From:** Grant Allan  
**Sent:** 26 November 2019 16:29  
**To:** John Mack ( Planning Officer / Planning )  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Can I please request a copy of the committee report if it has been finalised, please?

**Grant Allan**  
MA (Hons) MSc MRTPI  
Senior Planner  
Town Planning



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---

**From:** John Mack ( Planning Officer / Planning )  
**Sent:** 26 November 2019 16:12  
**To:** Grant Allan  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Hello Grant,

Even though the report is ready, I would expect it to be published close to the January committee as per standard practice.

Regards,  
John

---

**From:** Grant Allan  
**Sent:** 26 November 2019 14:58  
**To:** John Mack ( Planning Officer / Planning )  
**Subject:** RE: 19/00752/PP - Lidl Irvine

Thank you for updating me, John.

I will update the applicant to make them aware.

In terms of your committee report, will you still be publishing it this week, or now waiting until January?

Grant

**Grant Allan**  
MA (Hons) MSc MRTPI  
Senior Planner  
Town Planning



RAPLEYS LLP  
8A Rutland Square Edinburgh EH1 2AS





---

**From:** John Mack ( Planning Officer / Planning

**Sent:** 26 November 2019 14:18

**To:** Grant Allan

**Subject:** 19/00752/PP - Lidl Irvine

Good Afternoon Grant,

I'm writing to inform you that due to the late call-in and the forthcoming general election the decision has been taken to postpone the determination of the Lidl application until the January 22<sup>nd</sup> committee.

Regards,  
John

*John Mack  
Planning Officer*



---

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Appendix 6

# FURTHER SEQUENTIAL ASSESSMENT OF EAST ROAD RETAIL PARK, RAPLEYS LLP, APRIL 2020



## SEQUENTIAL SITE ASSESSMENT UPDATE

This sequential update is in response to the Report of Handling associated with the refusal of planning application N/19/00752/PP, which suggested a site adjacent to Creepy Crawlies and the Caledonian Car Park could be amalgamated to support a Lidl foodstore in this location. This combined site was not something previously suggested by the Council either at the pre-application or application stage.

### East Road Retail Park / Caledonian Car Park (LDP Policy TC3)

East Road Retail Park bounds Irvine Town Centre's northern boundary. Policy TC3 of the LDP stipulates that retail units providing comparison goods retailing are acceptable in this location. Argos, Halfords, Aldi, Boots, Barnardo's and Dominoes Pizza all occupy units within the retail park currently; as well as Creepy Crawlies Soft Play. A North Ayrshire Council operated long stay car park (Caledonian Car Park) occupies an area to the east of the retail park.

The Caledonian Car Park occupies approximately 0.5ha and was constructed in 2016 as a consequence of the need for dedicated long-stay car parking provision Irvine being identified in the North Ayrshire Car Parking Strategy 2014-2020. The car park also provides dedicated public electric vehicle charging spaces and coach parking, again reflecting the requirements in the car parking strategy.

The Retail Park is of a modest size and is fairly self-contained with one access road coming from East Road. This site continues to benefit from full occupancy (notwithstanding the COVID-19 position regarding temporary store closures). However, Council Planning Officers - in the RoH associated with the refusal of the planning application - identified a vacant parcel of land (0.28ha) adjacent to Creepy Crawlies, which purport is potentially available for development. This site, in combination with the Caledonian Car Park, is suggested to be suitable and available for accommodating the proposed development. This is on the basis that officers consider that the Caledonian car park is 'underutilised'.

### Assessment of the Vacant Parcel of Land and Caledonian Car Park

This area, being at the east of the retail park lacks any significant prominence from a main road which is a fundamental requirement of a discount food retailer. Furthermore, there is a known issue with the junction capacity at East Road Retail Park during peak times. Specifically, the rotation of the signalised junction causes significant queueing within East Road Retail Park, blocking the ability for access to and egress from the retail park at peak times. The applicant's community consultation has also highlighted this issue which acts as a barrier, dissuading customers from visiting the retail park at busier periods. Clearly, an additional foodstore at this location - notwithstanding its lack of prominence - would only exacerbate this issue.

We dispute the assertion in page 16 of the Council's RoH that the Caledonian Car Park is 'underused'. This appears at odds with satellite imagery, which indicate a good utilisation of the car park (Appendix 7). Furthermore, as Irvine's only dedicated long-stay car park, the loss of the car park would be in complete contradiction of NAC's own Car Parking Strategy (Appendix 8), which underscores the need for additional car parking capacity, particularly in relation to long-stay parking for workers commuting to the centre. Indeed, the car park was only opened in 2016 as a key recommendation from the car parking strategy. Also of note, is that the car park has designated coach parking and an electric charging point, providing critical infrastructure for the needs of different users visiting the town. Parking for a Lidl foodstore is predicated on it being short stay (typically up to 90 minutes), reflecting the shorter visit times to discount food retailers and the need to ensure an adequate turnover of car parking spaces for customers of the store.

The use of the car park by Lidl would therefore be fundamentally incompatible with the operation of the long-stay Caledonian Car Park. Specifically, it would undermine the implemented actions from the

parking strategy, denying commuters the ability to park there and leave no dedicated long-stay coach parking bays.

Both the Caledonian Car Park and the vacant site are designated as 'Irvine Common Good Land', which means that they cannot be seen as being available within a reasonable timeframe and require permission for any change of classification of the land. Even assuming permission would be given to change the classification of this land, an application to the court would have to be made and be approved. This process would mean that the site cannot be considered as available within a reasonable time period.

**Verdict:** There are no suitable or available sites or units within the retail park (either alone or in combination) that can accommodate the proposed Lidl foodstore.

East Road Retail Park/ Caledonian Car Park	
Availability	Suitability
<p>This commercial centre has been assessed and it there are no available existing units as the retail park if fully let.</p> <p>The North Ayrshire Council Caledonian Car Park is in active use and appears to be well utilised serving the identified long-term parking needs of the town. It is therefore not available for development.</p> <p>Furthermore, the car park and the vacant land adjacent to Creepy Crawlies is Irvine Common Good Land' not cannot be seen as being available within a reasonable timeframe and require permission for any change of classification of the land.</p>	<p>The site lacks prominence from a main road which is a critical locational requirement for discount foodstore operator.</p> <p>there is a known issue with the junction capacity in accessing and egressing East Road Retail Park during peak times. Specifically, the rotation of the signalised junction causes significant queueing within East Road Retail Park, blocking the ability for access to and egress from the retail park at peak times. This is a significant barrier dissuading customers in addition to the aforementioned reasons.</p>

Appendix 7

# GOOGLE MAPS SATELLITE EXTRACT (ACCESSED 25 MARCH 2020)

Extract from Google Satellite Images – Accessed 25 March 2020



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Appendix 8

# NORTH AYRSHIRE COUNCIL CAR PARKING STRATEGY 2014

2014 - 2020

# Town Centre Parking Strategy



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath



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# 1. Introduction

## 1.1 Background

Effective management of parking and the development of alternative travel modes are central aspects within the development of economic and environmentally sustainable town centres. The Council has developed this strategy to ensure a consistent and coherent approach to parking that:-

- Enhances and supports local economies;
- Improves traffic flows and reduces congestion;
- Manages parking spaces to ensure adequate availability and the prioritisation of prime spaces;
- Reduces carbon emissions and improves air quality; and
- Promotes alternative modes of travel.

The strategy runs from 2014 to 2020 and will be reviewed at regular intervals to ensure the key aims and objectives are achieved. It compiles detailed research and information in three key areas:-

- Key Drivers – A review of the issues that will influence the future direction of parking management;
- Consultation and Local Studies – The views of residents and businesses on the Councils current approach to parking, key issues to be addressed and an analysis of the utilisation of car-parks in our town centres;
- Actions for Delivery – Recommended actions for implementation.

The strategy considers parking within the town centres listed below. It does not consider parking within residential areas.

- Ardrossan
- Beith
- Brodick
- Dalry
- Irvine
- Kilbirnie
- Kilwinning
- Largs
- Saltcoats
- Stevenston
- West Kilbride

## 1.2 North Ayrshire

North Ayrshire is situated around 25 miles south-west of Glasgow and has a population of 138,146. Its total area is approximately 340 square miles, almost equally divided between the mainland and the islands of Arran and Cumbrae. The administrative centre is Irvine, the largest town in North Ayrshire.

Over three-quarters of the population live in urban areas or accessible small towns, with the remaining population living in rural areas – 4.8% of the total population living in remote or very remote rural areas.

The A78 runs through North Ayrshire from Skelmorlie in the north to Irvine in the South. The A736 and A737 provide links between North Ayrshire and Glasgow, although improvements are required to improve access to the conurbation. Access to the national motorway network is via the A71 at Irvine to the M74, or via the A77 to the M77.

Regular rail links are provided from Largs and Irvine to Glasgow via Kilwinning. Most towns have railway stations on these lines. North Ayrshire also benefits from several quality bus corridors; Ardrossan to Kilmarnock, North Coast and the Garnock Valley. These routes provide access to high quality bus services for most of our towns.

Ardrossan and Largs provide ferry services to Arran (Brodick) and Cumbrae respectively. Hunterston provides deep-water seaport facilities.

In 2012 the Scottish Index of Multiple Deprivation identified a significant number of areas in North Ayrshire as being deprived. Irvine, Kilwinning, the Three Towns and Garnock Valley were among the areas identified.

In 2012, 34 per cent of households in North Ayrshire did not have a car available for personal use. This compared with a national figure of 31 per cent.

Traffic volumes on roads in North Ayrshire reached a peak in 2008 with traffic levels 17.5% higher than they were in 2001. In the last couple of years levels have fallen back and are currently 3.2% lower than the 2008 levels.

The 2011 Census found that nationally 69.3% of people travelled to work by car (or van), 62.8% as the driver and 6.5% as a passenger. 11.2% used the bus, 11.1% walked, 4.2% travelled by train and 4.2% by other means.

In North Ayrshire at the same time, 73.8% of people travelled to work by car (or van), 66.5% as the driver and 7.3% as a passenger, 8.9% used the bus, 8.4% walked, 6.2% travelled by train and 2.7% by other means.



## 2. Key Drivers

### 2.1 Introduction

Current and future parking management is influenced by decisions taken at a number of levels. The UK is a signatory to international climate change strategies. These have been reflected in the Scottish Government's aim of making Scotland a leader in the field of environmental sustainability.

This chapter outlines some of the main issues that will influence sustainable travel and car parking management and have been considered during the development of this strategy.

### 2.2 National Considerations

#### 2.2.1 *Climate Change (Scotland) Act 2009*

The Act creates the statutory framework for reducing greenhouse gas emissions setting an interim 42% reduction target by 2020 and an 80% reduction target by 2050. Personal Transport is a one of four main themes and includes a key indicator measuring the percentage of journeys people make to work via public transport or active travel.

#### 2.2.2 *Road Traffic Act 1991*

The Act allows for the transfer of enforcement responsibilities for on-street parking controls from the Police to Councils via the Decriminalising of Parking Enforcement. In order to take up these powers Councils must submit a business case for approval by Government that demonstrates how the powers will be adequately discharged and be financed.

#### 2.2.3 *Enforcement of On-street Controls*

Responsibility for the enforcement of on-street controls currently lies with the Police. The former Strathclyde Police withdrew the Traffic Warden Service in January 2012, reducing levels of enforcement to instances of parking that were deemed dangerous or caused a significant obstruction. Police Scotland has subsequently confirmed their intention to introduce this approach on a national basis.

#### 2.2.4 *Environment Act 1995*

The Act through supporting Regulations sets key objectives against seven key pollutants used to assess air quality levels, principally arising from vehicle emissions,

#### 2.2.5 *Equalities Act 2010*

The Act requires the provision of appropriate facilities in car-parks, principally the provision of dedicated and suitable spaces and access routes for disabled persons.

#### 2.2.6 *Scottish Planning Policy*

One of the key aspects of the Scottish Government's promotion of successful town centres is the requirement for access by different modes of transport.

#### 2.2.7 *National, Regional and Local Transport Strategies*

These strategies set down key aspirations, aims and actions to improve journey times, reduce emissions, and improve quality, accessibility and affordability of transport.

### 2.3 Local Considerations

#### 2.3.1 *Single Outcome Agreement (SOA)*

The SOA includes a number of outcomes which influence the town centre parking strategy, principally around economic development, environmental sustainability and healthy lives.

#### 2.3.2 *Council Plans, Strategies and Actions*

The Council has a range of priorities, plans, strategies, actions and influences, including:-

- Regeneration of Town Centres
  - A number of initiatives are either in development or underway in a number of town centres with the aim of increasing footfall;
- Health and Wellbeing
  - The promotion of healthy lifestyles provides a key opportunity to improve the health and wellbeing of the community;
- Tourism
  - Increasing the number of visitors to the area provides a key opportunity for the Council to achieve its economic development aspirations;
- A Safer Place
  - Targets are in place to reduce crime and the fear of crime;

- Climate Change and Sustainability
  - The aspiration to develop a 'greener' society that is self-sustaining and provides economic opportunities;
- Efficiency and Value for Money
  - As a result of financial challenges, there have been significant reductions in budgets, making efficient and effective use of available resources extremely important.

## 3. Public Consultation and Parking Studies

### 3.1 Introduction

The development of this strategy has considered the findings of a public consultation exercise was undertaken, data gathered from previously undertaken capacity and utilisation studies and the findings of a business case to evaluate the potential for the Council to submit a bid to decriminalise parking. The findings of the consultation exercise, capacity and utilisation studies along with locations of car-parks and on-street controlled parking zones for each town centre are detailed at Appendix A.

### 3.2 Consultation

The public consultation process included the following.

- On-street surveys and questionnaires;
- Community events in Ardrossan, Brodick, Irvine, Kilbirnie and Largs; and
- An online questionnaire.

A number of themes, common to the whole of North Ayrshire, emerged from the exercise. These are detailed in the table below:-

Concern	Percentage
Finding a space	17%
Access to the car park	10%
Limited on-street parking spaces	10%
Proximity to destination	10%
Safety and security	9%
Illegal parking	8%
Maintenance and condition	7%
People parking for too long	7%
Insufficient disabled parking	5%
Lack of footways in car park	5%
None of these	5%
Poorly signed directions	4%
Insufficient parent/child parking	3%



The consultation surveys also sought to establish the reason for people visiting our towns centres.

Concern	Percentage
Free Parking	23%
Easy Parking	22%
Quick and Easy Shopping	14%
Proximity to Home	10%
Other	10%
Good Range/Choice of Shops	7%
Good Facilities	6%
Specialised Shops	4%
Shop Opening Times	2%
Traffic Free Shopping	2%
Access to Public Transport	1%

### 3.3 Capacity and Utilisation Studies

The capacity and utilisation studies for car-parks identified the following key traits:-

At no time during the survey period did any of the car-parks within Beith, Dalry, Kilbirnie, Largs, Stevenston and West Kilbride exceed capacity – where the number of car parking spaces did not meet the demand.

#### Ardrossan

- Only the Glasgow Street South car-park exceeded its capacity and then only during weekdays. The remaining six car-parks maintained a high number of vacant spaces with occupancy rates ranging from 4% (Kilmeny Terrace) to 81% (South Beach Railway Station).

#### Irvine

- Three (East Road South, Peden Place and Irvine Railway Station) of the nineteen car-parks surveyed exceeded their capacity during weekdays, with one (Irvine Railway Station) reaching capacity at the weekend. The utilisation or average stay within these car-parks was between 5.77 and 7.66 hours indicating that they were used by people working within the town or,

in the case of the railway station, commuters. Of the remaining sixteen car-parks a further three (East Service Road, Bridgegate and Cunninghame House) were more than 90% full with an average stay of between 7.17 and 7.66 hours, again indicating use by people working within the town.

The occupancy of each of the remaining thirteen car-parks averages between 13% (Riverway Retail Park B) and 89% (East Road North).

The utilisation study indicates that overall there is sufficient parking within the town as a whole.

#### Kilwinning

- Two (James Watt College (A) and Almswell Road/Abbeygate) of the five car-parks surveyed exceeded their capacity during weekdays. Of the remaining three car-parks, one (Oxenward) was more than 90% full during weekdays. The average stay within these car-parks was between 6.05 and 7.42 hours indicating that they were used by students, attending the college, and/or workers. The occupancy of the remaining two car-parks was between 70% and 83% with an average utilisation time of between 5.57 and 6.47 hours, indicating a similar user profile to the other car-parks.

#### Saltcoats

- One (Vernon Street South) of the eight car-parks surveyed exceeded its capacity during both weekdays and weekends. During weekdays average stay was 6.75 hours which would indicate that this car-park is utilised by people working within the town, as the average stay reduced to 4.87 hours at weekends. The remaining car-parks maintained a high number of vacant spaces with occupancy rates ranging from 20% (Vernon Street North) to 82% (Bradshaw Street).

The studies of on-street controlled zones - i.e. those areas where limited 'no waiting' controls are in place - identified a small number of common themes:-

- 'No waiting' controls are often ignored resulting in high levels of illegal parking;
- Waiting restrictions are consistently ignored resulting in a low turnover of spaces;
- Occupancy rates reduced as the distance from the main town centre increases.

## **4. Actions for Delivery**

### **4.1 Introduction**

Following consideration of the drivers for change and the information collated from surveys and consultation, the key actions for delivery are summarised below. No single action carried out in isolation will effectively address the issues identified. In order to be successful they must be delivered in a co-ordinated and joined-up manner. Our partnerships with other transport agencies, such as Strathclyde Partnership for Transport (SPT), landowners and businesses that provide car-parking will be vital.

### **4.2 Maintain Free Parking**

North Ayrshire is one of a small number of Councils that provides free parking. This is primarily to support local businesses and maintain visitors within areas identified within high levels of deprivation and where there are a number of large shopping centres that offer free parking. Consultation has also identified that free parking is a key factor in people visiting town centres.

### **4.3 Enforcement of On-street Controls**

A draft business case has identified the resources required for the Council to take up powers to decriminalise parking enforcement. The business case estimates that 9000 Penalty Charge Notices (PCN's) per year would need to be issued to cover the costs of enforcement; this compares with 2620 issued by the Traffic Warden Service in its last full year of operation. Any shortfall in income recovered through PCN's would have to be met by the Council. This would need to be met either from the General Services Revenue Budget or the wider introduction of charges for parking.

The Council do not seek to take up powers to decriminalise parking but work in partnership with the Police to address the more serious cases of illegal parking and non-compliance with waiting restrictions that have been identified through surveys.

### **4.4 Promote Sustainable Travel Modes**

The successful promotion of sustainable travel modes will alter demand for car travel and reduce the requirement for car-parking spaces, whilst supporting key environmental targets. In delivering these actions it will be important to adopt a partnership approach with a range of agencies, in particular Strathclyde Partnership for Transport, and to review planning policies to ensure new developments support the provision of new facilities and infrastructure. The following actions are proposed:-

- Promote public transport
  - Improve bus stops and information;
  - Complete the Public Transport Study within Irvine;
  - Continue to develop Park and Ride facilities at Railway Stations;
- Provide facilities to encourage cycling
  - Continue to implement the proposals identified within the Irvine Cycle Friendly Town Study;
  - Develop options to improve the cycle network in all towns;
  - Provide secure cycle parking at key destinations within towns.
- Improve pedestrian connections
  - Review and improve the condition of the footpath network, including lighting.
- Increase the provision of dedicated motorcycle parking.
- Expand the Electric Vehicle Charging Point network.
- Promote the development of travel plans for town centre business and employers. This includes the development of plans as a priority for this Council, as the largest local employer, and the Kilwinning Campus of Ayrshire College.

#### 4.5 Review Facilities to Ensure Equality of Access and Use.

Review and provide, where required, appropriate spaces and facilities for disabled persons and parent and child parking.

#### 4.6 Improve Signage

The provision of effective signage indicating the location and capacity of car parks will assist in re-balancing their use within towns - particularly in towns where some car-parks are exceeding capacity and others have empty spaces. Effective signage will also help attract and retain visitors who may drive through a town where they are unable to find appropriate parking. Signage that directs visitors from car-parks to key destinations within towns will also support visitors and the re-balancing of use. The following actions are proposed:-

- Review directional signage in all towns;



- Provide directional signage that indicates the total number of spaces within car-parks, ability to accommodate large vehicles e.g. camper vans, and any duration controls;
- Signage to also indicate privately operated car-parks;
- Provide dynamic signage where use of car-parks is not balanced or subject to seasonal demands i.e. Irvine, Largs and Saltcoats;
- Improve pedestrian signage from car-parks to destinations.

#### **4.7 Ensure Car-parks are Well Maintained**

The Council will manage the condition of its car-parks in line with the Roads Asset Management Plan. This involves an extensive inspection regime to ensure that the car-parks are fit for purpose, resources are allocated appropriately and to inform future investment programmes.

#### **4.8 Improve Visitor Information**

Actions proposed include:-

- The development of web pages that provide information on locations, capacity, facilities etc. of car-parks within towns enabling visitors to pre-plan journeys. This information can be enhanced through links to key visitor attractions, events etc.;
- The development of a mobile phone 'app' that provides 'live' web based information on the move;
- The provision of visitor information boards in car-parks detailing key destinations, routes and other relevant information.

#### **4.9 Increase Use of Pedestrian Routes between Car-Parks and Key Destinations.**

In order to support the right balance of visitors across town centre car park locations it is essential that pedestrian routes linking car-parks to key destinations are clearly marked, of good quality and safe. The following actions are proposed:-

- Improve pathways and lighting between car-parks and destinations;
- Provide signage to key destinations;
- Review road crossing points between car-parks and destinations;
- Identify pedestrian routes within car-parks.

#### 4.10 Improve Safety and Security

Reported crime within car-parks remains low. However, it is important to ensure that this is maintained and that the public also perceives them as safe and secure environments - particularly long-stay parking - through the following actions:-

- Review Lighting, Layout, Hazards etc. in line with Secure Car-Park Standards;
- Consider the installation of CCTV in main Car-Parks;
- Provide advice through promotional campaigns, i.e. removing items from display when leaving your car.

#### 4.11 Manage Availability of Parking

In some towns it is also necessary to implement direct measures to ensure the provision of an adequate number of parking spaces where patterns of occupancy and utilisation support town centre activities. Key examples include availability of key town centre spaces required by shoppers and visitors and seasonal demands. The actions to provide these measures include:-

- Work with Private Sector Providers to ensure access to all available car-parks

Increase turnover of spaces through the use of short stay controls (maximum three hour stay) in the following car-parks:-

- Bridgegate, Irvine;
- Kirkgate, Irvine;
- Oxenward, Kilwinning;
- Vernon Street, Saltcoats;

Provide Additional Parking Areas:-

- Review on-street 'no waiting' areas and remove restrictions where they are no longer appropriate;
- New car-parks within Irvine at East Road and Irvine Railway Station;
- Through planning policy ensure appropriate parking is provided for new developments, in conjunction with sustainable travel provision;
- Promote seasonal and weekend parking. Examples include Ardrossan Shore Front; Bowencraig, Largs; the Pencil, Largs; weekend and out of term parking at Largs Academy; and weekend use of Cunninghame House, Irvine;
- Support Park and Ride schemes during key events e.g. Bowencraig, Largs during the Viking Festival.

#### 4.12 Parking within Residential Town Centre Streets

It is understood that some of the actions within the strategy may affect parking within residential town centre streets of Parterre, Kirkgate, Seagate and West Road in Irvine. A study, in respect of potential on-street controls (including residents parking), will therefore be carried out to assess the impact of the strategy on these streets with a view to accommodating all users of the street.

#### 4.13 Monitoring of Actions

The strategy runs from 2014 to 2020 and will be reviewed at regular intervals to ensure that the key aims and objectives are achieved. Furthermore, twelve months after the implementation of the strategy, capacity studies will be undertaken within Largs and Irvine to assess the impact of the actions to alleviate pressures on town centre parking spaces.

## Appendix A – Information for each Town



**Ardrossan**

There were 37 responses collected from the interview questionnaires, online surveys and consultation events.

The following issues were raised during the survey;

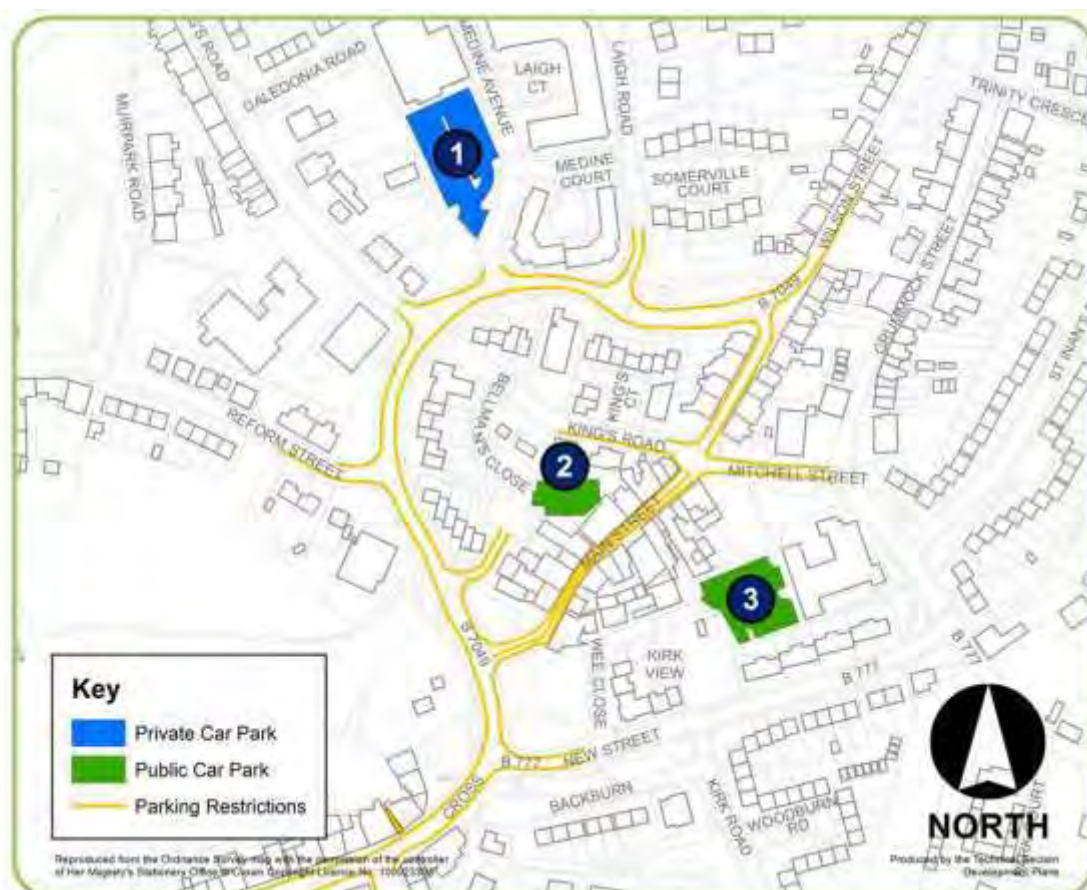
Concern	Percentage
Finding a space	16%
Access to the car park	10%
Illegal parking	10%
Limited on-street parking spaces	10%
People parking for too long	10%
Proximity to destination	9%
Maintenance and condition	8%
None of these	7%
Safety and security	6%
Insufficient disabled parking	4%
Poorly signed directions	4%
Insufficient parent/child parking	3%
Lack of footways in car park	1%

**Off-Street Parking:**

No	Location	No of Spaces	Average Occupancy (%)		Average * Utilisation (hrs)		Owner	Time Restriction
			Week day	Week end	Week day	Week end		
1	Asda Supermarket	246	34	42	3.01	3.71	Private	No
2	Library	Assessed in conjunction with car park 3					Public	No
3	Glasgow Street South	22	106	80	4.2	2.9	Public	No
4	Ardrossan Civic Centre	33	25	0	2.76	0.02	Public	Patrons only
5	Kilmeny Terrace	20	4	42	0.4	4.08	Public	No
6	South Beach Railway Station	25	81	44	6.32	3.46	Private	Rail Passengers only
7	Burn Road	65	12	15	1.07	1.58	Public	No

**On-Street Parking:**

- Glasgow Street and Princes Street attract the highest number of vehicles
- Well utilised streets; Princes Street has a longer average stay at 3.02hrs compared to Glasgow Street at 1.81hrs
- Spaces closer to the town centre are more heavily occupied; spaces further away are less occupied.

**Beith**

There were 52 responses collected from the interview questionnaires, online surveys and consultation events.

The following issues were raised during the survey;

Concern	Percentage
Finding a space	17%
Limited on-street parking spaces	15%
Illegal parking	13%
People parking for too long	12%
None of these	12%
Access to the car park	11%
Proximity to destination	7%
Insufficient parent/child parking	4%
Insufficient disabled parking	3%
Poorly signed directions	3%
Maintenance and condition	2%
Lack of footways in car park	1%
Safety and security	1%

**Off-Street Parking:**

No	Location	No of Spaces	Average Occupancy (%)		Average * Utilisation (hrs)		Owner	Time Restriction
			Week day	Week end	Week day	Week end		
1	Co-op Store Car Park	58	24	26	1.91	2.11	Private	No
2	Bellman's Close	10	64	54	5.10	4.30	Public	No
3	Wee Close	28	34	30	2.62	3.36	Public	No

**On-Street Parking:**

- Main on-street parking occurs in Eglinton Street, Main Street, Mitchell Street and Townhead
- Reasonably utilised streets; average stay of 1.5hrs to 2.5hrs during the week.
- Spaces closer to the town centre are more heavily occupied, spaces further away are less occupied
- Main Street has no on-street parking but accounts for 79 vehicles during the week and 114 vehicles during the weekend; illegally parked



**Brodick**

There were 26 responses collected from the interview questionnaires, online surveys and consultation events. No capacity surveys were undertaken.

The following issues were raised during the survey;

Concern	Percentage
Finding a space	19%
Proximity to destination	16%
Safety and security	13%
Access to the car park	12%
People parking for too long	10%
Limited on-street parking spaces	7%
None of these	7%
Illegal parking	6%
Maintenance and condition	3%
Poorly signed directions	3%
Insufficient disabled parking	2%
Insufficient parent/child parking	2%
Lack of footways in car park	2%

**Dalry**

There were 25 responses collected from the interview questionnaires, online surveys and consultation events.

The following issues were raised during the survey;

Concern	Percentage
Finding a space	19%
Limited on-street parking spaces	19%
Safety and security	13%
People parking for too long	12%
Maintenance and condition	9%
Proximity to destination	9%
Illegal parking	5%
Access to the car park	3%
Insufficient disabled parking	3%
Insufficient parent/child parking	3%
Poorly signed directions	3%
Lack of footways in car park	2%
None of these	1%

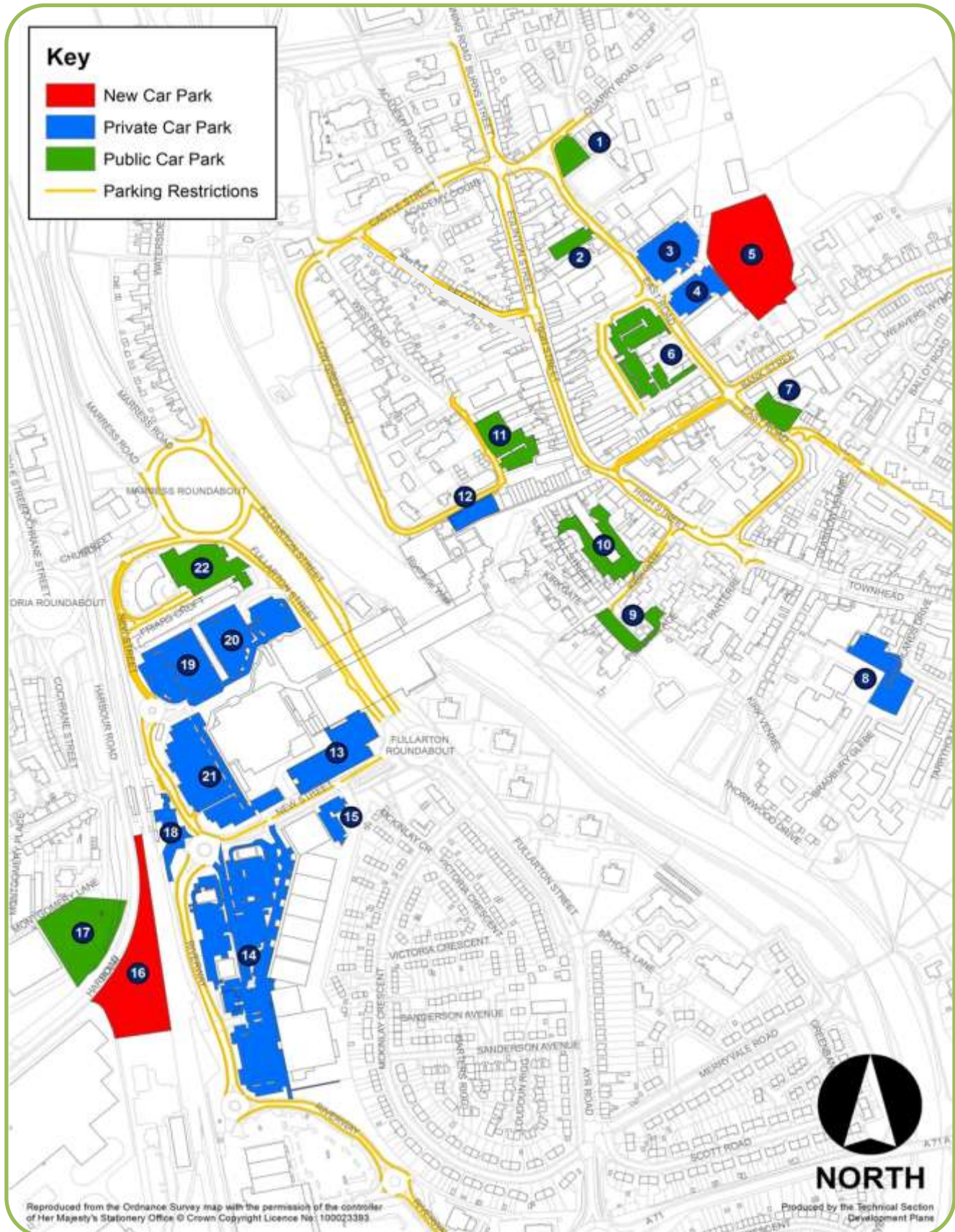
**Off-Street Parking:**

No	Location	No of Spaces	Average Occupancy (%)		Average * Utilisation (hrs)		Owner	Time Restriction
			Week day	Week end	Week day	Week end		
1	North Street	9	28	29	2.28	2.33	Public	No
2	Courthill Street	16	66	45	5.28	3.59	Public	No
3	Smith Street	40	35	8	2.76	0.60	Public	No
4	Smith Street	12	56	56	4.46	4.46	Public	No
5	Behind North Street	15	19	43	1.53	3.43	Public	No
6	Kirk Close	32	50	40	4.02	3.17	Public	No

**On-Street Parking:**

- Main on-street parking occurs in Aitken Street, Main Street and North Street
- Main Street is heavily utilised, North Street and Aitken Street reasonably well utilised
- Average stay on Main Street and North Street are approximately 1hr whereas Aitken Street is 3.93hrs
- Spaces closer to the town centre are more heavily occupied, spaces further away are less occupied



**Irvine**



137 responses collected from the interview questionnaires on the East and 254 responses on the West, online surveys and consultation events.

During the interview questionnaires Irvine was split into East and West due to the utilisation surveys indicating that there was an imbalance in the towns parking requirements. There were 137 responses collected from the interview questionnaires on the East and 254 responses on the West, online surveys and consultation events.

When asked to assess the current issues with car parking within the local area, out the possible responses, the concerns were;

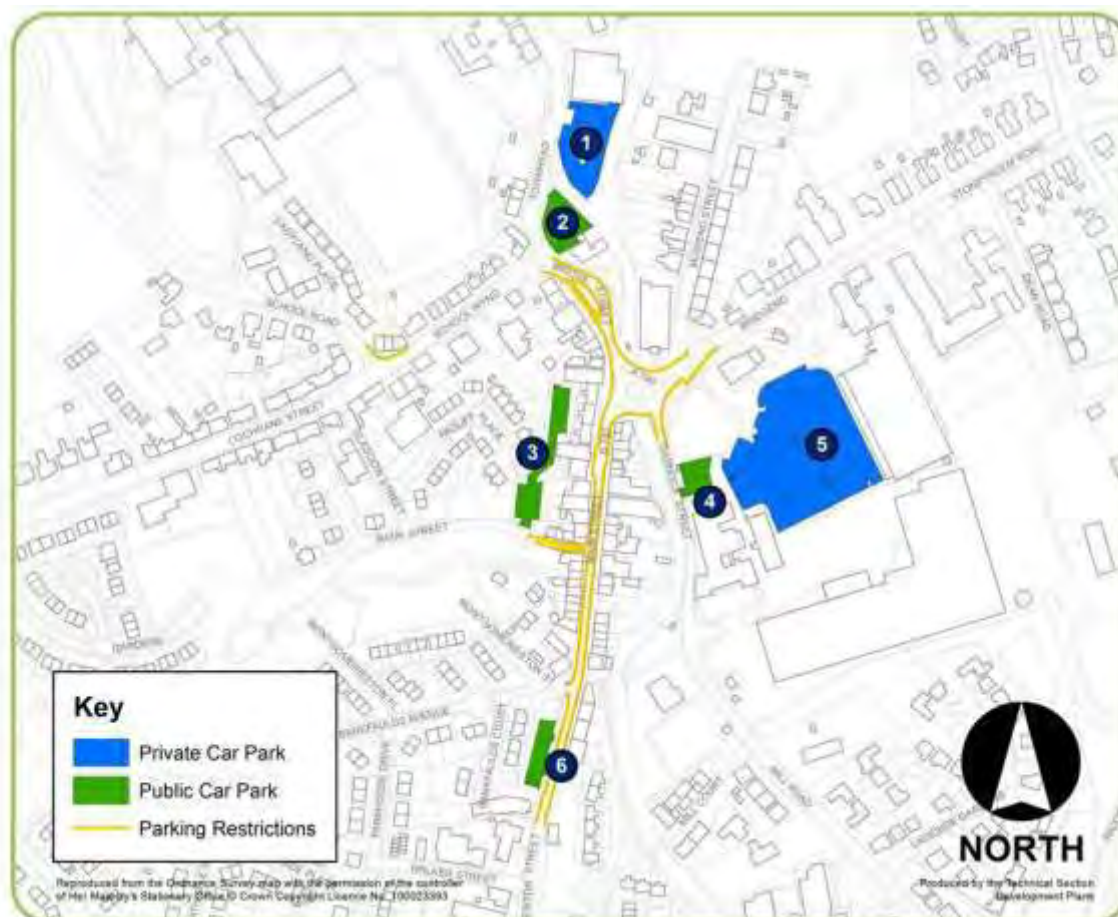
Concern	East	West
Finding a space	21%	15%
Proximity to destination	13%	7%
Safety and security	12%	10%
Access to the car park	9%	7%
Limited on-street parking spaces	7%	7%
Maintenance and condition	7%	9%
Illegal parking	6%	8%
Insufficient disabled parking	5%	6%
Insufficient parent/child parking	5%	4%
People parking for too long	5%	4%
Lack of footways in car park	4%	12%
Poorly signed directions	3%	4%
None of these	3%	8%

**Off-Street Parking:**

No	Location	No of Spaces	Average Occupancy (%)		Average ** Utilisation (hrs)		Ownership	Time Restriction
			Week day	Week end	Week day	Week end		
1	Quarry Road	36	63	24	5.06	1.94	Public	No
2	East Road North	34	89	35	7.13	2.79	Public	No
3	East Road Retail Park A	100	39	37	2.94	2.78	Private	Max stay 3hrs
4	East Road Retail Park B (Aldi)	71	34	31	2.55	2.41	Private	Max stay 1.5hrs
5	Proposed Long Stay	129	-	-			Public	No
6	East Service Road	164	96	70	7.66	5.64	Public	No
7	East Road South	33	102	71	6.75	5.22	Public	Leisure centre patrons only
8	Broomlands Drive	111	66	9	2.14	0.7	Private	Patrons only
9	Peden Place	25	130	88	5.77	4.78	Public	No
10	Kirkgate	106	86	56	6.85	4.38	Public	No
11	Bridgegate	113	93	68	7.41	5.42	Public	No
12	Rivergate Underground	-	-	-			Private	Not in use
13	Rivergate Multi-storey	409	36	37	2.86	2.94	Private	Max stay 3hrs or £1 for all day
14	Riverway Retail Park A	519	27	42	2.17	3.38	Private	Max stay 3hrs
15	Riverway Retail Park B	38	13	26	1.95	2.28	Private	Max stay 3hrs
16	Park and Ride	70 (140)*	-	-			Public	Rail passengers only
17	Maritime Museum	163	62	8	5.31	1.22	Public	No
18	Irvine Railway Station	33	101	100	7.61	7.33	Public	Rail passengers only
19	Rivergate A	311	58	72	4.67	5.64	Private	Max stay 3hrs
20	Rivergate B	62	68	81	5.33	6.05	Private	Max stay 3hrs
21	Rivergate C	276	34	45	2.75	3.64	Private	Max stay 3hrs
22	Cunninghame House	187	92	5	7.17	0.39	Public	For staff only

**On-Street Parking:**

- Spaces closer to the town centre are more heavily occupied while those further from the town centre, often on the same street, are less occupied.
- Biggest change in parking behaviour between weekdays and weekends are on Cochrane Street and Montgomery Street (West)
- Main on-street parking occurs in Bank Street, East Road, Townhead and Low Green Road (East)
- Reasonably utilised streets; average stay of between 1.5hrs and 2.5hrs

**Kilbirnie**

There were 63 responses collected from the interview questionnaires, online surveys and consultation events.

The following issues were raised during the survey;

Concern	Percentage
None of these	33%
Limited on-street parking spaces	16%
Finding a space	8%
Safety and security	8%
Maintenance and condition	7%
Illegal parking	6%
Lack of footways in car park	6%
People parking for too long	5%
Proximity to destination	5%
Access to the car park	2%
Insufficient parent/child parking	2%
Insufficient disabled parking	1%
Poorly signed directions	1%

**Off-Street Parking:**

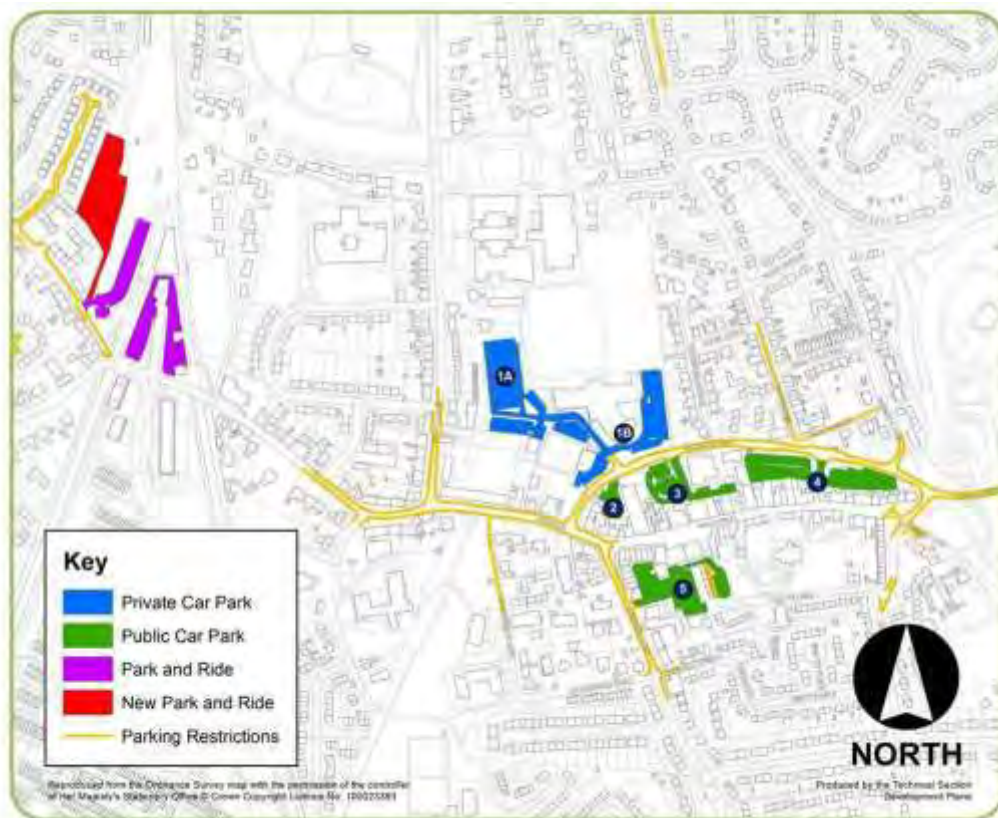
No	Location	No of Spaces	Average Occupancy (%)		Average * Utilisation (hrs)		Owner	Time Restriction
			Week day	Week end	Week day	Week end		
1	Townhead (closed)	-	-	-	-	-	Private	Closed
2	Townhead	26	39	37	3.10	2.98	Public	No
3	Bank Street	30	66	27	5.27	2.13	Public	No
4	Garnock Street	52	21	9	1.71	0.73	Public	No
5	Supermarket	278	25	35	2.01	2.77	Private	No
6	Newton Street	24	47	59	3.77	4.38	Public	No

**On-Street Parking:**

- Number of cars parking on street both during the weekday and weekend is very low
- Main on-street parking occurs in Main Street and Muirend Street
- Illegal parking causing “bottlenecks”



## Kilwinning



There were 62 responses collected from the interview questionnaires, online surveys and consultation events.

The following issues were raised during the survey;

Concern	Percentage
Finding a space	23%
Lack of footways in car park	12%
None of these	12%
Insufficient disabled parking	9%
Maintenance and condition	9%
Safety and security	9%
Illegal parking	6%
Proximity to destination	6%
Limited on-street parking spaces	4%
Access to the car park	3%
People parking for too long	3%
Insufficient parent/child parking	2%
Poorly signed directions	2%

**Off-Street Parking:**

No	Location	No of Spaces	Average Occupancy (%)		Average * Utilisation (hrs)		Owner	Time Restriction
			Week day	Week end	Week day	Week end		
1	James Watt College A	149	112	-	6.63	-	Private	No
	James Watt College B	139	83	8	6.47	0.66	Private	No
2	Oxenward Surgery	No Data					Public	No
3	Oxenward	35	95	75	7.42	5.69	Public	No
4	Woodwynd	94	70	61	5.57	4.28	Public	No
5	Almswell Road/Abbeygate	88	104	60	6.05	3.49	Public	No

**On-Street Parking:**

- Parking on-street is low
- Parking occurs on Vaults Lane/Abbeygate and Almswall Road

**Largs**



There were 172 responses collected from the interview questionnaires, online surveys and consultation events.

When asked to assess the current issues with car parking within the local area, out the possible responses, the concerns were;

Concern	Percentage
Finding a space	19%
Limited on-street parking spaces	13%
Access to the car park	12%
Proximity to destination	12%
Safety and security	11%
Illegal parking	10%
People parking for too long	7%
Poorly signed directions	4%
Insufficient disabled parking	3%
Insufficient parent/child parking	3%
Lack of footways in car park	3%
Maintenance and condition	3%
None of these	1%

#### Off-Street Parking:

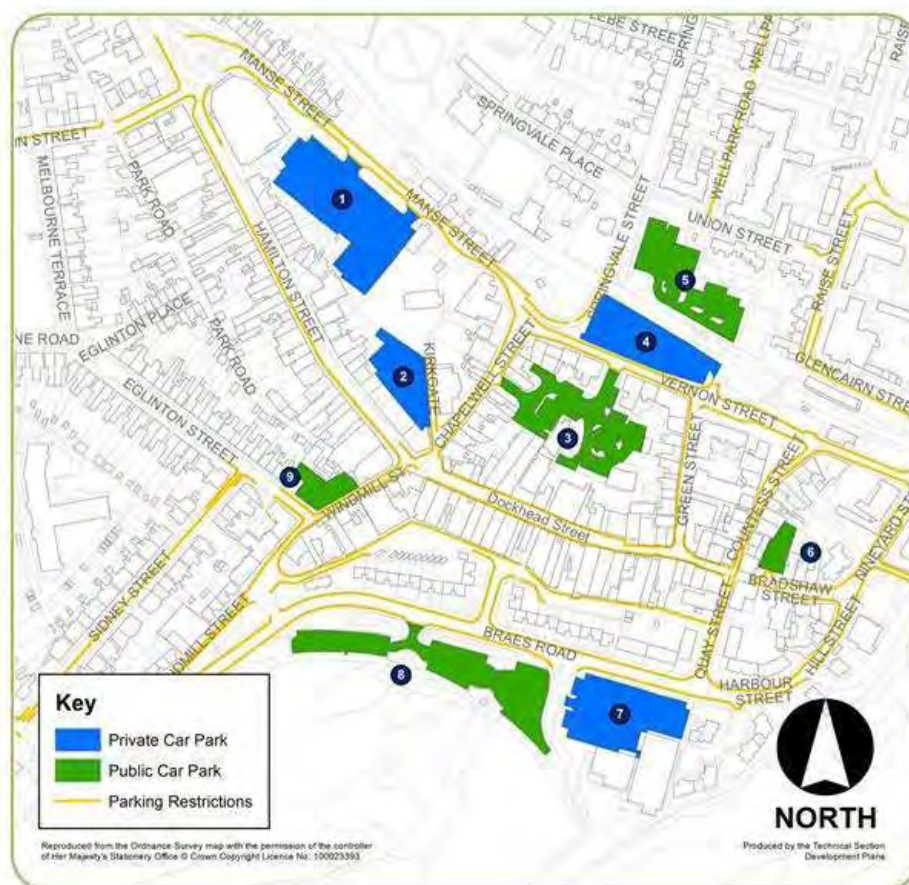
No	Location	No of Spaces	Average Occupancy (%)		Average * Utilisation (hrs)		Owner	Time Restriction
			Week day	Week end	Week day	Week end		
1	Vikings Centre	121	21	39	1.65	3.11	Public	No
2	Brooksby Resource Centre	113	55	28	4.39	2.28	Public	Patrons only
3	Shorefront	138	62	76	4.99	5.86	Public	No
4	Gateside Street	68	97	98	7.03	7.23	Public	No
5	Largs Academy	-	-	-	-	-	Public	No
6	Main Street	44	33	65	2.55	3.90	Private	No
7	Supermarket	215	57	69	4.54	5.54	Private	3hrs

#### On-Street Parking:

- Parking on-street is very high
- On-street parking occurring on most streets
- Spaces closer to the town centre are more heavily occupied, spaces further away are less occupied
- Large volume of cars are parking illegally
- Cars parked on street during weekdays demonstrate commuter parking
- Most of the streets are well utilised but, with the exception of Main Street, have limited turnover of spaces.



## Saltcoats



There were 161 responses collected from the interview questionnaires, online surveys and consultation events.

The following issues were raised during the survey;

Concern	Percentage
Finding a space	14%
Access to the car park	12%
Illegal parking	10%
Maintenance and condition	10%
Safety and security	9%
Proximity to destination	8%
Limited on-street parking spaces	7%
Insufficient disabled parking	6%
Poorly signed directions	6%
Insufficient parent/child parking	5%
Lack of footways in car park	5%
People parking for too long	5%
None of these	1%

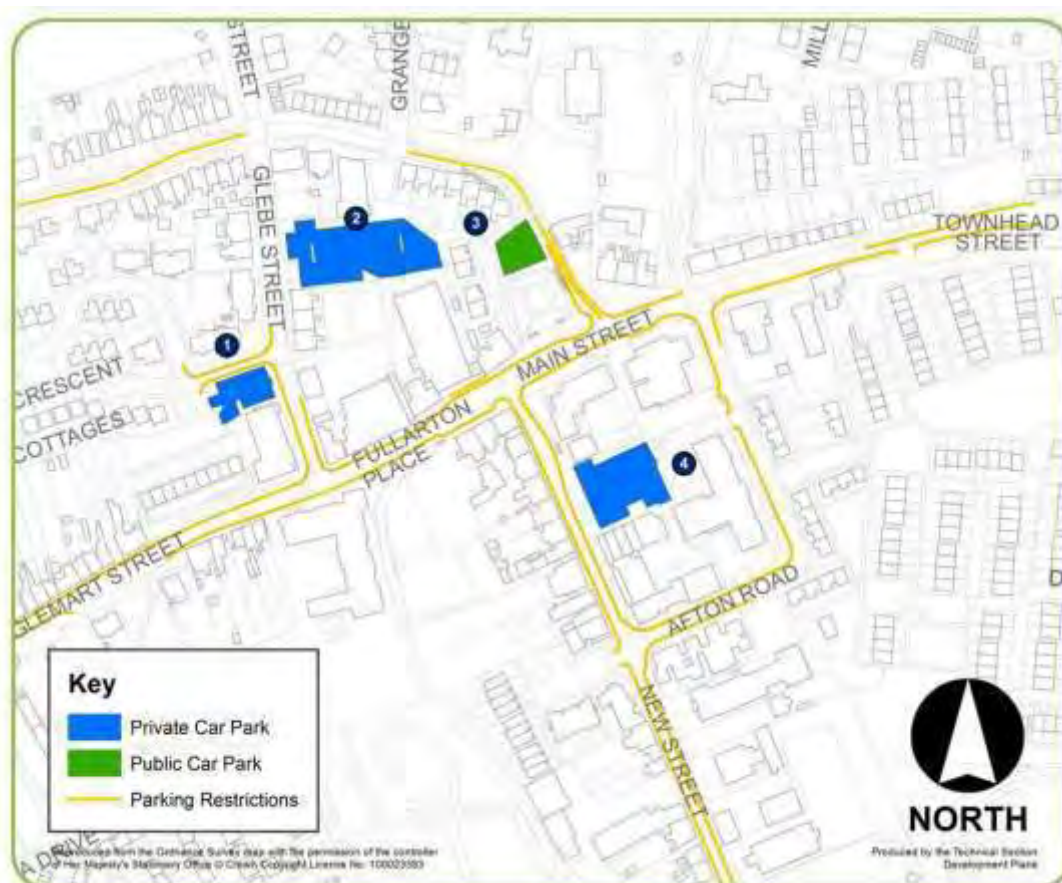
**Off-Street Parking:**

No	Location	No of Spaces	Average Occupancy (%)		Average * Utilisation (hrs)		Owner	Time Restriction
			Week day	Week end	Week day	Week end		
1	Manse Street Supermarket	No data					Private	-
2	Kirkgate **	60**	66	-	5.99	-	Private	No
3	Vernon Street South	93	141	105	6.75	4.87	Public	No
4	Vernon Street North	106	20	15	1.57	1.22	Private	No
5	Union Street	92	48	15	3.88	1.21	Public	No
6	Bradshaw Street	23**	82	69	6.54	5.50	Public	No
7	The Braes (Supermarket)	133	57	56	4.55	4.45	Private	3hrs
8	The Braes	156	51	49	3.91	3.87	Public	No
9	Windmill Street	32**	61	81	4.89	6.47	Private	No

**On-Street Parking:**

- Parking on-street is very high
- On-street parking occurring on most streets
- Spaces closer to the town centre are more heavily occupied, spaces further away are less occupied
- Dockhead Place and Chapelwell Street; are over capacity
- Dockhead Place has limited parking availability; cars often illegally parked
- Most of the streets are well utilised but average stay is over 1hr resulting in limited turnover of spaces.

## Stevenston



There were 63 responses collected from the interview questionnaires, online surveys and consultation events.

The following issues were raised during the survey;

Concern	Percentage
Finding a space	19%
Access to the car park	17%
Limited on-street parking spaces	16%
People parking for too long	11%
Proximity to destination	10%
Safety and security	8%
Maintenance and condition	6%
Insufficient disabled parking	5%
Illegal parking	3%
Poorly signed directions	3%
Lack of footways in car park	2%
Insufficient parent/child parking	1%
None of these	1%

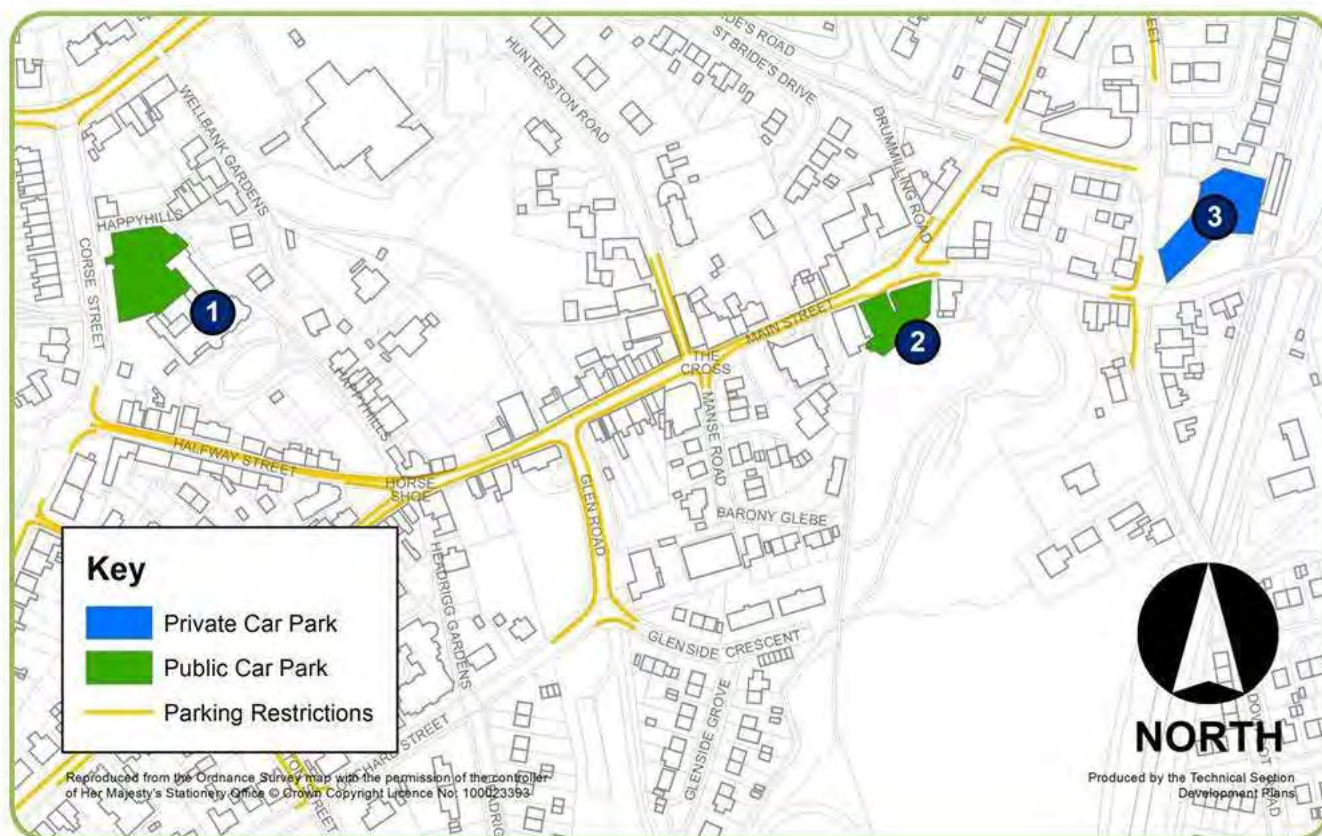
**Off-Street Parking:**

No	Location	No of Spaces	Average Occupancy (%)		Average * Utilisation (hrs)		Owner	Time Restriction
			Week day	Week end	Week day	Week end		
1	Glebe Street	15**	30	10	2.41	0.78	Private	No
2	Glebe St (Supermarket)	-	-	-	-	-	Private	Closed
3	Schoolwell Street	15	57	49	4.57	3.90	Public	No
4	Afton Road	69***	89	29	6.04	1.98	Public	No

**On-Street Parking:**

- Spaces closer to the town centre are more heavily occupied, spaces further away are less occupied
- New Street utilisation falls dramatically at weekends suggesting cars may only be parked for short periods at weekends as opposed to being parked for the entire day on weekdays.



**West Kilbride**

There were 56 responses collected from the interview questionnaires, online surveys and consultation events.

The following issues were raised during the survey;

Concern	Percentage
Access to the car park	20%
Finding a space	19%
Limited on-street parking spaces	18%
Proximity to destination	18%
People parking for too long	17%
Insufficient disabled parking	2%
Safety and security	2%
Illegal parking	1%
Poorly signed directions	1%
Insufficient parent/child parking	0%
Lack of footways in car park	0%
Maintenance and condition	0%
None of these	0%

**Off-Street Parking:**

No	Location	No of Spaces	Average Occupancy (%)		Average * Utilisation (hrs)		Owner	Time Restriction
			Week day	Week end	Week day	Week end		
1	Community Centre	37	63	17	4.46	1.19	Public	No
2	Main Street	21	33	66	2.67	4.13	Public	No
3	Railway Station	32	66	67	4.55	4.61	Public	No

**On-Street Parking:**

- Spaces closer to the town centre are more heavily occupied, spaces further away are less occupied
- On street parking is relatively high in comparison to the other areas
- Main Street does have cars parking regularly however there are no designated parking areas
- Alton Street, Glen Road and Ritchie Street; highest average occupancy
- More users come to the area at the weekend to use facilities

## Appendix B – Summary of Survey and Consultation Events

Date	Location	Activity
17/08/10 to 11/09/10	Irvine Kilwinning Largs Ardrossan Saltcoats Stevenston	Review of the on and off street parking facilities.  The surveys identify all parking opportunities for the general public both legal and illegal and also both on and off street parking facilities.
31/01/12 to 11/02/12	Beith Dalry Kilbirnie West Kilbride	Review of the on and off street parking facilities.  The surveys identify all parking opportunities for the general public both legal and illegal and also both on and off street parking facilities.
27/8/13	Irvine Town Centre Brodict, Isle of Arran Bridgegate Car Park, Irvine Kirkgate Car Park, Irvine East Road Car Park, Irvine Quarry Road Car Park, Irvine East Road Retail Park Car Park, Irvine Rivergate Centre Car Park, Irvine Riverway Retail Park Car Park, Irvine	Interview Questionnaires and Town Centre Surveys
28/8/13	Saltcoats Town Centre South Beach Car Park, Ardrossan Kilmeny Terrace Car Park, Ardrossan Glasgow Street Car Park, Ardrossan On-street in Ardrossan Almswall Road Car Park, Kilwinning Woodwynd Car Park, Kilwinning Oxenward Car Park, Kilwinning Union Street Car Park, Saltcoats The Braes Car Park, Saltcoats Bradshaw Street Car Park, Saltcoats Chapelwell Street/Dockhead Street Car Park, Saltcoats Windmill Street Car Park, Saltcoats Braes Road Car Park, Saltcoats Supermarket Car Park, Saltcoats Schoolwell Street Car Park, Stevenston Afton Road Car Park, Stevenston Supermarket Car Park, Stevenston	Interview Questionnaires and Town Centre Surveys

29/8/13	Largs Town Centre Dickson Court Car Park, Beith Bellman's Close Car Park, Beith Supermarket Car Park, Beith Kirk Close Car Park, Dalry Courthill Street Car Park, Dalry New Street Car Park, Dalry Smith Street Car Park, Dalry Bridge Street Car Park, Kilbirnie Newton Street Car Park, Kilbirnie Garnock Street Car Park, Kilbirnie Bank Street Car Park, Kilbirnie Tesco Car Park, Bridgend, Kilbirnie	Interview Questionnaires and Town Centre Surveys
9/9/13	Volunteer Rooms, Irvine	Consultation Event on the outcomes of the Questionnaire Surveys
10/9/13	Radio City, Kilbirnie	Consultation Event on the outcomes of the Questionnaire Surveys
11/9/13	Ormidale Centre, Brodick, Isle of Arran	Consultation Event on the outcomes of the Questionnaire Surveys
12/9/13	Brisbane Centre, Largs	Consultation Event on the outcomes of the Questionnaire Surveys
13/9/13	Civic Centre, Ardrossan	Consultation Event on the outcomes of the Questionnaire Surveys



## Appendix C – Example of Consultation Questionnaire



This questionnaire is designed to gather information about how people feel about parking within town centres in North Ayrshire.

**Q1 Which town do you mainly travel to? You will be asked to give your views about travelling to this town in the remainder of the questionnaire.**

Ardrossan .....	<input type="checkbox"/>	Kilbirnie.....	<input type="checkbox"/>	Stevenston.....	<input type="checkbox"/>
Arran.....	<input type="checkbox"/>	Kilwinning .....	<input type="checkbox"/>	West Kilbride .....	<input type="checkbox"/>
Beith .....	<input type="checkbox"/>	Largs.....	<input type="checkbox"/>	Other.....	<input type="checkbox"/>
Dalry .....	<input type="checkbox"/>	Millport.....	<input type="checkbox"/>		
Irvine.....	<input type="checkbox"/>	Saltcoats.....	<input type="checkbox"/>		
		Other	<input type="text"/>		

Please relate the following answers specifically to the town that you have chosen in Question 1. Should you wish, a separate response can be completed for each town you visit in North Ayrshire.

## TRAVEL ISSUES

**Q2 What is your home postcode? We will use this to assess how far people are travelling to different places within North Ayrshire. Please give at least the first 4 digits of your postcode (e.g. KA12)**

**Q3 (i) What is your main reason for travelling to the town you chose in Question 1? Please tick one box in column (i).**

**(ii) Are there any of these other reasons that you have for travelling to the town you chose in Question 1? Please tick any other boxes that apply.**

	(i) Main reason	(ii) Other reasons
Leisure / recreation	<input type="checkbox"/>	<input type="checkbox"/>
Shopping	<input type="checkbox"/>	<input type="checkbox"/>
Work	<input type="checkbox"/>	<input type="checkbox"/>
Another reason (please give details)	<input type="checkbox"/>	<input type="checkbox"/>
Another reason	<input type="text"/>	
Another reason	<input type="text"/>	

**Q4 Why have you chosen to come to this particular location? Please choose up to three options from the list below.**

Easy parking.....	<input type="checkbox"/>	Proximity to home.....	<input type="checkbox"/>	To access public transport ...	<input type="checkbox"/>
Free parking .....	<input type="checkbox"/>	Quick and easy shopping .....	<input type="checkbox"/>	Traffic-free shopping.....	<input type="checkbox"/>
Good facilities.....	<input type="checkbox"/>	Shop opening times.....	<input type="checkbox"/>	Other (please say what) .....	<input type="checkbox"/>
Good range / choice of shops.....	<input type="checkbox"/>	Specialised shops .....	<input type="checkbox"/>		
		Other	<input type="text"/>		

**Q5 How do you travel to the town centre concerned?**

Car (as driver).....	<input type="checkbox"/>	Cycle.....	<input type="checkbox"/>	Walk .....	<input type="checkbox"/>
Car (as passenger).....	<input type="checkbox"/>	Train .....	<input type="checkbox"/>	Other (please say what) .....	<input type="checkbox"/>
Bus .....	<input type="checkbox"/>	Taxi.....	<input type="checkbox"/>		
		Other	<input type="text"/>		

## PARKING ISSUES

**Q6 Below a list of issues that may or not be of concern to you when parking in the town centre. Please choose up to 5 issues that concern you and rank these issues from 1 to 5, where 1 is the greatest concern, 2 is the second greatest concern and so on.**

Access to the car park.....	<input type="text"/>
Finding a space .....	<input type="text"/>
Illegal parking .....	<input type="text"/>
Insufficient Disabled Parking .....	<input type="text"/>
Insufficient Parent / Child Parking .....	<input type="text"/>
Lack of footways in car park.....	<input type="text"/>
Limited on-street parking spaces .....	<input type="text"/>
Maintenance and condition .....	<input type="text"/>
People parking for too long .....	<input type="text"/>
Poorly signed directions .....	<input type="text"/>
Proximity to the destination .....	<input type="text"/>
Safety and security.....	<input type="text"/>
None of these .....	<input type="text"/>

**It is possible to manage and control car parking using various methods. For example, limiting the length of stay, providing short-term and long-term parking and so on.**

**Q7 In relation to parking in CAR PARKS, please say whether you agree or disagree that the following approaches are acceptable and indicate the extent of your agreement.**

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
All car parks to be free for first three hours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A few car parks nearest the town centre restricted to free for the first three hours; the rest to be free parking all day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A fee being required to park in all car parks during working hours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A fee being required to park in a few car parks nearest the town centre during working hours; the rest to be free parking all day	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Introduce fees in all car parks to raise funds to make improvements to the car parking infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Improved enforcement of illegal parking (i.e. not parking in a bay, using two bays etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q8** If you have any other suggestions relating to managing and controlling parking in CAR PARKS, please say what in the space below.

**Q9** In relation to parking PARKING ON THE STREET, please say whether you agree or disagree that the following approaches are acceptable and indicate the extent of your agreement.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
All town centre on-street parking to be free for a limited period	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A fee being required to park on-street in the town centre	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Introduce fees for on-street parking to raise funds to make improvements to the car parking infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Restrict the extent of available on-street parking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increase the availability of on-street parking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Improved enforcement of waiting restrictions (i.e. double yellow lines etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q10** If you have any other suggestions relating to managing and controlling parking ON THE STREET, please say what in the space below.

**Q11** If additional methods for controlling or managing car parks were to be implemented, which of the following do you think you would do?

- Use another method of travel ..... ☐ **GO TO Q12**  
 Still come to the town but park in locations that are free ..... ☐ **GO TO Q13**  
 Still come to the town and pay to park ... ☐ **GO TO Q13**  
 Go elsewhere (e.g. for leisure / recreation, shopping, work) ..... ☐ **GO TO Q13**

**Comments**

**Q12** If you would use another method of travel, please say what this would be.

- Bus ..... ☐      Cycle ..... ☐      Train ..... ☐  
 Car, as driver ..... ☐      Motorbike ..... ☐      Walk ..... ☐  
 Car, as passenger ..... ☐      Taxi ..... ☐      Other (please say what) ..... ☐

Other



## USAGE OF CAR PARKS

This part of the questionnaire is designed to gather information about how people use the car parks in town centres.

**Q13** Thinking about the town you mentioned at the beginning of the questionnaire, where is the location of the car park would you say you use most often?

**Q14** How frequently do you use this car park?

Daily..... ☐ GO TO Q15

2-3 times a week..... ☐ GO TO Q15

About once a week..... ☐ GO TO Q15

About once a fortnight..... ☐ GO TO Q15

About once a month..... ☐ GO TO Q15

About once every few months.. ☐ GO TO Q16

Less often..... ☐ GO TO Q16

Don't use any car parks in that town..... ☐ GO TO Q16

**Q15** Which of these days and times would you say that you typically use the car park? Please tick one box in each row.

	Morning	Afternoon	Evening	All day	Do not use on this day
Monday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tuesday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wednesday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thursday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Friday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Saturday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sunday	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q16** Do you ever make repeat visits to the town centre in any one day?

Yes..... ☐ GO TO Q17

No..... ☐ GO TO Q18

**Q17** If so, how many repeat visits would you make in a typical day? Please insert number and any comments.

Number.....

Comments.....

**Q18** Do you hold a blue badge?

Yes..... ☐ 1

No..... ☐ 2

**Q19** Do you have any further comments that you would like to make about the issues raised in this survey? If so, please note these in the space below.

Thank you for taking the time to complete this survey.

Appendix 9

# NORTH AYRSHIRE COUNCIL WEBSITE EXTRACT MARCH 2019

## Land and property for sale and let

We can help your business find property or land to suit your needs.

The following lists show land and property available to purchase from North Ayrshire Council, presenting intelligent conversion and development opportunities for all interested parties.

### Property for sale

Property	Property details
	<p>93 Princes Street, <b>Ardrossan</b>, KA22 8DQ            Ref: G2230312            Offers over £195,000 are invited  <b>Under offer</b></p> <p><a href="#">93 Princes Street on map</a></p> <p><a href="#">93 Princes Street schedule (PDF, 631kb)</a></p>
	<p>61 Sharon Street, <b>Dalry</b>, KA24 5DT            Ref: G2003995            GIA: 164m<sup>2</sup> (1,765ft<sup>2</sup>)            Offers over £30,500  <b>Under offer</b></p> <p><a href="#">61 Sharon Street, Dalry on map</a></p>
	<p>Montgomerie House, 2A Byrehill Drive, West Byrehill, <b>Kilwinning</b>, KA13 6HN            Ref: G2105267</p>





NIA: 800m<sup>2</sup> (8, 611ft<sup>2</sup>)  
Offers over £195,000 are invited

[Montgomerie House on map](#)

[Montgomerie House schedule \(PDF, 2.03mb\)](#)



36 Bank Street, **Irvine**, KA12 0LP  
Ref: T0590162  
NIA: 264.40m<sup>2</sup> (2,846ft<sup>2</sup>)  
Offers over £100,000 are invited

[36 Bank Street on map](#)

[36 Bank Street schedule \(PDF, 1.53mb\)](#)

## Development land for sale

Site	Site details
	<p>Site between 16 and 18 Beech Avenue, <b>Beith</b> Ref: G2303948</p> <p><a href="#">Beech Ave. site on map</a></p> <p><a href="#">Beech Avenue schedule (PDF, 824kb)</a></p>
	<p>Yard, Canal Place, <b>Saltcoats</b> Ref: G2230193</p> <p><a href="#">Yard on map</a></p> <p><a href="#">Canal Place yard schedule (PDF, 1.16mb)</a></p>





*All particulars are believed to be correct, but are supplied for information only and no reliance should be placed thereon. They are not deemed to form any part of a contract which may be entered into. North Ayrshire Council does not bind itself to accept the highest rate or offer and in supplying these Particulars is not issuing instructions and will not, therefore, bear liability for Agent's or other fees.*

## **More information**

Contact us for further information or to arrange a viewing:

- Telephone: 01294 324888
- email [landandproperty@north-ayrshire.gov.uk](mailto:landandproperty@north-ayrshire.gov.uk)



Appendix 10

# SEPA RESPONSE ON FORMER AYRSHIRE METALS SITE 19 MARCH 2020

**To:** Daniel Wheelwright  
**Subject:** FW: Former Ayrshire Metals Site

**From:** Fotheringham, Brian  
**Sent:** 19 March 2020 12:54  
**To:** Alan Neish  
**Subject:** Former Ayrshire Metals Site - pre application advice

Hello Alan,

Further to our recent telecon and my interim email I would enclose for your information the formal pre-application advice on flood risk at the site. I hope this information is helpful

Flood risk

We would **object** to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

**Technical Report**

1. We have reviewed the information provided in this consultation and it is noted that the application site lies within the medium likelihood (0.5% annual probability or 1 in 200 year return period) fluvial flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.
2. For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year. Built development should not therefore take place on the functional flood plain. Scottish Planning Policy states in paragraph 255, that "the planning system should promote a precautionary approach to flood risk from all sources", as well as flood avoidance and flood reduction, where appropriate. It further defines in paragraph 256 that, "the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity."
3. We are aware a flood study has been carried out on the Lower Irvine, the study shows the site to be fully within the 0.5% Annual Exceedance Probability (AEP) flood extent. The North Ayrshire Council who, as Flood Risk Management Authority and owner of the study, should be able to provide further information regarding this.
4. The proposal is to erect a retail outlet in place of a former metal works which has been cleared for development. We view this proposal as a 'demolish and rebuild' where there is no increase in land use vulnerability ('least vulnerable') within an existing developed site. We would not support any increase in land use vulnerability at this site. However, it is unclear from the information provided if there will be a change in the building footprint. This information is necessary to demonstrate that the proposal will not result in an increase in flood risk, either on or off site, relative to the previous development on site.

5. The minimum Finished Floor Level's (FFL) should also be confirmed taking into consideration 200 year flood level, freeboard and a climate change allowance. Further to this we would recommend that in terms of climate change we have updated our land use planning and climate change guidance to adopt regional allowances. It is recommended that this allowance is adopted. The provision of this information will then allow us to confirm that the development is compliant with Scottish Planning Policy (SPP).

6. Access and egress is recommended as good practice at sites which do not include overnight accommodation, however as this site is entirely within the fluvial flood extent access/egress could be an issue. We therefore recommend the provision of a safe and flood free route that enables the free movement of people of all abilities (on foot or with assistance) both to and from a secure place that is connected to ground above the design flood level and/or wider area.

### **Summary of Technical Points**

7. In summary we would require to receive clarification on the following points before we would consider not submitting an objection to the proposed development:

- We require more information on the footprint of the retail outlet in relation to that of the previous development. If the footprint of the proposed outlet is shown to be equal or less than the previous development, we will then be in a position to not submit an objection.
- The minimum Finished Floor Level's (FFL) should also be confirmed taking into consideration 200 year flood level, freeboard and a climate change allowance.

### **Caveats & Additional Information for Applicant**

8. Please note, the [SEPA Flood Maps](#) have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland.

9. We refer the applicant to the document entitled: [Technical Flood Risk Guidance for Stakeholders](#). This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction [Policy 41](#) (Part 2).

10. Our [Flood Risk Assessment Checklist](#) should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.

11. Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.



Regards

Brian

Brian Fotheringham  
Senior Planning Officer  
Planning SW  
ASB

#### Telephones

Due to the current Coronavirus outbreak and in line with government guidance members of SEPA's South West planning service are now home working. Please do not leave a telephone message as we will not be able to answer it but you can email [planning.sw@sepa.org.uk](mailto:planning.sw@sepa.org.uk) and we will respond where possible by email.

Appendix 11

# TRANSPORT ASSESSMENT, SYSTRA, 2 OCTOBER 2019

## TRANSPORT ASSESSMENT



# PROPOSED LIDL STORE, STANECastle, IRVINE

## TRANSPORT ASSESSMENT

### IDENTIFICATION TABLE

<b>Client/Project owner</b>	Lidl UK GmbH
<b>Project</b>	Proposed Lidl Store, Stanecastle, Irvine
<b>Study</b>	Transport Assessment
<b>Type of document</b>	Final Report
<b>Date</b>	02/10/2019
<b>Reference number</b>	GB01T18B07/10742028
<b>Number of pages</b>	57

### APPROVAL

Version	Name		Position	Date	Modifications
1	Author	B Fleming	Consultant	28/05/2019	Draft 1
	Checked by	S Livingstone	Associate	28/05/2019	
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2	Author	B Fleming	Consultant	06/09/2019	Draft v2 – minor text updates
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2	Author	B Fleming	Consultant	02/10/2019	Final
	Checked by	S Livingstone	Associate	02/10/2019	
	Approved by	S Livingstone	Associate	02/10/2019	



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## 1. INTRODUCTION

1.1.1 SYSTRA Ltd (SYSTRA) has been commissioned by Lidl UK GmbH (Lidl) to prepare a Transport Assessment (TA) in support of a proposed food retail development on a land to the south-west of Stanecastle Roundabout in Irvine. The proposed development comprises approximately 1,898sqm gross floor area (GFA) with 1,257sqm designed as the sales floor area.

1.1.2 The general location of the proposed development is indicated by Figure 1 below.



Figure 1. General Site Location

## 1.2 The Report

1.2.1 The report provides an assessment of the transport implications of the proposed development including consideration for pedestrians, cyclists, public transport, vehicular access, parking and potential off-site traffic impacts that the retail development may have on the surrounding transport network.

1.2.2 Sustainable development principles have been adopted to ensure that accessibility to the site on foot, by bicycle, and public transport is maximised and that any residual trips are able to be accommodated by the existing road network.



### 1.3 Planning History

1.3.1 In early 2019 a planning application was submitted to NAC for the erection of a food store comprising 2,283sqm GFA with 1,410sqm sales floor area (planning ref: 19/00050/PP). The supporting TA (dated 25/01/19) prepared by SYSTRA. NAC Roads responded to the TA via a Briefing Note (dated 08/03/19) with concerns in relation to:

- Accessibility of the site, particularly in relation to sustainable transport modes and pedestrian connectivity;
- Approach taken to the trip generation potential of the proposed development, including modal split and vehicle trip generation;
- Capacity analysis of Stanecastle Roundabout and the operation of the junction;
- Vehicle speeds from Long Drive (northbound) onto Stanecastle Roundabout; and
- Car parking provision.

1.3.2 SYSTRA submitted a comprehensive response to the Briefing Note, followed by further discussions with NAC Roads in late March/early April 2019. A copy of NAC's Briefing Note and SYSTRA's response is included in Appendix G.

1.3.3 In April 2019 the application for the 2,283sqm food store on the proposed site was withdrawn, however, NAC Roads' concerns in relation to the previous application have been taken into account, where applicable, and any outstanding concerns are addressed through this TA for the proposed smaller GFA food store.

### 1.4 Report Structure

1.4.1 The TA has been undertaken in accordance with the guidance contained within the following documents:

- Scottish Planning Policy;
- Planning Advice Note 75 – "Planning for Transport";
- Scottish Government – "Transport Assessment Guidance";
- Design Manual for Roads and Bridges;
- North Ayrshire Council – Local Development Plan and Roads Development Guide; and
- SCOTS National Roads Development Guide.

## 2. POLICY CONTEXT

### 2.1 National Policy

#### Scottish Planning Policy (SPP), 2014

- 2.1.1 The purpose of the SPP is to provide policy on land use planning and the planning process. This document sets out a range of transport considerations, with an emphasis on promoting the importance of providing sustainable developments. SPP sits alongside the documents: National Planning Framework 3, Creating Places and Designing Streets.
- 2.1.2 There are number of key elements of SPP that a development should seek to satisfy. These are summarised as follows:
- **“Paragraph 15** – Locating the development in the right place can provide opportunities for people to make sustainable choices, improve quality of life and delivering high quality infrastructure and a choice of how to access amenities and services;
  - **Paragraph 23** – Align development more closely with transport to improve sustainability and connectivity. This is in relation to ‘Planning Outcome 4’ of SPP to provide a more connected place supporting better transport (and digital) connectivity;
  - **Paragraph 40** – Planning should direct the right development to the right place by optimising the existing resource capacities;
  - **Paragraph 46** – *Developments should be easy to move around and beyond by considering the needs of people before the movement of motor vehicles. This would include paths and routes with direct connections and would be well connected to the wider area beyond the site boundary;*
  - **Paragraph 270** – *The planning system should support patterns of development that optimises the use of existing infrastructure, reduces the need to travel, provides safe and convenient opportunities for walking and cycling and facilitates travel by public transport and, enables the integration of transport modes;*
  - **Paragraph 279** – Significant travel generation developments should be sited at locations which are well served by public transport and supported by measures to promote the availability of high quality public transport services, that provide access to a range of destinations;
  - **Paragraph 281** – When an area is well served by sustainable transport modes, planning authorities may set more restrictive parking standards; and
  - **Paragraph 287** – Planning permission should not be granted for significant travel generating developments where direct links to local facilities on foot and bicycle is not available, public transport networks would involve walking more than 400m and the Transport Assessment does not identify satisfactory measures to meet sustainable transport requirements.”

## Planning Advice Note 75 (PAN 75), 2005 – ANNEX F

- 2.1.3 PAN 75 expands on how the policies of SPP may be delivered with the purpose of creating a safe, reliable and sustainable transport system for Scotland. One of the key tools in achieving this is integration, and with regard to new developments, the PAN states that:

*“The intention is for new developments to be user focused and for the transport element to promote genuine choice, so that each mode contributes its full potential and people can move easily between different modes.”*

## Transport Assessment Guidance (TAG), 2012

- 2.1.4 TAG sets out the approach that should be taken for the preparation of Transport Statements and TAs. The guidelines detail the importance of establishing the existing transport infrastructure and travel characteristics as well as the development proposal itself and the measures which will be included to improve infrastructure and services to encourage sustainable travel to the site.
- 2.1.5 The accessibility of the site will be measured through calculating the travel time by each mode of access in a hierarchy of sustainability, with walking and cycling at the top of this hierarchy. TAG considers the following journey times as acceptable for each mode:
- Walking: 20 – 30 minutes;
  - Cycling: 30 – 40 minutes; and
  - Public transport: generally a 30 minute door to door travel time (including walk, wait, journey and walk to destination).

## 2.2 Local Policy

### North Ayrshire Council Local Development Plan (LDP), Adopted 2014<sup>1</sup>

- 2.2.1 The LDP is a land use document that indicates where certain types of development should, and should not, happen. It sets out a long term vision for growth and provides the policy framework for determining planning applications.
- 2.2.2 In relation to transport, Policy PI 1: Walking, Cycling and Public Transport states that all development proposals which will result in significant trip generation shall require to demonstrate that account has been taken of the needs of walkers, cyclists and public transport users by demonstrating that:
- *The proposals reflect the principles of “Designing Streets” where applicable;*
  - *At an early design stage, consideration has been given to likely desire routes (public transport nodes, schools, town centres etc.) Which shall inform the design of the development;*
  - *Connectivity is maximised within and to the development site by providing direct routes to wider path networks where possible;*

<sup>1</sup> Note: NAC’s LDP2 is in progress and intended to be adopted in 2019.

- Any paths through the site are clearly signposted, well-lit and where possible overlooked;
- Secure cycle parking of a proportionate scale, in a visible and accessible location, is provided where the development will be used by a significant volume of visitors (including employees). Changing and shower facilities should also be provided where appropriate;
- Discussion with Strathclyde Partnership for Transport (SPT) has been undertaken to consider the provision of new or diverted bus route(s) to serve the development where the proposal is not within 400m of a public transport node. New/diverted routes may require to be subsidised by the developer where such schemes are not commercially viable; and
- Proposals for national or major development (as defined by the Planning Etc. (Scotland) Act 2006) which will involve significant trip generation will require the preparation of a Travel Plan for the development.

2.2.3 The proposed development will be designed in accordance with this policy and Chapter 5 of the report will go into further detail in relation to the walking and cycling measures to support the development in line with the national and local policy objectives.



### 3. EXISTING TRANSPORT CONDITIONS

#### 3.1 The Site

3.1.1 The proposed site is bound to the north by Manson Road (A736), to the east by Stanecastle Roundabout, to the south by Crompton Way and to the west a residential development (under construction at the time of writing).

3.1.2 The local road network surrounding the site is indicated by Figure 2.



Figure 2. Local Road Network

#### 3.2 Walking

3.2.1 The site is located next to a residential area (the recently consented and partly constructed development adjacent to the site) with some industrial land uses to the south of the site, known as “North Newmoor Industrial Estate”. There is a good network of pedestrian infrastructure surrounding the site comprising a combination of footways and footpaths with street lighting throughout.

3.2.2 Along Crompton Way there are footways of approximately 1.5m wide on both sides of the road between the sharp left-hand bend and Stanecastle Roundabout. South from the left-hand bend on Crompton Way, there is a footway on the east side of the road only. The general characteristics of these footways are indicated by Figure 3 and Figure 4.



**Figure 3. Pedestrian Characteristics of Crompton Way Adjacent to Site Access**



**Figure 4. Pedestrian Characteristics of Crompton Way South of Left-Hand Bend**

- 3.2.3 There is no roadside pedestrian provision at the roundabout, however, there is an extensive network of footpaths surrounding the site, connecting to pedestrian underpasses / overpasses of each arm of the junction.
- 3.2.4 From Crompton Way there is a footpath routeing north alongside the site towards Manson Road, as indicated by Figure 5. This footpath leads to an intersection between a new footpath created through the residential development (under construction) adjacent to the site, a footpath leading up to street level of Manson Street and the nearest bus

stops to the site, and an underpass of Manson Street. This intersection which is located at the northern edge of the site is indicated by Figure 6.



**Figure 5. Footpath Routing Alongside Site**



**Figure 6. Footpath Intersection at Edge of Site, Residential Development and Manson Road**

- 3.2.5 An example of the numerous underpass pedestrian routes in the vicinity of Stanecastle Roundabout is indicated by Figure 7 which demonstrates the route under Long Drive (North). An example of the overpasses pedestrian routes is indicated by Figure 8 which demonstrates the route over Long Drive (South).





**Figure 7. General Characteristics of Pedestrian Underpasses Near Site**



**Figure 8. General Characteristics of Pedestrian Overpasses Near Site**

- 3.2.6 Along Manson Road there are continuous footways into Irvine Town. The aforementioned network of footways / footpaths for the immediate area connect the site to the neighbouring residential areas are indicated by Figure 9.





**Figure 9. Immediate Network of Footways / Footpaths Surrounding Site**

### Walking Catchment

- 3.2.7 TAG suggests that journey times of up to 20 – 30 minutes (1600m – 2400m) are considered appropriate for walking. Analysis of the walking catchment of the site has been undertaken and isochrones produced that demonstrate an approximate 5, 10 and 20 minute walk from the site (therefore, well within the TAG suggested thresholds) which are indicated by Figure 10.
- 3.2.8 The journey times have been calculated based on routes utilising the network of footways / footpaths surrounding the site, some of which are identified in Figure 9 above.



**Figure 10. Site Walking Catchment Isochrones**

- 3.2.9 Figure 10 demonstrates that a significant proportion of the population in the residential areas of Irvine is within an approximate 20 minute walk from the site.
- 3.2.10 Table 1 indicates approximate walking distances and journey times between the site and other local amenities / facilities.

**Table 1. Approximate Walking Distance and Journey Time from Site**

FACILITY / AMENITY	APPROX. DISTANCE	APPROX. WALKING JOURNEY TIME
St Mark's Primary/Nursery School	480m	6 mins
Girdle Toll Sub Post Office	805m	11 mins
Annick Primary School	965m	11 mins
Towerlands Community Centre	1.2km	15 mins
Bourtreehill Medical Practice	1.3km	16 mins
St John Ogilvie Primary School	1.3km	16 mins
Bourtreehill Branch Library	1.5km	17 mins
SPAR Lawthorn	1.5km	18 mins
Lawthorn Primary School	1.6km	20 mins

FACILITY / AMENITY	APPROX. DISTANCE	APPROX. WALKING JOURNEY TIME
Irvine Town Centre	1.7km	21 mins
Rivergate Shopping Centre	2.1 km	24 mins
Irvine Train Station	2.4km	30 mins

- 3.2.11 Table 1 demonstrates that the site is within walking distance of a variety of amenities within the local neighbourhoods, including schools within Girdle Toll, Lawthorn and Bourtreehill residential areas. This therefore demonstrates that there is a considerable walking catchment for the site for potential customers and staff to be able to make joined-up trips through the local area.

### 3.3 Cycling

#### National Cycle Network

- 3.3.1 There is no designated on-road cycling provision in immediate proximity to the site. The nearest National Cycle Network Route (NCR) is Route 73 which is a predominantly traffic-free route comprising two parts: Kilmarnock and Ardrossan and Brodick to Lochranza. In the vicinity of the site, NCR 73 routes into Irvine Town.
- 3.3.2 There is signage within the industrial estate indicating that the existing footpath link between Arkwright Way and NCR 73 is also a shared cycleway. Therefore, cyclists can cycle on-road along Crompton Way which is a flat, direct route to Arkwright Way, and currently lightly trafficked. From here, they can route onto the off-road path to join NCR 73 at the point of the footbridge over Annick Water.
- 3.3.3 NCR 73 routes towards the town centre on the southern side of Annick Water, followed by the River Irvine and cyclists can cross the river onto the town centre side at the footbridge adjacent to Castle Street. Along Castle Street and onwards to the town centre, cyclists would continue on-road.

## New Town Trail

- 3.3.4 There is also a local cycleway known as the “New Town Trail” which routes alongside Annick Water, through the neighbouring residential areas approximately 1km east of the site (as the crow flies). This route is also predominantly traffic-free. The aforementioned cycle routes are indicated by Figure 11 which is an extract from the Sustrans<sup>2</sup> website.

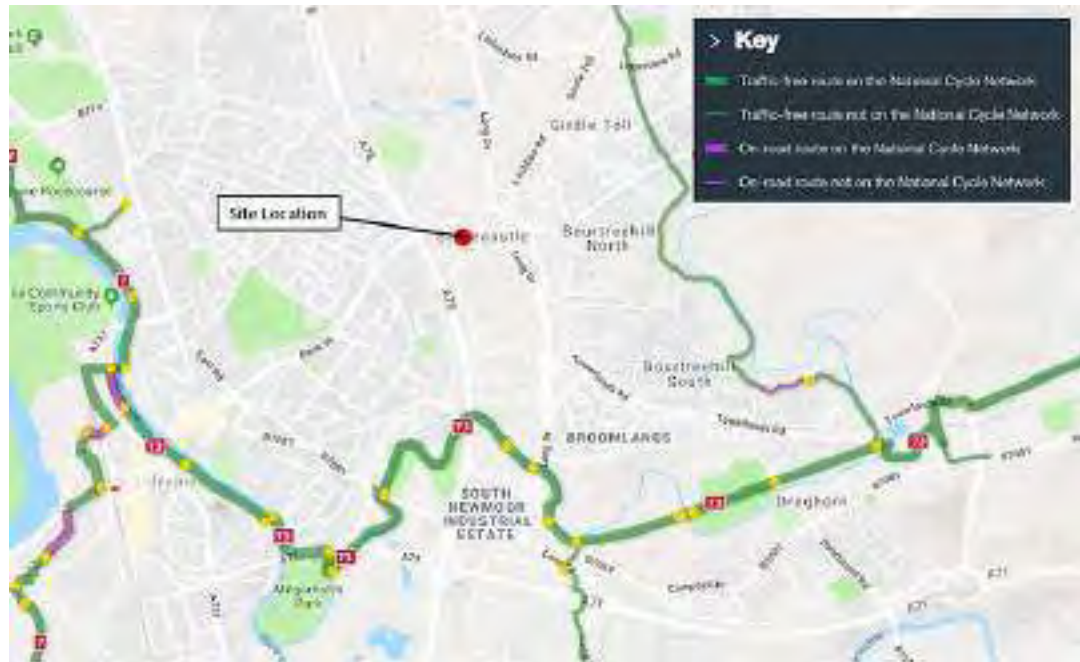


Figure 11. Cycle Routes in Vicinity of the Site (Extract from Sustrans)

- 3.3.5 In addition to the cycle routes indicated by Figure 11, NAC has a Core Paths Plan which identifies “a basic framework of paths available for recreation and everyday journeys by local people and visitors”. Core paths are able for use by cyclists and NAC identify a network of core paths to the north of the site, as indicated by Figure 12 which contains an extract from NAC’s Core Paths Plan map.

<sup>2</sup> [www.sustrans.org.uk/ncn/map](http://www.sustrans.org.uk/ncn/map)



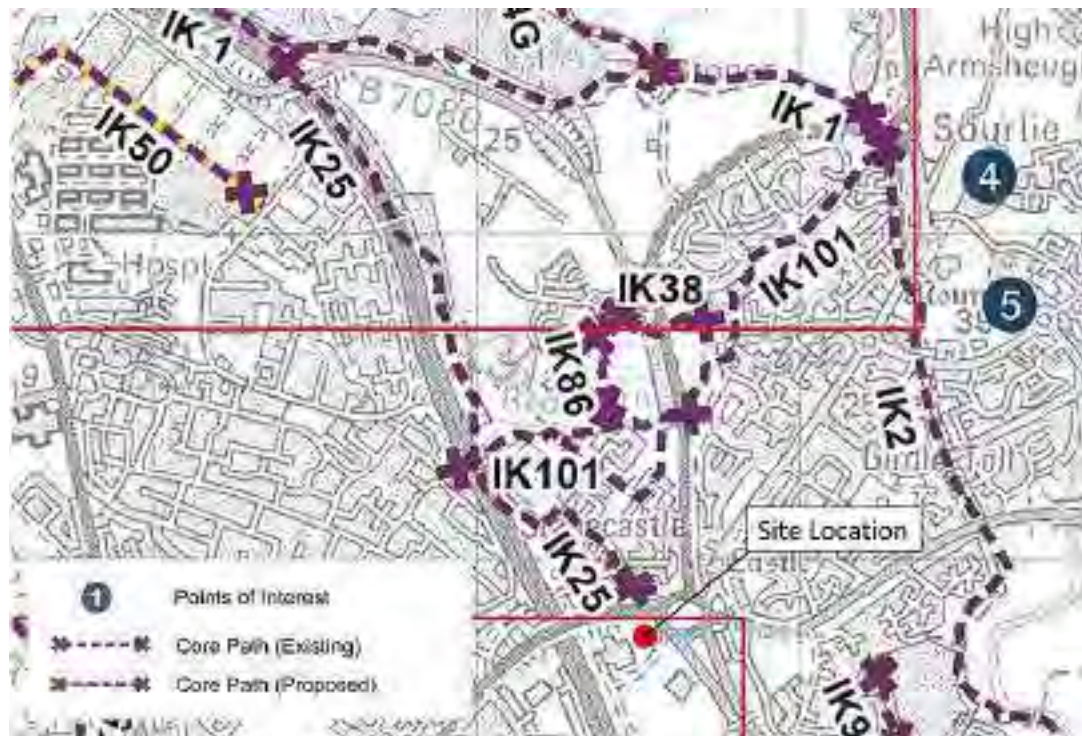


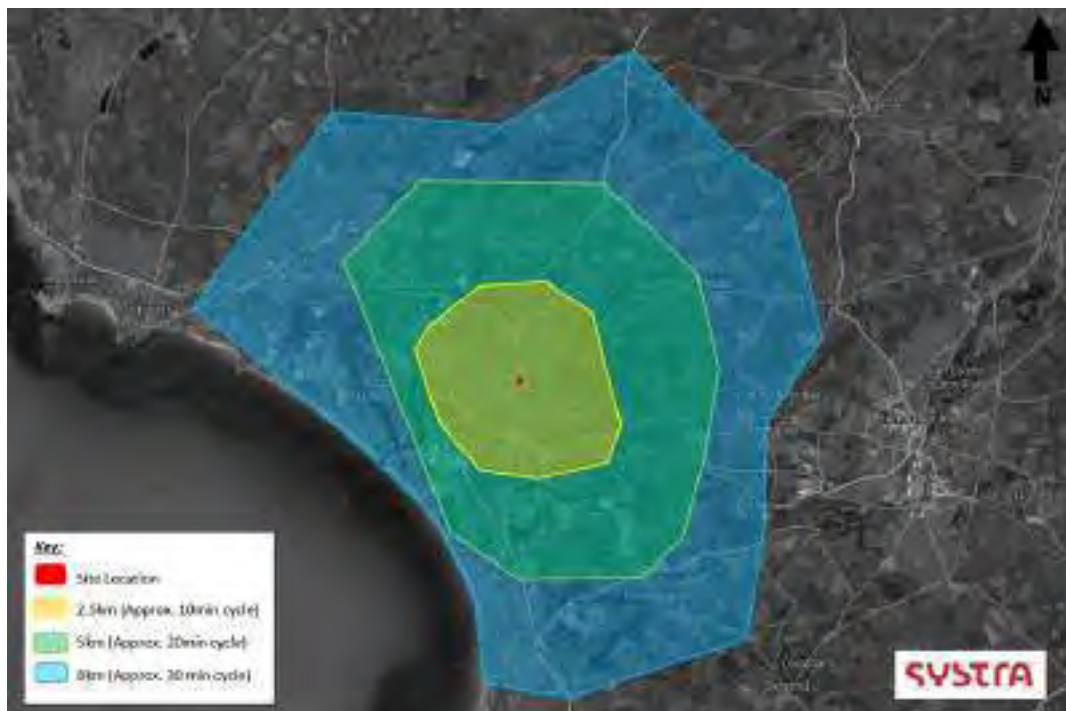
Figure 12. NAC Core Paths Plan Extract

### Suitability of Cycle Routes

- 3.3.6 The site visit determined that the existing cycling routes in the area are favourable as they are predominantly off-road and that they are of a suitable standard to support the level of cycling expected to be generated by the proposed development.

### Cycling Catchment

- 3.3.7 TAG suggests that journey times of up to 30 – 40 minutes are appropriate for cycle access to developments, which equates to around 10km at a typical cycle speed of around 16km/hour. Analysis of the cycling catchment of the site has been undertaken and isochrones produced that demonstrate an approximate 10, 20 and 30 minute cycle from the site. The cycling isochrones are demonstrated by Figure 13.
- 3.3.8 A copy of the walking and cycling isochrones are contained within Appendix B.



**Figure 13. Site Cycling Catchment Isochrones**

3.3.9 Figure 13 demonstrates the extensive cycling catchment of the site which covers all of Irvine within an approximate 10 – 20 minute cycle.

3.3.10 Table 2 indicates approximate cycling distances and journey times between the site and other local amenities / facilities.

**Table 2. Approximate Cycling Distances and Journey Times From Site**

FACILITY / AMENITY	APPROX. DISTANCE	APPROX. CYCLING JOURNEY TIME
Irvine Town Centre	1.7km	6 min
South Newmoor Industrial Estate	2km	6 min
Rivergate Shopping Centre	2.2km	7 min
Irvine Royal Academy	2.7km	7 min
Greenwood Academy	2.5km	8 min
Ayrshire Central Hospital	3.3km	10 min
North Ayrshire Council	3km	11 min
Irvine Train Station	3.2km	12 min
Kilwinning Train Station	6.6km	21 min

FACILITY / AMENITY	APPROX. DISTANCE	APPROX. CYCLING JOURNEY TIME
University Hospital Crosshouse	8km	27 min

- 3.3.11 Similarly to the cycling isochrones, Table 2 demonstrates that there is a wide cycling catchment for the site which presents opportunities for potential customers and staff to reach the site by bicycle. Irvine Town Centre is a short cycle from the site (under 10 minutes) and the journey can be made using quieter residential streets and by utilising the footbridge over the A78 to reach Crompton Way. This route would avoid vehicle traffic for the most part and would avoid cyclists having to negotiate Stanecastle Roundabout (which is advised).
- 3.3.12 It should be noted that various route options exist through the local area and to the neighbouring town of Kilwinning that avoid busy roads and allow predominantly off-road cycling.

### 3.4 Walking & Cycling – NAC Observations

- 3.4.1 NAC Roads' commented on the TA for the previous food store application on this site that the walking and cycling links to the neighbouring residential areas were 'circuitous'. SYSTRA would agree that the routes could be considered indirect between the site and the Girdle Toll residential area to the north-east of the site and to the areas to the west of the A78, accessed by foot via the pedestrian underpass between Crompton Way and Berry Drive. However, it is considered the pedestrian links to the residents Bank Street are direct as they route straight from the northern edge of the site (at which there will be a pedestrian access to the site provided), under Manson Road to join footways on Bank Street.
- 3.4.2 SYSTRA would also consider the pedestrian routes from the Bourtreehill residential area to be direct as the footbridge over the B7080 can be utilised to reach the footpath which routes northwards and links directly to the site. This route is no longer in distance / journey time than if there was footway provision alongside Stanecastle Roundabout.
- 3.4.3 Figure 14 demonstrates the walking / cycling routes which are considered to be direct as those circled in yellow.



**Figure 14. Walking Routes Considered to be Direct**

- 3.4.4 Despite having to route around Stanecastle Roundabout for many of the routes, the walking isochrones are based on journey times via the existing footways and footpaths and not direct distance. Therefore, the isochrones and information in Table 1 demonstrate that there is still a considerable catchment of residents within reasonable walking distance of the proposed development despite the circuitous nature of some of the routes. Furthermore, it is considered that many of the routes highlighted are attractive to pedestrians given that they are segregated from the road network, surrounded by greenery and have lighting.

### 3.5 Public Transport

- 3.5.1 Bus stops serving both eastbound and westbound directions are provided on Manson Road, immediately north of the site. From the centre of the site the distance to these stops is approximately 125m (as the crow flies). PAN 75 guidelines recommend a maximum walking distance of 400m for access to bus services, therefore, the proposed site is in accordance with this standard.
- 3.5.2 The bus stop on the southern side of Manson Road comprises a layby, raised kerb, shelter and timetable information, as indicated by Figure 15.





**Figure 15. Bus Stop Facilities on Manson Road**

3.5.3 Services from the stops on Manson Road run into Irvine Town, through the residential areas to the west of the site and through the residential areas of Girdle Toll, North and South Bourtreehill, and Broomlands to the east of the site. The service numbers, routes and frequencies are demonstrated by Table 3 below.

**Table 3. Bus Services, Routes and Frequencies**

OPERATOR	SERVICE NO.	ROUTE	FREQUENCY		
			Mon – Fri	Sat	Sun
Shuttle Buses	113	Irvine to Kilmaurs to Stewarton	Services every hour from 07:31 to 17:31	Services every hour from 08:31 to 17:31	No service
Stagecoach	28	Irvine to Bourtreehill	Services within 20 min with variable frequency	Services within 30 min with variable frequency	No service
Stagecoach	22	Perceton to Irvine to Castlepark	Services within 20 min with variable frequency	Services within 20 min with variable frequency	No service
Shuttle Buses	29	Whitehirst Park to Irvine Town Centre	Services at 07:26, 07:56, 08:46 and every hour from then	Services at 07:26, 07:56, 08:46 and every hour from then	No service
Stagecoach	30	Montgomerie Park to Irvine to Greenwood Academy	2 services per day	No service	No service

OPERATOR	SERVICE NO.	ROUTE	FREQUENCY		
			Mon – Fri	Sat	Sun
Stagecoach	30A	Montgomerie Park to Irvine to Greenwood Academy (via Perceton)	1 service per day	No service	No service
Stagecoach	25	Irvine to Kilwinning to Beith	Services every hour	Services every hour	No service
Stagecoach	X44	Glasgow to Barrhead to Irvine to Ardrossan	5 services per day	4 services	No service
Stagecoach	X79	Glasgow to Kilmarnock to Irvine	1 service per day	No service	No service

3.5.4 Table 3 indicates that from the bus stops on Manson Road, approximately nine services operate per hour on weekdays. These services link the site to many of the residential areas in Irvine. Figure 16 demonstrates the population which is within an approximate 400m walking catchment of a service which routes to the bus stops on Manson Road, adjacent to the site<sup>3</sup>.

<sup>3</sup> Note: each isochrones represents 300m “as the crow flies” from the bus stop location, approximately equating to 400m on foot.



**Figure 16. Bus Stop 400m Walking Catchment**

3.5.5 Figure 16 demonstrates that much of the residential population of Irvine, which may not be within a reasonable walking distance of the site, is within an approximate 400m walking distance of a bus service that could bring them to the stops on Manson Road adjacent to the site.

### **3.6 Local Road Network**

#### **Crompton Way**

3.6.1 Crompton Way bounds the site to the south and is a single carriageway road that provides one of two vehicular accesses to North Newmoor Industrial Estate from Stanecastle Roundabout. Crompton Way also provides access to the residential development under construction immediately to the west of the site. It is noted that Crompton Way can also be accessed from a roundabout further south on Long Drive via Arkwright Way.

3.6.2 Crompton Way is subject to a 30mph speed limit. A traffic calming measure has recently been put in place along Crompton Way in association with the residential development to the west of the site. This comprises build-outs on either side of the carriageway to narrow the road to single lane at a point. This feature and the general characteristics of Crompton Way are indicated by Figure 17.



**Figure 17. Characteristics of Crompton Way and Traffic Calming Feature**

### **Long Drive**

- 3.6.3 Long Drive (B7080) runs in a north – south direction passing the site to the east and is a dual carriageway with a speed limit of 50mph. Long Drive links to the A71 to the south of the site via two roundabouts at the Greenwood Interchange. Long Drive continues north beyond Stanecastle Roundabout as the A763.

### **Manson Road**

- 3.6.4 Manson Road is also a section of the A763 which runs in an east – west direction passed the north of the site. In the vicinity of the site, Manson Road has a 40mph speed limit and is single carriageway. The A763 continues west from the site into Irvine Town Centre.

## **3.7 Accessibility Summary**

- The site is served by an extensive network of footways and footpaths which link to the neighbouring residential areas and public transport services;
- There are NAC Core Paths routeing to the north of the site, suitable for pedestrians and cyclists;
- The location of the site benefits from a large cycling catchment which includes all of Irvine within an approximate 20 minute cycle;
- There are two predominantly off-road cycle routes running to the east and south of the site respectively, accessible from the site within a short cycling distance; and
- There are bus stops well within a 400m walking distance of the site which provide connections to many residential areas within Irvine.



- 3.7.1 In summary, SYTRA would conclude that the site is accessible by a variety of travel modes but, fundamentally, by foot, bicycle and public transport.
- 3.7.2 It should be recognised that, although in its current environment the site is located within a predominantly industrial area, the forthcoming North Newmoor Persimmon residential development along Crompton Way and adjacent to the site will transform the environment into a residential surrounding. Therefore, the proposed development will be intended to serve the local residential area, in which many potential customers will be in a position to reach the proposed Lidl store by sustainable modes.

## 4. DEVELOPMENT TRAVEL CHARACTERISTICS

- 4.1.1 Government policies and guidelines focus on achieving a sustainable and integrated transport provision to reduce the reliance on the private car and promote greater use of walking, cycling and public transport as alternatives. The focus of a TA should therefore be on achieving accessibility to the site by a range of transport modes, particularly by sustainable travel.

### 4.2 People Trip Assessment

- 4.2.1 In line with best practice, the TRICS<sup>4</sup> database has been utilised to obtain people trip rates for the proposed development. TRICS has been interrogated under the categories “01 – Retail” and “C – Discount Food Stores” and the trip rate is indicated per 100sqm.

#### Survey Selection

- 4.2.2 The survey selection has been refined by discounting data collected from developments in Greater London, Ireland and Northern Ireland as these locations tend to have varied trips rates / modal split to sites in Scotland.
- 4.2.3 Further locational refinement has been applied to discount sites that are in town centre and edge of town centre locations to ensure a representative trip rate and modal split (particularly in relation to vehicle trips) is applied in this assessment.

#### Assessment Periods

- 4.2.4 Given the location and nature of the development, it is anticipated that the weekday PM and Saturday peak periods will be the critical period in terms of the impact to the local transport infrastructure. The development proposals will likely generate a small amount of trips during the weekday AM peak. These trips are unlikely to have a significant impact on the surrounding transport network during this time. Therefore, the total people trip rate from TRICS has been obtained for the weekday evening (PM) and Saturday peak hour periods of 17:00 – 18:00 and 12:00 – 13:00 respectively.

#### Results

- 4.2.5 The total people trip rate and resultant trip generation is indicated by Table 4 for the weekday PM and Saturday peak hour periods respectively. The full TRICS output files are contained within Appendix C.

<sup>4</sup> TRICS (Trip Rate Information Computer System) is a database of trip rates for developments used in the United Kingdom and Ireland for transport planning purposes, specifically to quantify the trip generation of new developments.

**Table 4. TRICS Total People Trip Rate and Generation**

PARAMETER	WEEKDAY PM PEAK: 17:00 – 18:00			SATURDAY DEVELOPMENT PEAK: 12:00 – 13:00		
	Arrive	Depart	Total	Arrive	Depart	Total
People Trip Rate (per 100 sqm)	7.762	8.441	16.203	12.312	13.764	26.076
People Trip Generation (1,898sqm)	147	160	308	234	261	495

- 4.2.6 Table 4 indicates that the proposed development is expected to generate in the region of 308 and 495 two-way total people trips during the weekday PM and Saturday peak hour periods respectively.

### 4.3 Modal Split

- 4.3.1 The estimated modal split for the proposed development has been determined from TRICS. By combining the mode share with the people trips, number of trips by each mode of travel can be calculated. The mode share for the proposed development and the associated trips by each mode are provided in Table 5 below.

**Table 5. TRICS Modal Split and Generation**

MODE	WEEKDAY PM NETWORK PEAK: 17:00 – 18:00				SATURDAY DEVELOPMENT PEAK: 12:00 – 3:00			
	Mode Share	Arrive	Depart	Total	Mode Share	Arrive	Depart	Total
Walking	23%	34	37	70	14%	53	60	113
Cycling	2%	2	3	5	1%	4	4	8
Public Transport	1%	1	1	2	1%	2	2	4
Car Passenger	24%	36	39	74	36%	56	63	120
Car Driver	51%	74	81	155	48%	118	132	250
Total	100%	147	160	308	100%	234	261	495

*Any variances due to rounding*

- 4.3.2 Table 5 indicates that, of the total people trips identified within Table 4, 26% are expected to be made by sustainable travel modes. 51% are expected to be associated with a car driver in the weekday PM peak period, equating to 155 two-way vehicle trips during this period.

- 4.3.3 During the Saturday peak period it is expected that 16% of total people trips will be made by sustainable travel modes while 48% are by a car driver, equating to 250 two-way vehicle trips.
- 4.3.4 It is noted that the public transport mode share demonstrated within Table 5 (1%) is considerably lower than would be expected at the proposed development. Given the proximity of the site to the existing bus infrastructure and the catchment of population within a 400m walking distance of a bus service which routes passed the site, it is considered that the public transport mode share would more likely be considerably greater. Notwithstanding this, the modal split obtained from TRICS has not been amended in order to provide a robust assessment of vehicle trips.
- 4.3.5 The vehicle trip mode share demonstrated by TRICS has been compared against 2011 Scottish Census data obtained for the local post code area for residents' usual method of travel to work or study. The census data indicates that the typical vehicle mode share for the local residents is 49%. This is therefore comparable with the results from TRICS and the modal split demonstrated by Table 5 is considered to be a reliable estimate.
- 4.3.6 Furthermore, Chapter 3 has demonstrated that the site has good accessibility by sustainable travel modes and the proposed development will include measures to further support and encourage sustainable travel principles by staff and customers. These measures are detailed within Chapter 5.

#### 4.4 Pass-By Trips

- 4.4.1 It should be noted that the level of vehicle trip generation indicated by Table 5 is assuming that 100% of vehicle trips are "new" to the road network and making a designated journey to the proposed development.
- 4.4.2 It is widely accepted that with food retail developments such as the proposed Lidl store, there will be an element of pass-by trips from vehicles already on the local road network, therefore, all vehicle trips to the development would be considered as new to the network. IHT Guidelines suggest that a pass-by percentage of 30% is typical of this type of development.
- 4.4.3 Nevertheless, this assessment makes no allowance for pass-by trips and has been undertaken on the basis of 100% of vehicle trips being new to the road network to represent a robust assessment of the junctions included within the development's initial area of influence.

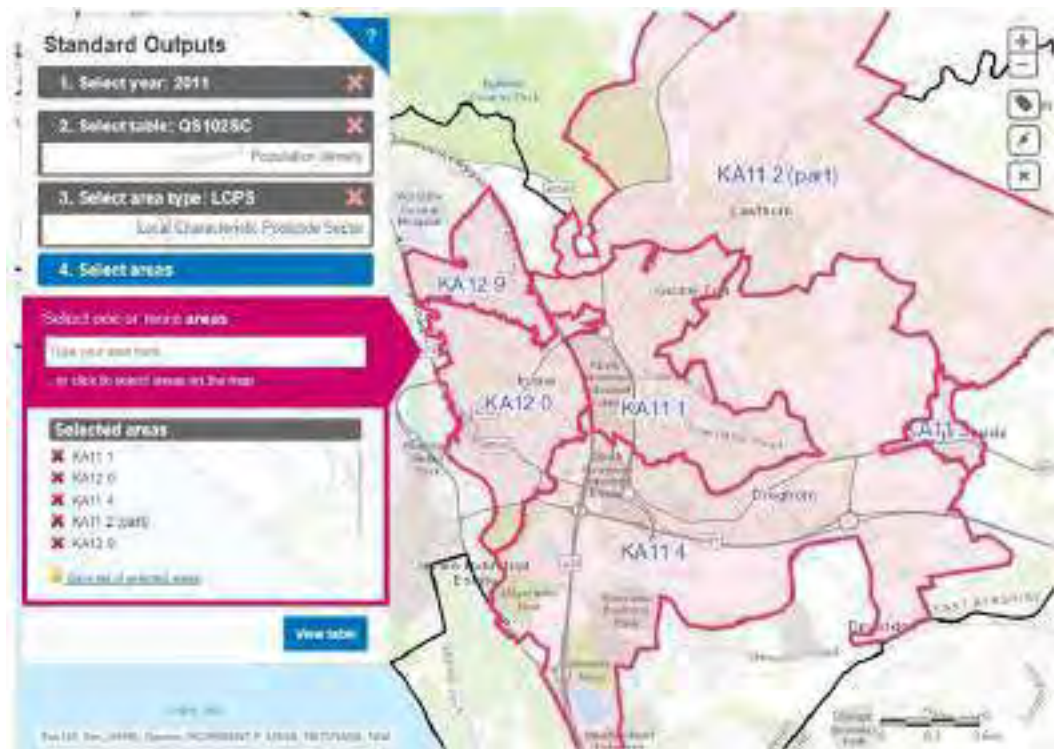
#### 4.5 Trip Distribution and Assignment

- 4.5.1 The distribution and assignment of the pass-by development trips has been assumed based on the existing turning proportions at the roundabout obtained from turning count surveys. To distribute and assign the "new" development traffic in the assessment we have used a population / distance (squared) gravity model.



## Gravity Model Methodology

- 4.5.2 The population of postcode areas within Irvine has been obtained from 2011 Scottish Census data<sup>5</sup> and areas have been selected based on the assumed catchment area for the proposed food store, as indicated by the snapshot contained in Figure 18.



**Figure 18. Scottish Census Post Code Selections**

- 4.5.3 The population of each postcode area has then been weighed against the distance to the proposed development, and then adjusted based on what percentage of the postcode area is likely to travel to the proposed development. Such as; there is an Aldi discount food store located within Irvine Town (postcode area KA12 0). Therefore, the proportion of population that would potentially visit the proposed development from this area versus the proportion that would continue to visit the existing discount food store nearby, has been estimated and adjusted accordingly.
- 4.5.4 The percentage of trips originating from each postcode area has been calculated and the route(s) which customers would take to travelling to / from the proposed development from each area has been identified. This was undertaken using the Google Maps route finder function which takes into account the distance and journey time of potential routes, thus providing the basis for the trip assignment.
- 4.5.5 The distribution and assignment applied in this assessment is contained in the network diagrams within Appendix D.

<sup>5</sup> [www.scotlandscensus.gov.uk](http://www.scotlandscensus.gov.uk)

## 5. MEASURES TO SUPPORT THE DEVELOPMENT

### 5.1 Proposed Development Layout

- 5.1.1 An indicative layout of the proposed Lidl food store is demonstrated by Figure 19 below and a copy is also contained within Appendix A.



**Figure 19. Proposed Development Indicative Layout**

#### Development Access

- 5.1.2 Vehicular access to the site is proposed via a simple priority junction from Crompton Way, approximately 42m north-east of the existing access into the industrial unit on the southern side of Crompton Way and approximately 70m south from the approach / exit lanes to Stanecastle Roundabout.
- 5.1.3 NAC's Roads Development Guide states that private accesses should be no closer than 25m from the channel of a traffic distributor road and access spacing along an industrial and residential roads should also be 25m. Therefore, the proposed access is in accordance with these guidelines. It has been confirmed with NAC's Roads Officer that there are no concerns regarding junction spacing for the proposed development.
- 5.1.4 Links from the proposed store to the existing internal road network will seek to accommodate the safe movement of pedestrians, cyclists and vehicles, with as much separation between pedestrian and vehicle movements as is practical.

## 5.2 Walking

- 5.2.1 Government guidelines indicate a hierarchy of travel modes with walking being the highest and most sustainable form of travel. It is therefore important to ensure that the surrounding network of footways and footpaths is suitable to accommodate the additional trips on foot that will be generated by the proposed development and that good connectivity is provided to / from this network.
- 5.2.2 As Chapter 3 demonstrates, there is a well-established network of footways and footpaths surrounding the proposed development provide links to the neighbouring residential areas. The walking isochrones (Figure 10, Chapter 3) demonstrate that there is a substantial catchment of the residential population of Irvine that will be within a 20 minute walking distance of the proposed development.
- 5.2.3 It is expected that the proposed development will generate a number of additional pedestrian movements (85 and 136 two-way walking trips) during the weekday PM and Saturday peak periods respectively. In particular, the proposed development is well located to attract customers on foot from the residential development adjacent to the site which will comprise 144 units, once completed.
- 5.2.4 The proposed development will include two pedestrian accesses that will connect to the existing footway along Crompton Way and to the existing footpath which runs alongside and connects to Manson Road at the northern end of the site (and the bus stops on Manson Road). This will ensure that the development achieves a good level of pedestrian accessibility and is integrated well into the existing pedestrian network.

## 5.3 Journey Time Analysis

- 5.3.1 NAC Roads has expressed concerns over a small number of households situated within proximity to Stanecastle Roundabout that may be inclined to walk the most direct route to the proposed store along verges and not via the footways / paths provided. The general areas of concern are indicated by Figure 20. SYSTRA has undertaken journey time analysis of the possible walking routes in order to understand the likelihood of this happening.



**Figure 20. Journey Time Analysis – Areas of 'Interest'**

- 5.3.2 As Figure 20 demonstrates, there are few properties within the potentially 'affected' residential areas identified, therefore, only a small number of potential customers that this journey time analysis applies to.
- 5.3.3 The properties within these identified areas are separated from the main roads (i.e. Long Drive and Middleton Road) by dense trees and shrubbery. This vegetation acts as a natural barrier for noise, visibility and prevents pedestrians from taking direct and potentially unsafe paths leading onto the road verges without footway provision.
- 5.3.4 Therefore, for pedestrians to reach the roads without footway provision, they would often be required to walk around the dense vegetation onto grass verges via routes to the proposed store which would have relatively similar journey times as using the designated routes via the network of footways / paths. This concept is explored further below.

#### **Example: 1-10 Stanecastle Road**

- 5.3.5 Journey time analysis has been undertaken from a central point at the properties along 1-10 Stanecastle Road (as indicated by the orange marker in Figure 20) to the nearest entrance point of the proposed store. A comparison of the potential routes to the proposed store via the designated footways / paths and the more direct and less safe route via verges has been undertaken with regard to distance, journey time and crossings.

#### **Designated Pedestrian Route**

- 5.3.6 The designated route to the proposed store from the properties on Stanecastle Road via the network of footways, paths and pedestrian crossings or passages is approximately 700m and is indicated by Figure 21 below.



5.3.7 Assuming a walking speed of 1.2m/s, it would take a pedestrian approximately 9-10 minutes to walk the route indicated by Figure 21. As the figure indicates, the route designated utilises three pedestrian passages to cross the more heavily trafficked main roads of Middleton Road, Long Drive North and Mason Road. At-grade crossings are provided at Stanecastle Road and Bank Street, however, these roads are residential in nature and lightly trafficked, therefore, the delay associated with waiting for a suitable gap to cross as a pedestrian will be minimal. The total number of lanes required to cross at-grade is four.

5.3.8 Two possible shortcut routes have been considered in the journey time analysis exercise. 'Shortcut 1' is indicated by Figure 22.



**Figure 22. Possible Shortcut (1)**

- 5.3.9 Possible 'Shortcut 1' assumes that the pedestrian will cross the grassed area opposite the properties on Stanecastle Road to reach the verge along Middleton Road. Pedestrians cannot take a more direct route onto Middleton Road as there is an approximately 12ft retaining wall between the property at the end of the street and the edge of Middleton Road, as indicated by Figure 23 below. As a consequence of these constraints, pedestrians would require to cross the two lane carriageway to walk along the northern verge as the southern verge is very narrow and occupied by a crash barrier, as also indicated by Figure 23.



**Figure 23. Retaining Wall and Crash Barrier Along Southern Verge of Middleton Road**

- 5.3.10 Once at Stanecastle Roundabout, the pedestrian would then be required to cross Middleton Road exit and entry lanes, followed by the Long Drive South exit and entry lanes which comprise two lanes each and are separated by an approximate 60m wide grass central reservation. Finally, the pedestrian would walk along the verge between the Long Drive South approach and Crompton Way arms to reach the footways along Crompton Way and make a final crossing to reach the development access.
- 5.3.11 In total, possible Shortcut 1 is approximately 492m long which, assuming a walking speed of 1.2m/s, the journey would take approximately 7 minutes. This does not account for any delay associated with waiting for a suitable gap in traffic to cross the road, which is required at six points and traverses 10 carriageway lanes in total.

### Shortcut 2

- 5.3.12 A second possible shortcut route is indicated by Figure 24 below.



**Figure 24. Possible Shortcut (2)**

- 5.3.13 'Shortcut 2' assumes that the pedestrian will take the same route at Shortcut 1 up to the point of reaching Stanecastle Roundabout. Here, instead of crossing onto Long Drive South, the pedestrian crosses the circulatory carriageway of the roundabout and routes along the verge of the central island to cross the circulatory again between the Long Drive northbound approach and Crompton Way arms. The final part of the route mirrors that of possible short-cut 1.
- 5.3.14 The total distance of Shortcut 2 is approximately 480m which would equate to a journey time of approximately 6-7 minutes assuming a 1.2m/s walking speed. Again, this does not account for any delay associated with waiting for a suitable gap in traffic to cross the road, which is required at five points in Shortcut 2 and traverses nine carriageway lanes in total.



- 5.3.15 It is acknowledged that the designated pedestrian route is approximately 3 minutes longer (in terms of distance) than the two shortcut routes explored. However, by using the designated footways / paths and passages, pedestrians are saving time compared to the shortcut routes where multiple lane crossings of busy carriageways are required. Furthermore, the designated route offers a more attractive and critically, safer option, with even surfacing and appropriate lighting.
- 5.3.16 It is fundamental to note that any desire to walk via one of the shortcut routes would only be considered by a very small number of potential customers to the proposed store. Given that the journey times are relatively similar between the designated route and shortcut routes, the attractiveness of either of the shortcut routes is diminished, to the point that very few of these properties are likely to actually consider using either of the shortcuts. Therefore, SYSTRA considers that there is no requirement to provide upgraded footways / footpath connections on either shortcut routes.

#### Possible Alternative Route

- 5.3.17 Notwithstanding this, an alternative route that the Applicant is willing to explore further, if deemed necessary by NAC, is a compromise between the designated pedestrian route and the shortcuts demonstrated in terms of distance and journey time. This route is indicated by Figure 25 below.



**Figure 25. Potential Route with Improvement Measures**

- 5.3.18 The potential new route would be approximately 565m in distance which equates to approximately 7-8 minutes journey time assuming a 1.2m/s walking speed (and no delay associated with at-grade crossings).
- 5.3.19 Figure 25 demonstrates that the proposed pedestrian route would require new at-grade crossings at Stanecastle Road and Long Drive North arms of the roundabout and would



utilise the existing passages across Middleton Road and Manson Road. However, crossings at the suggested points could be facilitated in a safer way that incorporates into the existing pedestrian network than if pedestrians were inclined to take the shortcut routes.

- 5.3.20 If NAC considers this to be a necessary improvement measure to support the proposed development, the details design of this route can be agreed with NAC post-planning consent.

#### Example: Killoch Place

- 5.3.21 Journey times on foot to the proposed store have also been considered from the properties along Killoch Place (from the point indicated by the green marker in Figure 20). As discussed, the properties along Killoch Place are separated from Middleton Road by a dense line of vegetation. Therefore, the most direct path to the proposed store for pedestrians is via network of footways / paths up to the point of Stanecastle Road.
- 5.3.22 The designated pedestrian route from the properties on Killoch Place to the proposed store via the network of footway / paths and crossings is approximately 800m and is indicated by Figure 26.



Figure 26. Killoch Place – Route to Development via Designated Paths

- 5.3.23 Assuming a walking speed of 1.2m/s, the journey time of this route is approximately 11 minutes. Minimal delay would be experienced along this route utilise two pedestrian passages and only two at-grade road crossings are required and the roads are residential in nature and lightly trafficked compared to the other arms of the roundabout.
- 5.3.24 The possible shortcut route from Killoch Place would likely see pedestrians cut across Stanecastle Road and Long Drive North arms of the roundabout in a more direct movement to re-join the path at the western verge of Long Drive North. The shortcut would be very similar to the potential improvement route indicated by Figure 25 which

would result in an approximately 140m shortcut and 2 minute time saving compared to the current route.

### Journey Time Analysis Conclusion

- 5.3.25 Table 6 provides a summary of the approximate distance, journey time and crossings for each route option explored in the journey time analysis exercise.

**Table 6. Journey Time Analysis Summary**

ROUTE	JOURNEY DISTANCE	JOURNEY TIME (EXCL. WAITING TIME)	NO. OF AT-GRADE CROSSINGS	NO. OF CARRIAGEWAY LANES TO CROSS
<b>Stanecastle Road</b>				
Designated Pedestrian Route	700m	9-10 minutes	2	4
Shortcut 1	492m	6-7 minutes	6	10
Shortcut 2	480m	6-7 minutes	5	9
Potential Alternative Route	564m	7-8 minutes	3	6
<b>Killoch Place</b>				
Designated Pedestrian Route	797m	11 minutes	2	2
Potential Alternative Route	656m	9 minutes	3	6

*Note: Distances and journey times are approximate*

- 5.3.26 Table 6 demonstrates that, in the examples provided of Stanecastle Road and Killoch Road, the designated route via the existing network of footways / paths takes pedestrians across the fewest at-grade crossings and fewest carriageway lanes compared to the possible shortcuts and the potential alternative route. Detailed gap acceptance analysis has not been undertaken in this exercise, however, the shortcut routes require more at-grade crossings of multiple lanes of busy carriageways, which inevitably increases the duration of the journey in real time. It is estimated that the actual journey times, taking delay into account, would be very similar between the designated route and the shortcut routes as the number of at-grade crossings and lanes to cross is increased in the more 'direct' routes. Therefore, the benefit of the shortcut is diminished.

- 5.3.27 The designated routes are more attractive for pedestrians, despite being slightly longer in distance, as they avoid busy roads, have even surfaces and appropriate lighting. The possible shortcut routes would require the pedestrian to walk an unobvious route along narrow and uneven verges, cross busy carriageways (resulting in delay) and walk a path which does not have streetlighting throughout. Therefore, the benefit of the shortcut is diminished further.
- 5.3.28 Table 6 demonstrates that the potential route that could be provided with improvement measures would result in only a 2 minute journey time saving (approximately), However, it should be reiterated that this does not take into account any delay associated with waiting times at the three at-grade crossings. Therefore, the journey time saving in real time is likely to be less than this. SYSTRA does not consider this to be required measure to support the proposed development given the evidence provided.

## 5.4 Cycling

- 5.4.1 The cycling isochrones (Figure 13, Chapter 3) demonstrate the expansive cycling catchment of the proposed development which includes all of Irvine.
- 5.4.2 The National Road Development Guide (NRDG) sets out minimum standards for cycle parking provision at retail developments of one space per 400sqm GFA for staff, and one space per 400sqm GFA for customers. Applied to the proposed development (1,898sqm) this would equate a minimum requirement of five spaces for staff and five for customers.
- 5.4.3 NAC's Roads Development Guide (RDG) states an appropriate provision of cycle parking for superstores of two spaces plus four per 100 car parking spaces provided. In terms of the proposed development, this would equate to a total of six cycle parking spaces. It is also understood from NAC's observations on the previous TA for the larger food store that NAC recommend cycle parking provision at a rate of 10% of peak staff and visitor capacity.
- 5.4.4 Given the variances between the guidelines, the appropriate level of cycle parking required to serve the staff and visitors at the proposed development will be agreed with NAC.

## 5.5 Public Transport

- 5.5.1 PAN 75 guidance states that developments should be within 400m walking distance of a bus service. As demonstrated in Chapter 3, the proposed development is in accordance with this threshold with the nearest bus stop located on Manson Road, approximately 125m from the centre of the site.
- 5.5.2 Given the level of services and the location of the existing bus stops, it is considered that the proposed development will be well served by public transport and no improvements are required.

## 5.6 Servicing Arrangements

- 5.6.1 Lidl service their stores by an articulated vehicle, with one delivery per day and usually early in the morning. SYSTRA have undertaken a swept path assessment which demonstrates that the site can be successfully accessed by an articulated vehicle, entering

and exiting the site in a forward gear. The layout of the swept path assessment is provided in Appendix E.

## 5.7 Car Parking

5.7.1 NAC's RDG states a required provision of 6.5 spaces per 100sqm for food stores with a GFA of 500 – 2,000sqm. In terms of the proposed development, this equates to a requirement for 123 car parking spaces.

5.7.2 The proposed development will provide a total of 130 car parking spaces in accordance with NAC's RDG, broken down into the following:

- 108 standard bays;
- 12 parent and child bays;
- 8 accessible parking bays; and
- 2 electric vehicle charging bays.

## 5.8 Vehicle Speeds at Stanecastle Roundabout

5.8.1 The proposed development will result in an increase in vehicles using Crompton Way. In response to the previous application for the larger food store on the site, NAC Roads expressed concerns in relation to the Long Drive South entry onto Stanecastle Roundabout being relatively close to the Crompton Way entry onto the roundabout. It is NAC Roads' concern that vehicle speeds from Long Drive South may reduce the decision time for vehicles leaving Crompton Way onto the roundabout.

5.8.2 To address these concerns, SYSTRA commissioned speed surveys at the following two locations along the Long Drive South arm approach to Stanecastle Roundabout (also indicated by Figure 27):

1. Within the **40mph** zone on approach to the roundabout entry; and
2. Approximately 100m from the roundabout entry and at the start of the "slow" road markings where the speed limit is **50mph**.





*Note: 'ATC' refers to 'automatic traffic counter' which records vehicle speeds.*

**Figure 27. Speed Survey Locations**

- 5.8.3 The results indicate that at ATC 2, approximately 100m from the roundabout entry and at the start of the “slow” road markings, the recorded mean speed of vehicles is 38mph and the 85%ile speed is 43.1mph, therefore, both significantly below the speed limit at this point of 50mph.
- 5.8.4 Similarly, at ATC 1 nearest to the roundabout entry, the mean speed recorded is 22.9mph and the 85%ile speed is 28.9mph, therefore, significantly below the speed limit of 40mph at this point.
- 5.8.5 SYSTRA have also reviewed the accident data available on the *Crashmap*<sup>6</sup> website and note that no accidents have been recorded in the last five years (2014 – 2018) on the Long Drive South approach to Stanecastle Roundabout or on the circulatory between this arm and the Crompton Way arm.
- 5.8.6 We would therefore conclude that the concern of speeding on the Long Drive South approach to Stanecastle Roundabout is a perceived issue rather than a material problem. Notwithstanding this, the Applicant is prepared to provide rumble strips<sup>7</sup> (i.e. yellow bar markings) along this approach if NAC Roads deem this a necessary measure to support the proposed development.

<sup>6</sup> [www.crashmap.co.uk](http://www.crashmap.co.uk)

<sup>7</sup> Rumble strips are a series of raised strips across a road, changing the noise a vehicle's tyres make on the surface and so alerting drivers to watch their speed.

## 6. TRAFFIC IMPACT ASSESSMENT

### 6.1 Base Traffic Data

6.1.1 Informed through initial consultation with NAC Roads regarding the proposed development's area of influence, SYSTRA commissioned traffic surveys in the form of 4no. junction turning counts (JTCs) during the network PM peak and expected Saturday peak periods for the development to establish the existing level of traffic on the surrounding local road network. Queue length surveys were also undertaken for the arms of each junction.

6.1.2 These surveys were undertaken at the following locations and as indicated by Figure 28 below:

1. Hill Interchange – 6-arm roundabout;
2. Stanecastle Roundabout – 7-arm roundabout;
3. Towerlands Interchange – 4-arm roundabout; and
4. Newmoor Roundabout – 4-arm roundabout.



Figure 28. Junctions Surveyed

6.1.3 The JTC surveys were undertaken on Wednesday 12<sup>th</sup> December 2018 from 16:30 – 18:30 and Saturday 15<sup>th</sup> December 2018 from 11:00 – 15:00, in agreement with NAC Roads.

## 6.2 Assessment Years

- 6.2.1 In accordance with TAG, junction analysis has been undertaken (where applicable) for the anticipated year of opening which has been assumed as 2020. We have applied the National Roads Traffic Forecast (NRTF) “low growth” factor to the 2018 baseline flows to obtain the anticipated flows for the future year baseline scenarios. This equates to a growth factor of 1.016.

## 6.3 Assessment Scenarios

- 6.3.1 The industry standard software tool for modelling roundabouts, ARCADY 6, has been used to undertake the traffic impact analysis of the appropriate junctions.
- 6.3.2 Traffic modelling has undertaken for the following scenarios for the junctions that trigger the requirement for a detailed assessment:
- Base traffic flows factored to the opening year of 2020 plus committed development; and
  - Base factored flows plus committed development plus the total development traffic flows to the opening year of 2020.

## 6.4 Committed Development

- 6.4.1 The land adjacent to the site has planning permission for 144 residential units to be brought forward in two phases. It is noted that the first phase of construction is currently underway and a number of the residential properties are already occupied.
- 6.4.2 The TA associated with this residential development has been reviewed to establish the vehicle trip generation associated with the full development (144 units) and the impact on the proposed Lidl store’s area of influence.
- 6.4.3 The TA for the residential development assessed the impact at Stanecastle Roundabout and the Towerlands Interchange roundabout only. The impact at the junctions beyond this within the proposed Lidl store’s initial area of influence has been calculated based on the existing turning proportions at the junctions.

## 6.5 Threshold Assessment

- 6.5.1 A threshold assessment was carried out for each of the identified junctions within the initial area of influence. It has been assumed that a percentage impact of 5% or greater at Stanecastle Roundabout or 10% increase at the other junctions in the study area would trigger the requirement for a detailed junction assessment. The results of the threshold assessment are presented in Table 7.

**Table 7. Area of Influence Junction Threshold Assessment**

ARM	2020 PM BASE + COM (PCUS)		DEVELOPMENT TRIPS (PCUS)		IMPACT (%)	
	WD PM	SAT <sup>1</sup>	WD PM	SAT	WD PM	SAT
<b>Hill Interchange (10%)</b>						
Long Drive N	1056	340	2	3	0%	1%
Cairnmount Rd	686	324	2	3	0%	1%
Dalmore Way	79	76	2	3	2%	3%
Littlestone Rd	785	543	6	10	1%	2%
Long Drive S	1701	909	12	20	1%	2%
Montgomerie Park Dr	362	307	2	3	0%	1%
<b>Stanecastle Roundabout (5%)</b>						
Long Drive N	1624	1003	12	20	1%	2%
Stanecastle Rd	300	252	11	18	4%	7%
Middleton Rd	927	687	47	75	5%	11%
Long Drive S	1881	1253	48	78	3%	6%
Crompton Way	150	32	155	250	103%	771%
Manson Rd	1665	1157	33	53	2%	5%
Bank St	169	138	5	8	3%	5%
<b>Towerlands Interchange (10%)</b>						
Long Drive N	1588	1065	48	78	3%	7%
Towerlands Rd	746	482	39	63	5%	13%
Long Drive S	1641	1185	9	15	1%	1%
Arkwright Way	50	37	0	0	0%	0%
<b>Newmoor Roundabout (10%)</b>						
Long Drive N	1642	1187	9	15	1%	1%
Corsehill Mount Rd	815	684	5	4	1%	1%
Long Drive S	936	515	0	0	0%	0%
Annick Rd	1194	1050	5	8	0%	1%

*Note: Numbers coloured red indicate where the threshold for further assessment has been triggered*  
*1. Saturday base traffic would be marginally greater, as this figure does not include traffic from the adjacent residential development.*



- 6.5.2 Table 7 indicates that the proposed development will have the greatest impact to the local road network in the Saturday peak period. The threshold assessment concludes that traffic associated with the proposed development will have a negligible impact at Hill Interchange and Newmoor Roundabout.
- 6.5.3 The threshold assessment indicates that Stanecastle Roundabout and Towerlands Interchange roundabout require detailed capacity analysis. This is on the basis of exceeding the a 5% increase in traffic on one or more arms of Stanecastle Roundabout, and exceeding a 10% increase on one or more arms at Towerlands Interchange.
- 6.5.4 It should be noted that no reduction in vehicle trips associated with the committed residential development has been applied in this assessment to account for the residential units which are occupied and therefore already generating vehicle trip that are on the network. Furthermore, no allowance for pass-by vehicle trips has been made, therefore, the assessment considers 100% of vehicle trips to the proposed development as new to the area of influence. This represents a robust approach taken to the traffic impact assessment.

## 6.6 Assessment Scenarios

- 6.6.1 Each of the junctions listed above will be modelled under the following traffic flow scenarios and assessment years:
- Base traffic flows factored to the opening year of 2020 plus committed development; and
  - Base factored flows plus committed development plus the total development traffic flows to the opening year of 2020.

## 6.7 Junction Assessment Methodology & Reporting

### Methodology

- 6.7.1 ARCADY 6 transport planning junction assessment tool has been used to carry out the traffic impact analysis of Stanecastle Roundabout and Towerlands Interchange.
- 6.7.2 The ARCADY software is designed to assess roundabouts based on empirical data alone. ARCADY, which was first released in 1981 (only the user interface has changed since that time, not the assessment parameters) was developed following a major research programme carried out by the UK government in the 1970s. ARCADY remains to be the industry standard tool to model priority controlled roundabouts.
- 6.7.3 Appendix F includes a complete set of output files associated with the ARCADY models while the results are detailed below.

### ARCADY Analysis Reporting

- 6.7.4 The ARCADY analysis will report the Ratio of Flow Capacity (RFC) and maximum forecast queue for each movement within the junction. The RFC of a junction is one of the principle factors in influencing queues and delays.

- 6.7.5 General engineering design principles as set out in the DMRB are that when assessing a priority junction or roundabout, RFC levels should not exceed 0.85 in order for the junction to operate within ‘practical’ capacity. Should the RFC level exceed 1.0 then the junction is considered to operate above ‘theoretical’ capacity.

#### Stanecastle Roundabout

- 6.7.6 The results of the ARCADY 6 assessment for the Stanecastle Roundabout for the 2020 projected base plus committed development and 2020 base plus committed plus development traffic are indicated by Table 8.

**Table 8. Stanecastle Roundabout ARCADY Peak Hour Analysis Results**

ARM	2020 WEEKDAY PM		2020 SATURDAY	
	Base + Com	Base + Com + Dev	Base + Com	Base + Com + Dev
	RFC (Q)	RFC (Q)	RFC (Q)	RFC (Q)
A	0.520 (1)	0.538 (1)	0.330 (1)	0.349 (1)
B	0.120 (0)	0.130 (0)	0.093 (0)	0.104 (0)
C	0.273 (0)	0.295 (0)	0.255 (0)	0.287 (0)
D	0.635 (2)	0.658 (2)	0.349 (1)	0.378 (1)
E	0.093 (0)	0.192 (0)	0.029 (0)	0.155 (0)
F	0.690 (2)	0.720 (3)	0.351 (1)	0.382 (1)
G	0.107 (0)	0.115 (0)	0.070 (0)	0.078 (0)

*Note: Arm A = Long Drive N; B = Stanecastle Rd; C = Middleton Rd; D = Long Drive S; E = Crompton Way; F = Manson Rd; G = Bank St*

- 6.7.7 As indicated by Table 8, the results from the ARCADY assessment demonstrates that Stanecastle Roundabout will continue to operate within its practical capacity with the addition of development traffic for the year of opening in both the weekday PM and Saturday peak periods with minimal queuing.
- 6.7.8 The maximum RFC noted is 0.720 on the Manson Road arm during the weekday PM 2020 base plus committed plus development scenario; however, the queue in ARCADY has only increased by one passenger car unit (PCU) from the base plus committed development scenario. The DMRB (TA 23/81) states: “If an entry RFC ratio of 70% [0.7] occurs queuing will theoretically be avoided in 39 out of 40 cases. The general use of designs with a RFC ratio of about 85% [0.85] is likely to result in a level of provision which will be economically justified.” It is therefore concluded that no mitigation is required at this junction to support the proposed development.

### Queue Length Survey Results

- 6.7.9 The video footage from the turning count surveys demonstrated that there is a steady flow of traffic and minimal queuing on all arms of Stanecastle Roundabout during the peak periods assessed.
- 6.7.10 The maximum queue observed was on the Long Drive North approach arm (inside lane) of the roundabout in which approximately five vehicles were queuing for less than 60 seconds. It is therefore considered that the result base model is indicative of the situation “on the ground”.

### Towerlands Interchange

- 6.7.11 The results of the ARCADY 6 assessment for the Towerlands Interchange roundabout for the 2020 projected base plus committed development and 2020 base plus committed plus development traffic are indicated by Table 9.

**Table 9. Towerlands Interchange ARCADY Peak Hour Analysis Results**

ARM	2020 WEEKDAY PM		2020 SATURDAY	
	Base + Com	Base + Com + Dev	Base + Com	Base + Com + Dev
	RFC (Q)	RFC (Q)	RFC (Q)	RFC (Q)
A	0.277 (0)	0.292 (0)	0.236 (0)	0.258 (0)
B	0.426 (1)	0.442 (1)	0.272 (0)	0.296 (0)
C	0.532 (1)	0.538 (1)	0.304 (0)	0.311 (0)
D	0.065 (0)	0.067 (0)	0.022 (0)	0.023 (0)

*Note: Arm A = Long Drive N; B = Towerlands Rd; C = Long Drive S; D = Arkwright Way*

- 6.7.12 As indicated by Table 9, the results of the ARCADY assessment demonstrates that Towerlands Interchange will continue to operate comfortably within its practical capacity in both the 2020 projected base plus committed development and 2020 base plus committed plus development traffic scenarios with negligible queuing.
- 6.7.13 The maximum RFC noted is 0.538 on the Long Drive (south) arm of the junction with a one PCU queue in the weekday PM 2020 base plus committed plus development scenario. Although, the results indicate that there is no increase in queue length from the 2020 base plus committed development scenario. It is therefore concluded that no mitigation is required at this junction to support the proposed development.
- 6.7.14 The queue length survey results mirror the maximum queue results from the ARCADY analysis in that there is negligible queuing on each arm of the junction.

## 7. SENSITIVITY TESTING

### 7.1 Context

- 7.1.1 SYSTRA is satisfied that the approach taken in this TA to calculate the modal split of total people trips to / from the development and the distribution and assignment of vehicle trips is representational of the accessibility of the site and the nature of the proposed development. It is considered that the traffic impact assessment (Chapter 6) is already robust in that we have made no allowance for pass-by vehicle trips and no adjustment to committed development flows to account for a number of the adjacent North Newmoor Persimmon dwellings being occupied when the base traffic surveys were undertaken.
- 7.1.2 The approved TA prepared by Mott MacDonald for the adjacent North Newmoor residential development (which is currently under construction) adopted a PM peak car driver mode share of 60% (and a car passenger mode share of 19%). This TA (Chapter 4) adopts a car driver mode share in the PM peak of 51% (and car passenger mode share of 24%). It is reasonable to assume that commuting trips will be across longer distances, possibly outwith Irvine, whilst the proposed development is a local retail offering. Therefore, it is expected that the North Newmoor TA has a slightly higher car driver mode share than the proposed development, albeit, the two car driver mode shares are comparable.
- 7.1.3 Furthermore, the overall car-based mode shares are closely comparable with a 79% car-based modal split adopted by the approved North Newmoor TA, versus 75% adopted by the TA for the proposed development. It is considered that the modal split adopted within the TA is appropriate for this location and a consistent approach to the adjacent consented development.
- 7.1.4 It should also be noted that the proposed food store is located on land identified as 'Phase 3' in the North Newmoor TA. While Phase 3 is not included in the planning consent (Ref: 16/00070/PPM), the supporting TA did test the impact to the network on the basis of a neighbourhood shopping area on this area of the site, whereby the trips originated from within the same area of influence as adopted for this TA. This test demonstrated that the traffic generated by a neighbourhood centre could be accommodated on the road network, without the need for any mitigation.
- 7.1.5 Notwithstanding this, SYSTRA has undertaken further assessment of Stanecastle Roundabout in the form of a sensitivity test to address any concerns NAC may have with regard to the mode share and / or distribution and assignment adopted in the traffic impact assessment and the impact on Stanecastle Roundabout.
- 7.1.6 This has been undertaken for Stanecastle Roundabout only given that RFC values have reached 0.7 (on the Manson Road arm only) and this could be considered to be nearing practical capacity (0.85). The RFC values from the ARCADY analysis at Towerlands Interchange are substantially lower than 0.85 and are therefore not considered further.



## 7.2 Approach to Sensitivity Test

7.2.1 In the sensitivity test we have changed the distribution of traffic assigned to Long Drive North arm from 8% to 38%, assuming that all 30% of the traffic originally distributed to the Middleton Road arm would instead use Long Drive North. However, we also have kept 30% of traffic assigned to Middleton Road arm. In the test we have also doubled the amount of development traffic routing between Manson Road (arm F) and Crompton Way (arm E) at the roundabout, given that it was the Manson Road arm with the highest RFC value in the original ARCADY analysis. These changes equate to 150% distribution of traffic across the junction.

7.2.2 The revised distribution adopted within the sensitivity test and the ARCADY output files are contained within Appendix H.

### Revised Modal Split

7.2.3 In making the aforementioned revisions to the proposed development's vehicle trips through Stanecastle Roundabout, the mode share effectively applied in the sensitivity test has a higher proportion of car-based modes that the original mode share adopted.

7.2.4 The original mode share against the revised mode share for the sensitivity test is indicated by Table 10.

**Table 10. Original Vs. Sensitivity Test Mode Share**

MODE	WEEKDAY PM		SATURDAY	
	ORIGINAL	SENSITIVITY TEST	ORIGINAL	SENSITIVITY TEST
Walking	23%	11%	14%	14%
Cycling	2%	1%	1%	1%
Public Transport	1%	0%	1%	1%
Car Passenger	24%	12%	36%	34%
Car Driver	51%	76%	48%	51%

7.2.5 As Table 10 demonstrates, the sensitivity test accounts for a 76% car driver mode share in the weekday PM period and 51% in the Saturday peak period. This equates to a 25% and 3% increase respectively in car driver mode share from the original assessment.

### Vehicle Trips

7.2.6 In terms of the level of vehicle trips, the revised modal split equates to the following increase in vehicle trips in the weekday PM and Saturday peak periods indicated by Table 11.

**Table 11. Increase in Vehicle Trips**

PERIOD	ORIGINAL			SENSITIVITY TEST			INCREASE
	Arrive	Depart	Total	Arrive	Depart	Total	
Weekday PM	74	81	155	111	112	233	+78
Saturday	118	132	250	177	198	375	+125

- 7.2.7 As Table 11 demonstrates, the sensitivity test assesses the impact of 233 and 375 two-way vehicle trips associated with the proposed development in the weekday PM and Saturday peak periods respectively at Stanecastle Roundabout. This equates to an additional 78 and 125 two-way vehicle trips assessed in comparison to the original assessment discussed in Chapter 6 of this report.

### 7.3 Sensitivity Test Results

- 7.3.1 The results of the sensitivity test for Stanecastle Roundabout are indicated by Table 12.

**Table 12. Sensitivity Test – Stanecastle Roundabout ARCADY Peak Hour Analysis Results**

ARM	WEEKDAY PM BASE + COM + DEV RFC (Q)		SATURDAY BASE + COM + DEV RFC (Q)	
	ORIGINAL	SENSITIVITY TEST	ORIGINAL	SENSITIVITY TEST
A	0.538 (1)	0.557 (1)	0.349 (1)	0.376 (1)
B	0.130 (0)	0.132 (0)	0.104 (0)	0.107 (0)
C	0.295 (0)	0.299 (0)	0.287 (0)	0.292 (0)
D	0.658 (2)	0.665 (2)	0.378 (1)	0.384 (1)
E	0.192 (0)	0.242 (0)	0.155 (0)	0.217 (0)
F	0.720 (3)	0.739 (3)	0.382 (1)	0.403 (1)
G	0.115 (0)	0.118 (0)	0.078 (0)	0.080 (0)

*Note: Arm A = Long Drive N; B = Stanecastle Rd; C = Middleton Rd; D = Long Drive S; E = Crompton Way; F = Manson Rd; G = Bank St*

- 7.3.2 The results of the sensitivity test in Table 12 demonstrate that by adding 30% of development trips to the Long Drive North arm whilst retaining 30% of trips on Middleton Road arm, there is a negligible impact on the operation of the junction. Furthermore, the sensitivity test demonstrates that even with double the number of development trips to and from Manson Road arm, the RFC remains comfortably below 0.85 and no additional vehicles queuing compared to the original scenario assessed.

- 7.3.3 It is therefore considered that the predicted level of vehicle trip generation by the proposed development at Stanecastle Roundabout leaves sufficient residual capacity for the junction to continue to operate within its practical capacity with day-to-day fluctuations.

## 8. SUMMARY & CONCLUSIONS

8.1.1 SYSTRA Ltd has been commissioned by Lidl UK to prepare a Transport Assessment in support of a proposed food retail development on a brownfield land site to the south-west of Stanecastle Roundabout in Irvine. The proposed development will comprise approximately 1,898sqm GFA with 1,257sqm designed as the sales floor area.

8.1.2 This TA follows a previous application to NAC for the erection of a food store comprising 2,283sqm GFA with 1,410sqm sales floor area (planning ref: 19/00050/PP) in which NAC Roads responded to with a number of concerns. The application for the larger food store on the proposed site has since been withdrawn, however, NAC Roads' concerns in relation to the previous application have been taken into account, where applicable, and any outstanding concerns are addressed through this TA for the proposed smaller GFA food store.

### 8.2 Sustainable Accessibility

8.2.1 The site is located within a mainly residential area (including the recently consented and partly constructed development adjacent to the site) with some industrial land uses to the south of the site. There is a good network of pedestrian infrastructure surrounding the site comprising a combination of footways and footpaths with street lighting throughout.

8.2.2 The proposed development will include two pedestrian accesses that will connect to the existing footway along Crompton Way and to the existing footpath which runs alongside and connects to Manson Road at the northern end of the site (and the bus stops on Manson Road). This will ensure that the development achieves a good level of pedestrian accessibility and integrated well into the existing pedestrian network.

8.2.3 The proposed development will provide cycle parking at a level agreed with NAC to support and encourage cycling by customers and staff in accordance with the relevant standards.

8.2.4 Bus stops serving both directions are provided on Manson Road immediately north of the proposed development, approximately 125m from the centre of the site. PAN 75 guidelines recommend a maximum walking distance of 400m for access to bus services, therefore, the proposed site is in accordance with this standard.

### 8.3 Proposed Development Travel Characteristics

8.3.1 Given the location and nature of the development, it is anticipated that the weekday PM and Saturday peak periods will be the critical period in terms of the impact to the local transport infrastructure.

8.3.2 The TRICS assessment estimates that the proposed development would generate in the region of 308 and 495 two-way total people trips during the weekday PM and Saturday peak hour periods respectively.

8.3.3 Of these total people trips, it is anticipated that 26% and 16% will be made by sustainable travel modes in the weekday PM and Saturday peak periods. In addition, it is anticipated



that of the total people trips, 155 and 250 two-way trips during the weekday PM and Saturday peak periods will manifest as vehicle trips. This is assuming that 100% of the vehicle trips to the proposed development are new to the local road network.

- 8.3.4 It is widely accepted that with food retail developments such as the proposed Lidl store, there will be an element of pass-by trips from vehicles already on the local road network. However, this assessment makes no allowance for pass-by trips and has been undertaken on the basis of 100% of vehicle trips being new to the road network to represent a robust assessment of the junctions included within the development's initial area of influence.

## 8.4 Traffic Impact Assessment

- 8.4.1 The TA has analysed the impact that the traffic generated by the proposed development will have on the local road network. The threshold assessment demonstrated that the proposed development would have a greater than 10% impact at Stanecastle Roundabout and Towerlands Interchange, therefore, detailed capacity analysis of these junctions has been undertaken.

- 8.4.2 The ARCADY 6 transport planning software tool has been used to undertake the traffic impact analysis of these roundabout and the results demonstrate that the both junction will continue to operate within their practical capacity during the year of opening (2020) base plus committed and base plus committed plus development scenarios. It is concluded that no off-site junction improvements are necessary to support the development proposals.

## 8.5 Sensitivity Test

- 8.5.1 SYSTRA has undertaken further assessment of Stanecastle Roundabout in the form of a sensitivity test to address any concerns with regard to the mode share and / or distribution and assignment adopted in the traffic impact assessment and the impact on Stanecastle Roundabout.

- 8.5.2 The sensitivity test accounts for a 76% car driver mode share in the weekday PM period and 51% in the Saturday peak period. This equates to a 25% and 3% increase respectively in car driver mode share from the original assessment.

- 8.5.3 The results of the sensitivity test in demonstrate that by adding 30% of development trips to the Long Drive North arm whilst retaining 30% of trips on Middleton Road arm, there is a negligible impact on the operation of the junction. Furthermore, the sensitivity test demonstrates that even with double the number of development trips to and from Manson Road arm (therefore equating to an overall distribution of 150% through the junction), the RFC remains comfortably below 0.85 and no additional vehicles queuing compared to the original scenario assessed.

## 8.6 Overall Conclusion

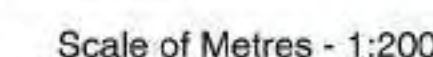
- 8.6.1 It is concluded that the proposed development site is highly accessible by all modes in accordance with local and national transport policies, and will not have a detrimental impact to the local road network.

- 8.6.2 It should be recognised that, although in its current environment the site is located within a predominantly industrial area, the forthcoming North Newmoor Persimmon residential development along Crompton Way and adjacent to the site will transform the environment into a residential surrounding. Therefore, the proposed development will be intended to serve the local residential area, in which many potential customers will be in a position to reach the proposed Lidl store by sustainable modes.
- 8.6.3 SYSTRA concludes that the proposed development will integrate well into the existing transport network and the proposed development will provide the appropriate infrastructure to encourage sustainable trips.

## APPENDIX A

### Indicative Development Layout





Proposed Planning Boundary

Notes:

Drawing information for the Type 1300 Lidl store taken from Lidl drawing: PD(14)-GF-01 - Ground Floor Setting Out Plan.

1.8m High Close Boarded Timber Fence

2000mm high Paladin fence to perimeter of plant plinth, colour RAL 7037

SITE KPI		
Score name		IRVINE
Score format		TYPE: BDB 2018 ECO
Sales Area		1257m <sup>2</sup>
Warehouse Area		338.6m <sup>2</sup>
Ancillary Areas		238.8m <sup>2</sup>
GIA Total		1898m <sup>2</sup>
GEA Excluding Canopy		1996m <sup>2</sup>
GEA Including Canopy		2144m <sup>2</sup>
Total Site Area (approx)		11,807sqm / 2.9acres
Standard Parking Bays		108
Parent & Child Parking Bays		12
Accessible Parking Bays		8
EVCY Bays		2
**Overall Parking Numbers		130
** Standard Bay Size: are 3.5m x 5m		

\*\*Subject to S.E. appraisal for retention.

- NOTE: Store plan & areas taken from Lidl ECO BBS 2018, drawing LD(14)-GF-01 - ground floor - setting out plan - adjusted to suit Scotti standards as shown on SDA drawing 62664 SK190307-02

REY

A 02.09.19 KH  
Addition of 2no. EVCP spaces at Client  
request. 2no. standard spaces lost. KP  
updated accordingly

1

LIDL UK GmbH

Project

PROPOSED SUPERMARKET  
CROMPTON WAY  
IRVINE

Drawing

## PROPOSED SITE LAYOUT

Date \_\_\_\_\_

APRIL 2019 Scale 1:200 @ A0

Issue Status **PLANNING**

Status	PLANNING
ing No.	2271 313

Architects + Planners

Edinburgh Office  
Belford House  
59 Belford Road  
Edinburgh EH4 3DE  
T: 0131 225 2958  
E: [info@encompassharts.co.uk](mailto:info@encompassharts.co.uk)

Dundee Office  
11 South Tay Street  
Dundee  
DD1 1N  
T: 01382 225 31  
W: [www.encompassharts.co.uk](http://www.encompassharts.co.uk)

All dimensions and levels to be checked on site and the Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled off this drawing. All dimensions are in millimetres unless otherwise specified. If any dimensions or details conflict please notify the Architect immediately.



## APPENDIX B

### Walking & Cycling Isochrones





## APPENDIX C

### TRICS Output Files



Calculation Reference: AUDIT-700706-181203-1221

# TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 01 - RETAIL  
Category : C - DISCOUNT FOOD STORES  
MULTI-MODAL VEHICLES

## Selected regions and areas:

03	SOUTH WEST	
	SM SOMERSET	1 days
05	EAST MIDLANDS	
	LN LINCOLNSHIRE	2 days
	NT NOTTINGHAMSHIRE	1 days
06	WEST MIDLANDS	
	WM WEST MIDLANDS	2 days
	WO WORCESTERSHIRE	1 days
10	WALES	
	CF CARDIFF	1 days

*This section displays the number of survey days per TRICS® sub-region in the selected set*

## Secondary Filtering selection:

*This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.*

Parameter: Gross floor area  
Actual Range: 1485 to 2568 (units: sqm)  
Range Selected by User: 750 to 2635 (units: sqm)

## Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/10 to 28/10/17

*This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.*

## Selected survey days:

Saturday 8 days

*This data displays the number of selected surveys by day of the week.*

## Selected survey types:

Manual count 8 days  
Directional ATC Count 0 days

*This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.*

## Selected Locations:

Suburban Area (PPS6 Out of Centre) 3  
Edge of Town 3  
Neighbourhood Centre (PPS6 Local Centre) 2

*This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.*

## Selected Location Sub Categories:

Industrial Zone 1  
Development Zone 1  
Retail Zone 1  
High Street 2  
No Sub Category 3

*This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.*

Secondary Filtering selection:

Use Class:

A1	8 days
----	--------

*This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.*

Population within 1 mile:

5,001 to 10,000	2 days
10,001 to 15,000	1 days
15,001 to 20,000	2 days
25,001 to 50,000	2 days
50,001 to 100,000	1 days

*This data displays the number of selected surveys within stated 1-mile radii of population.*

Population within 5 miles:

5,001 to 25,000	1 days
50,001 to 75,000	1 days
125,001 to 250,000	2 days
250,001 to 500,000	2 days
500,001 or More	2 days

*This data displays the number of selected surveys within stated 5-mile radii of population.*

Car ownership within 5 miles:

0.5 or Less	2 days
0.6 to 1.0	2 days
1.1 to 1.5	4 days

*This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.*

Petrol filling station:

Included in the survey count	0 days
Excluded from count or no filling station	8 days

*This data displays the number of surveys within the selected set that include petrol filling station activity, and the number of surveys that do not.*

Travel Plan:

Not Known	1 days
Yes	1 days
No	6 days

*This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.*

PTAL Rating:

No PTAL Present	8 days
-----------------	--------

*This data displays the number of selected surveys with PTAL Ratings.*

LIST OF SITES relevant to selection parameters

1	CF-01-C-01	LIDL	CARDIFF
	EAST TYNDALL STREET		
	CARDIFF		
	Suburban Area (PPS6 Out of Centre)		
	Development Zone		
	Total Gross floor area:	2568 sqm	
	Survey date: SATURDAY	01/07/17	Survey Type: MANUAL
2	LN-01-C-02	LIDL	LINCOLNSHIRE
	DIXON STREET		
	LINCOLN		
	NEW BOULTHAM		
	Suburban Area (PPS6 Out of Centre)		
	No Sub Category		
	Total Gross floor area:	2233 sqm	
	Survey date: SATURDAY	28/10/17	Survey Type: MANUAL
3	LN-01-C-03	ALDI	LINCOLNSHIRE
	NEWARK ROAD		
	LINCOLN		
	BRACEBRIDGE		
	Suburban Area (PPS6 Out of Centre)		
	High Street		
	Total Gross floor area:	1485 sqm	
	Survey date: SATURDAY	28/10/17	Survey Type: MANUAL
4	NT-01-C-01	LIDL	NOTTINGHAMSHIRE
	CHAPEL LANE		
	BINGHAM		
	Edge of Town		
	Industrial Zone		
	Total Gross floor area:	2440 sqm	
	Survey date: SATURDAY	16/07/16	Survey Type: MANUAL
5	SM-01-C-01	LIDL	SOMERSET
	SEAWARD WAY		
	MINEHEAD		
	Edge of Town		
	No Sub Category		
	Total Gross floor area:	2247 sqm	
	Survey date: SATURDAY	24/06/17	Survey Type: MANUAL
6	WM-01-C-01	LIDL	WEST MIDLANDS
	MACKADOWN LANE		
	BIRMINGHAM		
	KITT'S GREEN		
	Neighbourhood Centre (PPS6 Local Centre)		
	No Sub Category		
	Total Gross floor area:	2085 sqm	
	Survey date: SATURDAY	09/07/16	Survey Type: MANUAL
7	WM-01-C-02	LIDL	WEST MIDLANDS
	HIGH STREET		
	WEST BROMWICH		
	GUNS VILLAGE		
	Neighbourhood Centre (PPS6 Local Centre)		
	High Street		
	Total Gross floor area:	2085 sqm	
	Survey date: SATURDAY	09/07/16	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

8	WO-01-C-01	LIDL	WORCESTERSHIRE
	BLACKPOLE ROAD		
	WORCESTER		
	BRICKFIELDS		
	Edge of Town		
	Retail Zone		
	Total Gross floor area:	2417 sqm	
	Survey date: SATURDAY	16/07/16	Survey Type: MANUAL

*This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.*



TRIP RATE for Land Use 01 - RETAIL/C - DISCOUNT FOOD STORES

MULTI-MODAL VEHICLES

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	2195	0.490	8	2195	0.108	8	2195	0.598
08:00 - 09:00	8	2195	2.648	8	2195	1.885	8	2195	4.533
09:00 - 10:00	8	2195	3.833	8	2195	3.246	8	2195	7.079
10:00 - 11:00	8	2195	5.171	8	2195	4.613	8	2195	9.784
11:00 - 12:00	8	2195	6.355	8	2195	5.940	8	2195	12.295
12:00 - 13:00	8	2195	5.729	8	2195	6.674	8	2195	12.403
13:00 - 14:00	8	2195	5.655	8	2195	5.313	8	2195	10.968
14:00 - 15:00	8	2195	5.114	8	2195	5.211	8	2195	10.325
15:00 - 16:00	8	2195	5.182	8	2195	5.393	8	2195	10.575
16:00 - 17:00	8	2195	4.880	8	2195	5.034	8	2195	9.914
17:00 - 18:00	8	2195	4.231	8	2195	4.197	8	2195	8.428
18:00 - 19:00	8	2195	2.995	8	2195	3.371	8	2195	6.366
19:00 - 20:00	8	2195	2.187	8	2195	2.722	8	2195	4.909
20:00 - 21:00	8	2195	1.259	8	2195	1.486	8	2195	2.745
21:00 - 22:00	8	2195	0.615	8	2195	0.997	8	2195	1.612
22:00 - 23:00	8	2195	0.040	8	2195	0.165	8	2195	0.205
23:00 - 24:00									
Total Rates:			56.384				56.355	112.739	

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

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Parameter summary

Trip rate parameter range selected:	1485 - 2568 (units: sqm)
Survey date date range:	01/01/10 - 28/10/17
Number of weekdays (Monday-Friday):	0
Number of Saturdays:	8
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

*This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are show. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.*

TRIP RATE for Land Use 01 - RETAIL/C - DISCOUNT FOOD STORES

MULTI-MODAL CYCLISTS

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	2195	0.023	8	2195	0.000	8	2195	0.023
08:00 - 09:00	8	2195	0.023	8	2195	0.034	8	2195	0.057
09:00 - 10:00	8	2195	0.063	8	2195	0.068	8	2195	0.131
10:00 - 11:00	8	2195	0.097	8	2195	0.057	8	2195	0.154
11:00 - 12:00	8	2195	0.108	8	2195	0.097	8	2195	0.205
12:00 - 13:00	8	2195	0.074	8	2195	0.051	8	2195	0.125
13:00 - 14:00	8	2195	0.131	8	2195	0.091	8	2195	0.222
14:00 - 15:00	8	2195	0.074	8	2195	0.114	8	2195	0.188
15:00 - 16:00	8	2195	0.080	8	2195	0.046	8	2195	0.126
16:00 - 17:00	8	2195	0.080	8	2195	0.108	8	2195	0.188
17:00 - 18:00	8	2195	0.057	8	2195	0.103	8	2195	0.160
18:00 - 19:00	8	2195	0.097	8	2195	0.080	8	2195	0.177
19:00 - 20:00	8	2195	0.085	8	2195	0.080	8	2195	0.165
20:00 - 21:00	8	2195	0.080	8	2195	0.074	8	2195	0.154
21:00 - 22:00	8	2195	0.023	8	2195	0.063	8	2195	0.086
22:00 - 23:00	8	2195	0.000	8	2195	0.011	8	2195	0.011
23:00 - 24:00									
Total Rates:			1.095				1.077	2.172	

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

TRIP RATE for Land Use 01 - RETAIL/C - DISCOUNT FOOD STORES  
 MULTI-MODAL VEHICLE OCCUPANTS  
 Calculation factor: 100 sqm  
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	2195	0.780	8	2195	0.148	8	2195	0.928
08:00 - 09:00	8	2195	4.157	8	2195	2.973	8	2195	7.130
09:00 - 10:00	8	2195	6.173	8	2195	5.251	8	2195	11.424
10:00 - 11:00	8	2195	8.741	8	2195	7.614	8	2195	16.355
11:00 - 12:00	8	2195	10.814	8	2195	9.983	8	2195	20.797
12:00 - 13:00	8	2195	10.148	8	2195	11.760	8	2195	21.908
13:00 - 14:00	8	2195	10.575	8	2195	9.687	8	2195	20.262
14:00 - 15:00	8	2195	9.436	8	2195	9.618	8	2195	19.054
15:00 - 16:00	8	2195	9.630	8	2195	10.046	8	2195	19.676
16:00 - 17:00	8	2195	8.838	8	2195	9.174	8	2195	18.012
17:00 - 18:00	8	2195	7.557	8	2195	7.557	8	2195	15.114
18:00 - 19:00	8	2195	5.080	8	2195	5.780	8	2195	10.860
19:00 - 20:00	8	2195	3.798	8	2195	4.869	8	2195	8.667
20:00 - 21:00	8	2195	1.919	8	2195	2.466	8	2195	4.385
21:00 - 22:00	8	2195	0.974	8	2195	1.600	8	2195	2.574
22:00 - 23:00	8	2195	0.057	8	2195	0.199	8	2195	0.256
23:00 - 24:00									
Total Rates:			98.677			98.725			197.402

*This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.*

*To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: COUNT/TRP\*FACT. Trip rates are then rounded to 3 decimal places.*



TRIP RATE for Land Use 01 - RETAIL/C - DISCOUNT FOOD STORES  
 MULTI-MODAL PEDESTRIANS  
 Calculation factor: 100 sqm  
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	2195	0.091	8	2195	0.051	8	2195	0.142
08:00 - 09:00	8	2195	0.678	8	2195	0.461	8	2195	1.139
09:00 - 10:00	8	2195	0.774	8	2195	0.712	8	2195	1.486
10:00 - 11:00	8	2195	1.458	8	2195	1.036	8	2195	2.494
11:00 - 12:00	8	2195	1.241	8	2195	1.287	8	2195	2.528
12:00 - 13:00	8	2195	1.936	8	2195	1.845	8	2195	3.781
13:00 - 14:00	8	2195	2.301	8	2195	2.175	8	2195	4.476
14:00 - 15:00	8	2195	2.306	8	2195	2.443	8	2195	4.749
15:00 - 16:00	8	2195	1.891	8	2195	2.244	8	2195	4.135
16:00 - 17:00	8	2195	1.851	8	2195	1.953	8	2195	3.804
17:00 - 18:00	8	2195	1.965	8	2195	1.760	8	2195	3.725
18:00 - 19:00	8	2195	1.839	8	2195	1.589	8	2195	3.428
19:00 - 20:00	8	2195	1.116	8	2195	1.372	8	2195	2.488
20:00 - 21:00	8	2195	1.002	8	2195	1.219	8	2195	2.221
21:00 - 22:00	8	2195	0.490	8	2195	0.598	8	2195	1.088
22:00 - 23:00	8	2195	0.068	8	2195	0.154	8	2195	0.222
23:00 - 24:00									
Total Rates:	21.007			20.899			41.906		

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

TRIP RATE for Land Use 01 - RETAIL/C - DISCOUNT FOOD STORES  
 MULTI-MODAL PUBLIC TRANSPORT USERS  
 Calculation factor: 100 sqm  
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	2195	0.011	8	2195	0.006	8	2195	0.017
08:00 - 09:00	8	2195	0.103	8	2195	0.034	8	2195	0.137
09:00 - 10:00	8	2195	0.131	8	2195	0.103	8	2195	0.234
10:00 - 11:00	8	2195	0.199	8	2195	0.154	8	2195	0.353
11:00 - 12:00	8	2195	0.131	8	2195	0.097	8	2195	0.228
12:00 - 13:00	8	2195	0.154	8	2195	0.108	8	2195	0.262
13:00 - 14:00	8	2195	0.182	8	2195	0.120	8	2195	0.302
14:00 - 15:00	8	2195	0.142	8	2195	0.165	8	2195	0.307
15:00 - 16:00	8	2195	0.103	8	2195	0.137	8	2195	0.240
16:00 - 17:00	8	2195	0.063	8	2195	0.120	8	2195	0.183
17:00 - 18:00	8	2195	0.051	8	2195	0.097	8	2195	0.148
18:00 - 19:00	8	2195	0.085	8	2195	0.091	8	2195	0.176
19:00 - 20:00	8	2195	0.034	8	2195	0.120	8	2195	0.154
20:00 - 21:00	8	2195	0.023	8	2195	0.046	8	2195	0.069
21:00 - 22:00	8	2195	0.000	8	2195	0.011	8	2195	0.011
22:00 - 23:00	8	2195	0.000	8	2195	0.000	8	2195	0.000
23:00 - 24:00									
Total Rates:			1.412			1.409			2.821

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

TRIP RATE for Land Use 01 - RETAIL/C - DISCOUNT FOOD STORES

MULTI-MODAL TOTAL PEOPLE

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	2195	0.905	8	2195	0.205	8	2195	1.110
08:00 - 09:00	8	2195	4.960	8	2195	3.502	8	2195	8.462
09:00 - 10:00	8	2195	7.141	8	2195	6.133	8	2195	13.274
10:00 - 11:00	8	2195	10.495	8	2195	8.861	8	2195	19.356
11:00 - 12:00	8	2195	12.295	8	2195	11.464	8	2195	23.759
12:00 - 13:00	8	2195	12.312	8	2195	13.764	8	2195	26.076
13:00 - 14:00	8	2195	13.189	8	2195	12.073	8	2195	25.262
14:00 - 15:00	8	2195	11.959	8	2195	12.341	8	2195	24.300
15:00 - 16:00	8	2195	11.703	8	2195	12.472	8	2195	24.175
16:00 - 17:00	8	2195	10.831	8	2195	11.355	8	2195	22.186
17:00 - 18:00	8	2195	9.630	8	2195	9.516	8	2195	19.146
18:00 - 19:00	8	2195	7.101	8	2195	7.540	8	2195	14.641
19:00 - 20:00	8	2195	5.034	8	2195	6.441	8	2195	11.475
20:00 - 21:00	8	2195	3.024	8	2195	3.804	8	2195	6.828
21:00 - 22:00	8	2195	1.486	8	2195	2.272	8	2195	3.758
22:00 - 23:00	8	2195	0.125	8	2195	0.364	8	2195	0.489
23:00 - 24:00									
Total Rates:			122.190			122.107			244.297

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

Calculation Reference: AUDIT-700706-181203-1224

# TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 01 - RETAIL  
Category : C - DISCOUNT FOOD STORES  
MULTI-MODAL VEHICLES

## Selected regions and areas:

03	SOUTH WEST	
	SM SOMERSET	1 days
04	EAST ANGLIA	
	CA CAMBRIDGESHIRE	1 days
05	EAST MIDLANDS	
	NT NOTTINGHAMSHIRE	1 days
06	WEST MIDLANDS	
	WM WEST MIDLANDS	2 days
	WO WORCESTERSHIRE	1 days
09	NORTH	
	DH DURHAM	1 days
10	WALES	
	CF CARDIFF	1 days

*This section displays the number of survey days per TRICS® sub-region in the selected set*

## Secondary Filtering selection:

*This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.*

Parameter: Gross floor area  
Actual Range: 750 to 2568 (units: sqm)  
Range Selected by User: 750 to 2635 (units: sqm)

## Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/10 to 28/10/17

*This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.*

## Selected survey days:

Tuesday	2 days
Wednesday	1 days
Thursday	3 days
Friday	2 days

*This data displays the number of selected surveys by day of the week.*

## Selected survey types:

Manual count	8 days
Directional ATC Count	0 days

*This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.*

## Selected Locations:

Suburban Area (PPS6 Out of Centre)	1
Edge of Town	5
Neighbourhood Centre (PPS6 Local Centre)	2

*This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.*

## Selected Location Sub Categories:

Industrial Zone	1
Development Zone	1
Retail Zone	3
High Street	1
No Sub Category	2

*This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.*



Secondary Filtering selection:

Use Class:

A1	8 days
----	--------

*This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.*

Population within 1 mile:

1,001 to 5,000	1 days
5,001 to 10,000	3 days
10,001 to 15,000	1 days
25,001 to 50,000	2 days
50,001 to 100,000	1 days

*This data displays the number of selected surveys within stated 1-mile radii of population.*

Population within 5 miles:

5,001 to 25,000	1 days
25,001 to 50,000	1 days
50,001 to 75,000	1 days
75,001 to 100,000	1 days
250,001 to 500,000	2 days
500,001 or More	2 days

*This data displays the number of selected surveys within stated 5-mile radii of population.*

Car ownership within 5 miles:

0.6 to 1.0	3 days
1.1 to 1.5	5 days

*This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.*

Petrol filling station:

Included in the survey count	0 days
Excluded from count or no filling station	8 days

*This data displays the number of surveys within the selected set that include petrol filling station activity, and the number of surveys that do not.*

Travel Plan:

Not Known	1 days
Yes	1 days
No	6 days

*This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.*

PTAL Rating:

No PTAL Present	8 days
-----------------	--------

*This data displays the number of selected surveys with PTAL Ratings.*

LIST OF SITES relevant to selection parameters

1	CA-01-C-01 CROMWELL ROAD WISBECH	LIDL		CAMBRIDGESHIRE
	Edge of Town Retail Zone Total Gross floor area:		750 sqm	
	Survey date: FRIDAY		21/10/16	Survey Type: MANUAL
2	CF-01-C-01 EAST TYNDALL STREET CARDIFF	LIDL		CARDIFF
	Suburban Area (PPS6 Out of Centre) Development Zone Total Gross floor area:		2568 sqm	
	Survey date: THURSDAY		29/06/17	Survey Type: MANUAL
3	DH-01-C-01 WATLING ROAD BISHOP AUCKLAND	ALDI		DURHAM
	Edge of Town Retail Zone Total Gross floor area:		1023 sqm	
	Survey date: THURSDAY		06/04/17	Survey Type: MANUAL
4	NT-01-C-01 CHAPEL LANE BINGHAM	LIDL		NOTTINGHAMSHIRE
	Edge of Town Industrial Zone Total Gross floor area:		2440 sqm	
	Survey date: FRIDAY		15/07/16	Survey Type: MANUAL
5	SM-01-C-01 SEAWARD WAY MINEHEAD	LIDL		SOMERSET
	Edge of Town No Sub Category Total Gross floor area:		2247 sqm	
	Survey date: THURSDAY		22/06/17	Survey Type: MANUAL
6	WM-01-C-01 MACKADOWN LANE BIRMINGHAM KITT'S GREEN Neighbourhood Centre (PPS6 Local Centre) No Sub Category Total Gross floor area:	LIDL	2085 sqm	WEST MIDLANDS
	Survey date: TUESDAY		12/07/16	Survey Type: MANUAL
7	WM-01-C-02 HIGH STREET WEST BROMWICH GUNS VILLAGE Neighbourhood Centre (PPS6 Local Centre) High Street Total Gross floor area:	LIDL	2085 sqm	WEST MIDLANDS
	Survey date: TUESDAY		12/07/16	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

8	WO-01-C-01	LIDL	WORCESTERSHIRE
	BLACKPOLE ROAD		
	WORCESTER		
	BRICKFIELDS		
	Edge of Town		
	Retail Zone		
	Total Gross floor area:	2417 sqm	
	Survey date: WEDNESDAY	13/07/16	Survey Type: MANUAL

*This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.*

TRIP RATE for Land Use 01 - RETAIL/C - DISCOUNT FOOD STORES

MULTI-MODAL VEHICLES

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	1952	0.307	8	1952	0.090	8	1952	0.397
08:00 - 09:00	8	1952	2.581	8	1952	1.697	8	1952	4.278
09:00 - 10:00	8	1952	3.247	8	1952	2.703	8	1952	5.950
10:00 - 11:00	8	1952	3.618	8	1952	3.445	8	1952	7.063
11:00 - 12:00	8	1952	3.977	8	1952	3.778	8	1952	7.755
12:00 - 13:00	8	1952	4.105	8	1952	3.862	8	1952	7.967
13:00 - 14:00	8	1952	4.163	8	1952	4.585	8	1952	8.748
14:00 - 15:00	8	1952	4.380	8	1952	4.476	8	1952	8.856
15:00 - 16:00	8	1952	4.246	8	1952	4.310	8	1952	8.556
16:00 - 17:00	8	1952	4.015	8	1952	4.035	8	1952	8.050
17:00 - 18:00	8	1952	4.054	8	1952	4.137	8	1952	8.191
18:00 - 19:00	8	1952	3.657	8	1952	3.990	8	1952	7.647
19:00 - 20:00	8	1952	2.741	8	1952	3.106	8	1952	5.847
20:00 - 21:00	8	1952	1.665	8	1952	2.075	8	1952	3.740
21:00 - 22:00	8	1952	0.538	8	1952	0.929	8	1952	1.467
22:00 - 23:00	8	1952	0.026	8	1952	0.199	8	1952	0.225
23:00 - 24:00									
Total Rates:			47.320				47.417	94.737	

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.



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### Parameter summary

Trip rate parameter range selected:	750 - 2568 (units: sqm)
Survey date date range:	01/01/10 - 28/10/17
Number of weekdays (Monday-Friday):	8
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	0
Surveys manually removed from selection:	0

*This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are show. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.*

TRIP RATE for Land Use 01 - RETAIL/C - DISCOUNT FOOD STORES  
 MULTI-MODAL CYCLISTS  
 Calculation factor: 100 sqm  
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	1952	0.013	8	1952	0.000	8	1952	0.013
08:00 - 09:00	8	1952	0.090	8	1952	0.070	8	1952	0.160
09:00 - 10:00	8	1952	0.083	8	1952	0.051	8	1952	0.134
10:00 - 11:00	8	1952	0.090	8	1952	0.077	8	1952	0.167
11:00 - 12:00	8	1952	0.032	8	1952	0.083	8	1952	0.115
12:00 - 13:00	8	1952	0.051	8	1952	0.058	8	1952	0.109
13:00 - 14:00	8	1952	0.096	8	1952	0.090	8	1952	0.186
14:00 - 15:00	8	1952	0.096	8	1952	0.083	8	1952	0.179
15:00 - 16:00	8	1952	0.077	8	1952	0.077	8	1952	0.154
16:00 - 17:00	8	1952	0.109	8	1952	0.064	8	1952	0.173
17:00 - 18:00	8	1952	0.096	8	1952	0.167	8	1952	0.263
18:00 - 19:00	8	1952	0.102	8	1952	0.090	8	1952	0.192
19:00 - 20:00	8	1952	0.045	8	1952	0.058	8	1952	0.103
20:00 - 21:00	8	1952	0.077	8	1952	0.077	8	1952	0.154
21:00 - 22:00	8	1952	0.000	8	1952	0.013	8	1952	0.013
22:00 - 23:00	8	1952	0.000	8	1952	0.000	8	1952	0.000
23:00 - 24:00									
Total Rates:			1.057			1.058			2.115

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

TRIP RATE for Land Use 01 - RETAIL/C - DISCOUNT FOOD STORES  
 MULTI-MODAL VEHICLE OCCUPANTS  
 Calculation factor: 100 sqm  
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	1952	0.384	8	1952	0.102	8	1952	0.486
08:00 - 09:00	8	1952	3.247	8	1952	2.120	8	1952	5.367
09:00 - 10:00	8	1952	4.374	8	1952	3.567	8	1952	7.941
10:00 - 11:00	8	1952	5.232	8	1952	4.854	8	1952	10.086
11:00 - 12:00	8	1952	5.809	8	1952	5.616	8	1952	11.425
12:00 - 13:00	8	1952	5.828	8	1952	5.751	8	1952	11.579
13:00 - 14:00	8	1952	5.917	8	1952	6.507	8	1952	12.424
14:00 - 15:00	8	1952	6.526	8	1952	6.462	8	1952	12.988
15:00 - 16:00	8	1952	6.539	8	1952	6.449	8	1952	12.988
16:00 - 17:00	8	1952	6.020	8	1952	6.238	8	1952	12.258
17:00 - 18:00	8	1952	5.860	8	1952	6.244	8	1952	12.104
18:00 - 19:00	8	1952	5.616	8	1952	5.796	8	1952	11.412
19:00 - 20:00	8	1952	4.156	8	1952	4.656	8	1952	8.812
20:00 - 21:00	8	1952	2.472	8	1952	3.170	8	1952	5.642
21:00 - 22:00	8	1952	0.698	8	1952	1.287	8	1952	1.985
22:00 - 23:00	8	1952	0.026	8	1952	0.211	8	1952	0.237
23:00 - 24:00									
Total Rates:	68.704			69.030			137.734		

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

TRIP RATE for Land Use 01 - RETAIL/C - DISCOUNT FOOD STORES  
 MULTI-MODAL PEDESTRIANS  
 Calculation factor: 100 sqm  
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	1952	0.134	8	1952	0.000	8	1952	0.134
08:00 - 09:00	8	1952	1.121	8	1952	0.858	8	1952	1.979
09:00 - 10:00	8	1952	1.454	8	1952	1.089	8	1952	2.543
10:00 - 11:00	8	1952	1.659	8	1952	1.370	8	1952	3.029
11:00 - 12:00	8	1952	1.300	8	1952	1.511	8	1952	2.811
12:00 - 13:00	8	1952	1.729	8	1952	1.627	8	1952	3.356
13:00 - 14:00	8	1952	1.806	8	1952	1.838	8	1952	3.644
14:00 - 15:00	8	1952	1.447	8	1952	1.422	8	1952	2.869
15:00 - 16:00	8	1952	1.454	8	1952	1.742	8	1952	3.196
16:00 - 17:00	8	1952	1.716	8	1952	1.569	8	1952	3.285
17:00 - 18:00	8	1952	1.774	8	1952	1.934	8	1952	3.708
18:00 - 19:00	8	1952	1.678	8	1952	1.588	8	1952	3.266
19:00 - 20:00	8	1952	0.813	8	1952	1.191	8	1952	2.004
20:00 - 21:00	8	1952	0.903	8	1952	0.954	8	1952	1.857
21:00 - 22:00	8	1952	0.352	8	1952	0.589	8	1952	0.941
22:00 - 23:00	8	1952	0.000	8	1952	0.026	8	1952	0.026
23:00 - 24:00									
Total Rates:	19.340			19.308			38.648		

*This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.*

*To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: COUNT/TRP\*FACT. Trip rates are then rounded to 3 decimal places.*



TRIP RATE for Land Use 01 - RETAIL/C - DISCOUNT FOOD STORES

MULTI-MODAL PUBLIC TRANSPORT USERS

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	1952	0.026	8	1952	0.019	8	1952	0.045
08:00 - 09:00	8	1952	0.128	8	1952	0.058	8	1952	0.186
09:00 - 10:00	8	1952	0.134	8	1952	0.083	8	1952	0.217
10:00 - 11:00	8	1952	0.147	8	1952	0.134	8	1952	0.281
11:00 - 12:00	8	1952	0.102	8	1952	0.090	8	1952	0.192
12:00 - 13:00	8	1952	0.109	8	1952	0.064	8	1952	0.173
13:00 - 14:00	8	1952	0.051	8	1952	0.083	8	1952	0.134
14:00 - 15:00	8	1952	0.102	8	1952	0.045	8	1952	0.147
15:00 - 16:00	8	1952	0.070	8	1952	0.064	8	1952	0.134
16:00 - 17:00	8	1952	0.038	8	1952	0.090	8	1952	0.128
17:00 - 18:00	8	1952	0.032	8	1952	0.096	8	1952	0.128
18:00 - 19:00	8	1952	0.045	8	1952	0.064	8	1952	0.109
19:00 - 20:00	8	1952	0.026	8	1952	0.038	8	1952	0.064
20:00 - 21:00	8	1952	0.051	8	1952	0.058	8	1952	0.109
21:00 - 22:00	8	1952	0.006	8	1952	0.038	8	1952	0.044
22:00 - 23:00	8	1952	0.000	8	1952	0.006	8	1952	0.006
23:00 - 24:00									
Total Rates:			1.067				1.030	2.097	

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

TRIP RATE for Land Use 01 - RETAIL/C - DISCOUNT FOOD STORES

MULTI-MODAL TOTAL PEOPLE

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	8	1952	0.557	8	1952	0.122	8	1952	0.679
08:00 - 09:00	8	1952	4.585	8	1952	3.106	8	1952	7.691
09:00 - 10:00	8	1952	6.045	8	1952	4.790	8	1952	10.835
10:00 - 11:00	8	1952	7.128	8	1952	6.436	8	1952	13.564
11:00 - 12:00	8	1952	7.243	8	1952	7.301	8	1952	14.544
12:00 - 13:00	8	1952	7.717	8	1952	7.499	8	1952	15.216
13:00 - 14:00	8	1952	7.871	8	1952	8.517	8	1952	16.388
14:00 - 15:00	8	1952	8.172	8	1952	8.012	8	1952	16.184
15:00 - 16:00	8	1952	8.140	8	1952	8.332	8	1952	16.472
16:00 - 17:00	8	1952	7.883	8	1952	7.960	8	1952	15.843
17:00 - 18:00	8	1952	7.762	8	1952	8.441	8	1952	16.203
18:00 - 19:00	8	1952	7.442	8	1952	7.538	8	1952	14.980
19:00 - 20:00	8	1952	5.040	8	1952	5.943	8	1952	10.983
20:00 - 21:00	8	1952	3.503	8	1952	4.259	8	1952	7.762
21:00 - 22:00	8	1952	1.057	8	1952	1.928	8	1952	2.985
22:00 - 23:00	8	1952	0.026	8	1952	0.243	8	1952	0.269
23:00 - 24:00									
Total Rates:			90.171			90.427			180.598

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is:  $COUNT/TRP*FACT$ . Trip rates are then rounded to 3 decimal places.

## APPENDIX D

### Network Diagrams

PM Peak  
16:30 - 17:30

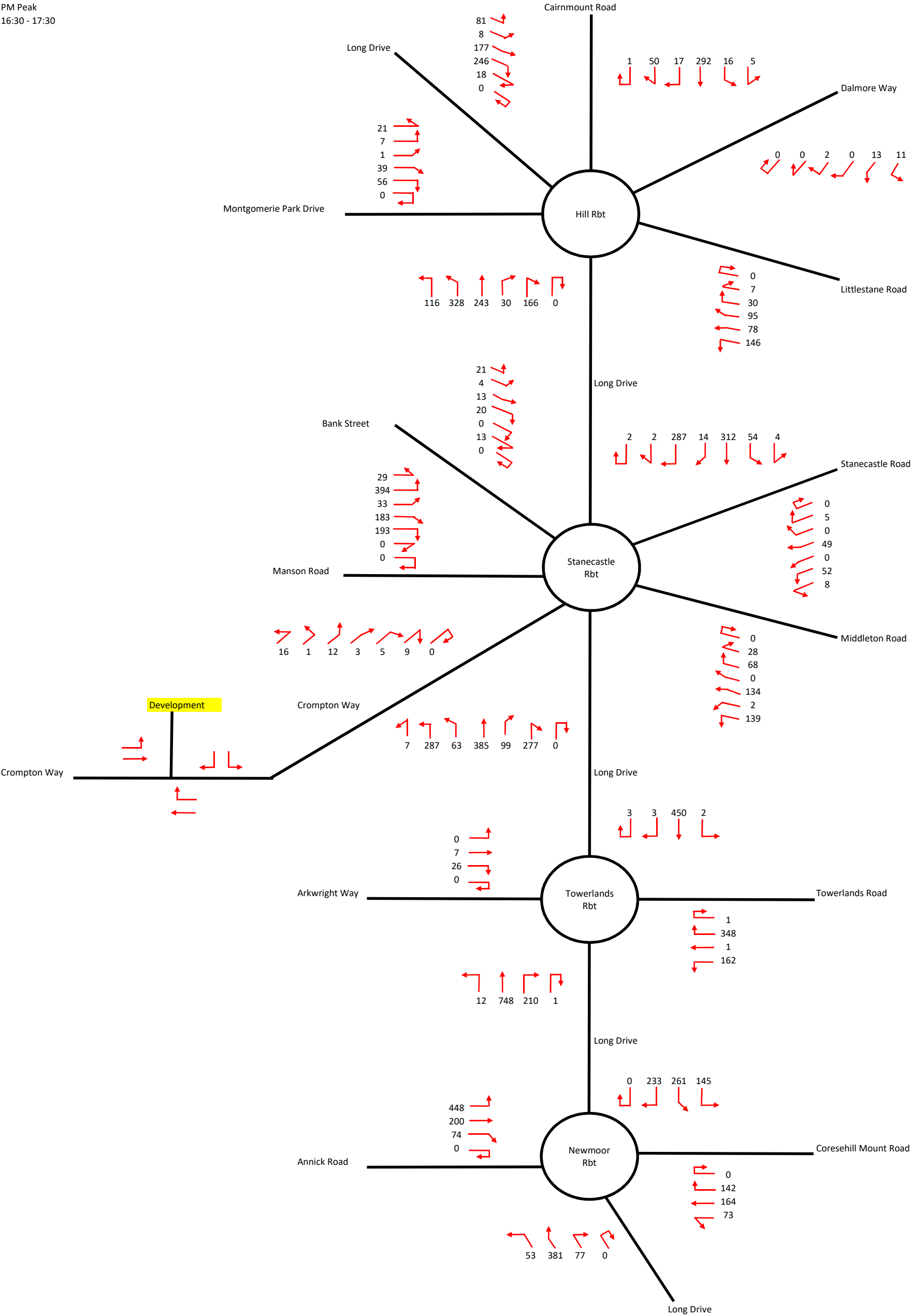


Figure D1  
2018 PM Base



SAT Peak  
11:45 - 12:45

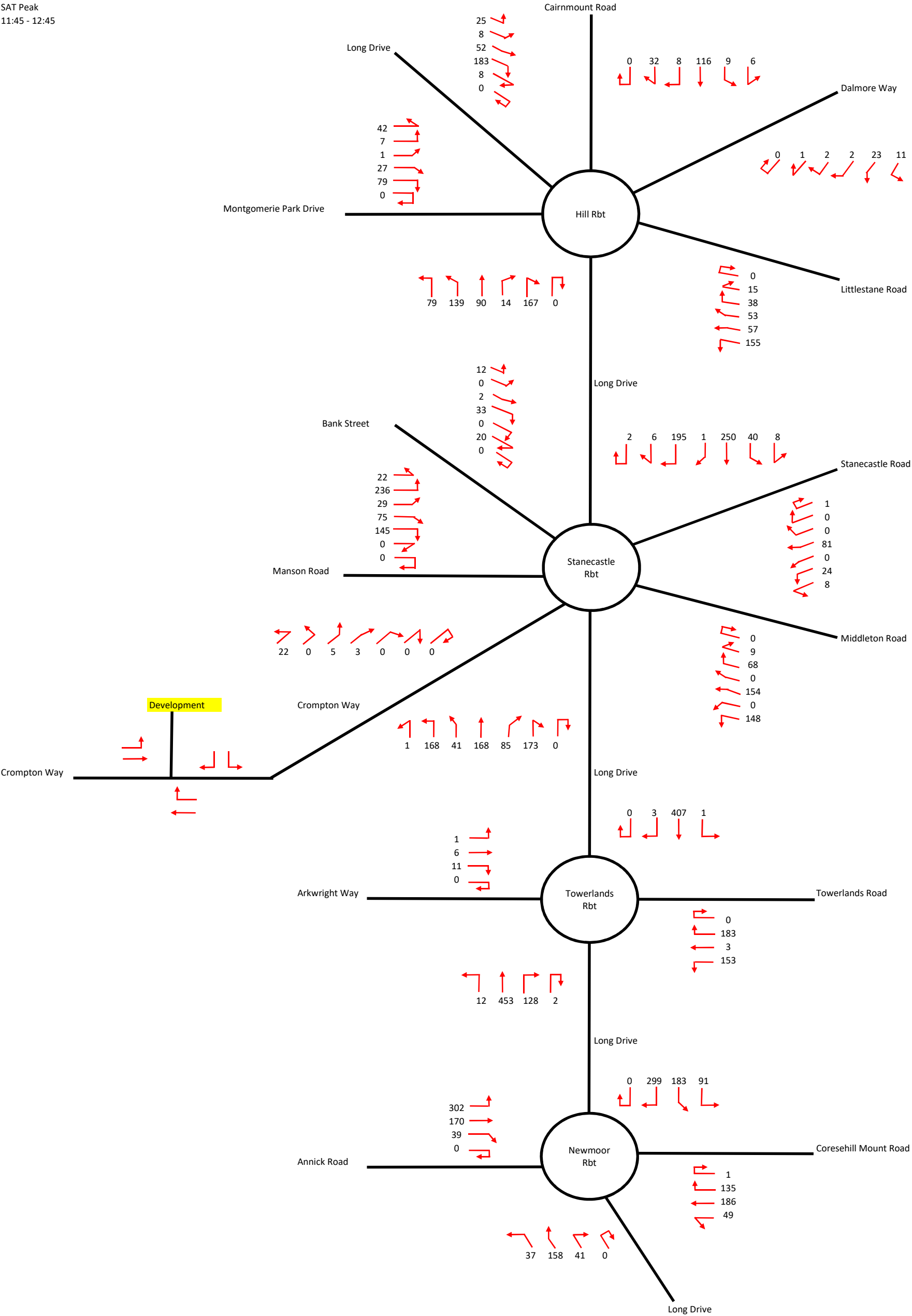


Figure D2  
2018 SAT Base

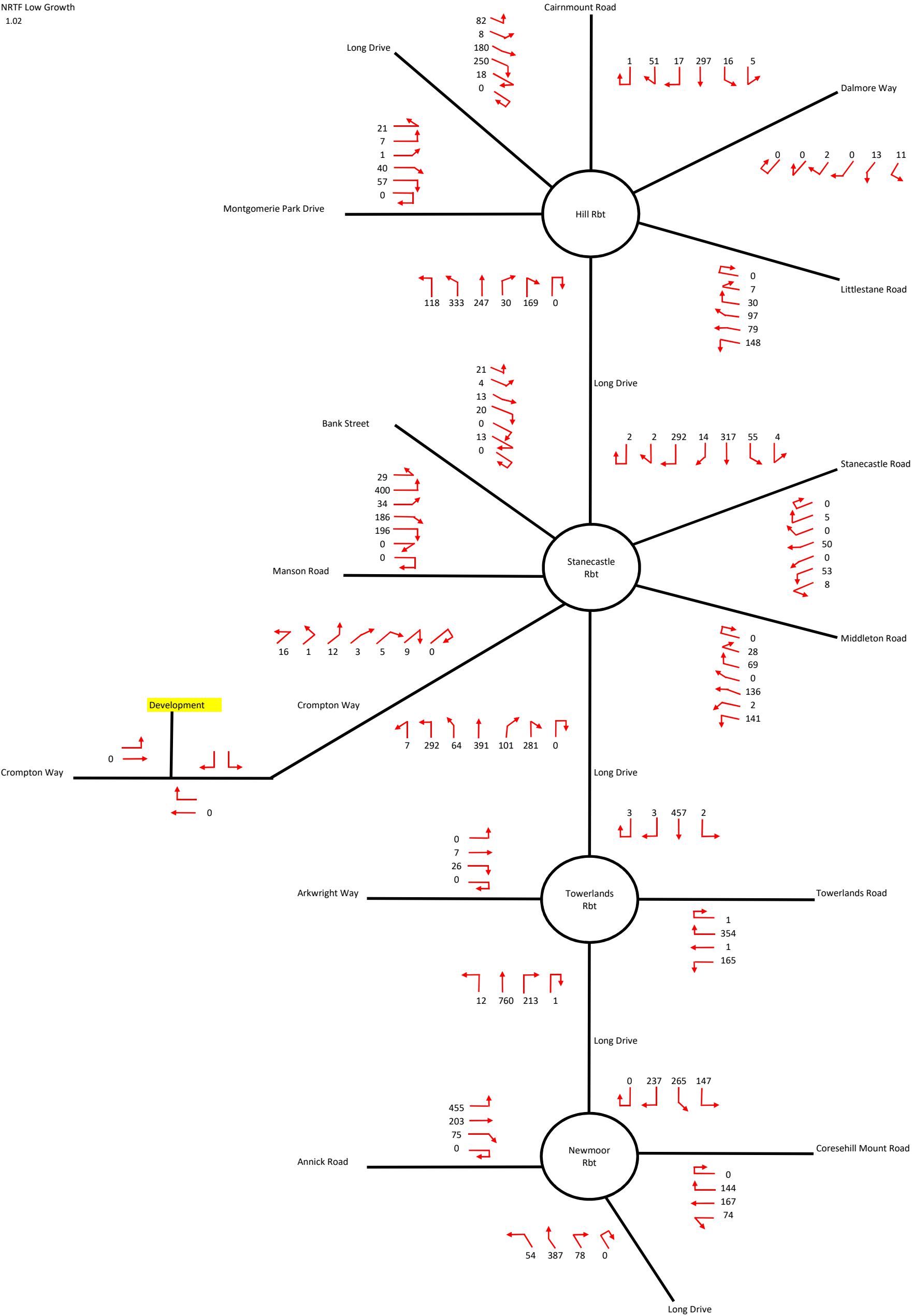


Figure D3  
2020 PM Projected Base

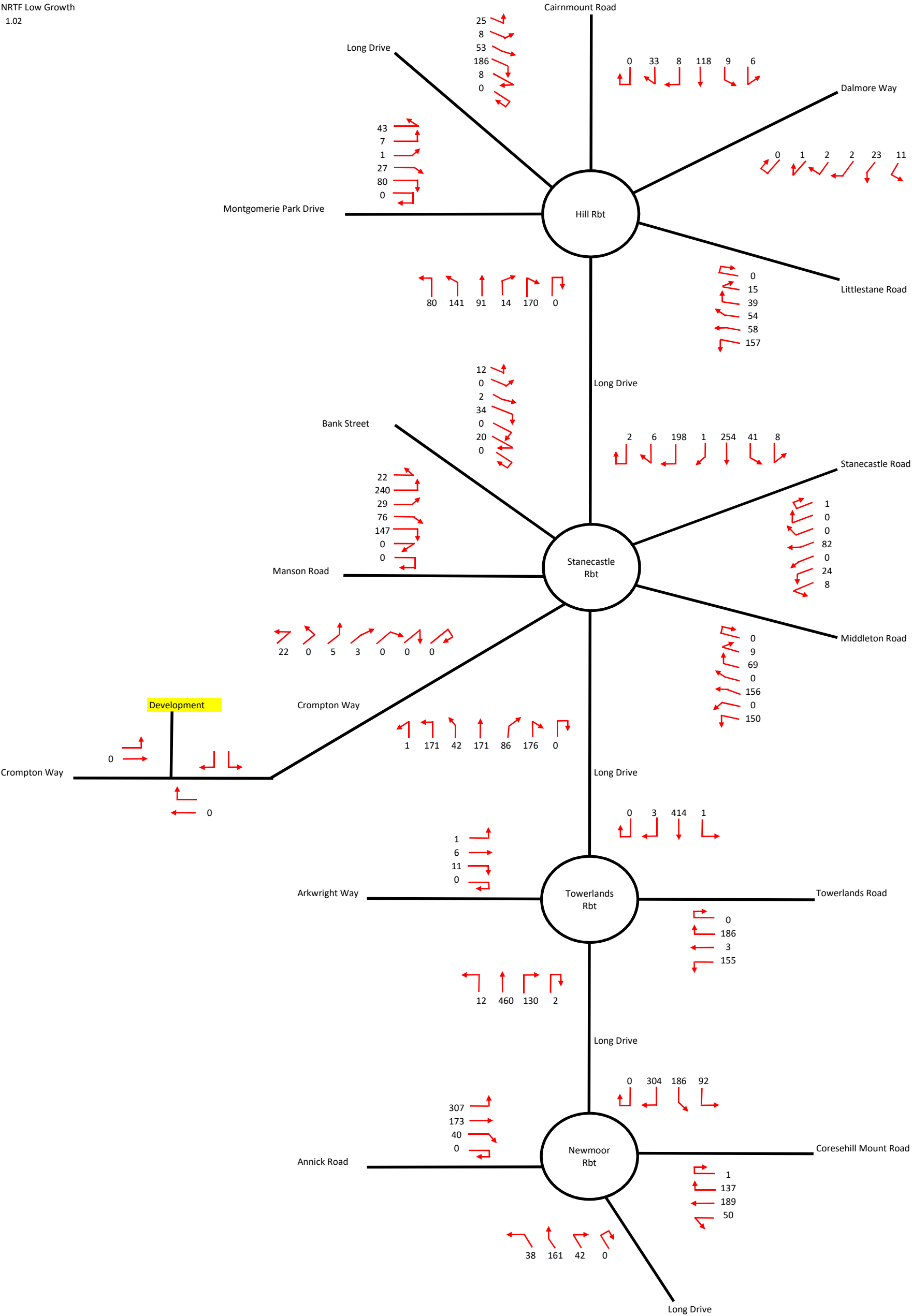


Figure D4  
2020 SAT Projected Base

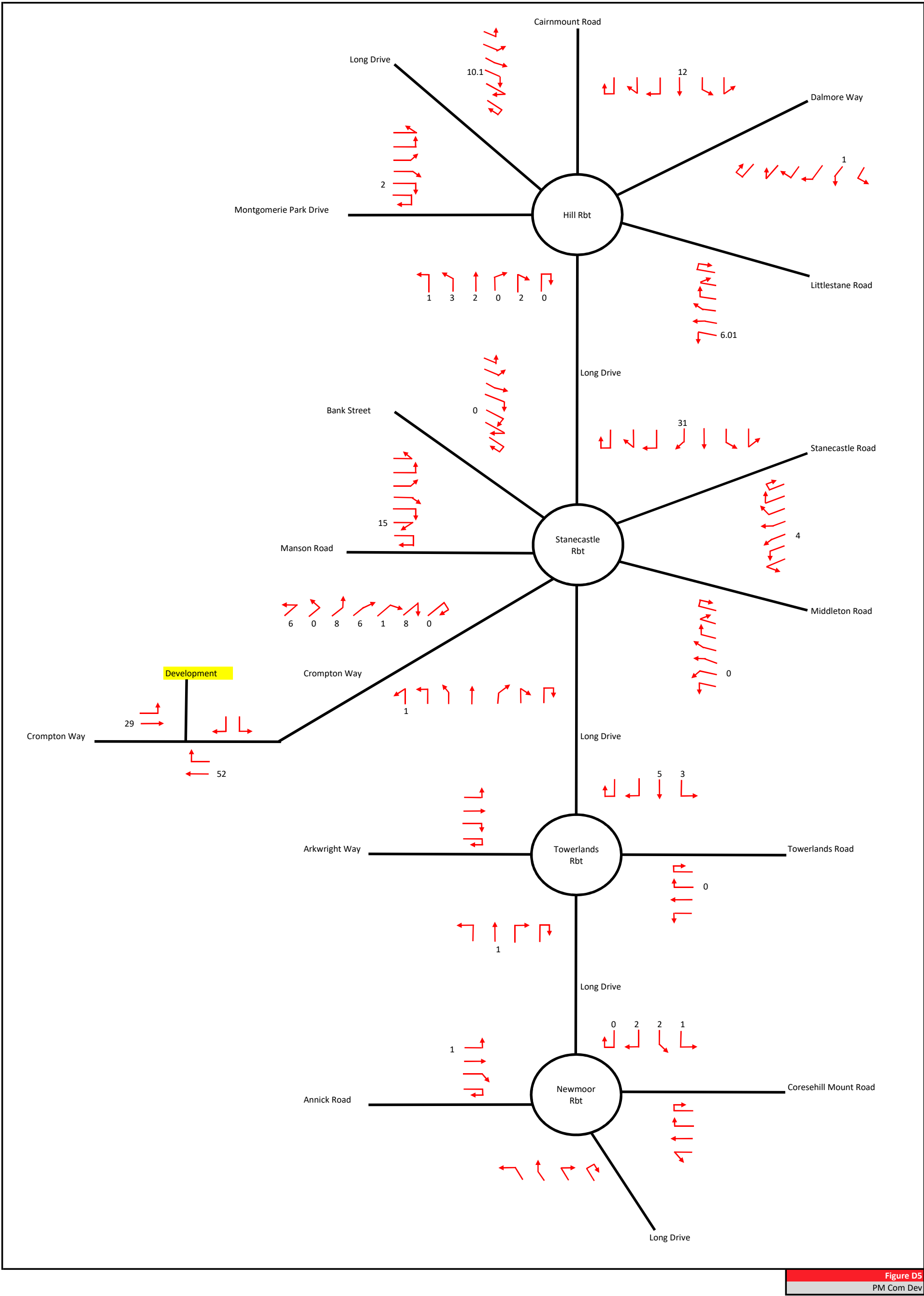


Figure D5  
PM Com Dev



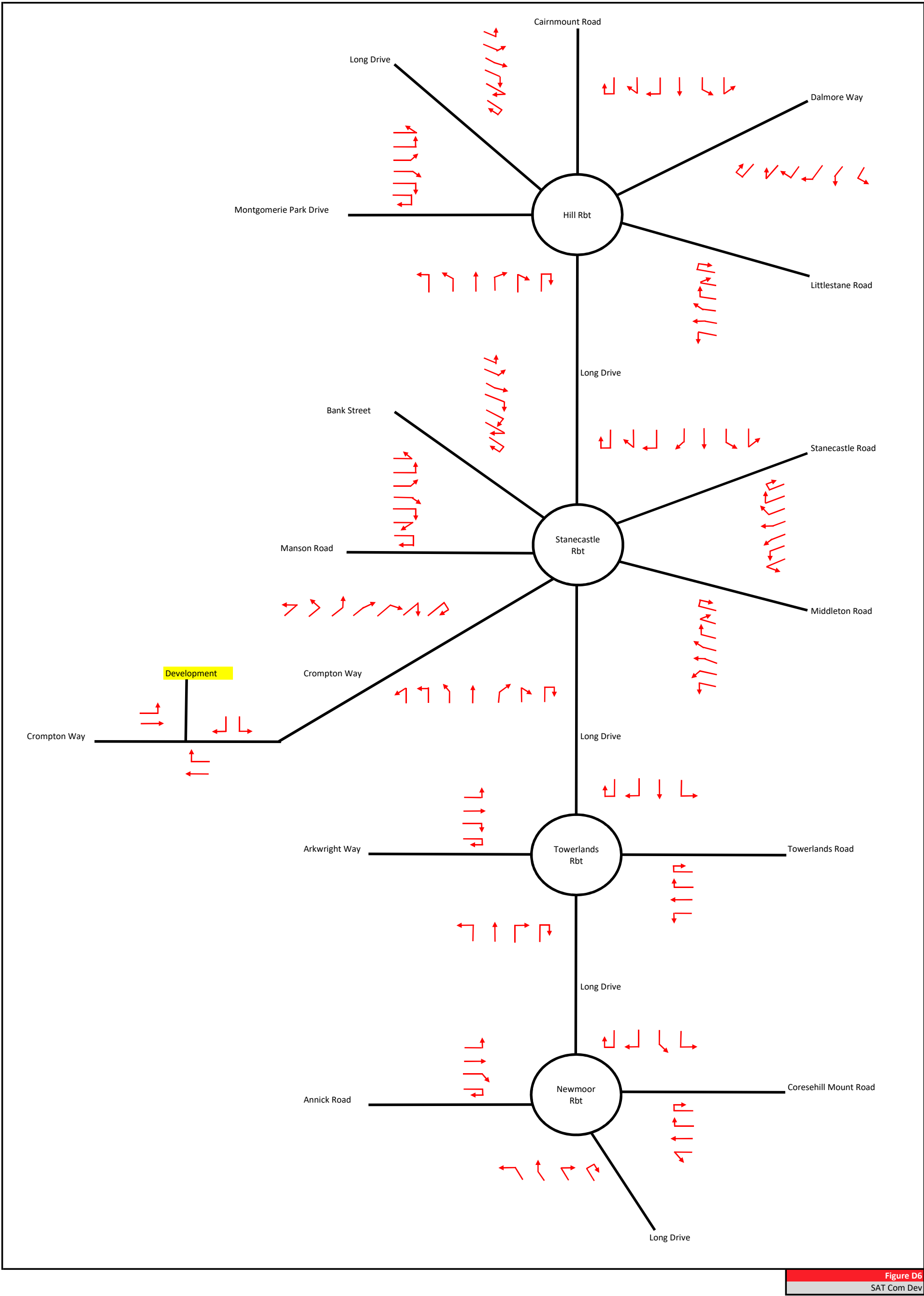
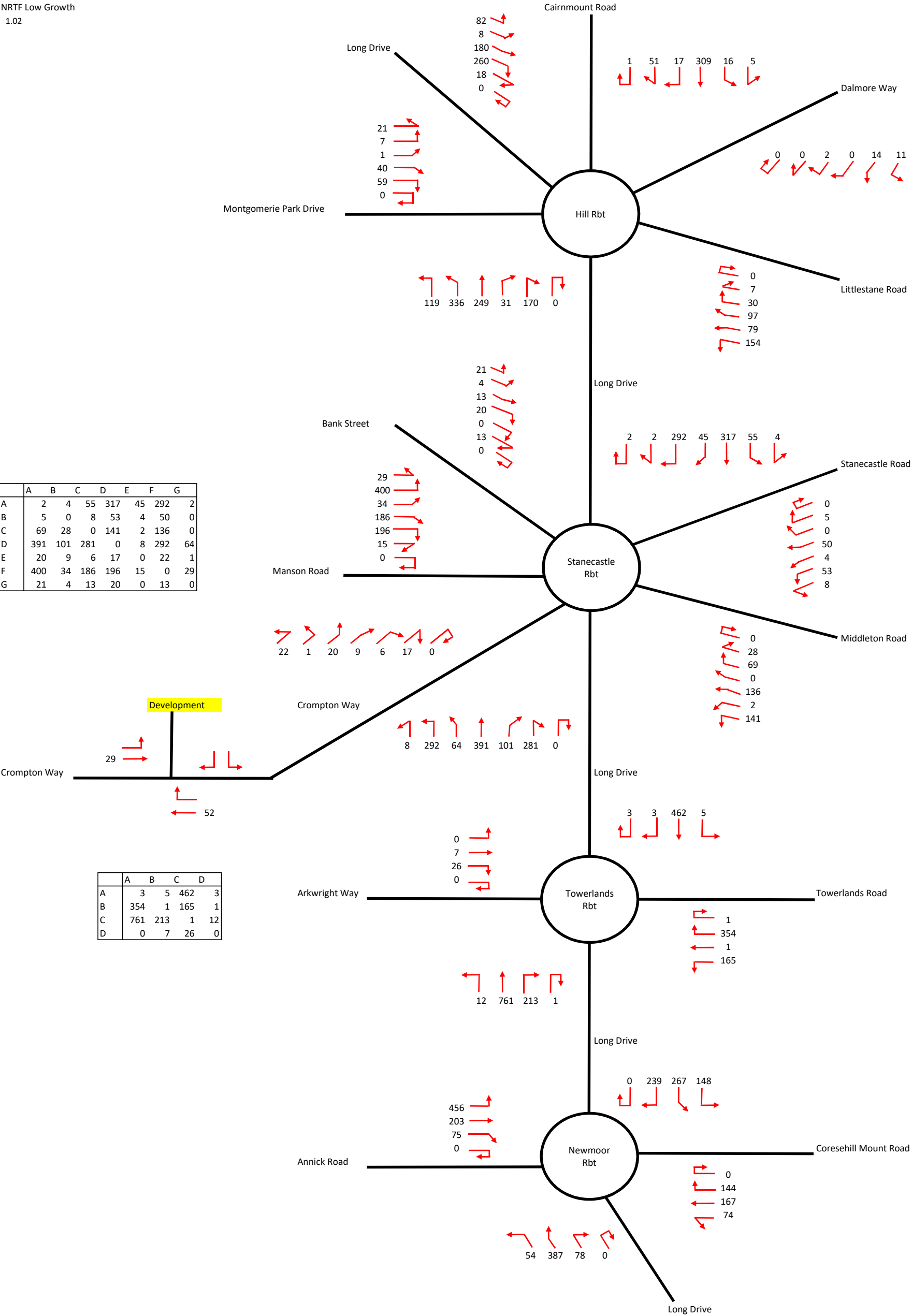


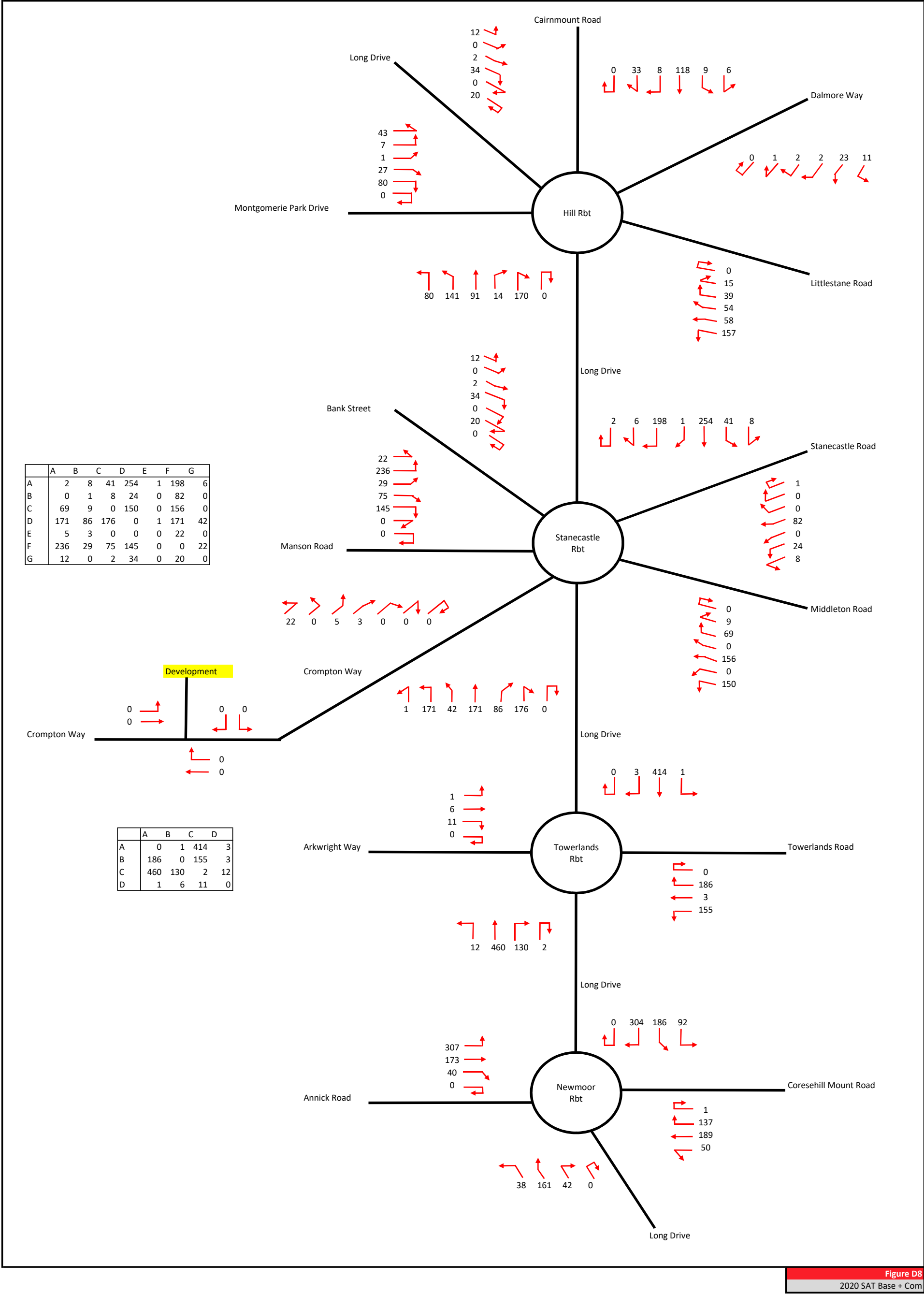
Figure D6  
SAT Com Dev



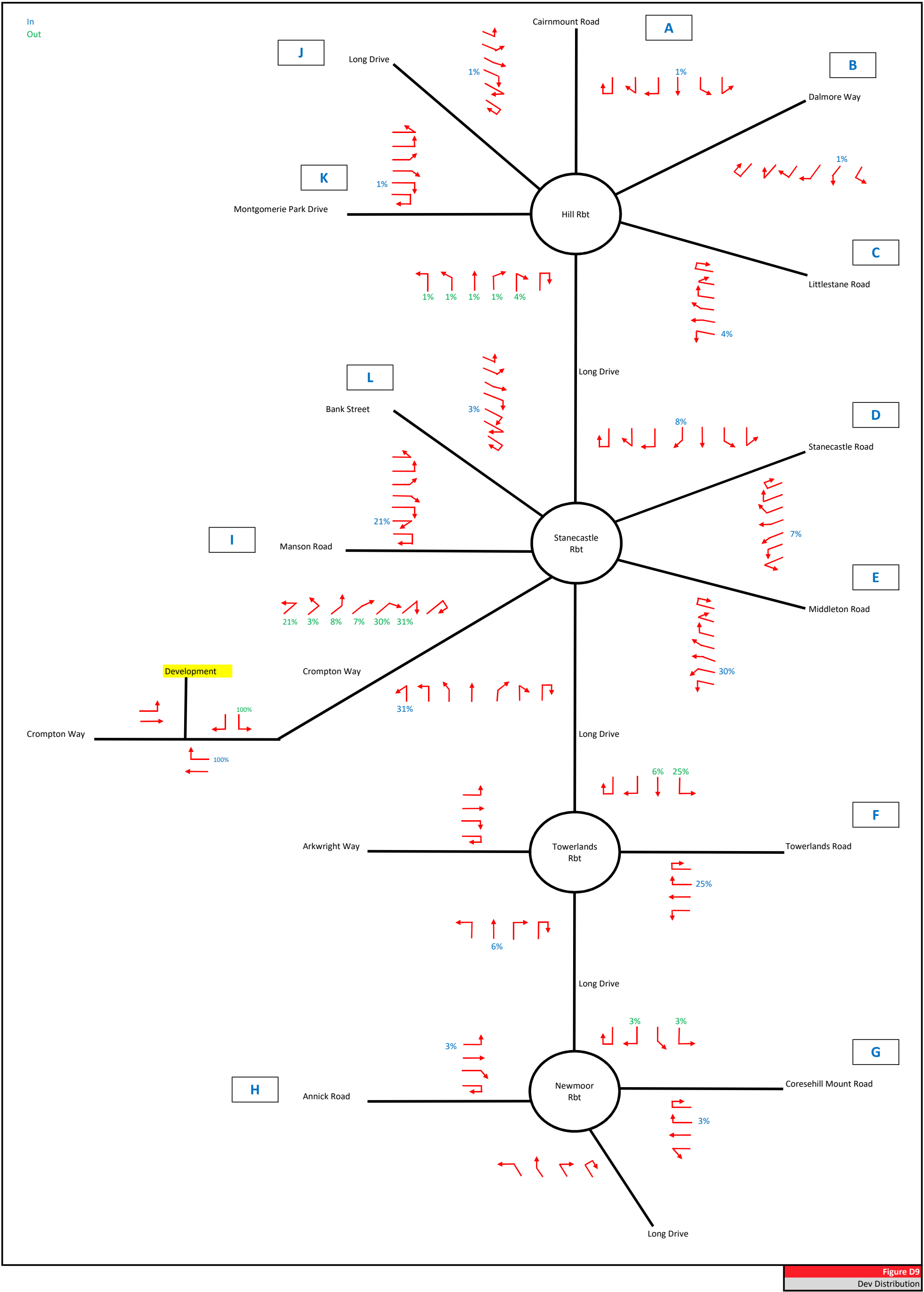
	A	B	C	D	E	F	G
A	2	4	55	317	45	292	2
B	5	0	8	53	4	50	0
C	69	28	0	141	2	136	0
D	391	101	281	0	8	292	64
E	20	9	6	17	0	22	1
F	400	34	186	196	15	0	29
G	21	4	13	20	0	13	0

	A	B	C	D
A	3	5	462	3
B	354	1	165	1
C	761	213	1	12
D	0	7	26	0

Figure D7  
2020 PM Base + Com



**Figure D8**  
2020 SAT Base + Com



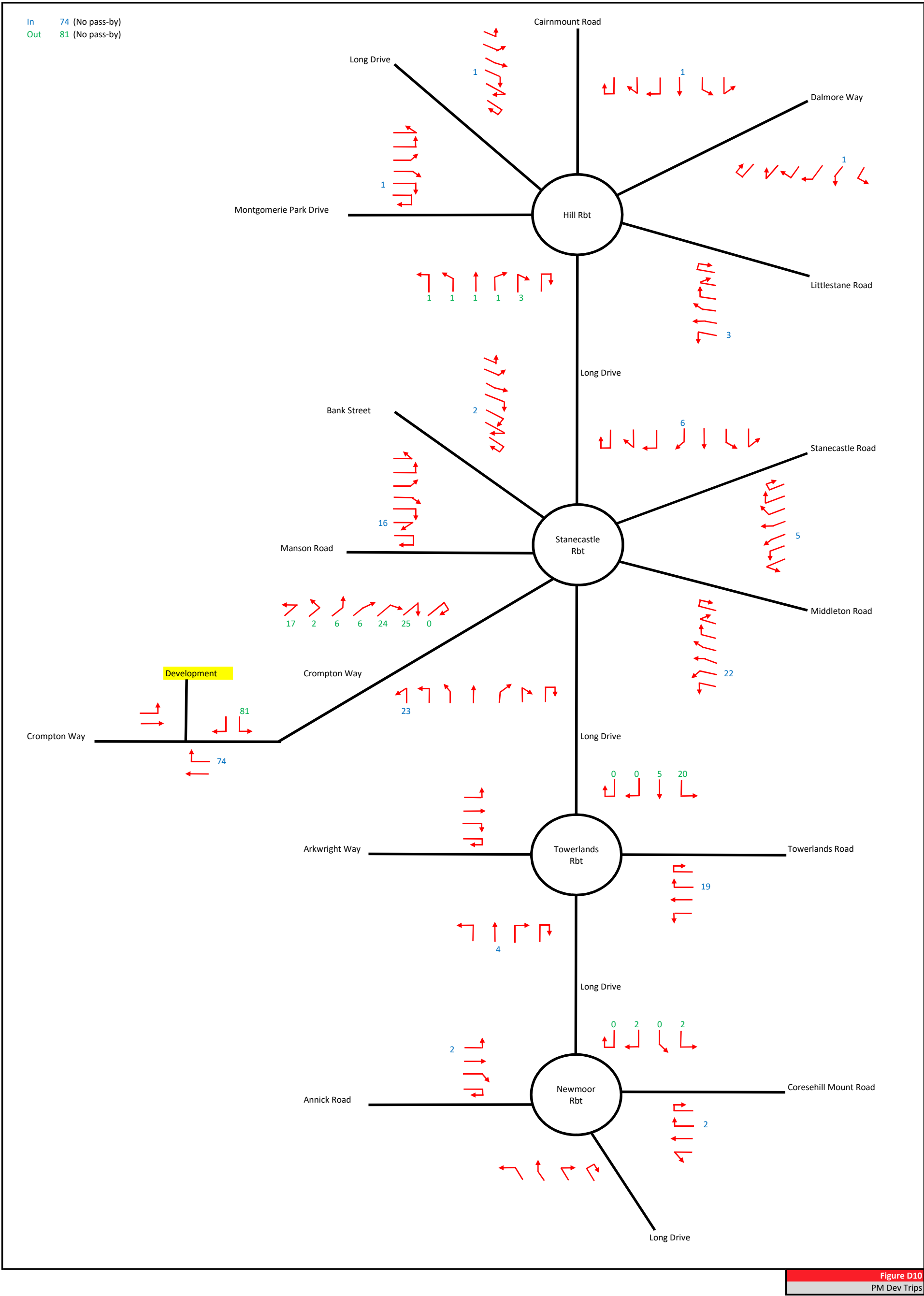


Figure D10  
PM Dev Trips



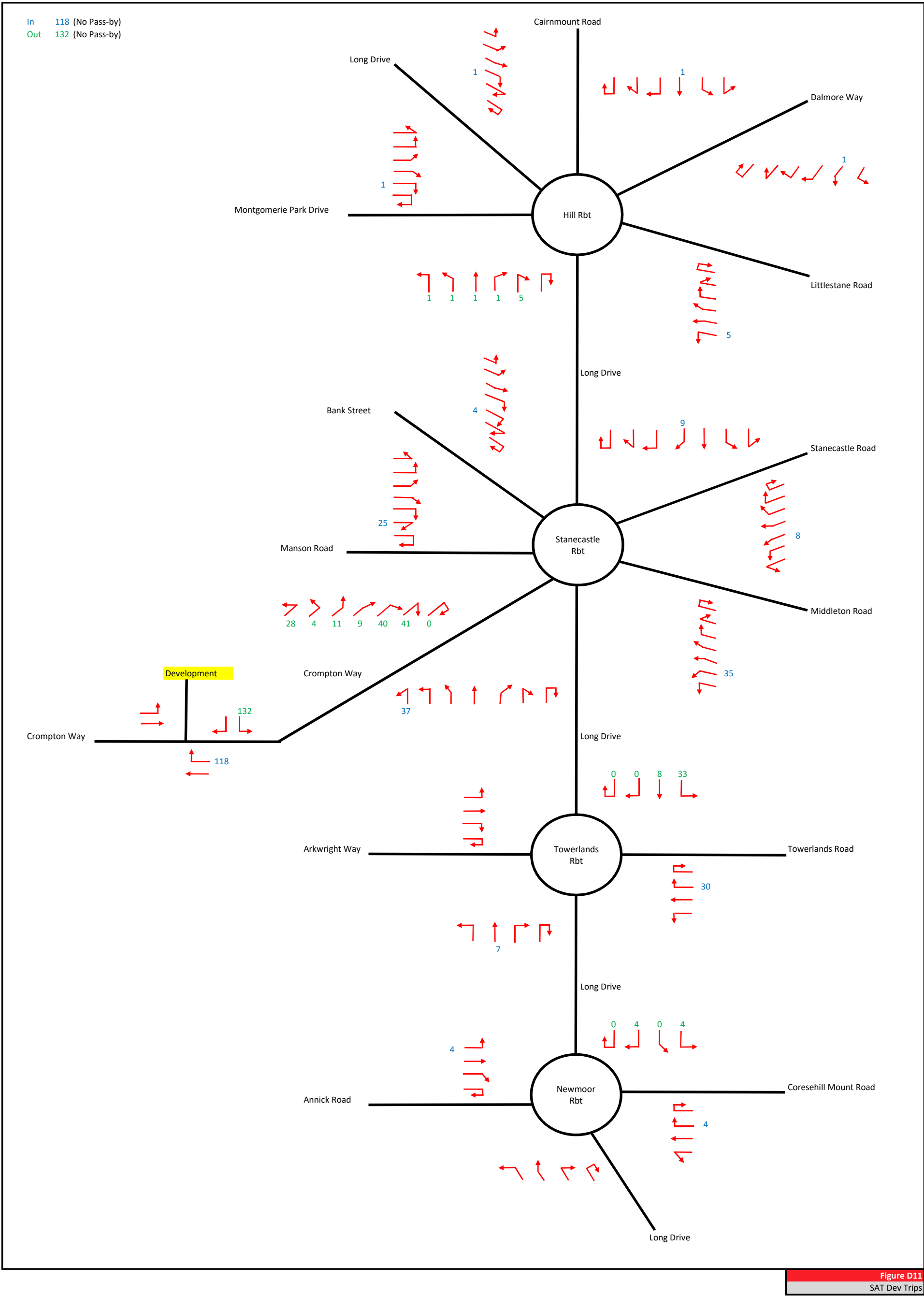


Figure D11  
SAT Dev Trips

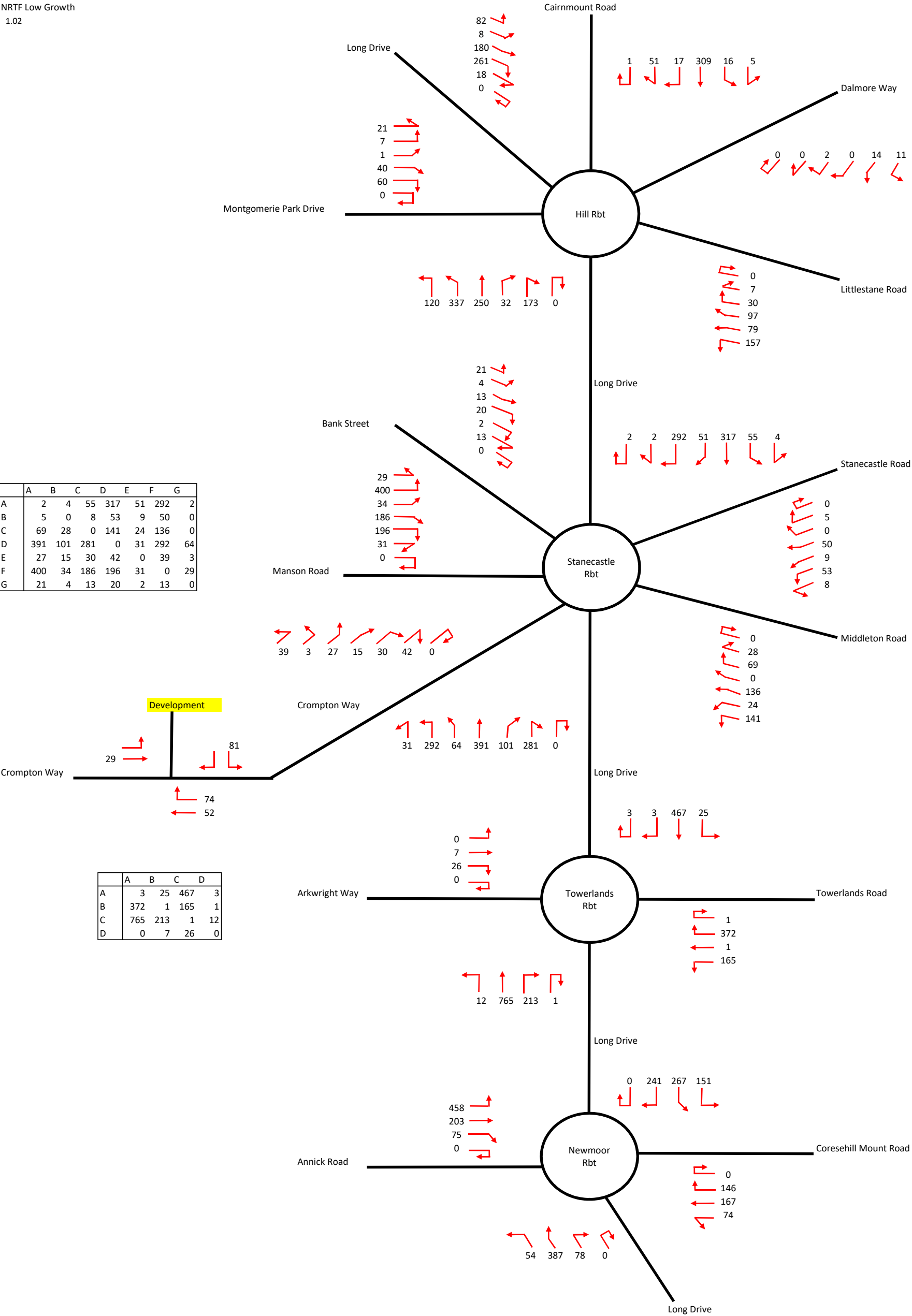


Figure D12  
2020 PM Base + Com + Dev

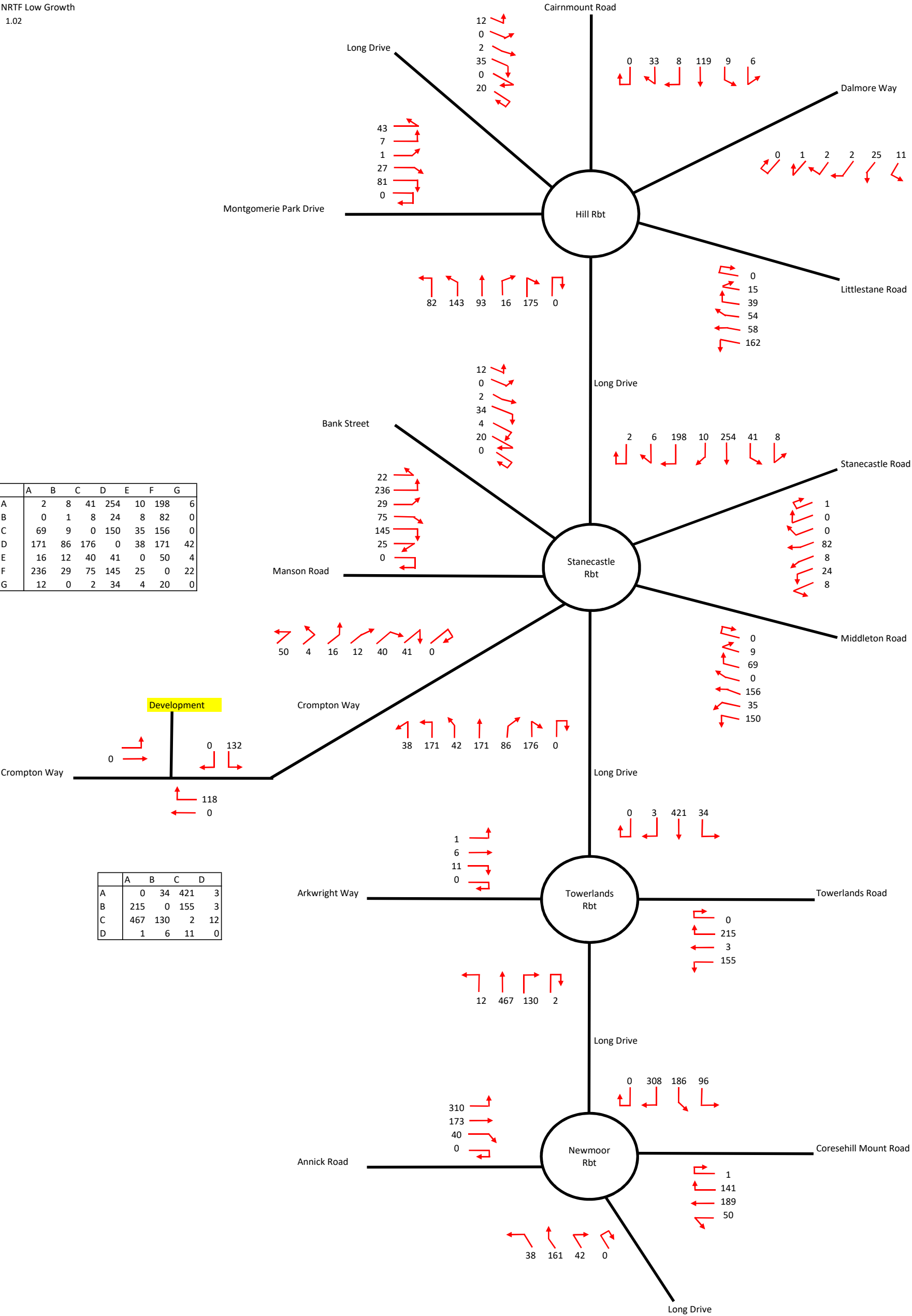
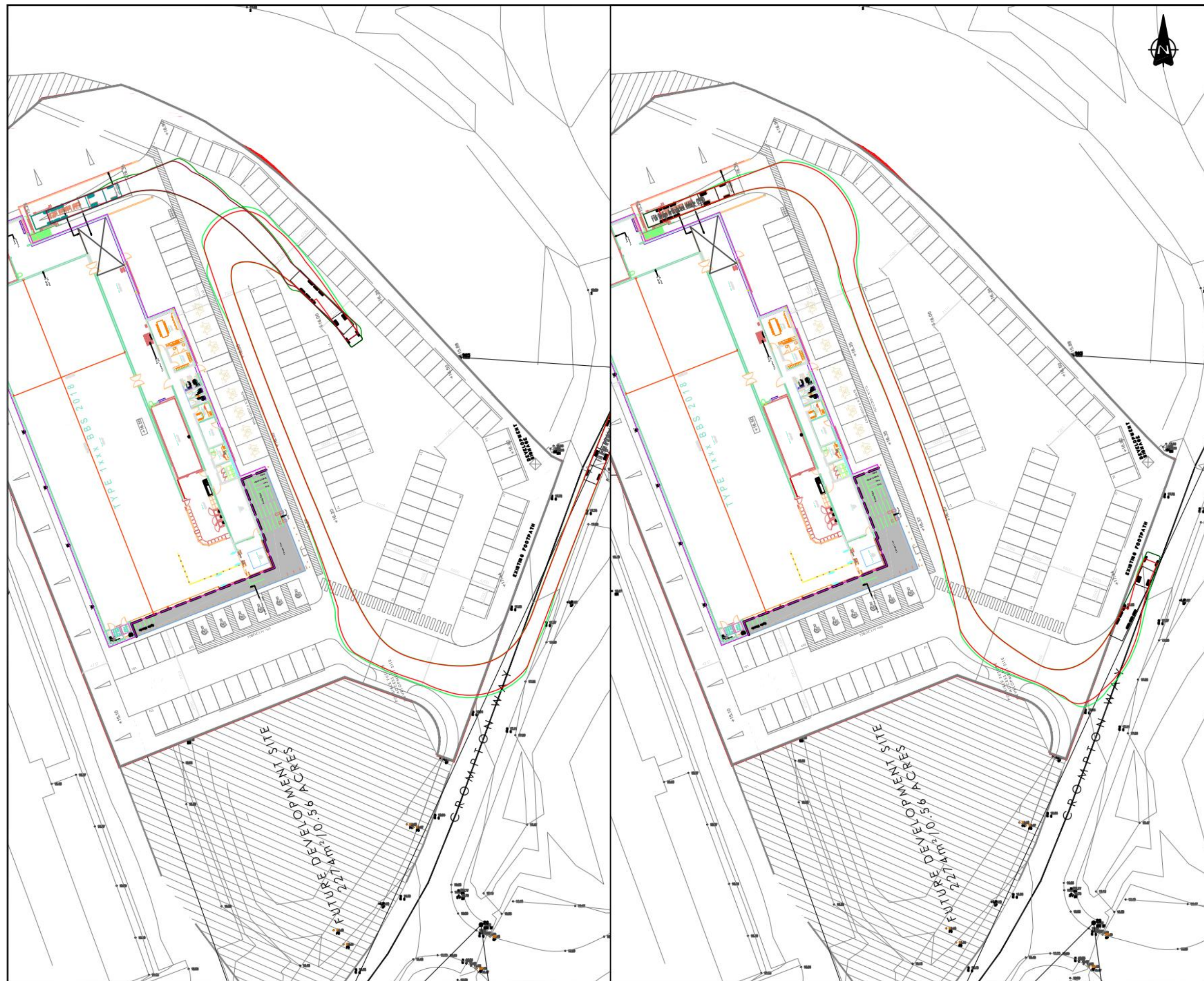


Figure D13  
2020 SAT Base + Com + Dev

## APPENDIX E

### Swept Path Analysis





Notes:

1. Do not scale from drawing
2. All dimensions in metres unless otherwise stated

Rev.	Date	Revision details	Drawn	Checked	Approved

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Client: Lidl GmbH

Project: Proposed Lidl Store  
Lidl Stancastle, Irvine

Title: Swept Path Assessment  
Proposed Infrastructure

Drawn	Checked	Approved
CC	SL	SL

Original dwg. size	Date	Scale
A3	Nov'18	1:500

Drawing Status	Drawing Number	Rev.
Information	10742018/IRVI/SPA/001	-



## APPENDIX F

### ARCADY 6 Output Files

## A R C A D Y 6

## ASSESSMENT OF ROUNDABOUT CAPACITY AND DELAY

Analysis Program: Release 5.0 (JANUARY 2009)

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Wokingham, Berks.	Web: www.trlsoftware.co.uk
RG40 3GA,UK	

THE USER OF THIS COMPUTER PROGRAM FOR THE SOLUTION OF AN ENGINEERING PROBLEM IS  
IN NO WAY RELIEVED OF THEIR RESPONSIBILITY FOR THE CORRECTNESS OF THE SOLUTION

Run with file:-

"u:\SCT\2018\T&T\107420 - Lidl Stanecastle, Irvine\CALCULATIONS\TRAFFIC\ARCADY\  
Lidl, Irvine - Stanecastle Roundabout SAT.vai"  
(drive-on-the-left ) at 10:18:31 on Monday, 9 September 2019

## FILE PROPERTIES

\*\*\*\*\*

RUN TITLE: Lidl, Irvine - Stanecastle Roundabout SAT  
LOCATION: Irvine  
DATE: 20/12/18  
CLIENT: Lidl  
ENUMERATOR: bfleming [GLA0911]  
JOB NUMBER: 107420  
STATUS: Draft 1  
DESCRIPTION: Stanecastle Roundabout - 7-arm

## INPUT DATA

\*\*\*\*\*

ARM A - Long Drive N  
ARM B - Stanecastle Rd  
ARM C - Middleton Rd  
ARM D - Long Drive S  
ARM E - Crompton Way  
ARM F - Manson Rd  
ARM G - Bank St

## GEOMETRIC DATA

-----

																	T5		
I	ARM	I	V (M)	I	E (M)	I	L (M)	I	R (M)	I	D (M)	I	PHI (DEG)	I	SLOPE	I	INTERCEPT (PCU/MIN)	I	
I	ARM	A	I	3.94	I	9.00	I	18.50	I	30.10	I	155.30	I	34.0	I	0.490	I	33.608	I
I	ARM	B	I	3.97	I	8.10	I	14.40	I	16.20	I	159.20	I	28.0	I	0.465	I	30.784	I
I	ARM	C	I	3.53	I	10.56	I	21.70	I	22.10	I	161.50	I	37.0	I	0.493	I	34.565	I
I	ARM	D	I	7.26	I	8.56	I	1.90	I	16.00	I	143.30	I	21.0	I	0.542	I	39.457	I
I	ARM	E	I	3.64	I	7.96	I	14.60	I	12.70	I	149.20	I	27.0	I	0.448	I	29.064	I
I	ARM	F	I	3.64	I	7.91	I	25.60	I	13.40	I	161.50	I	33.0	I	0.463	I	31.322	I
I	ARM	G	I	3.61	I	8.00	I	9.30	I	11.50	I	142.50	I	37.0	I	0.409	I	25.426	I

V = approach half-width      L = effective flare length      D = inscribed circle diameter  
E = entry width      R = entry radius      PHI = entry angle

## TRAFFIC DEMAND DATA

-----

Only sets included in the current run are shown

## SCALING FACTORS

T13

I	ARM	I	FLOW SCALE(%)	I
I	A	I	100	I
I	B	I	100	I
I	C	I	100	I
I	D	I	100	I
I	E	I	100	I
I	F	I	100	I
I	G	I	100	I

TIME PERIOD BEGINS(11.30)AND ENDS(13.00)

LENGTH OF TIME PERIOD -( 90) MINUTES

LENGTH OF TIME SEGMENT - (15) MINUTES

DEMAND FLOW PROFILES ARE SYNTHESISED FROM THE TURNING COUNT DATA

DEMAND SET TITLE: 2020 SAT Base + Com

T15

I	ARM	I	NUMBER OF MINUTES FROM START WHEN FLOW STARTS	I	TOP OF PEAK	I	FLOW STOPS	I	RATE OF FLOW (VEH/MIN) BEFORE	I	AT TOP	I	AFTER	I
I		I	TO RISE	I	IS REACHED	I	FALLING	I	PEAK	I	OF PEAK	I	PEAK	I
I	ARM A	I	15.00	I	45.00	I	75.00	I	6.38	I	9.56	I	6.38	I
I	ARM B	I	15.00	I	45.00	I	75.00	I	1.44	I	2.16	I	1.44	I
I	ARM C	I	15.00	I	45.00	I	75.00	I	4.80	I	7.20	I	4.80	I
I	ARM D	I	15.00	I	45.00	I	75.00	I	8.09	I	12.13	I	8.09	I
I	ARM E	I	15.00	I	45.00	I	75.00	I	0.38	I	0.56	I	0.38	I
I	ARM F	I	15.00	I	45.00	I	75.00	I	6.34	I	9.51	I	6.34	I
I	ARM G	I	15.00	I	45.00	I	75.00	I	0.85	I	1.28	I	0.85	I

DEMAND SET TITLE: 2020 SAT Base + Com

T33

I	TIME	I	FROM/TO	I	ARM A	I	ARM B	I	ARM C	I	ARM D	I	ARM E	I	ARM F	I	ARM G	I
I	11.30 - 13.00	I		I		I		I		I		I		I		I		I
I		I	ARM A	I	0.004	I	0.016	I	0.080	I	0.498	I	0.002	I	0.388	I	0.012	I
I		I		I	2.0	I	8.0	I	41.0	I	254.0	I	1.0	I	198.0	I	6.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM B	I	0.000	I	0.009	I	0.070	I	0.209	I	0.000	I	0.713	I	0.000	I
I		I		I	0.0	I	1.0	I	8.0	I	24.0	I	0.0	I	82.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM C	I	0.180	I	0.023	I	0.000	I	0.391	I	0.000	I	0.406	I	0.000	I
I		I		I	69.0	I	9.0	I	0.0	I	150.0	I	0.0	I	156.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM D	I	0.264	I	0.133	I	0.272	I	0.000	I	0.002	I	0.264	I	0.065	I
I		I		I	171.0	I	86.0	I	176.0	I	0.0	I	1.0	I	171.0	I	42.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM E	I	0.167	I	0.100	I	0.000	I	0.000	I	0.000	I	0.733	I	0.000	I
I		I		I	5.0	I	3.0	I	0.0	I	0.0	I	0.0	I	22.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM F	I	0.465	I	0.057	I	0.148	I	0.286	I	0.000	I	0.000	I	0.043	I
I		I		I	236.0	I	29.0	I	75.0	I	145.0	I	0.0	I	0.0	I	22.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM G	I	0.176	I	0.000	I	0.029	I	0.500	I	0.000	I	0.294	I	0.000	I
I		I		I	12.0	I	0.0	I	2.0	I	34.0	I	0.0	I	20.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I

QUEUE AND DELAY INFORMATION FOR EACH 15 MIN TIME SEGMENT

											T70
I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	11.30-11.45										I
I	ARM A	6.40	30.04	0.213	- -	0.0	0.3	4.0	-	0.042	I
I	ARM B	1.44	25.22	0.057	- -	0.0	0.1	0.9	-	0.042	I
I	ARM C	4.82	29.82	0.162	- -	0.0	0.2	2.8	-	0.040	I
I	ARM D	8.12	35.76	0.227	- -	0.0	0.3	4.3	-	0.036	I
I	ARM E	0.38	22.38	0.017	- -	0.0	0.0	0.3	-	0.045	I
I	ARM F	6.36	28.01	0.227	- -	0.0	0.3	4.3	-	0.046	I
I	ARM G	0.85	20.26	0.042	- -	0.0	0.0	0.6	-	0.052	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	11.45-12.00										I
I	ARM A	7.64	29.35	0.260	- -	0.3	0.4	5.2	-	0.046	I
I	ARM B	1.72	24.14	0.071	- -	0.1	0.1	1.1	-	0.045	I
I	ARM C	5.75	28.90	0.199	- -	0.2	0.2	3.7	-	0.043	I
I	ARM D	9.69	35.04	0.277	- -	0.3	0.4	5.6	-	0.039	I
I	ARM E	0.45	21.09	0.021	- -	0.0	0.0	0.3	-	0.048	I
I	ARM F	7.60	27.37	0.278	- -	0.3	0.4	5.7	-	0.051	I
I	ARM G	1.02	19.26	0.053	- -	0.0	0.1	0.8	-	0.055	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	12.00-12.15										I
I	ARM A	9.36	28.40	0.330	- -	0.4	0.5	7.2	-	0.053	I
I	ARM B	2.11	22.65	0.093	- -	0.1	0.1	1.5	-	0.049	I
I	ARM C	7.05	27.63	0.255	- -	0.2	0.3	5.0	-	0.049	I
I	ARM D	11.87	34.05	0.349	- -	0.4	0.5	7.9	-	0.045	I
I	ARM E	0.55	19.30	0.029	- -	0.0	0.0	0.4	-	0.053	I
I	ARM F	9.30	26.48	0.351	- -	0.4	0.5	7.9	-	0.058	I
I	ARM G	1.25	17.88	0.070	- -	0.1	0.1	1.1	-	0.060	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	12.15-12.30										I
I	ARM A	9.36	28.39	0.330	- -	0.5	0.5	7.3	-	0.053	I
I	ARM B	2.11	22.64	0.093	- -	0.1	0.1	1.5	-	0.049	I
I	ARM C	7.05	27.62	0.255	- -	0.3	0.3	5.1	-	0.049	I
I	ARM D	11.87	34.04	0.349	- -	0.5	0.5	8.0	-	0.045	I
I	ARM E	0.55	19.29	0.029	- -	0.0	0.0	0.4	-	0.053	I
I	ARM F	9.30	26.48	0.351	- -	0.5	0.5	8.1	-	0.058	I
I	ARM G	1.25	17.87	0.070	- -	0.1	0.1	1.1	-	0.060	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	12.30-12.45										I
I	ARM A	7.64	29.34	0.260	- -	0.5	0.4	5.4	-	0.046	I
I	ARM B	1.72	24.13	0.071	- -	0.1	0.1	1.2	-	0.045	I
I	ARM C	5.75	28.89	0.199	- -	0.3	0.2	3.8	-	0.043	I
I	ARM D	9.69	35.03	0.277	- -	0.5	0.4	5.8	-	0.040	I
I	ARM E	0.45	21.07	0.021	- -	0.0	0.0	0.3	-	0.048	I
I	ARM F	7.60	27.36	0.278	- -	0.5	0.4	5.9	-	0.051	I
I	ARM G	1.02	19.25	0.053	- -	0.1	0.1	0.9	-	0.055	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I	
I	12.45-13.00										I	
I	ARM A	6.40	30.03	0.213	- -	-	0.4	0.3	4.1	-	0.042	I
I	ARM B	1.44	25.20	0.057	- -	-	0.1	0.1	0.9	-	0.042	I
I	ARM C	4.82	29.80	0.162	- -	-	0.2	0.2	2.9	-	0.040	I
I	ARM D	8.12	35.74	0.227	- -	-	0.4	0.3	4.5	-	0.036	I
I	ARM E	0.38	22.36	0.017	- -	-	0.0	0.0	0.3	-	0.045	I
I	ARM F	6.36	28.00	0.227	- -	-	0.4	0.3	4.5	-	0.046	I
I	ARM G	0.85	20.24	0.042	- -	-	0.1	0.0	0.7	-	0.052	I
I											I	

#### QUEUE AT ARM A

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
11.45	0.3
12.00	0.4
12.15	0.5
12.30	0.5
12.45	0.4
13.00	0.3

#### QUEUE AT ARM B

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
11.45	0.1
12.00	0.1
12.15	0.1
12.30	0.1
12.45	0.1
13.00	0.1

#### QUEUE AT ARM C

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
11.45	0.2
12.00	0.2
12.15	0.3
12.30	0.3
12.45	0.2
13.00	0.2

#### QUEUE AT ARM D

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
11.45	0.3
12.00	0.4
12.15	0.5 *
12.30	0.5 *
12.45	0.4
13.00	0.3



QUEUE AT ARM E

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
11.45	0.0
12.00	0.0
12.15	0.0
12.30	0.0
12.45	0.0
13.00	0.0

QUEUE AT ARM F

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
11.45	0.3
12.00	0.4
12.15	0.5 *
12.30	0.5 *
12.45	0.4
13.00	0.3

QUEUE AT ARM G

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
11.45	0.0
12.00	0.1
12.15	0.1
12.30	0.1
12.45	0.1
13.00	0.0

QUEUEING DELAY INFORMATION OVER WHOLE PERIOD

T75									
ARM	I	TOTAL DEMAND	I	* QUEUEING *	I	* INCLUSIVE QUEUEING *	I		I
	I		I	* DELAY *	I	* DELAY *	I		I
	I	(VEH)	(VEH/H)	(MIN)	(MIN/VEH)	(MIN)	(MIN/VEH)		I
A	I	702.0	I	468.0	I	33.2	I	0.05	I
B	I	158.3	I	105.5	I	7.2	I	0.05	I
C	I	528.5	I	352.4	I	23.4	I	0.04	I
D	I	890.5	I	593.7	I	36.2	I	0.04	I
E	I	41.3	I	27.5	I	2.0	I	0.05	I
F	I	697.8	I	465.2	I	36.4	I	0.05	I
G	I	93.6	I	62.4	I	5.2	I	0.06	I
ALL	I	3112.1	I	2074.7	I	143.6	I	0.05	I

\* DELAY IS THAT OCCURRING ONLY WITHIN THE TIME PERIOD.  
 \* INCLUSIVE DELAY INCLUDES DELAY SUFFERED BY VEHICLES WHICH ARE STILL QUEUEING AFTER THE END OF THE TIME PERIOD.  
 \* THESE WILL ONLY BE SIGNIFICANTLY DIFFERENT IF THERE IS A LARGE QUEUE REMAINING AT THE END OF THE TIME PERIOD.

END OF JOB

===== end of file =====

Printed at 10:18:37 on 09/09/2019]

## A R C A D Y 6

## ASSESSMENT OF ROUNDABOUT CAPACITY AND DELAY

Analysis Program: Release 5.0 (JANUARY 2009)

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THE USER OF THIS COMPUTER PROGRAM FOR THE SOLUTION OF AN ENGINEERING PROBLEM IS  
IN NO WAY RELIEVED OF THEIR RESPONSIBILITY FOR THE CORRECTNESS OF THE SOLUTION

Run with file:-

"u:\SCT\2018\T&T\107420 - Lidl Stanecastle, Irvine\CALCULATIONS\TRAFFIC\ARCADY\  
Lidl, Irvine - Stanecastle Roundabout SAT.vai"  
(drive-on-the-left ) at 10:17:57 on Monday, 9 September 2019

## FILE PROPERTIES

\*\*\*\*\*

RUN TITLE: Lidl, Irvine - Stanecastle Roundabout SAT  
LOCATION: Irvine  
DATE: 20/12/18  
CLIENT: Lidl  
ENUMERATOR: bffleming [GLA0911]  
JOB NUMBER: 107420  
STATUS: Draft 1  
DESCRIPTION: Stanecastle Roundabout - 7-arm

## INPUT DATA

\*\*\*\*\*

ARM A - Long Drive N  
ARM B - Stanecastle Rd  
ARM C - Middleton Rd  
ARM D - Long Drive S  
ARM E - Crompton Way  
ARM F - Manson Rd  
ARM G - Bank St

## GEOMETRIC DATA

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T5																			
I	ARM	I	V (M)	I	E (M)	I	L (M)	I	R (M)	I	D (M)	I	PHI (DEG)	I	SLOPE	I	INTERCEPT (PCU/MIN)	I	
I	ARM	A	I	3.94	I	9.00	I	18.50	I	30.10	I	155.30	I	34.0	I	0.490	I	33.608	I
I	ARM	B	I	3.97	I	8.10	I	14.40	I	16.20	I	159.20	I	28.0	I	0.465	I	30.784	I
I	ARM	C	I	3.53	I	10.56	I	21.70	I	22.10	I	161.50	I	37.0	I	0.493	I	34.565	I
I	ARM	D	I	7.26	I	8.56	I	1.90	I	16.00	I	143.30	I	21.0	I	0.542	I	39.457	I
I	ARM	E	I	3.64	I	7.96	I	14.60	I	12.70	I	149.20	I	27.0	I	0.448	I	29.064	I
I	ARM	F	I	3.64	I	7.91	I	25.60	I	13.40	I	161.50	I	33.0	I	0.463	I	31.322	I
I	ARM	G	I	3.61	I	8.00	I	9.30	I	11.50	I	142.50	I	37.0	I	0.409	I	25.426	I

V = approach half-width  
E = entry width

L = effective flare length  
R = entry radius

D = inscribed circle diameter  
PHI = entry angle

## TRAFFIC DEMAND DATA

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Only sets included in the current run are shown

## SCALING FACTORS

----- T13

I	ARM	I	FLOW SCALE(%)	I
I	A	I	100	I
I	B	I	100	I
I	C	I	100	I
I	D	I	100	I
I	E	I	100	I
I	F	I	100	I
I	G	I	100	I

-----

TIME PERIOD BEGINS(11.30)AND ENDS(13.00)

LENGTH OF TIME PERIOD -( 90) MINUTES

LENGTH OF TIME SEGMENT - (15) MINUTES

DEMAND FLOW PROFILES ARE SYNTHESISED FROM THE TURNING COUNT DATA

DEMAND SET TITLE: 2020 SAT Base + Com + Dev

----- T15

I	ARM	I	NUMBER OF MINUTES FROM START WHEN FLOW STARTS	I	TOP OF PEAK	I	FLOW STOPS	I	RATE OF FLOW (VEH/MIN) BEFORE	I	AT TOP	I	AFTER	I
I		I	TO RISE	I	IS REACHED	I	FALLING	I	PEAK	I	OF PEAK	I	PEAK	I
I	ARM A	I	15.00	I	45.00	I	75.00	I	6.49	I	9.73	I	6.49	I
I	ARM B	I	15.00	I	45.00	I	75.00	I	1.54	I	2.31	I	1.54	I
I	ARM C	I	15.00	I	45.00	I	75.00	I	5.24	I	7.86	I	5.24	I
I	ARM D	I	15.00	I	45.00	I	75.00	I	8.55	I	12.83	I	8.55	I
I	ARM E	I	15.00	I	45.00	I	75.00	I	2.04	I	3.06	I	2.04	I
I	ARM F	I	15.00	I	45.00	I	75.00	I	6.65	I	9.98	I	6.65	I
I	ARM G	I	15.00	I	45.00	I	75.00	I	0.90	I	1.35	I	0.90	I

-----

DEMAND SET TITLE: 2020 SAT Base + Com + Dev

----- T33

I	TIME	I	FROM/TO	I	ARM A	I	ARM B	I	ARM C	I	ARM D	I	ARM E	I	ARM F	I	ARM G	I
I	11.30 - 13.00	I		I		I		I		I		I		I		I		I
I		I	ARM A	I	0.004	I	0.015	I	0.079	I	0.489	I	0.019	I	0.382	I	0.012	I
I		I		I	2.0	I	8.0	I	41.0	I	254.0	I	10.0	I	198.0	I	6.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM B	I	0.000	I	0.008	I	0.065	I	0.195	I	0.065	I	0.667	I	0.000	I
I		I		I	0.0	I	1.0	I	8.0	I	24.0	I	8.0	I	82.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM C	I	0.165	I	0.021	I	0.000	I	0.358	I	0.084	I	0.372	I	0.000	I
I		I		I	69.0	I	9.0	I	0.0	I	150.0	I	35.0	I	156.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM D	I	0.250	I	0.126	I	0.257	I	0.000	I	0.056	I	0.250	I	0.061	I
I		I		I	171.0	I	86.0	I	176.0	I	0.0	I	38.0	I	171.0	I	42.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM E	I	0.098	I	0.074	I	0.245	I	0.252	I	0.000	I	0.307	I	0.025	I
I		I		I	16.0	I	12.0	I	41.0	I	0.0	I	0.0	I	50.0	I	4.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM F	I	0.444	I	0.055	I	0.141	I	0.273	I	0.047	I	0.000	I	0.041	I
I		I		I	236.0	I	29.0	I	75.0	I	145.0	I	25.0	I	0.0	I	22.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM G	I	0.167	I	0.000	I	0.028	I	0.472	I	0.056	I	0.278	I	0.000	I
I		I		I	12.0	I	0.0	I	2.0	I	34.0	I	4.0	I	20.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I

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QUEUE AND DELAY INFORMATION FOR EACH 15 MIN TIME SEGMENT

											T70
I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	11.30-11.45										I
I	ARM A	6.51	29.32	0.222	- -	0.0	0.3	4.2	-	0.044	I
I	ARM B	1.54	24.54	0.063	- -	0.0	0.1	1.0	-	0.043	I
I	ARM C	5.26	29.29	0.179	- -	0.0	0.2	3.2	-	0.042	I
I	ARM D	8.58	35.22	0.244	- -	0.0	0.3	4.7	-	0.037	I
I	ARM E	2.05	22.40	0.091	- -	0.0	0.1	1.5	-	0.049	I
I	ARM F	6.68	27.41	0.244	- -	0.0	0.3	4.7	-	0.048	I
I	ARM G	0.90	19.63	0.046	- -	0.0	0.0	0.7	-	0.053	I
I											I
I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	11.45-12.00										I
I	ARM A	7.78	28.48	0.273	- -	0.3	0.4	5.5	-	0.048	I
I	ARM B	1.84	23.31	0.079	- -	0.1	0.1	1.3	-	0.047	I
I	ARM C	6.28	28.26	0.222	- -	0.2	0.3	4.2	-	0.045	I
I	ARM D	10.25	34.38	0.298	- -	0.3	0.4	6.3	-	0.041	I
I	ARM E	2.44	21.09	0.116	- -	0.1	0.1	1.9	-	0.054	I
I	ARM F	7.97	26.64	0.299	- -	0.3	0.4	6.3	-	0.054	I
I	ARM G	1.08	18.49	0.058	- -	0.0	0.1	0.9	-	0.057	I
I											I
I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	12.00-12.15										I
I	ARM A	9.52	27.33	0.348	- -	0.4	0.5	7.8	-	0.056	I
I	ARM B	2.26	21.64	0.104	- -	0.1	0.1	1.7	-	0.052	I
I	ARM C	7.69	26.84	0.286	- -	0.3	0.4	5.9	-	0.052	I
I	ARM D	12.55	33.25	0.378	- -	0.4	0.6	8.9	-	0.048	I
I	ARM E	2.99	19.30	0.155	- -	0.1	0.2	2.7	-	0.061	I
I	ARM F	9.76	25.59	0.381	- -	0.4	0.6	9.0	-	0.063	I
I	ARM G	1.32	16.94	0.078	- -	0.1	0.1	1.2	-	0.064	I
I											I
I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	12.15-12.30										I
I	ARM A	9.52	27.32	0.349	- -	0.5	0.5	8.0	-	0.056	I
I	ARM B	2.26	21.63	0.104	- -	0.1	0.1	1.7	-	0.052	I
I	ARM C	7.69	26.83	0.287	- -	0.4	0.4	6.0	-	0.052	I
I	ARM D	12.55	33.24	0.378	- -	0.6	0.6	9.1	-	0.048	I
I	ARM E	2.99	19.29	0.155	- -	0.2	0.2	2.7	-	0.061	I
I	ARM F	9.76	25.58	0.382	- -	0.6	0.6	9.2	-	0.063	I
I	ARM G	1.32	16.93	0.078	- -	0.1	0.1	1.3	-	0.064	I
I											I
I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	12.30-12.45										I
I	ARM A	7.78	28.47	0.273	- -	0.5	0.4	5.8	-	0.048	I
I	ARM B	1.84	23.30	0.079	- -	0.1	0.1	1.3	-	0.047	I
I	ARM C	6.28	28.24	0.222	- -	0.4	0.3	4.4	-	0.046	I
I	ARM D	10.25	34.37	0.298	- -	0.6	0.4	6.5	-	0.041	I
I	ARM E	2.44	21.07	0.116	- -	0.2	0.1	2.0	-	0.054	I
I	ARM F	7.97	26.63	0.299	- -	0.6	0.4	6.6	-	0.054	I
I	ARM G	1.08	18.48	0.058	- -	0.1	0.1	0.9	-	0.057	I
I											I

I	TIME	DEMAND	CAPACITY	DEMAND/	PEDESTRIAN	START	END	DELAY	GEOMETRIC DELAY	AVERAGE DELAY	I
I		(VEH/MIN)	(VEH/MIN)	CAPACITY	FLOW	QUEUE	QUEUE	(VEH.MIN/	(VEH.MIN/	PER ARRIVING	I
I				(RFC)	(PEDS/MIN)	(VEHS)	(VEHS)	TIME SEGMENT)	TIME SEGMENT)	VEHICLE (MIN)	I
-											-
I	12.45-13.00										I
I	ARM A	6.51	29.31	0.222	- -	-	0.4	0.3	4.4	0.044	I
I	ARM B	1.54	24.52	0.063	- -	-	0.1	0.1	1.0	0.044	I
I	ARM C	5.26	29.27	0.180	- -	-	0.3	0.2	3.3	0.042	I
I	ARM D	8.58	35.20	0.244	- -	-	0.4	0.3	4.9	0.038	I
I	ARM E	2.05	22.37	0.091	- -	-	0.1	0.1	1.5	0.049	I
I	ARM F	6.68	27.40	0.244	- -	-	0.4	0.3	4.9	0.048	I
I	ARM G	0.90	19.61	0.046	- -	-	0.1	0.0	0.7	0.053	I
I											I

# QUEUE AT ARM A

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
11.45	0.3
12.00	0.4
12.15	0.5 *
12.30	0.5 *
12.45	0.4
13.00	0.3

# QUEUE AT ARM B

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
11.45	0.1
12.00	0.1
12.15	0.1
12.30	0.1
12.45	0.1
13.00	0.1

# QUEUE AT ARM C

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
11.45	0.2
12.00	0.3
12.15	0.4
12.30	0.4
12.45	0.3
13.00	0.2

# QUEUE AT ARM D

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
11.45	0.3
12.00	0.4
12.15	0.6 *
12.30	0.6 *
12.45	0.4
13.00	0.3



QUEUE AT ARM E

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
11.45	0.1
12.00	0.1
12.15	0.2
12.30	0.2
12.45	0.1
13.00	0.1

QUEUE AT ARM F

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
11.45	0.3
12.00	0.4
12.15	0.6 *
12.30	0.6 *
12.45	0.4
13.00	0.3

QUEUE AT ARM G

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
11.45	0.0
12.00	0.1
12.15	0.1
12.30	0.1
12.45	0.1
13.00	0.0

QUEUEING DELAY INFORMATION OVER WHOLE PERIOD

										T75
I	ARM	I	TOTAL DEMAND	I	* QUEUEING *	I	* INCLUSIVE QUEUEING *	I		
I		I		I	* DELAY *	I	* DELAY *	I		
I		I		I		I		I		
I		I	(VEH)	I	(MIN)	I	(MIN)	I	(MIN/VEH)	I
I	A	I	714.4	I	476.2	I	35.7	I	0.05	I
I	B	I	169.3	I	112.9	I	8.1	I	0.05	I
I	C	I	576.7	I	384.5	I	27.0	I	0.05	I
I	D	I	941.5	I	627.7	I	40.4	I	0.04	I
I	E	I	224.4	I	149.6	I	12.4	I	0.06	I
I	F	I	732.3	I	488.2	I	40.7	I	0.06	I
I	G	I	99.1	I	66.1	I	5.8	I	0.06	I
I	ALL	I	3457.6	I	2305.1	I	170.0	I	0.05	I

\* DELAY IS THAT OCCURRING ONLY WITHIN THE TIME PERIOD.  
 \* INCLUSIVE DELAY INCLUDES DELAY SUFFERED BY VEHICLES WHICH ARE STILL QUEUEING AFTER THE END OF THE TIME PERIOD.  
 \* THESE WILL ONLY BE SIGNIFICANTLY DIFFERENT IF THERE IS A LARGE QUEUE REMAINING AT THE END OF THE TIME PERIOD.

END OF JOB

===== end of file =====

ARCADY 6

ASSESSMENT OF ROUNDABOUT CAPACITY AND DELAY

Analysis Program: Release 5.0 (JANUARY 2009)

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THE USER OF THIS COMPUTER PROGRAM FOR THE SOLUTION OF AN ENGINEERING PROBLEM IS  
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Run with file:-  
"u:\SCT\2018\T&T\107420 - Lidl Stanecastle, Irvine\CALCULATIONS\TRAFFIC\ARCADY\  
Lidl, Irvine - Stanecastle Roundabout WD PM.vai"  
(drive-on-the-left ) at 09:52:24 on Monday, 9 September 2019

FILE PROPERTIES  
\*\*\*\*\*

RUN TITLE: Lidl, Irvine - Stanecastle Roundabout WD PM  
LOCATION: Irvine  
DATE: 20/12/18  
CLIENT: Lidl  
ENUMERATOR: bffleming [GLA0911]  
JOB NUMBER: 107420  
STATUS: Draft 1  
DESCRIPTION: Stanecastle Roundabout - 7-arm

INPUT DATA  
\*\*\*\*\*  
ARM A - Long Drive N  
ARM B - Stanecastle Rd  
ARM C - Middleton Rd  
ARM D - Long Drive S  
ARM E - Crompton Way  
ARM F - Manson Rd  
ARM G - Bank St

GEOMETRIC DATA  
-----

T5																			
I	ARM	I	V (M)	I	E (M)	I	L (M)	I	R (M)	I	D (M)	I	PHI (DEG)	I	SLOPE	I	INTERCEPT (PCU/MIN)	I	
I	ARM	A	I	3.94	I	9.00	I	18.50	I	30.10	I	155.30	I	34.0	I	0.490	I	33.608	I
I	ARM	B	I	3.97	I	8.10	I	14.40	I	16.20	I	159.20	I	28.0	I	0.465	I	30.784	I
I	ARM	C	I	3.53	I	10.56	I	21.70	I	22.10	I	161.50	I	37.0	I	0.493	I	34.565	I
I	ARM	D	I	7.26	I	8.56	I	1.90	I	16.00	I	143.30	I	21.0	I	0.542	I	39.457	I
I	ARM	E	I	3.64	I	7.96	I	14.60	I	12.70	I	149.20	I	27.0	I	0.448	I	29.064	I
I	ARM	F	I	3.64	I	7.91	I	25.60	I	13.40	I	161.50	I	33.0	I	0.463	I	31.322	I
I	ARM	G	I	3.61	I	8.00	I	9.30	I	11.50	I	142.50	I	37.0	I	0.409	I	25.426	I

V = approach half-width L = effective flare length D = inscribed circle diameter  
E = entry width R = entry radius PHI = entry angle

TRAFFIC DEMAND DATA  
-----

Only sets included in the current run are shown

SCALING FACTORS

----- T13

I	ARM	I	FLOW SCALE(%)	I
I	A	I	100	I
I	B	I	100	I
I	C	I	100	I
I	D	I	100	I
I	E	I	100	I
I	F	I	100	I
I	G	I	100	I

-----

TIME PERIOD BEGINS(16.15)AND ENDS(17.45)

LENGTH OF TIME PERIOD -( 90) MINUTES

LENGTH OF TIME SEGMENT - (15) MINUTES

DEMAND FLOW PROFILES ARE SYNTHESISED FROM THE TURNING COUNT DATA

DEMAND SET TITLE: 2020 Base + Com

----- T15

I	ARM	I	NUMBER OF MINUTES FROM START WHEN FLOW STARTS	I	TOP OF PEAK	I	FLOW STOPS	I	RATE OF FLOW (VEH/MIN) BEFORE	I	AT TOP	I	AFTER	I
I		I	TO RISE	I	IS REACHED	I	FALLING	I	PEAK	I	OF PEAK	I	PEAK	I
I	ARM A	I	15.00	I	45.00	I	75.00	I	8.96	I	13.44	I	8.96	I
I	ARM B	I	15.00	I	45.00	I	75.00	I	1.50	I	2.25	I	1.50	I
I	ARM C	I	15.00	I	45.00	I	75.00	I	4.70	I	7.05	I	4.70	I
I	ARM D	I	15.00	I	45.00	I	75.00	I	14.21	I	21.32	I	14.21	I
I	ARM E	I	15.00	I	45.00	I	75.00	I	0.94	I	1.41	I	0.94	I
I	ARM F	I	15.00	I	45.00	I	75.00	I	10.75	I	16.13	I	10.75	I
I	ARM G	I	15.00	I	45.00	I	75.00	I	0.89	I	1.33	I	0.89	I

-----

DEMAND SET TITLE: 2020 Base + Com

-----																	T33	
I		I	TURNING PROPORTIONS													I		
I		I	TURNING COUNTS													I		
I		I	(PERCENTAGE OF H.V.S)													I		
I		I	-----															
I	TIME	I	FROM/TO	I	ARM A	I	ARM B	I	ARM C	I	ARM D	I	ARM E	I	ARM F	I	ARM G	I
-----																		
I	16.15 - 17.45	I		I		I		I		I		I		I		I		I
I		I	ARM A	I	0.003	I	0.006	I	0.077	I	0.442	I	0.063	I	0.407	I	0.003	I
I		I		I	2.0	I	4.0	I	55.0	I	317.0	I	45.0	I	292.0	I	2.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
I		I	ARM B	I	0.042	I	0.000	I	0.067	I	0.442	I	0.033	I	0.417	I	0.000	I
I		I		I	5.0	I	0.0	I	8.0	I	53.0	I	4.0	I	50.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
I		I	ARM C	I	0.184	I	0.074	I	0.000	I	0.375	I	0.005	I	0.362	I	0.000	I
I		I		I	69.0	I	28.0	I	0.0	I	141.0	I	2.0	I	136.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
I		I	ARM D	I	0.344	I	0.089	I	0.247	I	0.000	I	0.007	I	0.257	I	0.056	I
I		I		I	391.0	I	101.0	I	281.0	I	0.0	I	8.0	I	292.0	I	64.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
I		I	ARM E	I	0.267	I	0.120	I	0.080	I	0.227	I	0.000	I	0.293	I	0.013	I
I		I		I	20.0	I	9.0	I	6.0	I	17.0	I	0.0	I	22.0	I	1.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
I		I	ARM F	I	0.465	I	0.040	I	0.216	I	0.228	I	0.017	I	0.000	I	0.034	I
I		I		I	400.0	I	34.0	I	186.0	I	196.0	I	15.0	I	0.0	I	29.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
I		I	ARM G	I	0.296	I	0.056	I	0.183	I	0.282	I	0.000	I	0.183	I	0.000	I
I		I		I	21.0	I	4.0	I	13.0	I	20.0	I	0.0	I	13.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
-----																		

QUEUE AND DELAY INFORMATION FOR EACH 15 MIN TIME SEGMENT

											T70
I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	16.15-16.30										I
I	ARM A	9.00	27.95	0.322	- -	0.0	0.5	6.9	-	0.053	I
I	ARM B	1.51	22.30	0.068	- -	0.0	0.1	1.1	-	0.048	I
I	ARM C	4.72	28.21	0.167	- -	0.0	0.2	3.0	-	0.043	I
I	ARM D	14.27	34.96	0.408	- -	0.0	0.7	10.1	-	0.048	I
I	ARM E	0.94	19.39	0.049	- -	0.0	0.1	0.7	-	0.054	I
I	ARM F	10.79	25.55	0.422	- -	0.0	0.7	10.6	-	0.067	I
I	ARM G	0.89	16.43	0.054	- -	0.0	0.1	0.8	-	0.064	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	16.30-16.45										I
I	ARM A	10.74	26.84	0.400	- -	0.5	0.7	9.8	-	0.062	I
I	ARM B	1.80	20.62	0.087	- -	0.1	0.1	1.4	-	0.053	I
I	ARM C	5.63	26.95	0.209	- -	0.2	0.3	3.9	-	0.047	I
I	ARM D	17.04	34.08	0.500	- -	0.7	1.0	14.6	-	0.059	I
I	ARM E	1.12	17.49	0.064	- -	0.1	0.1	1.0	-	0.061	I
I	ARM F	12.89	24.42	0.528	- -	0.7	1.1	16.1	-	0.086	I
I	ARM G	1.06	14.66	0.073	- -	0.1	0.1	1.1	-	0.074	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	16.45-17.00										I
I	ARM A	13.16	25.34	0.519	- -	0.7	1.1	15.6	-	0.082	I
I	ARM B	2.20	18.36	0.120	- -	0.1	0.1	2.0	-	0.062	I
I	ARM C	6.90	25.25	0.273	- -	0.3	0.4	5.5	-	0.054	I
I	ARM D	20.86	32.87	0.635	- -	1.0	1.7	24.7	-	0.083	I
I	ARM E	1.38	14.90	0.092	- -	0.1	0.1	1.5	-	0.074	I
I	ARM F	15.78	22.87	0.690	- -	1.1	2.2	30.6	-	0.138	I
I	ARM G	1.30	12.27	0.106	- -	0.1	0.1	1.7	-	0.091	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	17.00-17.15										I
I	ARM A	13.16	25.31	0.520	- -	1.1	1.1	16.1	-	0.082	I
I	ARM B	2.20	18.32	0.120	- -	0.1	0.1	2.0	-	0.062	I
I	ARM C	6.90	25.23	0.273	- -	0.4	0.4	5.6	-	0.055	I
I	ARM D	20.86	32.86	0.635	- -	1.7	1.7	25.8	-	0.083	I
I	ARM E	1.38	14.87	0.093	- -	0.1	0.1	1.5	-	0.074	I
I	ARM F	15.78	22.86	0.690	- -	2.2	2.2	32.8	-	0.141	I
I	ARM G	1.30	12.22	0.107	- -	0.1	0.1	1.8	-	0.092	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	17.15-17.30										I
I	ARM A	10.74	26.80	0.401	- -	1.1	0.7	10.3	-	0.063	I
I	ARM B	1.80	20.58	0.087	- -	0.1	0.1	1.5	-	0.053	I
I	ARM C	5.63	26.92	0.209	- -	0.4	0.3	4.0	-	0.047	I
I	ARM D	17.04	34.06	0.500	- -	1.7	1.0	15.5	-	0.059	I
I	ARM E	1.12	17.45	0.064	- -	0.1	0.1	1.1	-	0.061	I
I	ARM F	12.89	24.39	0.528	- -	2.2	1.1	17.7	-	0.088	I
I	ARM G	1.06	14.60	0.073	- -	0.1	0.1	1.2	-	0.074	I
I											I

I	TIME	DEMAND	CAPACITY	DEMAND/	PEDESTRIAN	START	END	DELAY	GEOMETRIC DELAY	AVERAGE DELAY	I
I		(VEH/MIN)	(VEH/MIN)	CAPACITY	FLOW	QUEUE	QUEUE	(VEH.MIN/	(VEH.MIN/	PER ARRIVING	I
I				(RFC)	(PEDS/MIN)	(VEHS)	(VEHS)	TIME SEGMENT)	TIME SEGMENT)	VEHICLE (MIN)	I
-											-
I	17.30-17.45										I
I	ARM A	9.00	27.92	0.322	- -	-	0.7	0.5	7.3	0.053	I
I	ARM B	1.51	22.25	0.068	- -	-	0.1	0.1	1.1	0.048	I
I	ARM C	4.72	28.17	0.167	- -	-	0.3	0.2	3.1	0.043	I
I	ARM D	14.27	34.94	0.408	- -	-	1.0	0.7	10.6	0.048	I
I	ARM E	0.94	19.35	0.049	- -	-	0.1	0.1	0.8	0.054	I
I	ARM F	10.79	25.52	0.423	- -	-	1.1	0.7	11.3	0.068	I
I	ARM G	0.89	16.38	0.054	- -	-	0.1	0.1	0.9	0.065	I
I											I

# QUEUE AT ARM A

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
16.30	0.5
16.45	0.7 *
17.00	1.1 *
17.15	1.1 *
17.30	0.7 *
17.45	0.5

# QUEUE AT ARM B

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
16.30	0.1
16.45	0.1
17.00	0.1
17.15	0.1
17.30	0.1
17.45	0.1

# QUEUE AT ARM C

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
16.30	0.2
16.45	0.3
17.00	0.4
17.15	0.4
17.30	0.3
17.45	0.2

# QUEUE AT ARM D

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
16.30	0.7 *
16.45	1.0 *
17.00	1.7 **
17.15	1.7 **
17.30	1.0 *
17.45	0.7 *



QUEUE AT ARM E

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
16.30	0.1
16.45	0.1
17.00	0.1
17.15	0.1
17.30	0.1
17.45	0.1

QUEUE AT ARM F

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
16.30	0.7 *
16.45	1.1 *
17.00	2.2 **
17.15	2.2 **
17.30	1.1 *
17.45	0.7 *

QUEUE AT ARM G

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
16.30	0.1
16.45	0.1
17.00	0.1
17.15	0.1
17.30	0.1
17.45	0.1

QUEUEING DELAY INFORMATION OVER WHOLE PERIOD

T75									
ARM	I	TOTAL DEMAND	I	* QUEUEING *	I	* INCLUSIVE QUEUEING *	I		I
	I		I	* DELAY *	I	* DELAY *	I		I
	I	(VEH)	(VEH/H)	(MIN)	(MIN/VEH)	(MIN)	(MIN/VEH)		I
A	I	986.9	I 657.9	I 66.0	I 0.07	I 66.0	I 0.07		I
B	I	165.2	I 110.1	I 9.1	I 0.06	I 9.1	I 0.06		I
C	I	517.5	I 345.0	I 25.1	I 0.05	I 25.1	I 0.05		I
D	I	1565.0	I 1043.3	I 101.3	I 0.06	I 101.3	I 0.06		I
E	I	103.2	I 68.8	I 6.6	I 0.06	I 6.6	I 0.06		I
F	I	1183.7	I 789.2	I 118.9	I 0.10	I 119.0	I 0.10		I
G	I	97.7	I 65.2	I 7.6	I 0.08	I 7.6	I 0.08		I
ALL	I	4619.3	I 3079.5	I 334.6	I 0.07	I 334.6	I 0.07		I

\* DELAY IS THAT OCCURRING ONLY WITHIN THE TIME PERIOD.  
 \* INCLUSIVE DELAY INCLUDES DELAY SUFFERED BY VEHICLES WHICH ARE STILL QUEUEING AFTER THE END OF THE TIME PERIOD.  
 \* THESE WILL ONLY BE SIGNIFICANTLY DIFFERENT IF THERE IS A LARGE QUEUE REMAINING AT THE END OF THE TIME PERIOD.

END OF JOB

===== end of file =====

Printed at 09:53:04 on 09/09/2019]

## A R C A D Y 6

## ASSESSMENT OF ROUNDABOUT CAPACITY AND DELAY

Analysis Program: Release 5.0 (JANUARY 2009)

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Run with file:-

"u:\SCT\2018\T&T\107420 - Lidl Stanecastle, Irvine\CALCULATIONS\TRAFFIC\ARCADY\  
Lidl, Irvine - Stanecastle Roundabout WD PM.vai"  
(drive-on-the-left ) at 09:53:45 on Monday, 9 September 2019

## FILE PROPERTIES

\*\*\*\*\*

RUN TITLE: Lidl, Irvine - Stanecastle Roundabout WD PM  
LOCATION: Irvine  
DATE: 20/12/18  
CLIENT: Lidl  
ENUMERATOR: bffleming [GLA0911]  
JOB NUMBER: 107420  
STATUS: Draft 1  
DESCRIPTION: Stanecastle Roundabout - 7-arm

## INPUT DATA

\*\*\*\*\*

ARM A - Long Drive N  
ARM B - Stanecastle Rd  
ARM C - Middleton Rd  
ARM D - Long Drive S  
ARM E - Crompton Way  
ARM F - Manson Rd  
ARM G - Bank St

## GEOMETRIC DATA

-----

T5																			
I	ARM	I	V (M)	I	E (M)	I	L (M)	I	R (M)	I	D (M)	I	PHI (DEG)	I	SLOPE	I	INTERCEPT (PCU/MIN)	I	
I	ARM	A	I	3.94	I	9.00	I	18.50	I	30.10	I	155.30	I	34.0	I	0.490	I	33.608	I
I	ARM	B	I	3.97	I	8.10	I	14.40	I	16.20	I	159.20	I	28.0	I	0.465	I	30.784	I
I	ARM	C	I	3.53	I	10.56	I	21.70	I	22.10	I	161.50	I	37.0	I	0.493	I	34.565	I
I	ARM	D	I	7.26	I	8.56	I	1.90	I	16.00	I	143.30	I	21.0	I	0.542	I	39.457	I
I	ARM	E	I	3.64	I	7.96	I	14.60	I	12.70	I	149.20	I	27.0	I	0.448	I	29.064	I
I	ARM	F	I	3.64	I	7.91	I	25.60	I	13.40	I	161.50	I	33.0	I	0.463	I	31.322	I
I	ARM	G	I	3.61	I	8.00	I	9.30	I	11.50	I	142.50	I	37.0	I	0.409	I	25.426	I

V = approach half-width  
E = entry width

L = effective flare length  
R = entry radius

D = inscribed circle diameter  
PHI = entry angle

## TRAFFIC DEMAND DATA

-----

Only sets included in the current run are shown

## SCALING FACTORS

----- T13

I	ARM	I	FLOW SCALE(%)	I
I	A	I	100	I
I	B	I	100	I
I	C	I	100	I
I	D	I	100	I
I	E	I	100	I
I	F	I	100	I
I	G	I	100	I

-----

TIME PERIOD BEGINS(16.15)AND ENDS(17.45)

LENGTH OF TIME PERIOD -( 90) MINUTES

LENGTH OF TIME SEGMENT - (15) MINUTES

DEMAND FLOW PROFILES ARE SYNTHESISED FROM THE TURNING COUNT DATA

DEMAND SET TITLE: 2020 PM Base + Com + Dev

----- T15

I	ARM	I	NUMBER OF MINUTES FROM START WHEN FLOW STARTS	I	TOP OF PEAK	I	FLOW STOPS	I	BEFORE	I	AT TOP	I	AFTER	I
I		I	TO RISE	I	IS REACHED	I	FALLING	I	PEAK	I	OF PEAK	I	PEAK	I
I	ARM A	I	15.00	I	45.00	I	75.00	I	9.04	I	13.56	I	9.04	I
I	ARM B	I	15.00	I	45.00	I	75.00	I	1.56	I	2.34	I	1.56	I
I	ARM C	I	15.00	I	45.00	I	75.00	I	4.97	I	7.46	I	4.97	I
I	ARM D	I	15.00	I	45.00	I	75.00	I	14.50	I	21.75	I	14.50	I
I	ARM E	I	15.00	I	45.00	I	75.00	I	1.95	I	2.93	I	1.95	I
I	ARM F	I	15.00	I	45.00	I	75.00	I	10.95	I	16.42	I	10.95	I
I	ARM G	I	15.00	I	45.00	I	75.00	I	0.91	I	1.37	I	0.91	I

-----

DEMAND SET TITLE: 2020 PM Base + Com + Dev

----- T33

I	TIME	I	FROM/TO	I	ARM A	I	ARM B	I	ARM C	I	ARM D	I	ARM E	I	ARM F	I	ARM G	I
I	16.15 - 17.45	I		I		I		I		I		I		I		I		I
I		I	ARM A	I	0.003	I	0.006	I	0.076	I	0.438	I	0.071	I	0.404	I	0.003	I
I		I		I	2.0	I	4.0	I	55.0	I	317.0	I	51.0	I	292.0	I	2.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM B	I	0.040	I	0.000	I	0.064	I	0.424	I	0.072	I	0.400	I	0.000	I
I		I		I	5.0	I	0.0	I	8.0	I	53.0	I	9.0	I	50.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM C	I	0.173	I	0.070	I	0.000	I	0.354	I	0.060	I	0.342	I	0.000	I
I		I		I	69.0	I	28.0	I	0.0	I	141.0	I	24.0	I	136.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM D	I	0.337	I	0.087	I	0.242	I	0.000	I	0.027	I	0.252	I	0.055	I
I		I		I	391.0	I	101.0	I	281.0	I	0.0	I	31.0	I	292.0	I	64.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM E	I	0.173	I	0.096	I	0.192	I	0.269	I	0.000	I	0.250	I	0.019	I
I		I		I	27.0	I	15.0	I	30.0	I	42.0	I	0.0	I	39.0	I	3.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM F	I	0.457	I	0.039	I	0.212	I	0.224	I	0.035	I	0.000	I	0.033	I
I		I		I	400.0	I	34.0	I	186.0	I	196.0	I	31.0	I	0.0	I	29.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I	ARM G	I	0.288	I	0.055	I	0.178	I	0.274	I	0.027	I	0.178	I	0.000	I
I		I		I	21.0	I	4.0	I	13.0	I	20.0	I	2.0	I	13.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I

-----

QUEUE AND DELAY INFORMATION FOR EACH 15 MIN TIME SEGMENT

											T70
I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	16.15-16.30										I
I	ARM A	9.07	27.51	0.330	- -	0.0	0.5	7.2	-	0.054	I
I	ARM B	1.57	21.87	0.072	- -	0.0	0.1	1.1	-	0.049	I
I	ARM C	4.99	27.87	0.179	- -	0.0	0.2	3.2	-	0.044	I
I	ARM D	14.56	34.62	0.420	- -	0.0	0.7	10.6	-	0.050	I
I	ARM E	1.96	19.39	0.101	- -	0.0	0.1	1.6	-	0.057	I
I	ARM F	10.99	25.18	0.437	- -	0.0	0.8	11.2	-	0.070	I
I	ARM G	0.92	16.03	0.057	- -	0.0	0.1	0.9	-	0.066	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	16.30-16.45										I
I	ARM A	10.83	26.31	0.412	- -	0.5	0.7	10.2	-	0.065	I
I	ARM B	1.87	20.12	0.093	- -	0.1	0.1	1.5	-	0.055	I
I	ARM C	5.96	26.56	0.225	- -	0.2	0.3	4.3	-	0.049	I
I	ARM D	17.38	33.66	0.516	- -	0.7	1.1	15.5	-	0.061	I
I	ARM E	2.34	17.49	0.134	- -	0.1	0.2	2.3	-	0.066	I
I	ARM F	13.13	23.97	0.547	- -	0.8	1.2	17.3	-	0.092	I
I	ARM G	1.09	14.19	0.077	- -	0.1	0.1	1.2	-	0.076	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	16.45-17.00										I
I	ARM A	13.27	24.69	0.537	- -	0.7	1.1	16.7	-	0.087	I
I	ARM B	2.29	17.74	0.129	- -	0.1	0.1	2.2	-	0.065	I
I	ARM C	7.30	24.77	0.295	- -	0.3	0.4	6.1	-	0.057	I
I	ARM D	21.29	32.37	0.658	- -	1.1	1.9	27.2	-	0.089	I
I	ARM E	2.86	14.91	0.192	- -	0.2	0.2	3.5	-	0.083	I
I	ARM F	16.07	22.33	0.720	- -	1.2	2.5	34.7	-	0.156	I
I	ARM G	1.34	11.69	0.115	- -	0.1	0.1	1.9	-	0.097	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	17.00-17.15										I
I	ARM A	13.27	24.65	0.538	- -	1.1	1.2	17.3	-	0.088	I
I	ARM B	2.29	17.70	0.130	- -	0.1	0.1	2.2	-	0.065	I
I	ARM C	7.30	24.74	0.295	- -	0.4	0.4	6.3	-	0.057	I
I	ARM D	21.29	32.35	0.658	- -	1.9	1.9	28.5	-	0.090	I
I	ARM E	2.86	14.87	0.192	- -	0.2	0.2	3.6	-	0.083	I
I	ARM F	16.07	22.31	0.720	- -	2.5	2.5	37.6	-	0.160	I
I	ARM G	1.34	11.64	0.115	- -	0.1	0.1	1.9	-	0.097	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	17.15-17.30										I
I	ARM A	10.83	26.26	0.412	- -	1.2	0.7	10.9	-	0.065	I
I	ARM B	1.87	20.06	0.093	- -	0.1	0.1	1.6	-	0.055	I
I	ARM C	5.96	26.52	0.225	- -	0.4	0.3	4.4	-	0.049	I
I	ARM D	17.38	33.64	0.517	- -	1.9	1.1	16.6	-	0.062	I
I	ARM E	2.34	17.45	0.134	- -	0.2	0.2	2.4	-	0.066	I
I	ARM F	13.13	23.94	0.548	- -	2.5	1.2	19.2	-	0.094	I
I	ARM G	1.09	14.12	0.077	- -	0.1	0.1	1.3	-	0.077	I
I											I

I	TIME	DEMAND	CAPACITY	DEMAND/	PEDESTRIAN	START	END	DELAY	GEOMETRIC DELAY	AVERAGE DELAY	I
I		(VEH/MIN)	(VEH/MIN)	CAPACITY	FLOW	QUEUE	QUEUE	(VEH.MIN/	(VEH.MIN/	PER ARRIVING	I
I				(RFC)	(PEDS/MIN)	(VEHS)	(VEHS)	TIME SEGMENT)	TIME SEGMENT)	VEHICLE (MIN)	I
-											-
I	17.30-17.45										I
I	ARM A	9.07	27.47	0.330	- -	-	0.7	0.5	7.6	0.054	I
I	ARM B	1.57	21.82	0.072	- -	-	0.1	0.1	1.2	0.049	I
I	ARM C	4.99	27.84	0.179	- -	-	0.3	0.2	3.3	0.044	I
I	ARM D	14.56	34.59	0.421	- -	-	1.1	0.7	11.2	0.050	I
I	ARM E	1.96	19.35	0.101	- -	-	0.2	0.1	1.7	0.058	I
I	ARM F	10.99	25.15	0.437	- -	-	1.2	0.8	12.1	0.071	I
I	ARM G	0.92	15.98	0.057	- -	-	0.1	0.1	0.9	0.066	I
I											I

QUEUE AT ARM A

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
16.30	0.5
16.45	0.7 *
17.00	1.1 *
17.15	1.2 *
17.30	0.7 *
17.45	0.5

QUEUE AT ARM B

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
16.30	0.1
16.45	0.1
17.00	0.1
17.15	0.1
17.30	0.1
17.45	0.1

QUEUE AT ARM C

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
16.30	0.2
16.45	0.3
17.00	0.4
17.15	0.4
17.30	0.3
17.45	0.2

QUEUE AT ARM D

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
16.30	0.7 *
16.45	1.1 *
17.00	1.9 **
17.15	1.9 **
17.30	1.1 *
17.45	0.7 *



QUEUE AT ARM E

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
16.30	0.1
16.45	0.2
17.00	0.2
17.15	0.2
17.30	0.2
17.45	0.1

QUEUE AT ARM F

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
16.30	0.8 *
16.45	1.2 *
17.00	2.5 **
17.15	2.5 ***
17.30	1.2 *
17.45	0.8 *

QUEUE AT ARM G

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
16.30	0.1
16.45	0.1
17.00	0.1
17.15	0.1
17.30	0.1
17.45	0.1

QUEUEING DELAY INFORMATION OVER WHOLE PERIOD

T75									
ARM	I	TOTAL DEMAND	I	* QUEUEING *	I	* INCLUSIVE QUEUEING *	I		I
	I		I	* DELAY *	I	* DELAY *	I		I
	I	(VEH)	(VEH/H)	(MIN)	(MIN/VEH)	(MIN)	(MIN/VEH)		I
A	I	995.2	I 663.4	I 69.8	I 0.07	I 69.8	I 0.07		I
B	I	172.1	I 114.7	I 9.8	I 0.06	I 9.8	I 0.06		I
C	I	547.8	I 365.2	I 27.6	I 0.05	I 27.6	I 0.05		I
D	I	1596.7	I 1064.4	I 109.6	I 0.07	I 109.6	I 0.07		I
E	I	214.7	I 143.1	I 15.0	I 0.07	I 15.0	I 0.07		I
F	I	1205.7	I 803.8	I 132.1	I 0.11	I 132.1	I 0.11		I
G	I	100.5	I 67.0	I 8.2	I 0.08	I 8.2	I 0.08		I
ALL	I	4832.6	I 3221.8	I 372.1	I 0.08	I 372.2	I 0.08		I

\* DELAY IS THAT OCCURRING ONLY WITHIN THE TIME PERIOD.  
 \* INCLUSIVE DELAY INCLUDES DELAY SUFFERED BY VEHICLES WHICH ARE STILL QUEUEING AFTER THE END OF THE TIME PERIOD.  
 \* THESE WILL ONLY BE SIGNIFICANTLY DIFFERENT IF THERE IS A LARGE QUEUE REMAINING AT THE END OF THE TIME PERIOD.

END OF JOB

===== end of file =====

Printed at 09:53:52 on 09/09/2019]

## APPENDIX G

### NAC Briefing Note & SYSTRA Response

Project: Planning application 19/00050

Made By: Scott Jaap/David Hilditch

Purpose: Response to planning application received 19/02/19

Date: 08/03/19

No.	Item
	<p><b><u>Introduction</u></b></p> <p>Active Travel and Transport have reviewed the Transportation Assessment (TA) and require further information as detailed below. Following this information a further assessment of the proposals may result in additional clarification required.</p>
1	Paragraph 3.2.7 states that TAG suggests that a journey times of up to 20 to 30 mins are considered appropriate for walking. Is this figure relevant for a shopping facility where carrying of goods is required?
2	Paragraph 3.3.1 indicates that there are no designated on-road cycling provision and that NCR 73 is the nearest national cycle route. Furthermore paragraph 3.3.3 states that core paths are able to be used by cyclists. However no assessment of the suitability of the routes has been carried out and no indication provided as to how cyclists will gain access to NCR 73 or the town centre.
3	Paragraph 3.3.4 states that TAG suggests that a journey times of up to 30 to 40 mins are considered appropriate for cycling. Is this figure relevant for a shopping facility where carrying of goods is required?
4	<p>Paragraph 3.6 provides an accessible summary as follows. Comments are provided in red</p> <ul style="list-style-type: none"> <li>• The site is served by an extensive network of footways and footpaths which link to the neighbouring residential areas and public transport services; <b>We would consider the links to be circuitous with few direct links</b></li> <li>• There are NAC Core Paths routeing to the north of the site, suitable for pedestrians and cyclists; <b>No direct access has been suggested and no assessment carried out</b></li> <li>• The location of the site benefits from a large cycling catchment which includes all of Irvine within an approximate 20 minute cycle; <b>As above</b></li> <li>• There are two predominantly off-road cycle routes running to the east and south of the site respectively, accessible from the site within a short cycling distance; and <b>As above</b></li> <li>• There are bus stops well within a 400m walking distance of the site which provide connections to many residential areas within Irvine.</li> </ul>
5	Paragraph 4.2.3 states that the site is in town centre. We would suggest that this is not the case which may affect trip assessments. The email of 06/12/19 – responding to the scoping study - asked that the assessment explores the trips and that the trips by vehicles may be higher given the remote location.
6	We would suggest that the trip mode split in Table 3 is not typical for the semi remote site proposed.
7	In order to assess the information contained within Paragraph 4.5.3 we would appreciate a table showing the population catchment for each leg of Stanecastle Roundabout. This will inform the concerns over trip distribution highlighted below.

No.	Item
8	Paragraph 5.3.2 states the cycle parking provision for the National Roads Development Guide. Within NAC we use the recommended 10% of peak staff and visitor capacity to obtain cycle parking provision. An analysis of the peak capacity should be provided.
9	With regards Section 5.6 we indicated on the 21/01/19 that the NAC Roads Development Guide are minimum standards. Paragraph 5.6.4 state that the levels are within the maximum standards in the National Roads Development Guide (NRDG). The NRDG is a guidance document that does not include NAC variations therefore the relevant standards within North Ayrshire are the NAC Roads Development Guide. On the 21/01/19 we indicated that we have previously relaxed the parking standards for this type of store however it is generally because they are in town centre locations. The proposed store is remote from the town centre and hence may encourage more car use. However we may in this circumstance consider a reduced parking level of 7 spaces per 100sq.m. of GFA (160 spaces) if improvements are made to the network that supports alternative means of transport. No improvements have been proposed.
10	Table 5 provides a summary of the Arcady analysis. In general a RFC of 0.85 means the junction is at practical capacity however as a value exceeds 0.7 and approaches 0.85 concern over the operation of the roundabout grows. The table indicates that an RFC of 0.663 and 0.727 is expected (an increase from the existing) which would suggest that the roundabout is approaching practical capacity and as such improvement may be required. Furthermore given the previous concern over mode split and the difference in trips rates detailed below we would like a further assessment on the operation of the roundabout.
11	The trip rates obtained from TRICS by NAC are comparable with the TA for weekend trips however there is a difference of over 2 trips per 100sq.m. for weekday trips when using edge of town comparable stores. This may impact on the analysis of the adjacent roundabouts.
12	The figures within the appendices do not contain the correct values for 2020 PM Base + Committed + Development.
13	We would question the distribution value of only 8% trips will use Long Drive North considering the catchment area of the Lawthorn area and Montgomerie Park.
14	Vehicles using Crompton Way will be increasing as a result of this development. The Long Drive South entry onto Stanecastle Roundabout is relatively close to the Crompton Way entry onto the roundabout. Vehicle speeds on the roundabout and from Long Drive South may reduce the decision time for vehicles leaving Crompton Way onto the roundabout. Therefore an assessment of the free flow speed around Stanecastle Roundabout, in the vicinity of Crompton Way, and the free flow speed from the Long Drive South entry onto the roundabout should be assessed. The results of this survey will provide an indication of the decision time available to exiting vehicles from Crompton Way. Works to reduce the speed and improve decision time may be required.

# NAC Briefing Note – SYSTRA Response



Proposed Lidl Store, Stanecastle, Irvine

Planning Application Ref: 19/00050

<b>Key:</b>
NAC comments – black (and red) text next to numbered items as per original Briefing Note.
SYSTRA response – navy text (against red bullet point) under each numbered item.

1. Paragraph 3.2.7 states that TAG suggests that a journey times of up to 20 to 30 mins are considered appropriate for walking. Is this figure relevant for a shopping facility where carrying of goods is required?
  - TAG does not suggest differentiated walking times based on encumbrances; however, this figure is relevant for customers that make the journey by foot to purchase few or smaller items and is relevant for Lidl staff travelling to and from work. Notwithstanding this, paragraph 3.2.7 continues by indicating walking isochrones for approximately 5, 10 and 20 minute journey times, and concludes that there is a considerable residential catchment within a 20 minute walk.
2. Paragraph 3.3.1 indicates that there are no designated on-road cycling provision and that NCR 73 is the nearest national cycle route. Furthermore paragraph 3.3.3 states that core paths are able to be used by cyclists. However no assessment of the suitability of the routes has been carried out and no indication provided as to how cyclists will gain access to NCR 73 or the town centre.
  - We agree that this could have been made clearer in the TA – please see our clarification on these points below.
  - The site visit determined that the existing routes in the area are favourable as they are predominantly off-road and that they are of a suitable standard to support the level of cycling expected to be generated by the proposed development. There is signage within the industrial estate indicating that the existing footpath link between Arkwright Way and NCR 73 is also a shared cycleway. Therefore, cyclists can cycle on-road along Crompton Way which is a flat, direct route to Arkwright Way, and currently lightly trafficked. From here, they can route onto the off-road path to join NCR 73 at the point of the footbridge over Annick Water. NCR 73 routes towards the town centre on the southern side of Annick Water, followed by the River Irvine and cyclists can cross the river onto the town centre side at the footbridge adjacent to Castle Street. Along Castle Street and onwards to the town centre, cyclists would continue on-road.
3. Paragraph 3.3.4 states that TAG suggests that a journey times of up to 30 to 40 mins are considered appropriate for cycling. Is this figure relevant for a shopping facility where carrying of goods is required?
  - This figure is relevant for those purchasing few or smaller items and those prepared to make the journey with goods and the carrying of goods on a bicycle is achievable with a rucksack or saddle



bags. This is also relevant for Lidl staff journeying to and from work. Furthermore, this paragraph in the report continues by indicating journey times of approximately 10, 20 and 30 minute cycles and demonstrates a considerable catchment of residents within a 10 – 20 minute cycle.

4. Paragraph 3.6 provides an accessible summary as follows. Comments are provided in red

- The site is served by an extensive network of footways and footpaths which link to the neighbouring residential areas and public transport services; **We would consider the links to be circuitous with few direct links**
- Whilst the footpath links may be 'circuitous' to the Girdle Toll residential area to the north-east of Stanecastle Roundabout, it is considered the pedestrian links to the residents Bank Street etc. are direct as they route straight from the northern edge of the site, under Manson Road to join footways on Bank Street. We would also consider the pedestrian routes from the Bourntreehill residential area to be direct as the footbridge over the B7080 can be utilised to reach the footpath which routes north-wards and links directly to the site. Please see Figure 1 below (from the TA) which we believe demonstrates this point – the direct routes referred to are circled in yellow.



**Figure 1. Walking Routes**

- Despite having to route around Stanecastle Roundabout, the walking isochrones are based on journey times via the existing footways and footpaths and not direct distance, and demonstrate that there is still a considerable catchment of residents within reasonable walking distance of the proposed development. Furthermore, it is considered that many of the routes highlighted in the

report are attractive to pedestrians given that they are segregated from the road network and surrounded by greenery and have lighting.

- There are NAC Core Paths routeing to the north of the site, suitable for pedestrians and cyclists  
**No direct access has been suggested and no assessment carried out**
  - As stated in paragraph 5.2.4, “The proposed development will include two pedestrian accesses that will connect to the existing footway along Crompton Way and to the existing footpath which runs alongside and connects to Manson Road at the northern end of the site (and the bus stops on Manson Road). This will ensure that the development achieves a good level of pedestrian accessibility and is integrated well into the existing pedestrian network.” The site visit determined that the core path routes were suitable for the purposes of trips to and from the proposed development. It is reasonable to assume that these core paths have undergone an assessment to be considered as core paths. As per Land Reform Act “it is the local authorities responsibility to review the core paths plan to ensure that the identified paths continue to give the public reasonable access throughout their area.”
  - The location of the site benefits from a large cycling catchment which includes all of Irvine within an approximate 20 minute cycle; **As above**
  - Response as covered under points 2 and 3.
  - There are two predominantly off-road cycle routes running to the east and south of the site respectively, accessible from the site within a short cycling distance; and **As above**
  - Response as covered under points 2 and 3.
  - There are bus stops well within a 400m walking distance of the site which provide connections to many residential areas within Irvine
  - No further comment provided in the Briefing Note under this point.
5. Paragraph 4.2.3 states that the site is in town centre. We would suggest that this is not the case which may affect trip assessments. The email of 06/12/19 – responding to the scoping study - asked that the assessment explores the trips and that the trips by vehicles may be higher given the remote location.
- Paragraph 4.2.3 reads “Further locational refinement has been applied to discount sites that are in town centre and edge of town centre locations to ensure a representative trip rate and modal split (particularly in relation to vehicle trips) is applied in this assessment.” In response to the scoping study and NAC Roads comments in relation to the trip rates, we further refined the selections within TRICS to ensure compatibility with the proposed development’s location. In addition, to ensure a robust estimation for the vehicle trip assessment we applied no reduction in vehicle trips to account for pass-by trade, as stated in section 4.4.
  - Furthermore, in adding the committed development traffic to the baseline flows we applied no reduction in vehicle trips to account for several units within the adjacent Persimmon

development that have been completed and were occupied at the time of the traffic surveys. This was to further demonstrate our robust approach taken in the traffic impact assessment.

6. We would suggest that the trip mode split in Table 3 is not typical for the semi remote site proposed.
  - As discussed under point 5, locational refinement was applied in the TRICS assessment to exclude surveys of sites which are situated in more central locations than the proposed development.
  - It is considered that the predicted travel characteristics of the proposed development (particularly 23% and 14% walking mode share in the PM and Saturday peaks respectively) are reflective of the fact that there will soon be in the region of 144 dwellings adjacent to the site which will form customer base within a short walking distance of the development.
  - The approved TA for the adjacent Persimmon development (which is currently under construction) adopted a PM peak car driver mode share of 60% (and a car passenger mode share of 19%). The TA for the proposed development adopted a car driver mode share in the PM peak of 51% (and car passenger mode share of 24%). It is widely understood that commuting trips will be across longer distances, possibly outwith Irvine, whilst the proposed development is a local retail offering. Therefore, it is expected that the Persimmon TA has a slightly higher car driver mode share than the proposed development, albeit, the two car driver mode shares are comparable. Furthermore, the overall car-based mode shares are closely comparable with a 79% car-based modal split adopted by the approved Persimmon TA, versus 75% adopted by the TA for the proposed development. It is considered that the modal split adopted within the TA is appropriate for this location and a consistent approach to the adjacent consented development.
7. In order to assess the information contained within Paragraph 4.5.3 we would appreciate a table showing the population catchment for each leg of Stanecastle Roundabout. This will inform the concerns over trip distribution highlighted below.
  - Please find attached in Appendix A the document containing the tables which indicate the population catchment data obtained from the 2011 Census and how this was applied to calculate the distribution and assignment of development trips.
8. Paragraph 5.3.2 states the cycle parking provision for the National Roads Development Guide. Within NAC we use the recommended 10% of peak staff and visitor capacity to obtain cycle parking provision. An analysis of the peak capacity should be provided.
  - It is unclear whether NAC's recommendation of 10% is applied to the two-way total people trips or the greater value out of the arrivals and departures.
  - The peak total people trips are predicted to occur at the weekend peak hour period whereby in the region of 595 two-way people trips are expected (281 arrivals and 314 departures). If applied to the two-way total people trips this would equate to a provision of 60 cycle parking spaces (or 31 spaces if applied to the greater value of the arrivals / departures). SYSTRA considers provision of 60 or 31 spaces to be surplus to requirement. The expected modal split for the weekend peak hour predicts a total of 10 two-way cycle trips to the proposed development (broken down into

5 arrivals and 5 departures). It is therefore considered proportionate and appropriate to provide 12 cycle parking spaces, as suggested within the report in accordance with NRDG standards.

- SYSTRA suggests that usage of the cycle parking is monitored once the development is operational and that additional cycle spaces can be provided if this is deemed necessary at a later date.
9. With regards Section 5.6 we indicated on the 21/01/19 that the NAC Roads Development Guide are minimum standards. Paragraph 5.6.4 state that the levels are within the maximum standards in the National Roads Development Guide (NRDG). The NRDG is a guidance document that does not include NAC variations therefore the relevant standards within North Ayrshire are the NAC Roads Development Guide. On the 21/01/19 we indicated that we have previously relaxed the parking standards for this type of store however it is generally because they are in town centre locations. The proposed store is remote from the town centre and hence may encourage more car use. However we may in this circumstance consider a reduced parking level of 7 spaces per 100sq.m. of GFA (160 spaces) if improvements are made to the network that supports alternative means of transport. No improvements have been proposed.
- SYSTRA acknowledges that the proposed level of parking is below NAC's Roads Development Guide and that the proposed development is not in a town centre location. However, the proposed development in this location is intended to attract many trips from the local area. It should be recognised that the proposed development is located within convenient walking distance of a large residential catchment, including the new Persimmon residential development which is under construction immediately adjacent to the site, as indicated by the walking isochrones in Figure 2 below.



Figure 2. Walking Isochrones

- SYSTRA suggests that Lidl provides a bus shelter at the westbound stop on Manson Road on the as an improvement to the existing public transport infrastructure. Currently, the eastbound bus stop has a shelter, seating and timetable information whilst the eastbound stop is only a flag and pole stop. Therefore, this would be a considerable improvement to the existing public transport infrastructure surrounding the development site.
10. Table 5 provides a summary of the Arcady analysis. In general a RFC of 0.85 means the junction is at practical capacity however as a value exceeds 0.7 and approaches 0.85 concern over the operation of the roundabout grows. The table indicates that an RFC of 0.663 and 0.727 is expected (an increase from the existing) which would suggest that the roundabout is approaching practical capacity and as such improvement may be required. Furthermore given the previous concern over mode split and the difference in trips rates detailed below we would like a further assessment on the operation of the roundabout.
- The DMRB states that: "If an entry RFC ratio of 70% occurs queuing will theoretically be avoided in 39 out of 40 cases. The general use of designs with a RFC ratio of about 85% is likely to result in a level of provision which will be economically justified."
  - The methodology adopted in the assessment of Stanecastle Roundabout was agreed with NAC in scoping discussions and it was not mentioned that the capacity analysis should be considering mitigation for an RFC of 0.7 on an arm of the junction, opposed to the industry standard of 0.85. The 0.727 RFC predicted represents a robust capacity analysis of the Manson Road Arm. The approach is considered to be robust as explained above; we have made no allowance for pass-by vehicle trips and no adjustment to committed development flows to account for a number of the adjacent Persimmon dwellings being occupied when the base traffic surveys were undertaken.
  - Notwithstanding this, to address NAC's concerns SYSTRA has undertaken further assessment in the form of a sensitivity test of Stanecastle Roundabout. In the test we have changed the distribution of traffic assigned to Long Drive North Arm from 8% to 38%, assuming that all 30% of the traffic originally distributed to the Middleton Road arm would instead use Long Drive North. However, we also have kept 30% of traffic assigned to Middleton Road arm, equating to 130% distribution of traffic across the junction. In the test we have also doubled the amount of traffic routing between Manson Road (arm F) and Crompton Way (arm E) at the roundabout. The original results from the TA against the results from the sensitivity test are indicated by Table 1 below.



**Table 1. Sensitivity Test**

ARM	2020 WD PM BASE + COM	2020 WD PM BASE + COM + DEV	
		Original Assessment	Sensitivity Test
	RFC (Q)	RFC (Q)	RFC (Q)
A – Long Drive N	0.520 (1)	0.542 (1)	0.596 (1)
B – Stanecastle Rd	0.120 (0)	0.132 (0)	0.136 (0)
C – Middleton Rd	0.273 (0)	0.300 (0)	0.307 (0)
D – Long Drive S	0.635 (2)	0.663 (2)	0.676 (2)
E – Crompton Way	0.093 (0)	0.213 (0)	0.302 (0)
F – Manson Rd	0.690 (2)	0.727 (3)	0.763 (3)
G – Bank St	0.107 (0)	0.118 (0)	0.123 (0)

- The results of the sensitivity test demonstrate that by adding 30% of development trips to the Long Drive North arm whilst retaining 30% of trips on Middleton Road arm, there is a negligible impact on the operation of the junction. Furthermore, the sensitivity test demonstrates that even with double the number of trips (base, committed development and proposed development trips) to and from Manson Road arm, the RFC remains comfortably below 0.85 and no additional vehicles queuing compared to the original scenario assessed. It is therefore considered that an RFC of 0.727 leaves sufficient residual capacity for the junction to continue to operate within its practical capacity with day-to-day fluctuations.
- It is also noted that North Ayrshire's LDP discusses improving the operation of Stanecastle Roundabout into the future with the addition of traffic signals. Nevertheless, the ARCADY analysis demonstrates that this is not required to support the development proposals.

11. The trip rates obtained from TRICS by NAC are comparable with the TA for weekend trips however there is a difference of over 2 trips per 100sq.m. for weekday trips when using edge of town comparable stores. This may impact on the analysis of the adjacent roundabouts.

- SYSTRA are unaware of the other parameters selected by NAC to obtain these results as the TRICS output files have not been provided alongside these Briefing Note comments. Selecting 'edge of town' sites only (whilst being consistent with the regions chosen for the trip rates used within the TA, i.e. discounting sites in Greater London, Ireland and Northern Ireland), SYSTRA obtains a two-way total people trip rate equating to 330 for the weekday PM peak period (17:00 – 18:00) and a vehicle trip rate equating to 193 two-way vehicles during this period. In people trips terms, this is 40 two-way trips fewer than that adopted within the TA. In vehicle trip terms, this is 6 additional two-way trips than that adopted. This is considered to be a negligible difference in vehicle trips and as demonstrated through the sensitivity testing (Table 1) an additional 6 vehicle trips in the PM peak hour would not have a detrimental impact at the junction.

12. The figures within the appendices do not contain the correct values for 2020 PM Base + Committed + Development.
- This was discussed in a telephone conversation between NAC and SYSTRA on 06/03/19. SYSTRA clarified that the missing values had no impact on the junction analysis undertaken and NAC were provided with the relevant updated appendices via email on 06/03/19.
13. We would question the distribution value of only 8% trips will use Long Drive North considering the catchment area of the Lawthorn area and Montgomerie Park.
- This was also discussed in a telephone conversation between NAC and SYSTRA on 06/03/19. SYSTRA explained the methodology used in creating the gravity model and NAC had no further questions. Whilst we are comfortable with our original approach, further sensitivity testing at the junction has been undertaken in response to the points raised by this Briefing Note (Table 1) and the results indicate that increasing the proportion of vehicle trips that route to the development via Long Drive North does not have a detrimental effect of the capacity of this arm of the junction, or the operation of the junction as a whole.
14. Vehicles using Crompton Way will be increasing as a result of this development. The Long Drive South entry onto Stanecastle Roundabout is relatively close to the Crompton Way entry onto the roundabout. Vehicle speeds on the roundabout and from Long Drive South may reduce the decision time for vehicles leaving Crompton Way onto the roundabout. Therefore an assessment of the free flow speed around Stanecastle Roundabout, in the vicinity of Crompton Way, and the free flow speed from the Long Drive South entry onto the roundabout should be assessed. The results of this survey will provide an indication of the decision time available to exiting vehicles from Crompton Way. Works to reduce the speed and improve decision time may be required.
- The methodology adopted for the junction assessments was agreed with NAC through scoping discussions, including the Scoping Letter submitted 05/12/18, in which ARCADY was the agreed tool for any modelling which would be required. Roundabouts as junctions are designed to maintain the flow of traffic and the existing roundabout (Stanecastle) should be designed to the appropriate speeds. The ARCADY software is designed to assess roundabouts based on empirical data. Attached in Appendix B is a document produced by TRL in relation to roundabout capacity and the empirical methodology.
  - We therefore do not intend or believe it necessary to undertake further surveys at Stanecastle Roundabout.

## Conclusion

- The TA was prepared in line with the parameters and methodology outlined within the Scoping Report and through further scoping discussions. Where NAC had expressed concerns around the level of vehicle trip generation and level of pass-by, the TA adopted a robust approach by applying no reduction for pass-by trips or trips associated with the adjacent residential development that are already on the road network. This was done to ensure that a robust capacity analysis of the junctions was undertaken. The TA also provided detailed review of the residential catchments and the walking routes and journey times, including several figures to illustrate this, in justification of our opinion that there will be numerous trips made to and from the development by foot.
- It should also be recognised that, although in its current environment the site is located within a predominantly industrial area, the forthcoming Persimmon residential development along Crompton Way and adjacent to the site will transform the environment into a residential surrounding. Therefore, the proposed development will be intended to serve the local residential area, in which many potential customers will be in a position to reach the proposed Lidl store by sustainable modes.

## Appendix A

### Population Catchment & Distribution Calculations

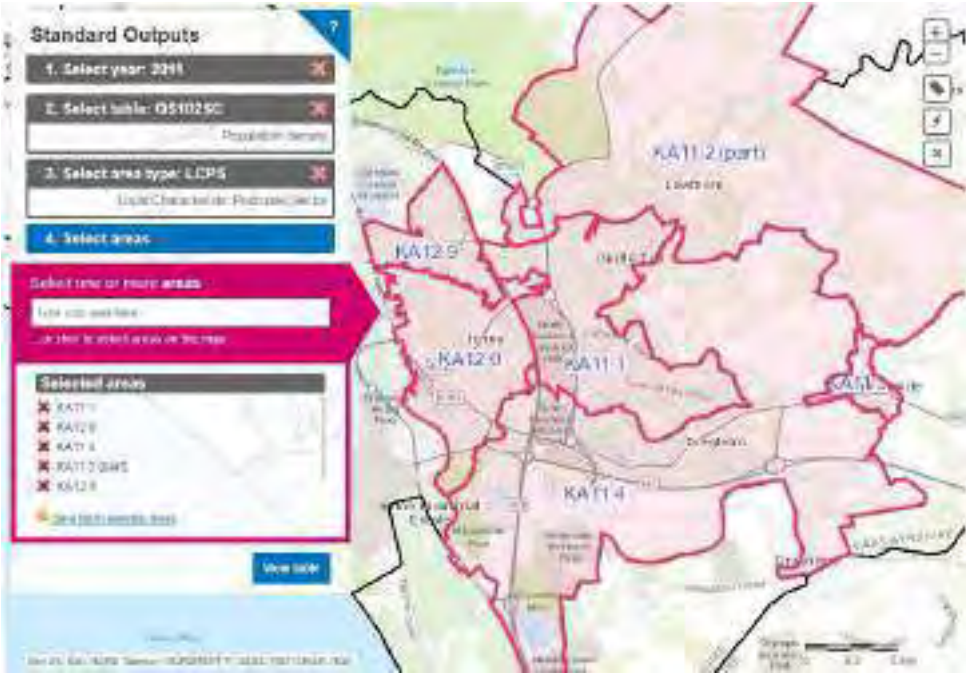


C11  
Scotland's Census 2011 - National Records of ScotlandTable QS102SC - Population densityAll people  
Detailed/Local Characteristics by Summation Options by Term-time Address (Indicator)  
Counting: Person, Hectarage of Output Area

Filters:

Term-time Address Resident

Summation Options	Person	Hectarage of Output Area	Density (number of persons per hectare)
Detailed/Local Characteristics			
KA11 1	10933	323	33.88
KA11 2 (part)	3868	1150	3.36
KA11 3	1259	38	33.32
KA11 4	4438	1102	4.03
KA12 0	7846	234	33.57
KA12 9	6347	99	64.05



Crown copyright 2013For further information on variables, see [www.scotlandscensus.gov.uk/variables](http://www.scotlandscensus.gov.uk/variables)In order to protect against disclosure of personal information, some records have been swapped between different geographic areas. Some cell values will be affected, particularly small values at the most detailed geographies.

Postcode	Population	Distance to Site (Miles)	D^2	Pop/D^2	Adjusted	%
KA11 1	10933	1	1	10933	5467	62%
KA11 2 (part) North	3868	2	4	967	967	11%
KA11 3	1259	2.8	7.84	161	161	2%
KA11 4	4438	2.2	4.84	917	458	5%
KA12 0	7846	1.2	1.44	5449	1816	20%
KA12 9	6347	2.8	7.84	810	405	5%
Total				19236	8869	100%

A	B	C	D	E	F	G	H	I	J	K	L	Total
Cairnmount Rd	Dalmore Way	Littlestone Rd	Stanecastle Rd	Middleton Rd	Towerlands Rd	Corsehill Mt	Annick Rd	Manson Rd	Long Dr N	Montgomerie Park	Bank St	
10%	5%	40%	10%	45%	40%					5%		100%
			10%	30%								100%
					100%							100%
						70%	30%					100%
							10%	90%				100%
								70%	30%			100%
1.090%	0.545%	4.361%	7.254%	31.008%	26.466%	3.619%	3.599%	21.626%	1.369%	0.545%	3.082%	105%
Adjusted 1%	1%	4%	7%	30%	25%	3%	3%	21%	1%	1%	3%	100%



## Appendix B

### TRL Note on ARCADY



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# **ROUNABOUT CAPACITY: THE UK EMPIRICAL METHODOLOGY**

## **1 Introduction**

Roundabouts have been used as an effective means of traffic control for many years. This article is intended to outline the substantial research programme undertaken by the UK Government over a period of some 10-12 years which resulted in the establishment of robust, dependable relationships both for the capacity and the likely accident record of roundabouts. These relationships were subsequently used to produce the ARCADY software package, which is still in use today.

The whole purpose of the research programme was to produce information that could be used to design roundabouts that meet operational requirements. There was no intention to produce theoretically pleasing equations that explained the processes involved, but instead purely to give practical links between geometry, capacity/delay and accidents.

## **2 Basic characteristics of roundabouts**

Roundabouts have a number of advantages over traffic signals. Although they take more land, they are self-regulating in that the demands control the distribution of capacity between the arms, so without any form of imposed control, efficient regulation of traffic is achieved. Roundabouts can deal with a range of demands that would definitely require retiming of signals.

UK experience has also shown that for similar traffic loads, roundabouts return an injury accident rate far less than that of traffic signals.

As far as delays are concerned, roundabouts give lower delays during off-peak conditions, due to their inherently flexible operation, even though delays may be higher during peak hours. Over a 24 hour period, total delays are reduced, thanks to the greater number of hours of off-peak operation.

There are of course good roundabouts and bad roundabouts; no amount of clever software can ever get away from the need to have good traffic engineers responsible for the achievement of successful and safe operation.

### 3 UK empirical model for roundabout capacity

In the 1970s the UK Government began a major programme of research to investigate ways of predicting roundabout performance. The research programme, aimed at establishing both capacity and accident relationships, was carried out through the Transport and Road Research Laboratory (TRRL). Initial work led to the rejection of gap acceptance methods as being over-complicated and very sensitive to small parameter changes, and also of giving a weak link between junction geometry and performance. As junction geometry is the key thing that road designers need to determine, this is a very real weakness of gap acceptance methodology. The UK approach was therefore very much slanted towards the needs of practical designers, rather than academic purity.

The method chosen was to collect a very large amount of data at carefully selected operational junctions. Information was collected on various geometric parameters and entry/circulating flow measurements were made at peak times. Statistical analysis was then used to determine which parameters were significant and what their effect was.

The work that followed is probably now unrepeatable. This is because, at the time, the UK had many roundabouts in everyday use whose design was essentially the result of historic accident unrelated to motor traffic. This meant that the range of geometries, and particularly the combinations of values, were very wide indeed, and included combinations which no modern designer would ever produce. This wide variety is essential to producing robust results, giving data at the extremes to stabilise relationships. Today's roundabouts have been largely updated to meet current traffic conditions, using modern design processes, so we no longer have available junctions giving this very wide data spread.

The size of the database speaks for itself:

- \* 86 roundabout entries studied
- \* 11,000 minutes of capacity operation recorded
- \* 500,000 vehicles observed

There were also a number of extensive track trials carried out at TRRL's facilities at Crowthorne, to add further data at the extremes. The data points generated by these trials were not added to the public road data, as it was recognised that results from the test track are not necessarily compatible with public road data. They were however used to fill in gaps in the work that could not be filled with real road data. The results were that the relationships found from the public road data were supported in general form by the test track data, giving confidence that the results were generally applicable.

In addition, a team of scientists worked for 10-12 years establishing the databases, carrying out the statistical analysis, and developing the necessary theory to support the work.

## 4 Research conclusions

All the experimental measurements indicated that the relationship between entry capacity and circulating flow at a roundabout is linear, and that the characteristics of this linear relationship can be successfully predicted from knowledge of the geometry, flows and turning movements. This is a very important result, as it removed any need to understand and define the extremely complex and interactive actions of individual drivers as they use the roundabout.

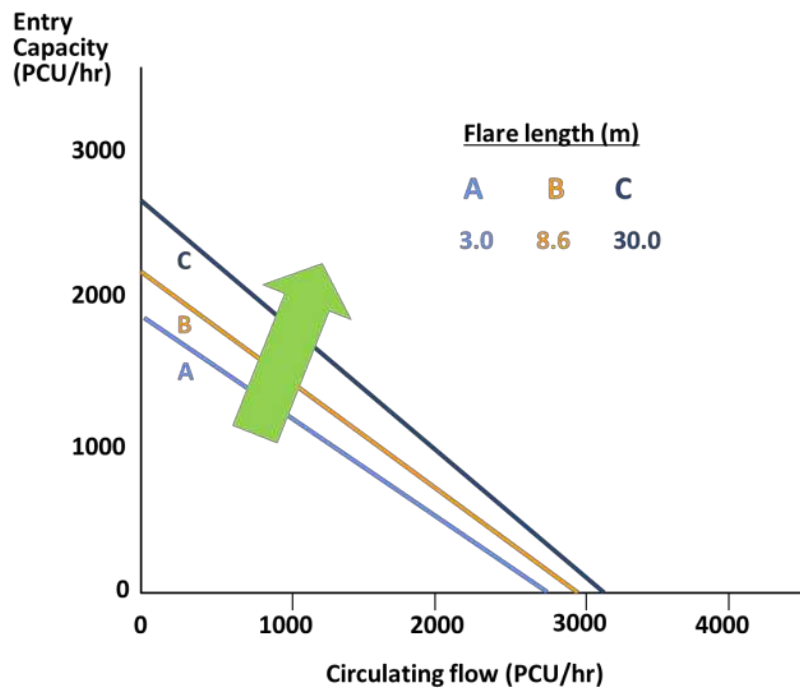
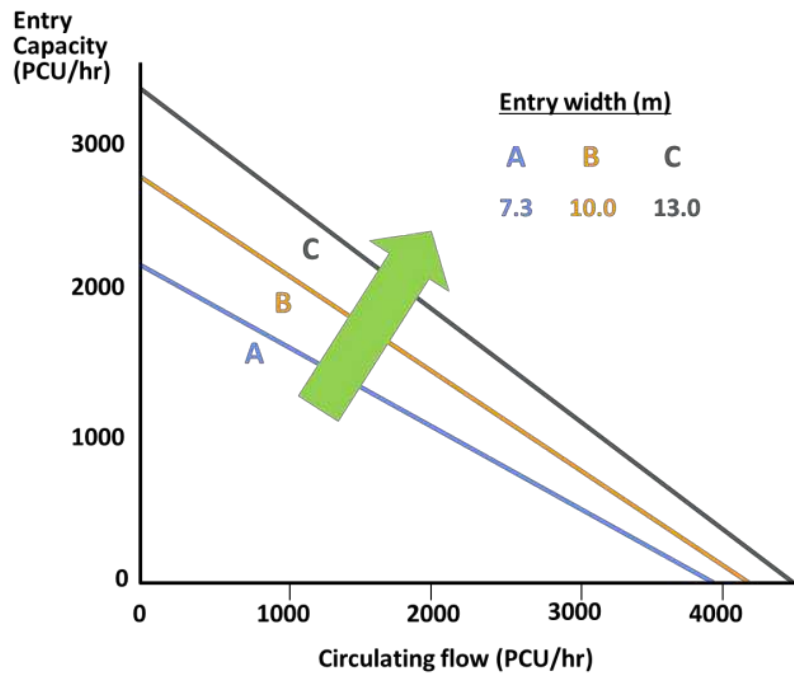
The research used linear regression to establish statistically significant relationships between entry capacity and various geometric parameters. The dimensions of the study roundabouts were carefully measured and the entry capacity measured during periods of at-capacity operation.

The geometries that were measured, along with the range of values observed, are shown in the following table. Those found to be significant, and subsequently used in ARCADY, are highlighted. The other geometries were found to be insignificant to entry capacity.

Variable	Range
<b>Entry width</b>	<b>3.6 – 16.5 m</b>
Entry width on previous entry	3.6 – 15.0 m
<b>Approach width</b>	<b>1.9 – 12.5 m</b>
Approach width on previous entry	2.9 – 12.5 m
Circulation width at entry	4.9 – 22.7 m
Circulation width between entry and next exit	7.0 – 26.0 m
Effective flare length (construction 1)	1 – infinity (m)
<b>Effective flare length (construction 2)</b>	<b>1 – infinity (m)</b>
<b>Sharpness of flare</b>	<b>0 – 2.9 m</b>
<b>Entry radius</b>	<b>3.4 – infinity (m)</b>
<b>Entry (conflict) angle</b>	<b>0 – 77 °</b>
<b>Inscribed circle diameter</b>	<b>13.5 – 171.6 m</b>
Weaving section length (straight-line distance between entry and next exit)	9.0 – 86.0 m

This led to comparatively simple relationships which have proved remarkably robust. Of these significant variables, three are of particular importance: most of all entry width, and then approach width and flare length. The remaining geometries have lesser effects.

The effect of entry width and flare length on entry capacity is illustrated in the following graphs, for an example roundabout.





## 4.1 Entry width and flaring

A vital area in which the empirical method gives useful results is in dealing with local widening, or flaring.

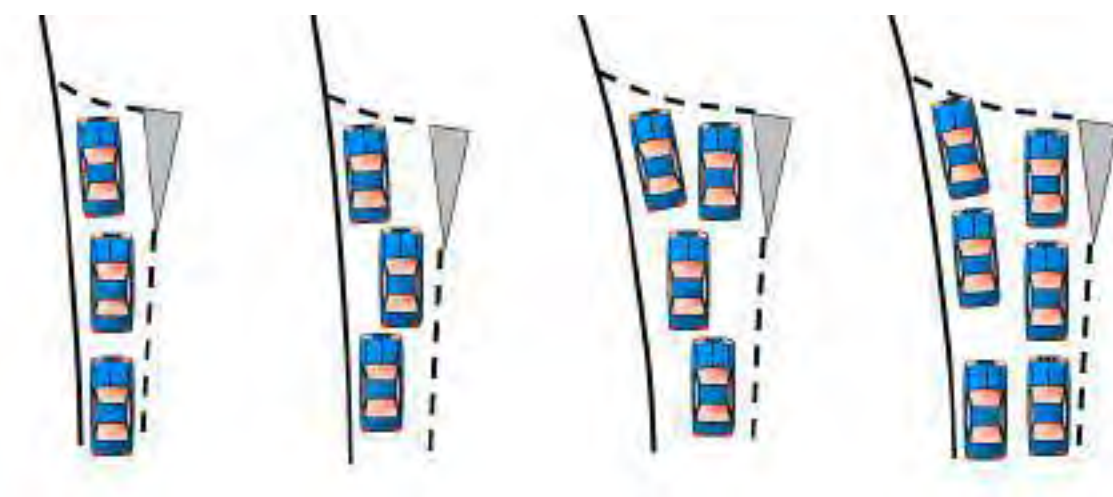
The experimental data from road measurements showed that there is a continuous (smooth) relationship between entry capacity and entry width. This may at first seem unlikely, as surely there must be either one queue or two (or more) queues at entry. Close observation of the real processes at a roundabout entry, however, will show that as entry width increases above one lane, the way drivers queue steadily changes.

Initially, the extra width is used to form a queue in which drivers tend to queue displaced sideways from the vehicle in front; in this mode they are prepared to queue closer to the vehicle ahead, and are therefore able to accept shorter follow on times. Not all drivers do this, but as the entry width increases, more are prepared to, so capacity rises steadily. The extra width also means that there is more freedom for individual vehicles to position themselves, perhaps based on their intended trajectory across the give-way line.

As the entry width increases further, the more adventurous are prepared to squeeze up alongside the driver ahead, introducing a degree of double queuing. This takes two actions - first, the driver ahead must be to one side, not centrally placed, and second the following driver must be prepared to accept a small space. Thus the adventurous and/or the owners of small vehicles (or two-wheelers at smaller widths) will do this.

As entry width increases further, these processes develop until two full queues are achieved all the time, again giving this continuous increase in capacity with entry width. The form of the flared area also affects this process: a very sudden and short flare makes it more difficult for drivers to use the full entry all the time and so gives less capacity than a more gently developed flare, even for the same entry width.

When there are lane markings painted on the road, many of the considerations above still apply. For example, two large vehicles may struggle to queue side by side in two narrow lanes, but would be more likely to do so if both lanes were made slightly wider.



*Capacity is a continuous function of entry width. Queueing slowly changes from always single file to staggered (closer) queueing to some double file finally to 2 full queues, as entry width increases.*

## 4.2 Use of road space

It has been suggested that the entry width relationships will only work successfully if all the available space is used all the time. This is not true. If space is randomly not used from time to time, just because drivers choose not to, then this behaviour is fully reflected in the road measurements behind the empirical relationships, and therefore they take this into account when predicting the capacity of a proposed roundabout entry.

There remains what could be called the systematic failure to use all the space. This could be for a number of reasons, such as:

- Poor geometry or visibility which makes drivers reluctant to use a certain lane.
- Inappropriate lane arrows. If direction arrows are used and the balance of flows does not match the physical capacity assigned by the arrows, then drivers will be unable to use all the entry space as they seek to queue in lanes marked for their intended movement.
- If the approach flares from say two lanes to three at the give-way line, then continuous lane lines will tend to steer traffic away from using the extra space. It may be better to end the lane lines at the beginning of the widening, then to mark them again just before the give-way line.
- If a substantial part of the entry flow wishes to exit the roundabout at a restricted exit that is only able to accept one lane of traffic, then drivers will be unwilling to enter the roundabout side-by-side, knowing that they will then have to merge at the exit.

All of these conditions are predictable by a good traffic engineer. This systematic non-use of space is NOT taken into account by the empirical relationships, but it is predictable. From ARCADY 8 onwards, it is possible to obtain estimates of the effect of systematic lane imbalance by using Lane Simulation Mode.



*Random differences in space utilisation:  
this is fully accounted for in ARCADY*



*Systematic imbalance: consider using  
Lane Simulation mode in ARCADY 8 onwards.*

### 4.3 Queues and delays

UK research not only measured capacity, but also investigated in detail ways of calculating delay during operation at or near capacity. Previous theory could give satisfactory results when loading was either well below capacity or well above it. For practical junctions under typical conditions, it is this area close to capacity that is of prime importance. The research work showed that good approximations to the actual build-up of queues and therefore delays could be achieved by developing a transformation that progressively moved delay from the predictions of the steady state theory (good at low demand levels) to the those of the deterministic theory (accurate when demand is well above capacity) as traffic loads increased through capacity.

### 4.4 Empirical models versus gap acceptance and microsimulation

In addition to the UK empirical model described in this paper, roundabouts can also be modelled using gap acceptance and/or microsimulation methods.

These methods are extremely complex and require the solution of a number of problems, including:

- Gap acceptance itself, where waiting vehicles manage to accept gaps without in any way affecting the behaviour of circulating vehicles.
- Gap forcing, where entering vehicles fail to wait for a suitable gap and 'push' into the circulating stream, forcing a circulating (priority vehicle) to modify its chosen path/speed.
- Priority reversal, where for (short) periods priority completely reverses at times of high demand.
- Driver behaviour types: Gap acceptance parameters change with driver attitude/type. Aggressive drivers will accept much smaller gaps than nervous drivers. This in itself is complicated enough, but these characteristics are not even fixed for a driver, but will be modified by how the driver is feeling at the time, the behaviour of drivers around each individual, or by events which have just occurred away from the roundabout.

These are difficult problems even without the need to involve reliable connections to junction geometry. Having established all the above, it still remains to include satisfactory coverage of the effects of local flaring, the offset queuing process and the progressive change from one lane queuing to two and then three, which leads to the continuous growth of capacity with entry width. There are probably also a number of problems as yet unrecognised that will have to be solved.

How much neater it is just to step entirely around this minefield by using empirical methods and studying the performance of a wide range of real junctions.

## 4.5 Applicability outside the UK

It has often been said that the UK relationships are only valid in the UK for UK drivers. There is indeed some truth in this given that the relationships were developed using exclusively UK data. However, although there may be some deviations from UK values, and not always the same deviations from one country to another, it is extremely unlikely that a change which improves either capacity or accident rate in the UK is going to have the reverse affect in another country. In other words, the relationships will prove dependable for predicting the major effects of design changes. Detailed results may vary, but this criticism applies at least equally to, for instance, gap acceptance methods calibrated in other countries. For capacity, the UK method, as applied in ARCADY, allows the variation of predicted capacity by a user-selected amount: the capacity line can either be moved up or down by a fixed amount, at the user's discretion. Thus, if it is felt that capacity in general will differ from that achieved in the UK, this can be allowed for.

## 5 Further reading

The empirical relationships outlined in this article form the basis for the ARCADY software package, which is available as a module within TRL's **Junctions** software suite. For details, please see <https://trlsoftware.co.uk/ARCADY>.

The TRRL research report which summarises the research findings is: *Kimber, R M (1980). "The traffic capacity of roundabouts", Department of Environment Department of Transport, TRRL Report LR 942: Crowthorne: Transport and Road Research Laboratory.* This is available on request from TRL.

Other relevant papers are listed in the References section of the ARCADY/Junctions user guides.

For further information or enquiries, please visit [www.trl.co.uk](http://www.trl.co.uk).

### Acknowledgements

This article is based on *"Roundabout Design for Capacity and Safety: the UK Empirical Methodology", J R Peirce, 1998.*

## APPENDIX H

### Sensitivity Test Distribution & ARCADY Output Files



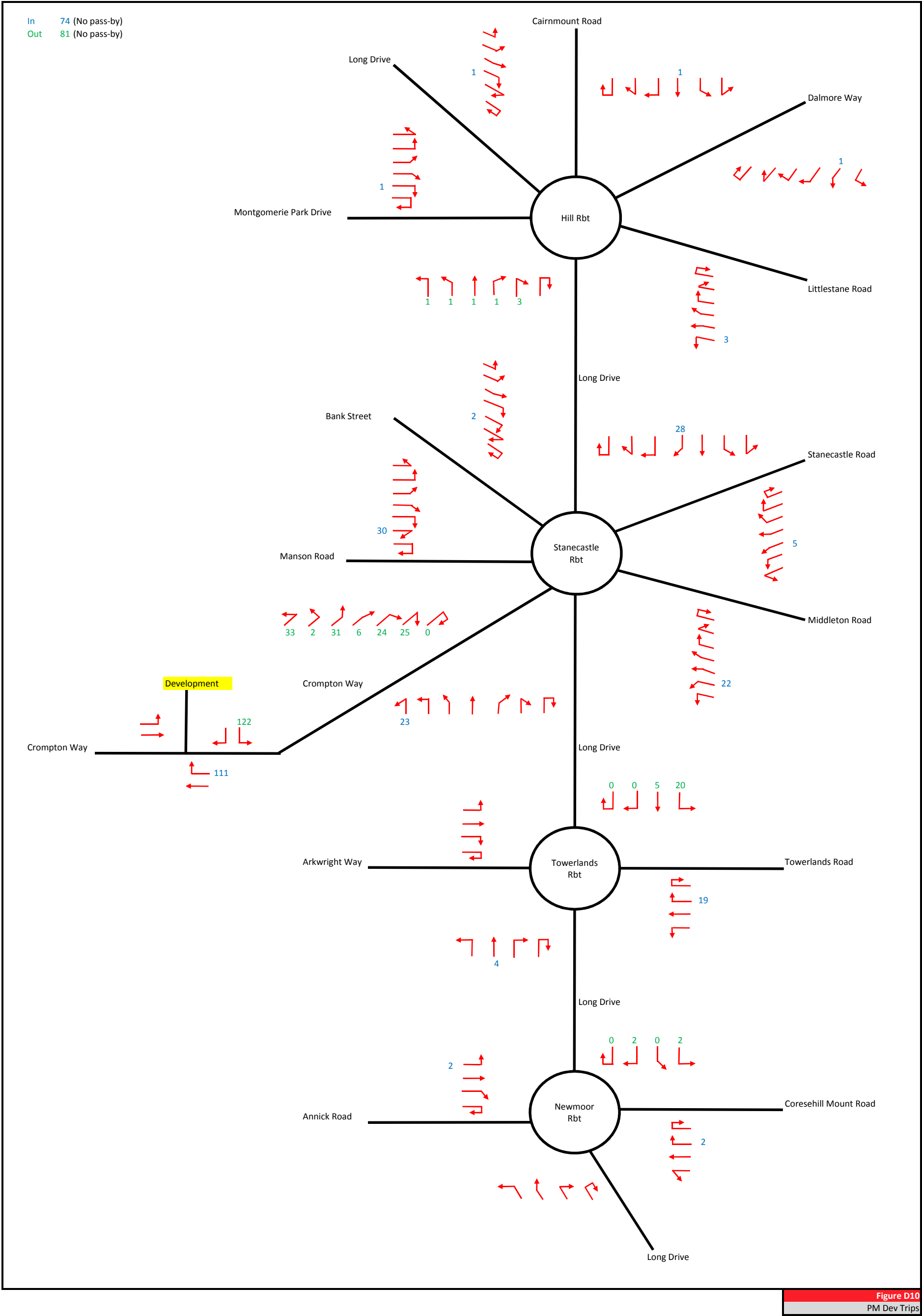


Figure D10  
PM Dev Trips



ARCADY 6

ASSESSMENT OF ROUNDABOUT CAPACITY AND DELAY

Analysis Program: Release 5.0 (JANUARY 2009)

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For sales and distribution information,  
program advice and maintenance, contact:

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Nine Mile Ride Email: software@trl.co.uk  
Wokingham, Berks. Web: www.trlsoftware.co.uk  
RG40 3GA,UK

THE USER OF THIS COMPUTER PROGRAM FOR THE SOLUTION OF AN ENGINEERING PROBLEM IS  
IN NO WAY RELIEVED OF THEIR RESPONSIBILITY FOR THE CORRECTNESS OF THE SOLUTION

Run with file:-  
"u:\SCT\2018\T&T\107420 - Lidl Stanecastle, Irvine\CALCULATIONS\TRAFFIC\ARCADY\  
Lidl, Irvine - Stanecastle Roundabout SAT TEST.vai"  
(drive-on-the-left ) at 09:44:24 on Monday, 9 September 2019

FILE PROPERTIES  
\*\*\*\*\*

RUN TITLE: Lidl, Irvine - Stanecastle Roundabout SAT TEST  
LOCATION: Irvine  
DATE: 20/12/18  
CLIENT: Lidl  
ENUMERATOR: bfleming [GLA0911]  
JOB NUMBER: 107420  
STATUS: Draft 1  
DESCRIPTION: Stanecastle Roundabout - 7-arm

INPUT DATA  
\*\*\*\*\*

ARM A - Long Drive N  
ARM B - Stanecastle Rd  
ARM C - Middleton Rd  
ARM D - Long Drive S  
ARM E - Crompton Way  
ARM F - Manson Rd  
ARM G - Bank St

GEOMETRIC DATA  
-----

T5																			
I	ARM	I	V (M)	I	E (M)	I	L (M)	I	R (M)	I	D (M)	I	PHI (DEG)	I	SLOPE	I	INTERCEPT (PCU/MIN)	I	
I	ARM	A	I	3.94	I	9.00	I	18.50	I	30.10	I	155.30	I	34.0	I	0.490	I	33.608	I
I	ARM	B	I	3.97	I	8.10	I	14.40	I	16.20	I	159.20	I	28.0	I	0.465	I	30.784	I
I	ARM	C	I	3.53	I	10.56	I	21.70	I	22.10	I	161.50	I	37.0	I	0.493	I	34.565	I
I	ARM	D	I	7.26	I	8.56	I	1.90	I	16.00	I	143.30	I	21.0	I	0.542	I	39.457	I
I	ARM	E	I	3.64	I	7.96	I	14.60	I	12.70	I	149.20	I	27.0	I	0.448	I	29.064	I
I	ARM	F	I	3.64	I	7.91	I	25.60	I	13.40	I	161.50	I	33.0	I	0.463	I	31.322	I
I	ARM	G	I	3.61	I	8.00	I	9.30	I	11.50	I	142.50	I	37.0	I	0.409	I	25.426	I

V = approach half-width L = effective flare length D = inscribed circle diameter  
E = entry width R = entry radius PHI = entry angle

TRAFFIC DEMAND DATA  
-----

Only sets included in the current run are shown

SCALING FACTORS

T13

```

-----
I ARM I FLOW SCALE(%) I
-----
I A I 100 I
I B I 100 I
I C I 100 I
I D I 100 I
I E I 100 I
I F I 100 I
I G I 100 I
-----

```

TIME PERIOD BEGINS(11.30)AND ENDS(13.00)

LENGTH OF TIME PERIOD -( 90) MINUTES

LENGTH OF TIME SEGMENT - (15) MINUTES

DEMAND FLOW PROFILES ARE SYNTHESISED FROM THE TURNING COUNT DATA

DEMAND SET TITLE: 2020 SAT Base + Com + Dev

```

-----
I NUMBER OF MINUTES FROM START WHEN I RATE OF FLOW (VEH/MIN) I T15
I ARM I FLOW STARTS I TOP OF PEAK I FLOW STOPS I BEFORE I AT TOP I AFTER I
I I I I I I I I I I
I I TO RISE I IS REACHED I FALLING I PEAK I OF PEAK I PEAK I
-----
I ARM A I 15.00 I 45.00 I 75.00 I 6.94 I 10.41 I 6.94 I
I ARM B I 15.00 I 45.00 I 75.00 I 1.54 I 2.31 I 1.54 I
I ARM C I 15.00 I 45.00 I 75.00 I 5.24 I 7.86 I 5.24 I
I ARM D I 15.00 I 45.00 I 75.00 I 8.55 I 12.83 I 8.55 I
I ARM E I 15.00 I 45.00 I 75.00 I 2.85 I 4.27 I 2.85 I
I ARM F I 15.00 I 45.00 I 75.00 I 6.94 I 10.41 I 6.94 I
I ARM G I 15.00 I 45.00 I 75.00 I 0.90 I 1.35 I 0.90 I
-----

```

DEMAND SET TITLE: 2020 SAT Base + Com + Dev

```

-----
I TURNING PROPORTIONS I T33
I TURNING COUNTS I
I (PERCENTAGE OF H.V.S) I
I
I TIME I FROM/TO I ARM A I ARM B I ARM C I ARM D I ARM E I ARM F I ARM G I
-----
I 11.30 - 13.00 I I I I I I I I I I
I ARM A I 0.004 I 0.014 I 0.074 I 0.458 I 0.083 I 0.357 I 0.011 I
I I 2.0 I 8.0 I 41.0 I 254.0 I 46.0 I 198.0 I 6.0 I
I I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I
I I I I I I I I I I
I ARM B I 0.000 I 0.008 I 0.065 I 0.195 I 0.065 I 0.667 I 0.000 I
I I 0.0 I 1.0 I 8.0 I 24.0 I 8.0 I 82.0 I 0.0 I
I I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I
I I I I I I I I I I
I ARM C I 0.165 I 0.021 I 0.000 I 0.358 I 0.084 I 0.372 I 0.000 I
I I 69.0 I 9.0 I 0.0 I 150.0 I 35.0 I 156.0 I 0.0 I
I I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I
I I I I I I I I I I
I ARM D I 0.250 I 0.126 I 0.257 I 0.000 I 0.056 I 0.250 I 0.061 I
I I 171.0 I 86.0 I 176.0 I 0.0 I 38.0 I 171.0 I 42.0 I
I I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I
I I I I I I I I I I
I ARM E I 0.241 I 0.053 I 0.175 I 0.180 I 0.000 I 0.333 I 0.018 I
I I 55.0 I 12.0 I 40.0 I 41.0 I 0.0 I 76.0 I 4.0 I
I I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I
I I I I I I I I I I
I ARM F I 0.425 I 0.052 I 0.135 I 0.261 I 0.086 I 0.000 I 0.040 I
I I 236.0 I 29.0 I 75.0 I 145.0 I 48.0 I 0.0 I 22.0 I
I I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I
I I I I I I I I I I
I ARM G I 0.167 I 0.000 I 0.028 I 0.472 I 0.056 I 0.278 I 0.000 I
I I 12.0 I 0.0 I 2.0 I 34.0 I 4.0 I 20.0 I 0.0 I
I I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I ( 0.0)I
I I I I I I I I I I
-----

```

QUEUE AND DELAY INFORMATION FOR EACH 15 MIN TIME SEGMENT

-----

T70

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
11.30-11.45									
ARM A	6.96	29.18	0.239	-	0.0	0.3	4.6	-	0.045
ARM B	1.54	24.20	0.064	-	0.0	0.1	1.0	-	0.044
ARM C	5.26	28.93	0.182	-	0.0	0.2	3.3	-	0.042
ARM D	8.58	34.82	0.247	-	0.0	0.3	4.8	-	0.038
ARM E	2.86	22.40	0.128	-	0.0	0.1	2.1	-	0.051
ARM F	6.96	27.18	0.256	-	0.0	0.3	5.0	-	0.049
ARM G	0.90	19.31	0.047	-	0.0	0.0	0.7	-	0.054

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
11.45-12.00									
ARM A	8.32	28.31	0.294	-	0.3	0.4	6.1	-	0.050
ARM B	1.84	22.90	0.080	-	0.1	0.1	1.3	-	0.047
ARM C	6.28	27.82	0.226	-	0.2	0.3	4.3	-	0.046
ARM D	10.25	33.90	0.302	-	0.3	0.4	6.4	-	0.042
ARM E	3.42	21.09	0.162	-	0.1	0.2	2.8	-	0.057
ARM F	8.32	26.37	0.315	-	0.3	0.5	6.8	-	0.055
ARM G	1.08	18.11	0.060	-	0.0	0.1	0.9	-	0.059

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
12.00-12.15									
ARM A	10.18	27.12	0.375	-	0.4	0.6	8.8	-	0.059
ARM B	2.26	21.13	0.107	-	0.1	0.1	1.8	-	0.053
ARM C	7.69	26.31	0.292	-	0.3	0.4	6.1	-	0.054
ARM D	12.55	32.66	0.384	-	0.4	0.6	9.2	-	0.050
ARM E	4.18	19.30	0.217	-	0.2	0.3	4.1	-	0.066
ARM F	10.18	25.26	0.403	-	0.5	0.7	9.9	-	0.066
ARM G	1.32	16.47	0.080	-	0.1	0.1	1.3	-	0.066

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
12.15-12.30									
ARM A	10.18	27.12	0.376	-	0.6	0.6	9.0	-	0.059
ARM B	2.26	21.12	0.107	-	0.1	0.1	1.8	-	0.053
ARM C	7.69	26.30	0.292	-	0.4	0.4	6.2	-	0.054
ARM D	12.55	32.65	0.384	-	0.6	0.6	9.3	-	0.050
ARM E	4.18	19.29	0.217	-	0.3	0.3	4.1	-	0.066
ARM F	10.18	25.25	0.403	-	0.7	0.7	10.1	-	0.066
ARM G	1.32	16.46	0.080	-	0.1	0.1	1.3	-	0.066

TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)
12.30-12.45									
ARM A	8.32	28.30	0.294	-	0.6	0.4	6.4	-	0.050
ARM B	1.84	22.88	0.081	-	0.1	0.1	1.3	-	0.048
ARM C	6.28	27.81	0.226	-	0.4	0.3	4.5	-	0.046
ARM D	10.25	33.89	0.302	-	0.6	0.4	6.6	-	0.042
ARM E	3.42	21.07	0.162	-	0.3	0.2	3.0	-	0.057
ARM F	8.32	26.36	0.315	-	0.7	0.5	7.1	-	0.055
ARM G	1.08	18.10	0.060	-	0.1	0.1	1.0	-	0.059



I	TIME	DEMAND	CAPACITY	DEMAND/	PEDESTRIAN	START	END	DELAY	GEOMETRIC DELAY	AVERAGE DELAY	I
I		(VEH/MIN)	(VEH/MIN)	CAPACITY	FLOW	QUEUE	QUEUE	(VEH.MIN/	(VEH.MIN/	PER ARRIVING	I
I				(RFC)	(PEDS/MIN)	(VEHS)	(VEHS)	TIME SEGMENT)	TIME SEGMENT)	VEHICLE (MIN)	I
-											-
I	12.45-13.00										I
I	ARM A	6.96	29.16	0.239	- -	-	0.4	0.3	4.8	0.045	I
I	ARM B	1.54	24.17	0.064	- -	-	0.1	0.1	1.0	0.044	I
I	ARM C	5.26	28.91	0.182	- -	-	0.3	0.2	3.4	0.042	I
I	ARM D	8.58	34.80	0.247	- -	-	0.4	0.3	5.0	0.038	I
I	ARM E	2.86	22.37	0.128	- -	-	0.2	0.1	2.2	0.051	I
I	ARM F	6.96	27.17	0.256	- -	-	0.5	0.3	5.3	0.050	I
I	ARM G	0.90	19.29	0.047	- -	-	0.1	0.0	0.7	0.054	I
I											I

QUEUE AT ARM A

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
11.45	0.3
12.00	0.4
12.15	0.6 *
12.30	0.6 *
12.45	0.4
13.00	0.3

QUEUE AT ARM B

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
11.45	0.1
12.00	0.1
12.15	0.1
12.30	0.1
12.45	0.1
13.00	0.1

QUEUE AT ARM C

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
11.45	0.2
12.00	0.3
12.15	0.4
12.30	0.4
12.45	0.3
13.00	0.2

QUEUE AT ARM D

TIME SEGMENT	NO. OF
ENDING	VEHICLES
	IN QUEUE
11.45	0.3
12.00	0.4
12.15	0.6 *
12.30	0.6 *
12.45	0.4
13.00	0.3

QUEUE AT ARM E

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
11.45	0.1
12.00	0.2
12.15	0.3
12.30	0.3
12.45	0.2
13.00	0.1

QUEUE AT ARM F

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
11.45	0.3
12.00	0.5
12.15	0.7 *
12.30	0.7 *
12.45	0.5
13.00	0.3

QUEUE AT ARM G

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
11.45	0.0
12.00	0.1
12.15	0.1
12.30	0.1
12.45	0.1
13.00	0.0

QUEUEING DELAY INFORMATION OVER WHOLE PERIOD

T75									
ARM	I	TOTAL DEMAND	I	* QUEUEING *	I	* INCLUSIVE QUEUEING *	I		I
	I		I	* DELAY *	I	* DELAY *	I		I
	I	(VEH)	(VEH/H)	(MIN)	(MIN/VEH)	(MIN)	(MIN/VEH)		I
A	I	763.9	I 509.3	I 39.7	I 0.05	I 39.7	I 0.05		I
B	I	169.3	I 112.9	I 8.2	I 0.05	I 8.2	I 0.05		I
C	I	576.7	I 384.5	I 27.6	I 0.05	I 27.6	I 0.05		I
D	I	941.5	I 627.7	I 41.3	I 0.04	I 41.3	I 0.04		I
E	I	313.8	I 209.2	I 18.4	I 0.06	I 18.4	I 0.06		I
F	I	763.9	I 509.3	I 44.1	I 0.06	I 44.1	I 0.06		I
G	I	99.1	I 66.1	I 6.0	I 0.06	I 6.0	I 0.06		I
ALL	I	3628.3	I 2418.8	I 185.3	I 0.05	I 185.3	I 0.05		I

\* DELAY IS THAT OCCURRING ONLY WITHIN THE TIME PERIOD.  
 \* INCLUSIVE DELAY INCLUDES DELAY SUFFERED BY VEHICLES WHICH ARE STILL QUEUEING AFTER THE END OF THE TIME PERIOD.  
 \* THESE WILL ONLY BE SIGNIFICANTLY DIFFERENT IF THERE IS A LARGE QUEUE REMAINING AT THE END OF THE TIME PERIOD.

END OF JOB

===== end of file =====

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## A R C A D Y 6

## ASSESSMENT OF ROUNDABOUT CAPACITY AND DELAY

Analysis Program: Release 5.0 (JANUARY 2009)

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RG40 3GA,UK	

THE USER OF THIS COMPUTER PROGRAM FOR THE SOLUTION OF AN ENGINEERING PROBLEM IS  
IN NO WAY RELIEVED OF THEIR RESPONSIBILITY FOR THE CORRECTNESS OF THE SOLUTION

Run with file:-

"u:\SCT\2018\T&T\107420 - Lidl Stanecastle, Irvine\CALCULATIONS\TRAFFIC\ARCADY\  
Lidl, Irvine - Stanecastle Roundabout.vai"  
(drive-on-the-left ) at 09:55:10 on Monday, 9 September 2019

## FILE PROPERTIES

\*\*\*\*\*

RUN TITLE: Lidl, Irvine - Stanecastle Roundabout WD PM  
LOCATION: Irvine  
DATE: 20/12/18  
CLIENT: Lidl  
ENUMERATOR: bfleming [GLA0911]  
JOB NUMBER: 107420  
STATUS: Draft 1  
DESCRIPTION: Stanecastle Roundabout - 7-arm

## INPUT DATA

\*\*\*\*\*

ARM A - Long Drive N  
ARM B - Stanecastle Rd  
ARM C - Middleton Rd  
ARM D - Long Drive S  
ARM E - Crompton Way  
ARM F - Manson Rd  
ARM G - Bank St

## GEOMETRIC DATA

-----

																	T5		
I	ARM	I	V (M)	I	E (M)	I	L (M)	I	R (M)	I	D (M)	I	PHI (DEG)	I	SLOPE	I	INTERCEPT (PCU/MIN)	I	
I	ARM	A	I	3.94	I	9.00	I	18.50	I	30.10	I	155.30	I	34.0	I	0.490	I	33.608	I
I	ARM	B	I	3.97	I	8.10	I	14.40	I	16.20	I	159.20	I	28.0	I	0.465	I	30.784	I
I	ARM	C	I	3.53	I	10.56	I	21.70	I	22.10	I	161.50	I	37.0	I	0.493	I	34.565	I
I	ARM	D	I	7.26	I	8.56	I	1.90	I	16.00	I	143.30	I	21.0	I	0.542	I	39.457	I
I	ARM	E	I	3.64	I	7.96	I	14.60	I	12.70	I	149.20	I	27.0	I	0.448	I	29.064	I
I	ARM	F	I	3.64	I	7.91	I	25.60	I	13.40	I	161.50	I	33.0	I	0.463	I	31.322	I
I	ARM	G	I	3.61	I	8.00	I	9.30	I	11.50	I	142.50	I	37.0	I	0.409	I	25.426	I

V = approach half-width      L = effective flare length      D = inscribed circle diameter  
E = entry width      R = entry radius      PHI = entry angle

## TRAFFIC DEMAND DATA

-----

Only sets included in the current run are shown

## SCALING FACTORS

----- T13

I	ARM	I	FLOW SCALE(%)	I
I	A	I	100	I
I	B	I	100	I
I	C	I	100	I
I	D	I	100	I
I	E	I	100	I
I	F	I	100	I
I	G	I	100	I

-----

TIME PERIOD BEGINS(16.15)AND ENDS(17.45)

LENGTH OF TIME PERIOD -( 90) MINUTES

LENGTH OF TIME SEGMENT - (15) MINUTES

DEMAND FLOW PROFILES ARE SYNTHESISED FROM THE TURNING COUNT DATA

DEMAND SET TITLE: 2020 PM Base + Com + Dev

----- T15

I	ARM	I	NUMBER OF MINUTES FROM START WHEN FLOW STARTS	I	TOP OF PEAK	I	FLOW STOPS	I	BEFORE	I	AT TOP	I	AFTER	I
I		I	TO RISE	I	IS REACHED	I	FALLING	I	PEAK	I	OF PEAK	I	PEAK	I
I	ARM A	I	15.00	I	45.00	I	75.00	I	9.31	I	13.97	I	9.31	I
I	ARM B	I	15.00	I	45.00	I	75.00	I	1.56	I	2.34	I	1.56	I
I	ARM C	I	15.00	I	45.00	I	75.00	I	4.97	I	7.46	I	4.97	I
I	ARM D	I	15.00	I	45.00	I	75.00	I	14.50	I	21.75	I	14.50	I
I	ARM E	I	15.00	I	45.00	I	75.00	I	2.45	I	3.68	I	2.45	I
I	ARM F	I	15.00	I	45.00	I	75.00	I	11.13	I	16.69	I	11.13	I
I	ARM G	I	15.00	I	45.00	I	75.00	I	0.91	I	1.37	I	0.91	I

-----

DEMAND SET TITLE: 2020 PM Base + Com + Dev

----- T33

I	TIME	I	FROM/TO	I	ARM A	I	ARM B	I	ARM C	I	ARM D	I	ARM E	I	ARM F	I	ARM G	I
I	16.15 - 17.45	I		I		I		I		I		I		I		I		I
I		I	ARM A	I	0.003	I	0.005	I	0.074	I	0.426	I	0.098	I	0.392	I	0.003	I
I		I		I	2.0	I	4.0	I	55.0	I	317.0	I	73.0	I	292.0	I	2.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
I		I	ARM B	I	0.040	I	0.000	I	0.064	I	0.424	I	0.072	I	0.400	I	0.000	I
I		I		I	5.0	I	0.0	I	8.0	I	53.0	I	9.0	I	50.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
I		I	ARM C	I	0.173	I	0.070	I	0.000	I	0.354	I	0.060	I	0.342	I	0.000	I
I		I		I	69.0	I	28.0	I	0.0	I	141.0	I	24.0	I	136.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
I		I	ARM D	I	0.337	I	0.087	I	0.242	I	0.000	I	0.027	I	0.252	I	0.055	I
I		I		I	391.0	I	101.0	I	281.0	I	0.0	I	31.0	I	292.0	I	64.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
I		I	ARM E	I	0.260	I	0.077	I	0.153	I	0.214	I	0.000	I	0.281	I	0.015	I
I		I		I	51.0	I	15.0	I	30.0	I	42.0	I	0.0	I	55.0	I	3.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
I		I	ARM F	I	0.449	I	0.038	I	0.209	I	0.220	I	0.051	I	0.000	I	0.033	I
I		I		I	400.0	I	34.0	I	186.0	I	196.0	I	45.0	I	0.0	I	29.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I
I		I	ARM G	I	0.288	I	0.055	I	0.178	I	0.274	I	0.027	I	0.178	I	0.000	I
I		I		I	21.0	I	4.0	I	13.0	I	20.0	I	2.0	I	13.0	I	0.0	I
I		I		I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I	( 0.0)	I
I		I		I		I		I		I		I		I		I		I

-----

											T70
I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	16.15-16.30										I
I	ARM A	9.35	27.42	0.341	- -	0.0	0.5	7.5	-	0.055	I
I	ARM B	1.57	21.66	0.072	- -	0.0	0.1	1.1	-	0.050	I
I	ARM C	4.99	27.65	0.181	- -	0.0	0.2	3.2	-	0.044	I
I	ARM D	14.56	34.37	0.423	- -	0.0	0.7	10.7	-	0.050	I
I	ARM E	2.46	19.39	0.127	- -	0.0	0.1	2.1	-	0.059	I
I	ARM F	11.17	25.04	0.446	- -	0.0	0.8	11.6	-	0.072	I
I	ARM G	0.92	15.84	0.058	- -	0.0	0.1	0.9	-	0.067	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	16.30-16.45										I
I	ARM A	11.16	26.21	0.426	- -	0.5	0.7	10.8	-	0.066	I
I	ARM B	1.87	19.87	0.094	- -	0.1	0.1	1.5	-	0.056	I
I	ARM C	5.96	26.29	0.227	- -	0.2	0.3	4.3	-	0.049	I
I	ARM D	17.38	33.37	0.521	- -	0.7	1.1	15.8	-	0.062	I
I	ARM E	2.94	17.49	0.168	- -	0.1	0.2	3.0	-	0.069	I
I	ARM F	13.33	23.81	0.560	- -	0.8	1.3	18.2	-	0.095	I
I	ARM G	1.09	13.95	0.078	- -	0.1	0.1	1.2	-	0.078	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	16.45-17.00										I
I	ARM A	13.67	24.56	0.557	- -	0.7	1.2	17.9	-	0.091	I
I	ARM B	2.29	17.44	0.132	- -	0.1	0.2	2.2	-	0.066	I
I	ARM C	7.30	24.45	0.299	- -	0.3	0.4	6.2	-	0.058	I
I	ARM D	21.29	32.01	0.665	- -	1.1	1.9	28.0	-	0.092	I
I	ARM E	3.60	14.91	0.241	- -	0.2	0.3	4.6	-	0.088	I
I	ARM F	16.33	22.13	0.738	- -	1.3	2.7	37.6	-	0.167	I
I	ARM G	1.34	11.41	0.117	- -	0.1	0.1	1.9	-	0.099	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	17.00-17.15										I
I	ARM A	13.67	24.53	0.557	- -	1.2	1.2	18.7	-	0.092	I
I	ARM B	2.29	17.40	0.132	- -	0.2	0.2	2.3	-	0.066	I
I	ARM C	7.30	24.42	0.299	- -	0.4	0.4	6.4	-	0.058	I
I	ARM D	21.29	32.00	0.665	- -	1.9	2.0	29.4	-	0.093	I
I	ARM E	3.60	14.87	0.242	- -	0.3	0.3	4.8	-	0.089	I
I	ARM F	16.33	22.11	0.739	- -	2.7	2.8	41.1	-	0.173	I
I	ARM G	1.34	11.35	0.118	- -	0.1	0.1	2.0	-	0.100	I
I											I

I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I
I	17.15-17.30										I
I	ARM A	11.16	26.16	0.427	- -	1.2	0.8	11.5	-	0.067	I
I	ARM B	1.87	19.80	0.095	- -	0.2	0.1	1.6	-	0.056	I
I	ARM C	5.96	26.25	0.227	- -	0.4	0.3	4.5	-	0.049	I
I	ARM D	17.38	33.35	0.521	- -	2.0	1.1	16.9	-	0.063	I
I	ARM E	2.94	17.44	0.168	- -	0.3	0.2	3.1	-	0.069	I
I	ARM F	13.33	23.78	0.561	- -	2.8	1.3	20.3	-	0.098	I
I	ARM G	1.09	13.88	0.079	- -	0.1	0.1	1.3	-	0.078	I
I											I



I	TIME	DEMAND (VEH/MIN)	CAPACITY (VEH/MIN)	DEMAND/ CAPACITY (RFC)	PEDESTRIAN FLOW (PEDS/MIN)	START QUEUE (VEHS)	END QUEUE (VEHS)	DELAY (VEH.MIN/ TIME SEGMENT)	GEOMETRIC DELAY (VEH.MIN/ TIME SEGMENT)	AVERAGE DELAY PER ARRIVING VEHICLE (MIN)	I	
I	17.30-17.45										I	
I	ARM A	9.35	27.38	0.341	- -	-	0.8	0.5	8.0	-	0.056	I
I	ARM B	1.57	21.61	0.073	- -	-	0.1	0.1	1.2	-	0.050	I
I	ARM C	4.99	27.61	0.181	- -	-	0.3	0.2	3.4	-	0.044	I
I	ARM D	14.56	34.35	0.424	- -	-	1.1	0.7	11.3	-	0.051	I
I	ARM E	2.46	19.35	0.127	- -	-	0.2	0.1	2.2	-	0.059	I
I	ARM F	11.17	25.01	0.446	- -	-	1.3	0.8	12.5	-	0.073	I
I	ARM G	0.92	15.78	0.058	- -	-	0.1	0.1	0.9	-	0.067	I
I											I	

#### QUEUE AT ARM A

TIME SEGMENT	NO. OF	
ENDING	VEHICLES	
	IN QUEUE	
16.30	0.5	*
16.45	0.7	*
17.00	1.2	*
17.15	1.2	*
17.30	0.8	*
17.45	0.5	*

#### QUEUE AT ARM B

TIME SEGMENT	NO. OF	
ENDING	VEHICLES	
	IN QUEUE	
16.30	0.1	
16.45	0.1	
17.00	0.2	
17.15	0.2	
17.30	0.1	
17.45	0.1	

#### QUEUE AT ARM C

TIME SEGMENT	NO. OF	
ENDING	VEHICLES	
	IN QUEUE	
16.30	0.2	
16.45	0.3	
17.00	0.4	
17.15	0.4	
17.30	0.3	
17.45	0.2	

#### QUEUE AT ARM D

TIME SEGMENT	NO. OF	
ENDING	VEHICLES	
	IN QUEUE	
16.30	0.7	*
16.45	1.1	*
17.00	1.9	**
17.15	2.0	**
17.30	1.1	*
17.45	0.7	*

QUEUE AT ARM E

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
16.30	0.1
16.45	0.2
17.00	0.3
17.15	0.3
17.30	0.2
17.45	0.1

QUEUE AT ARM F

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
16.30	0.8 *
16.45	1.3 *
17.00	2.7 ***
17.15	2.8 ***
17.30	1.3 *
17.45	0.8 *

QUEUE AT ARM G

TIME SEGMENT ENDING	NO. OF VEHICLES IN QUEUE
16.30	0.1
16.45	0.1
17.00	0.1
17.15	0.1
17.30	0.1
17.45	0.1

QUEUEING DELAY INFORMATION OVER WHOLE PERIOD

T75									
ARM	I	TOTAL DEMAND	I	* QUEUEING *	I	* INCLUSIVE QUEUEING *	I		I
	I		I	* DELAY *	I	* DELAY *	I		I
	I	(VEH)	(VEH/H)	(MIN)	(MIN/VEH)	(MIN)	(MIN/VEH)		I
A	I	1025.4	I	683.6	I	74.5	I	0.07	I
B	I	172.1	I	114.7	I	10.0	I	0.06	I
C	I	547.8	I	365.2	I	28.0	I	0.05	I
D	I	1596.7	I	1064.4	I	112.2	I	0.07	I
E	I	269.8	I	179.9	I	19.8	I	0.07	I
F	I	1225.0	I	816.7	I	141.4	I	0.12	I
G	I	100.5	I	67.0	I	8.3	I	0.08	I
ALL	I	4937.2	I	3291.5	I	394.2	I	0.08	I

\* DELAY IS THAT OCCURRING ONLY WITHIN THE TIME PERIOD.  
 \* INCLUSIVE DELAY INCLUDES DELAY SUFFERED BY VEHICLES WHICH ARE STILL QUEUEING AFTER THE END OF THE TIME PERIOD.  
 \* THESE WILL ONLY BE SIGNIFICANTLY DIFFERENT IF THERE IS A LARGE QUEUE REMAINING AT THE END OF THE TIME PERIOD.

END OF JOB

===== end of file =====

Printed at 09:55:39 on 09/09/2019]

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Appendix 12

# REPORT AND MINUTES OF NAC'S PLANNING COMMITTEE HELD ON 22 JANUARY 2020

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## NORTH AYRSHIRE COUNCIL

22 January 2020

### Planning Committee

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<b>Title:</b>	<b>Call In Request: Crompton Way, North Newmoor, Irvine</b>
<b>Purpose:</b>	To advise the Planning Committee of a call in request in relation to an application for planning permission which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.
<b>Recommendation:</b>	The Planning Committee consider whether it wishes to determine the application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

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#### 1. Executive Summary

- 1.1 In terms of Section 43(6)A of the Town and Country Planning (Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers, for determination by the Planning Committee.

#### 2. Background

- 2.1 A request has been made by Councillors Easdale, Burns and Donald L Reid that an application for the erection of a foodstore should be determined by the Planning Committee and not by an officer under the Council' Scheme of Delegation to Officers.
- 2.2 The planning application was validated on 4 October 2019 and the call in request has been submitted within the 3 week deadline in accordance with the approved procedure (Appendix 1).
- 2.3 The stated reason for the call in request is as follows: -
- Creation of upto 40 local employment opportunities;
  - No other suitable or available sites to accommodate this development;
  - Retail Impact Assessment has shown there will be minimal impact on the designated town centre;
  - Strong community support;
  - Reuse of vacant and derelict site; and
  - Demand for retail foodstore.



### **3. Proposals**

- 3.1 The Planning Committee consider whether it wishes to determine the application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers.

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

#### **Financial**

- 4.1 None

#### **Human Resources**

- 4.2 None

#### **Legal**

- 4.3 Section 43(6)A of the Town and Country Planning (Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council' Scheme of Delegation to Officers, for determination by the Planning Committee.

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

- 4.4 None

#### **Environmental and Sustainability**

- 4.5 None

#### **Key Priorities**

- 4.6 None

#### **Community Wealth Building**

- 4.7 None

### **5. Consultation**

- 5.1 No consultations were required.

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

#### **Background Papers**

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### Planning Committee Call-in

In terms of Section 43(6)A of the Town and Country Planning(Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers, for determination by the Planning Committee.

The following steps should be followed when submitting a call in request:

- Requests must be signed by three Elected Members and delivered to the Chief Executive, or submitted electronically, via an individual email to the Chief Executive from each of the three Elected Members in question.
- Requests must be received no later than 12 noon on the twenty first calendar day (all days inclusive) following validation of the application.
- Requests must state the reasons for the call-in, which must relate to the provisions of the Local Development Plan and any material planning considerations which are relevant to the application. The reasons will be shared with the applicant.

On receipt of a call-in, the Chief Executive will consult with the Chair of the Planning Committee and if the Chief Executive is satisfied that the call-in complies with the terms of Standing Order 26.3.1, the application shall be referred to the Planning Committee for determination of the application. No Member of the Planning Committee who has signed a call-in request may take part in consideration of the call in request.

At least one of the Members who has requested the call in will be asked to attend the Planning Committee to explain the request. The Committee may either determine the application or decide not to determine the application, leaving officers to determine the application under delegated powers.

**Planning Committee**  
**22 January 2020**

**Irvine, 22 January 2020** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macauley, Ellen McMaster, Ronnie McNicol and Donald Reid.

**Also Present**

John Easdale, Jean McClung and Todd Ferguson.

**In Attendance**

J. Miller, Senior Manager (Planning), A. Craig, Senior Manager (Legal Services); and H. Clancy, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Marshall in the Chair.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

Members of the Planning Committee advised that they were in receipt of both correspondence and telephone calls from the applicant for Agenda Items 4 and 5, but had not engaged in any way which would necessitate a declaration of interest in the matter.

**2. Minutes**

The Minutes of the meeting of the Planning Committee held on 4 December 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Introductory Remarks**

The Legal Adviser to the Planning Committee set out the call in process for agenda items 4 and 5 and advised the pre meeting requirements had been met and the matters were now before the Planning Committee.

**4. Call In Request: Crompton Way, North Newmoor, Irvine**

Submitted a report by the Chief Executive of a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers.

A request has been made by Councillors Easdale, Burns and Donald L Reid that an application for the erection of a foodstore should be determined by the Planning Committee and not by an officer under the Council's Scheme of Delegation to Officers. The stated reason for the call in request was detailed in the call in request dated 24 October 2019 circulated to Members prior to the meeting and summarised as follows:-

- Creation of up to 40 local employment opportunities;
- No other suitable or available sites to accommodate this development;
- Retail Impact Assessment has shown there will be minimal impact on the designated town centre;
- Strong community support;
- Reuse of vacant and derelict site; and
- Demand for retail foodstore.

Councillor Easdale was in attendance and addressed the committee in support of the call in request. Councillor Easdale referred to the strong community support for this proposal, Lidl's informative consultation pack and the process for notifying Elected Members about planning applications which had been submitted.

Councillor Foster seconded by Councillor McNicol, moved not to call in the application and that it should be determined by an officer under the Council's Scheme of Delegation to Officers.

There being no amendment the motion was declared carried.

## **5. Call In Request: Sorbie Farm, Ardrossan**

Submitted a report by the Chief Executive of a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers.

A request has been made by Councillors McClung, Gurney and Montgomerie that a section 42 application to vary condition 2 of planning permission 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m, should be determined by the Planning Committee and not by an officer under the Council's Scheme of Delegation to Officers.

The stated reason for the call in request was detailed in the call in request dated November 2019 circulated to Members prior to the meeting and summarised as follows: -

- The application will contribute to 12MW capacity of clean renewable electricity which will go towards achieving the Scottish Government's aim for generation of renewable energy;
- North Ayrshire Council has declared a climate emergency;
- Mitigation of the landscape and visual impacts of the proposal has been undertaken by the applicant;
- The carbon balance of the proposal has been improved by the applicant;

- The applicant is unable to procure a wind turbine that would fit within the consented 104.3m envelope;
- Economic Benefits to North Ayrshire; and
- The terms of policy 29 of the Local Development Plan.

Councillor McClung was in attendance and addressed the committee in support of the call in request. Councillor McClung referred to a recent press release by North Ayrshire Council that aims to achieve net-zero carbon emissions within a decade. Councillor McClung also referred to the applicant's steps to further mitigate the landscape and visual impacts of the proposal and the significant economic benefit to the people of North Ayrshire. Councillor McClung also advised the money generated by Sorbie Dairy Farm will also allow the applicant to invest in local jobs and grow their business.

Councillor Foster seconded by Councillor Billings, moved not to call in the application and that it should be determined by an officer under the Council's Scheme of Delegation to Officers.

As an amendment, Councillor Barr, seconded by Councillor Macaulay, moved that the application be called in and determined by the Planning Committee.

On a division, there voted for the amendment five and for the motion five, and on the casting vote of the Chair, the motion was declared carried.

#### **6.1 19/00539/PPM: 16-20 Murdoch Place Oldhall West Industrial Estate Irvine Ayrshire KA11 5DG**

Doveyard Ltd have applied for Planning Permission for the development of an Energy Recovery Facility (ERF) to include (1) the erection of materials recycling/fuel preparation building; (2) the erection of an energy recovery building for the production of electricity and heat with associated (60m high) exhaust flue; and (3) the provision of associated site facilities to include silos, access roads, parking, attenuation pond, landscaping and security fencing. No representations were received.

The Committee agreed to grant the application subject to the following conditions:

1. That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development, hereby approved, the applicant shall carry out a programme of site investigations at the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and to inform any subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority.



Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.

3. That, for the avoidance of doubt, surface water arising from the development of the site shall be treated and managed using a SuDS system. Prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes (inclusive of colour scheme), boundary treatments and ground surface treatments to be used in the development. For the avoidance of doubt, there shall be no natural lighting panels on the external walls of the turbine hall. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
5. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Acoustics' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
6. That, prior to the commencement of any landscaping of the site, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of tree planting, which shall include details of species, planting densities, soil treatment and aftercare. For the avoidance of doubt, the area for tree planting shall be limited to the southeast corner of the site only. In addition, the species to be selected for the scheme shall be similar to the trees within the adjacent woodland at Oldhall Ponds. Trees which produce berries or fruits attractive to birds shall be excluded from the scheme. Thereafter, the tree planting scheme as may be approved shall be implemented prior the development becoming operational and retained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

7. That the flue stack shall be fitted within an omni-directional red warning light which requires to be commissioned immediately upon erection of the stack. The warning light shall be operated continuously during hours of darkness and permanently retained in working condition thereafter unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
8. That, following the removal of all recyclable materials within the Materials Recovery Facility hereby approved, the feedstock for the Energy Recovery Facility hereby approved shall be limited to non-hazardous materials derived from municipal, commercial and industrial sources. The plant shall be designed to operate up to a maximum tonnage of 180,000 tonnes of refuse derived fuel per annum. For the avoidance of doubt, there shall be no food waste, medical waste or hazardous waste accepted at the site.
9. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Efficiency' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

#### **7.1 19/00864/PPM: Loanhead Quarry Beith Ayrshire KA15 2JN**

W H Malcolm Ltd have applied for planning permission for the operation of a materials recycling and wash plant at Loanhead Quarry, Beith. 7 objections were received and summarised in the report.

Councillor Barr seconded by Councillor McNicol, moved that a site visit should be undertaken before the planning application is determined.

As an amendment, Councillor Macaulay, seconded by Councillor Foster, moved that a site visit should not be undertaken, and the application be determined.

On a division there voted for the amendment five and for the motion four, the amendment was declared carried.

Councillor Reid seconded by Councillor Macaulay, moved to approve planning permission subject to conditions.

As an amendment, Councillor Barr, seconded by Councillor McNicol, moved to refuse planning permission on the grounds that the committee did not have sufficient information.

On a division there voted for the amendment three and for the motion seven, and the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

1. That the use hereby permitted shall cease on 4th May 2058, or an earlier date to be agreed in writing with North Ayrshire Council, as Planning Authority. All plant and machinery shall be removed from the site and the land restored within twelve months of the expiration of the permission or twelve months of the earlier date agreed by North Ayrshire Council, as Planning Authority.
2. That, within 3 months of the date of the permission, a scheme of restoration for the area of the permitted use shall be submitted to North Ayrshire Council, as Planning Authority, for written approval.
3. The types of material to be processed will be restricted to those permitted by SEPA in any permit for the site, or any future regulatory permit by the authorised environmental protection body. Any changes to the types of material permitted by SEPA will be forwarded to North Ayrshire Council, as Planning Authority, within 7 days of the change being agreed by SEPA.
4. That the public road adjacent to the site shall be kept clear of mud or other deposited material arising from the site at all times, to the satisfaction of North Ayrshire Council, as Planning and Roads Authority.
5. That adequate vehicle washing facilities shall be maintained to ensure that vehicles leaving the site shall not deposit deleterious material on public roads
6. That all loaded vehicles carrying aggregate materials 75mm and under in open containers shall be sheeted or otherwise covered.
7. That the hours of operation shall be restricted to 0700-1900 Monday to Friday and 0700-1300 Saturday, except for essential maintenance work, and no work shall be undertaken on Sundays or Public Holidays.
8. That the noise from the use shall not exceed 55dBL<sub>aeq</sub>, 1h(60mins) during the agreed working hours measured at least 3.5m in front of the most exposed façade of any existing noise sensitive property.
9. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.
10. That the development shall monitor noise from the site and to record the finding in accordance with the approved monitoring scheme associated with planning permission 15/00264/DCMS
11. At all times during the carrying out of operations authorised or required under this permission, water bowsers and sprayers, mobile or fixed, shall be used at all times as it is necessary to minimise the emission of dust from the site.

12. That the development shall monitor dust from the site and to record the finding in accordance with the approved monitoring scheme associated with planning permission
  13. The developer shall undertake all works to ensure that there are safeguards against pollution of groundwater or any watercourse from all construction and ongoing activities.
  14. All storage mounds shall be evenly graded, shaped and drained to prevent water ponding on or around them.
  15. That during the life of the operations the applicant shall retain the services of the South Strathclyde Raptor Study Group whose recommendations shall be followed unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.
  16. The appropriate measures shall be adopted to ensure that no employee from the site visits the nests of either Peregrines, or Ravens or Barn Owls at any time.
- 8. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX**

Submitted report by Executive Director (Place) to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in the height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.

The Senior Manager (Planning) provided the Committee with information on the site and advised the total height of the fence was 1.9m, the works were undertaken in 2018 and Planning permission had not been granted for the works, which were therefore unauthorised. The owner of the land has been advised that the works are unauthorised and has been requested to reduce the height of the fence. A response has not been received from the owner.

The Committee unanimously agreed to grant authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.

Councillor Foster left the meeting.

## **9. The Planning (Scotland) Act 2019 Commencement Regulations**

Submitted report by the Executive Director (Place) on the implementation of the Planning (Scotland) Act 2019.

Noted.

## **10. Scottish Government Consultation on Planning Performance and Fees**

Submitted report by the Executive Director (Place) on the Scottish Government's consultation on the proposed introduction of Planning Performance and amendments to Planning fees.

The Committee unanimously agreed to approve the content of the report which will form the basis of the response to the Consultation.

The Meeting ended at 3.40 p.m.



Appendix 13

# STATEMENT OF COMMUNITY INVOLVEMENT, RAPLEYS LLP OCTOBER 2019

Statement of Community Involvement  
for Lidl Great Britain Limited

**ERECTION OF NEW LIDL  
FOODSTORE WITH  
ASSOCIATED WORKS**

**AT**

**LAND BESIDE CROMPTON  
WAY,  
IRVINE,  
NORTH AYRSHIRE**

**October 2019**  
**Our Ref: 18-02874**

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## Appendices

Appendix 1 - Copy of the Consultation Leaflet and Response Card

Appendix 2 - Copy of the Public Exhibition Banners

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## 1 INTRODUCTION

- 1.1 This Statement of Community Involvement (SCI) has been prepared by Rapleys LLP (Rapleys), on behalf of Lidl UK GmbH (Lidl), and is submitted in support of a planning application for the erection of a new Lidl foodstore with associated car parking and landscaping at land at Crompton Way, Irvine.
- 1.2 Proposals for the development have been subject to pre-application discussions with North Ayrshire Council (NAC) details for which are summarised in the accompanying Statement of Community Involvement.
- 1.3 This application seeks to erect a new Lidl foodstore (Use Class 1), measuring 1,996 sq.m gross external area (GEA) with a net sales area of 1,257 sq.m.; 130 car parking spaces (including 8 disabled spaces and 12 parent & child spaces); and a trolley bay located underneath the store entrance. It is the intention to provide 2 parking spaces with electric charging bays as part of the proposal.
- 1.4 The nature of the Lidl Business model result in the store performing a predominantly “top up” shopping role. Discount store such as Lidl, act as complimentary retailers to conventional food shopping. The proposal will provide increase competition and consumer choice, and create additional local jobs in addition to improving convenience shopping in Irvine.
- 1.5 This Statement should be read in conjunction with the documentation submitted in support of this application submission. These documents include:
- Full Drawing Package prepared by Mansons;
  - Design and Access Statement prepared by Rapleys LLP;
  - Planning and Retail Statement by Rapleys LLP;
  - Daylight and Sunlight Assessment prepared by Rapleys LLP;
  - Landscape Plan produced by FDA;
  - Transport Assessment prepared by Systra Ltd;
  - Noise Impact Assessment prepared by SLR;
  - Phase 1 Habitat Survey and Bat Survey prepared by Acorna Ecology Ltd;
  - Tree Survey prepared by Donald Rodger Associates
- 1.6 This SCI sets out the national and local policy context relevant to community engagement and the consultation strategy to be undertaken by Lidl to engage with local residents, NAC and other Statutory Consultees.
- 1.7 The consultation strategy adopted is informed by and accords with the requirements as set out in Scottish Government Planning Advice Note on Community Engagement 3/2010.
- 1.8 The SCI should be read alongside the Retail Statement, the Design and Access Statement and other supporting application documentation.

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## 2 RELEVANT PLANNING CONTEXT

- 2.1 The section sets out the relevant planning context in relation to the requirements for public consultation and community involvement.

### SCOTTISH PLANNING POLICY

- 2.2 Scottish Planning Policy (SPP, 2014) sets out the national requirements relating to pre-application engagement.
- 2.3 In decision taking, and specifically pre-application engagement, paragraph 48 of SPP states that early engagement has the significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better co-ordination between public and private resources and can result in improved outcomes for the community.
- 2.4 In order to avoid delay, SPP advises that applicants are encouraged to discuss what information is required with the local planning authority and expert bodies as early as possible (paragraph 106).

### SCOTTISH GOVERNMENT PLANNING ADVICE NOTE ON COMMUNITY ENGAGEMENT 3/2010

- 2.5 The Scottish Government Planning Advice Note on Community Engagement 3/2010 (PAN 3/2010) sets out the Scottish Government's expectation's for Council engagement with the local community. Paragraphs 21-23 of PAN 3/2010 set out the Scottish Government's expectations of applicants when submitting a planning application.
- 2.6 When submitting an application, the Scottish Government encourages prospective developers to undertake more extensive public involvement at an early stage, before a planning application is submitted.
- 2.7 When a planning application is submitted for a major development, the Scottish Government expects the applicant to demonstrate how the community has been involved. This should take the form of a supporting statement outlining what public consultation has been carried out and how the results of the exercise have been taken into account in respect of the submitted application.
- 2.8 In light of the above, the following section outlines the public consultation strategy that has been carried out for the proposed scheme.



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### 3 CONSULTATION PROCESS

- 3.1 The section sets out the consultation strategy undertaken by the applicant to engage with NAC and the local community to inform them of the proposed application and obtain feedback.

#### ENGAGEMENT WITH NORTH AYRSHIRE COUNCIL

- 3.2 Prior to submitting the planning application, Lidl undertook pre-application consultation discussions with NAC. This involved:

- Sending a formal pre-application enquiry email to NAC on 14th November 2018;
- Receiving a response from the Case Officer, Iain Davies on 21st November 2018;
- Engaging in discussion via email and telephone with the Case Officer; and
- A formal Pre-Application Meeting with Iain Davies at NAC Officer in Irvine on 3rd December 2018.

- 3.3 As a part of the pre-application enquiries, correspondence was sent to clarify the scope for the Retail Impact Assessment on 14th November 2018.

- 3.4 Subsequent responses from NAC were received on 16th, 21st, 23rd November 2018 noting that NAC were unsure as to who would be reviewing the RIA - if it would be reviewed internally and externally. Following the pre-application meeting on 3rd December, the Case Officer confirmed that it was more than likely for NAC to have the retail impact assessment reviewed externally. This was also followed-up by the Case Officer in an email of the 5th December 2018.

- 3.5 The Case Officer noted that NAC did not often receive retail applications of this scale in out-of-centre locations, hence the uncertainty regarding who would review it.

- 3.6 Overall, the discussions focussed on what supporting documents may be required and the policy position of the Local Development Plan (LDP) regarding this retail proposal at Stanecastle Roundabout. The Case Officer understood the reasoning behind Lidl's proposal and why this location was chosen for the development. He noted that it was for the applicant to satisfy the sequential and retail impact policy tests.

- 3.7 It was noted that there may need to be some screening to the south of the site to protect the visual amenity of the residential properties being built to the south of the subject site.

- 3.8 He also noted that he had spoken to his Roads Department Colleagues and they had expressed comments regarding the capacity of Stanecastle Roundabout and immediate road network.

- 3.9 This feedback has aided in the design of the new store and scope of the relevant planning application documentation to accompany the application.

#### Further Consultation with North Ayrshire Council

- 3.10 During the consultation and determination periods of Planning Application Reference 19/00050/PP, regular dialogue between NAC and the applicant was had.

- 3.11 This included email and telephone correspondence to discuss the scheme; and to discuss planning matters as well as other comments from consultees.

- 3.12 This included such matters as:

- 
- The retail impact assessment;
  - The sequential site assessment;
  - Impact on the surrounding area; and
  - Transport and connectivity.
- 3.13 Following these discussions, the applicant has sought to address any concerns raised through this updated proposal. This includes further analysis of the development's impact on the local road network, impact on the amenity of the neighbouring Persimmon residential development and a further sequential analysis.
- 3.14 It is considered that this application has sought to build on the previous proposal. Some key elements include:
- The addition of a pedestrian footpath to the north of the site connecting the store to the existing footpath and subway;
  - The reduction in the footprint of the store resulting in a reduced net-sales area (further reducing the already negligible impact on Irvine Town Centre);
  - Providing a further analysis of the impact on the local road network demonstrating that there is capacity for a new discount foodstore in this location;
  - An increase in the number of parking spaces meaning the development proposal is now in compliance with North Ayrshire Council Road Development Guide;
  - Daylight/Sunlight Assessment demonstrating that the proposal will not impact on the amenity of the houses near the western boundary of the Lidl site;
  - A strengthened sequential assessment, further demonstrating why this site is suitable for the proposed Lidl foodstore. This included a number of sites which NAC should be assessed.
- 3.15 Further discussions with NAC have allowed the applicant to bring forward an improved scheme demonstrating the appropriateness of the development site at Crompton Way.
- 3.16 A further pre-application meeting between the applicant and NAC Planning and Road Officers was had on 24<sup>th</sup> September to discuss the new proposal being brought forward.

#### ENGAGEMENT WITH THE LOCAL COMMUNITY

- 3.17 Lidl have undertaken a significant amount of community engagement to obtain the opinions of the residents of Irvine.
- 3.18 Lidl also undertook consultation with the local community within the area where the application is proposed. This community consultation comprised:
- The delivery of circa 9000 leaflets to surrounding residential addresses making people aware of the development proposal and community consultation event as well as providing them with a response card where people could share their thoughts on the proposal; and
  - A dedicated webpage giving further details about the proposal and inviting feedback was set-up. This also provided the opportunity for residents to submit any comments via email; and
  - A public exhibition was held on 11<sup>th</sup> December 2018 at Irvine Park Bowling Club, Woodland Avenue, Irvine, KA12 0PZ from 3pm-7pm.

- 
- 3.19 Over 260 leaflets were returned with comments about the proposal.
- 3.20 As such, consultation leaflets were sent out to 9000 addresses within a 1.25km radius of the development site presenting the planning application proposals and encouraging residents to provide their opinions via the postage-paid return envelope, a copy of the consultation leaflet and response card is provided in **Appendix 1**. A copy of the consultation banner can be found in **Appendix 2**.
- 3.21 The leaflet also set out the details of the website (<https://rapleys.com/consultation/lidlirvine/>) which was created to advertise the proposed development. The website provides further detail on the new store, and provides the option of viewing the consultation boards for those who could not attend the Public Consultation Event. There will also be the option to download the planning application plans and documents once submitted. This will ensure that anyone who could not attend the Public Exhibition Event has the ability to view and comment on the proposed development.
- 3.22 The location was selected to ensure that it was accessible to residents and businesses immediately affected by the proposals. The timing of the exhibition was allotted to ensure that residents could attend either during the day or after working hours. The purpose of the event was to give residents and other interested parties the opportunity to view the proposed plans and ask members of the development team questions.
- 3.23 In accordance with PAN 3/2010, the above methods of consultation are considered appropriate given the nature and scale of the proposal. The range of methods was used to ensure an inclusive approach to community engagement, the findings of which will be presented in Section 4 of this statement.
- 3.24 Lidl will continue to welcome comments on the proposals once the application has been submitted, demonstrating a willingness to maintain an open dialogue with the local community and local planning authority.
- 3.25 It is believed that the methods of consultation undertaken have exceeded those necessary for an application of this scale.
- 3.26 The consultation strategy employed is considered to be inclusive and appropriate for the nature and scale of the proposed development.

## 4 ANALYSIS OF QUESTIONNAIRE RESPONSES

4.1 This section provides an analysis summary of the comments and responses received from the public consultation exercise, taking into account the response cards received at the consultation event, by post and those received by email.

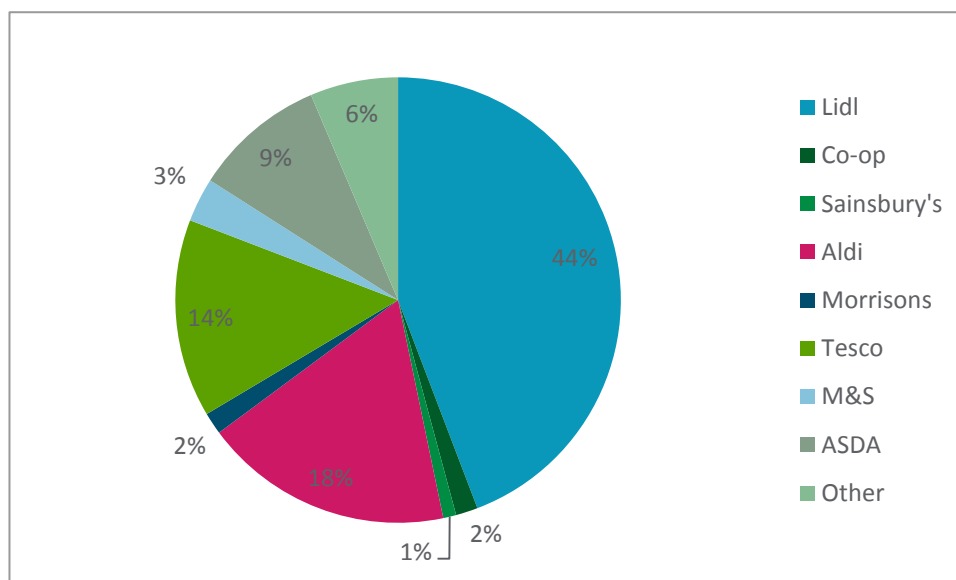
4.2 A total of 260 response cards were received during the consultation event and through the post, which asked residents four questions relating to the proposed development. In addition, a further 24 responses to the questions were received via email taking the overall response rate to 284.

4.3 The responses have been reviewed and analysed.

### Existing Food Shopping Characteristics

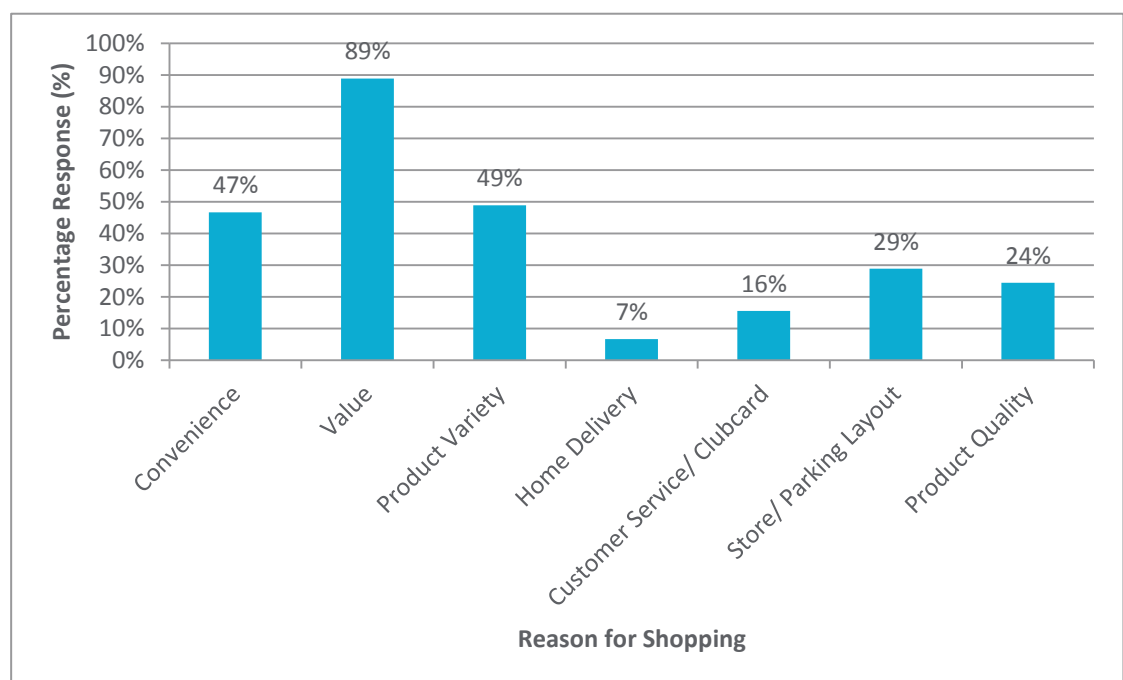
4.4 A small amount of information on existing food shopping habits of the respondents was also collected as part of the survey, primarily where the respondent did the majority of their main food shopping. Please note that many respondents identified more than one store operator in response to this question so therefore this is an indicator of shopping habits only.

Figure 1: Preferred Supermarket of Respondents



- 4.5 Although the survey did not identify the location specific stores nor the amount of spend directed to individual operators it does identify general information about current shopping habits.
- 4.6 A supplementary question was included relating to reasons for choice of main food shopping destination. Due to many respondents choosing more than one store it is not possible to clearly identify the specific reasons but a general overview is provided below.
- 4.7 47% of respondents choose convenience as their main reason for choosing a particular supermarket, 89% choose value, 49% picked product variety while 7% chose home delivery. All reasons are detailed below. Please note that some respondents chose multiple reasons for their choice preferred supermarket. As a result the total percentages exceed 100% of respondents.

**Figure 2: Reasons for Choosing Preferred Supermarket**

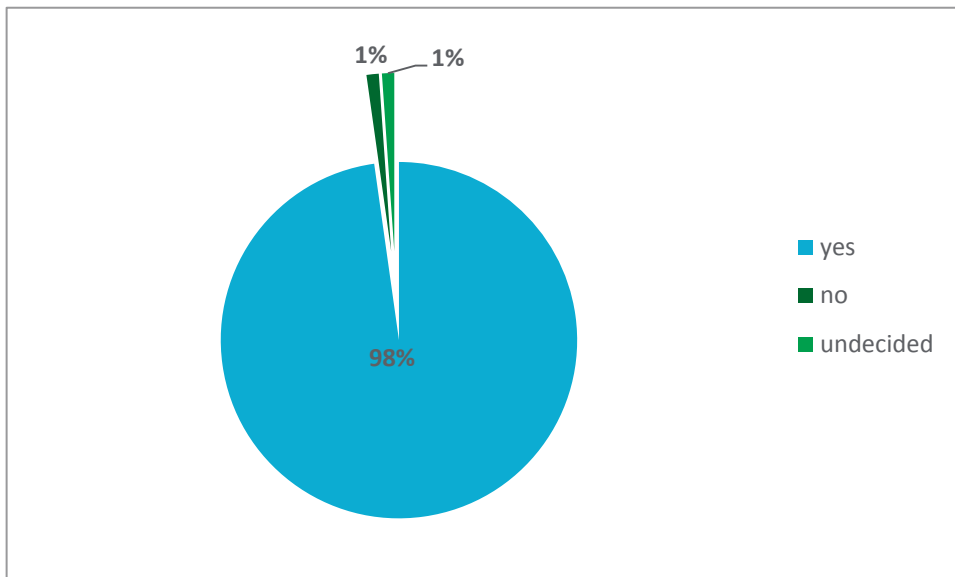




### Attitudes to Aspects of Proposed Development

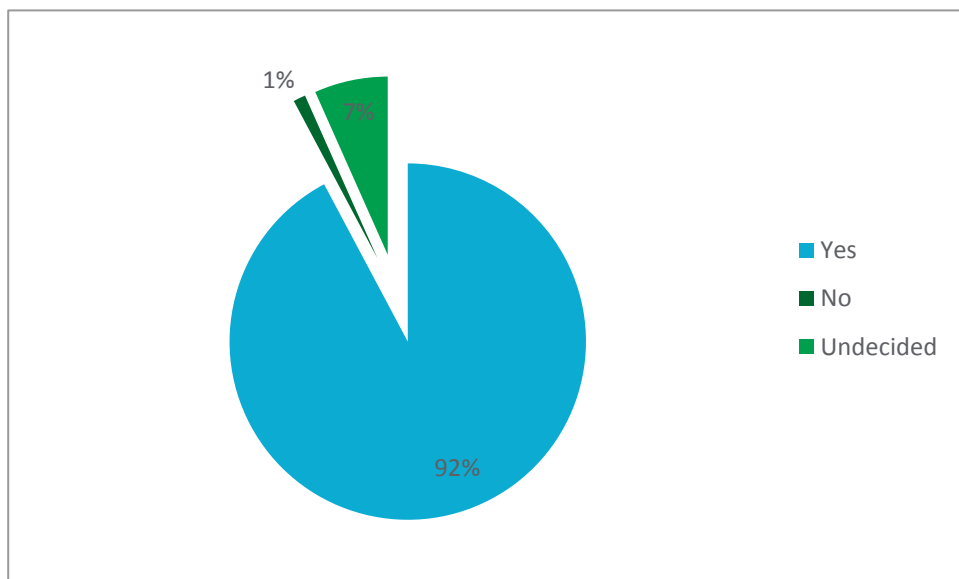
- 4.8 Residents were asked whether they thought whether they supported the proposed new Lidl store at Crompton Way. 98% of respondents indicated that they supported the development in principle, with 1% not supporting it and 1% undecided.

Figure 3: Do you support a new Lidl store at Crompton Way??



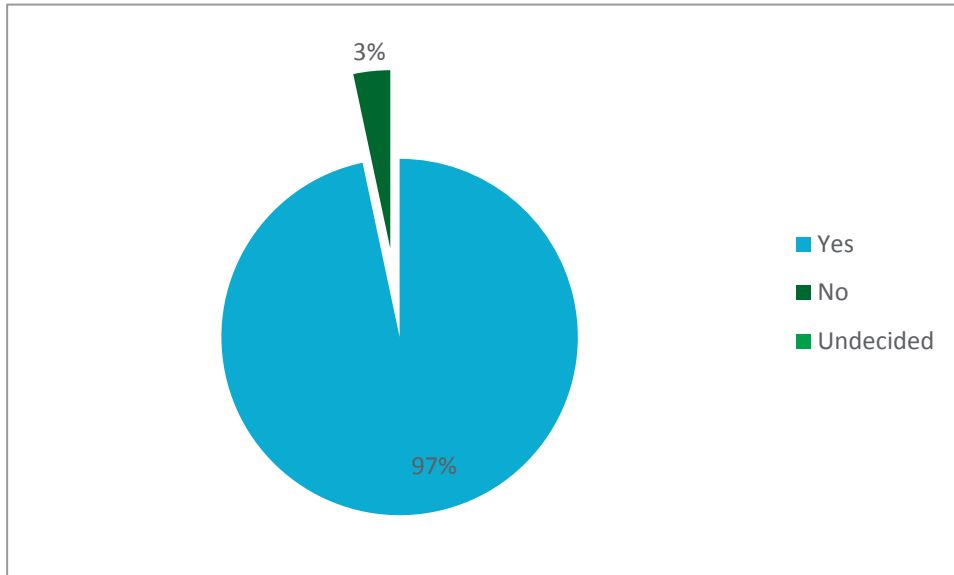
- 4.9 Residents were asked whether they supported the proposed design of the new Lidl store at Crompton Way. 92% of respondents indicated that they would shop in the new Lidl, with 7% undecided and 1% indicating they did not like the design.

Figure 4: Do you like the proposed design of the new Lidl store at Crompton Way?



- 4.10 Residents were asked whether they thought whether they would shop in the new Lidl store at Crompton way: 97% of respondents indicated that they would shop in the new Lidl, with 3% noting they would not.

Figure 5: Would you shop in the new Lidl store on Crompton Way?



- 4.11 Figure 3 & 4 show that there is an overwhelming support for the proposed new Lidl store at Crompton Way and for the modern design of the store. This is a very strong positive affirmation of Lidl's proposals for a new store at this site and is of particular importance considering the Council view of the importance of design to the site.
- 4.12 It can be concluded therefore that the combination of these feedback questions confirms a high level of support in overall terms for the proposed Lidl store at Crompton Way and the benefits it can bring to shoppers and the wider town.

## ADDITIONAL COMMENTS

- 4.13 The questionnaire provided the opportunity for respondents to provide additional comments regarding the proposed store on Crompton Way. These covered a range of matters which are summarised in Table 1. An appropriate commentary and any applicable rebuttals are also included.

Table 1: Analysis of Comments	
Positive Comments	Commentary
<ul style="list-style-type: none"> <li>Expressed support for the proposed development;</li> </ul>	<ul style="list-style-type: none"> <li>A large majority of respondents were supportive of the proposed new Lidl store with over 90% of respondents supporting the proposed design.</li> </ul>
<ul style="list-style-type: none"> <li>Supported the proposed design;</li> </ul>	
<ul style="list-style-type: none"> <li>General support for the Lidl concept.</li> </ul>	
<ul style="list-style-type: none"> <li>Several members of the public praised the economic benefits of a new Lidl store which will create 40 new jobs</li> </ul>	<ul style="list-style-type: none"> <li>As per Lidl company policy new staff are recruited from the local community using a variety of methods, including local newspaper advertisements, Job Centre advertisements and open days.</li> </ul>
<ul style="list-style-type: none"> <li>The proposed store will redevelop a vacant area of land.</li> </ul>	The development site has sat vacant or many years. This has created a derelict eyesore that is harming the visual amenity of the area. The proposed Lidl supermarket will help rejuvenate the site and create a sustainable urban future in line with the principles of the Scottish Planning System and the LDP.
Areas of Concern	Commentary
<ul style="list-style-type: none"> <li>Concerns over increased vehicular congestion on Stanecastle roundabout and immediate road network during peak times.</li> <li>Some concerns over potential impacts on the new housing development to the west of the site.</li> </ul>	<ul style="list-style-type: none"> <li>A full Transport Impact Assessment has been undertaken as part of the application submission. This concludes that the road network has capacity for the new development and there will be no significant adverse impacts. It also concludes that the site has existing effective connectivity and promotes active travel options.</li> <li>The layout of the site has been designed to ensure minimal impact on residential amenity. A timber fence and tree planting to the rear of the store will protect residential amenity; whilst a Noise Impact Assessment has demonstrated that there will be no adverse noise</li> </ul>

	impacts resulting from the proposal. A detailed Daylight and Sunlight Assessment has also been undertaken which demonstrates that there will be no adverse light or overshadowing impacts on the neighbouring housing.
--	--

- 4.14 Table 1 identifies the comments which are broadly supportive and those that have concerns about the proposal. As can be seen there are generally more positive and neutral comments than negative which is generally unusual in relation to planning applications.

---

## 5 CONCLUSIONS

- 5.1 This Statement of Community Involvement forms part of a wider suite of documents accompanying a planning application submitted to NAC for a new Lidl foodstore at Crompton Way, Irvine.
- 5.2 This SCI has set out the approach taken to pre-application consultation in respect of the redevelopment proposals. In accordance with legislation, national planning policy and NAC planning guidance applicant has engaged with NAC to inform them of the application proposals.
- 5.3 Given the nature of the proposed redevelopment proposals, it is considered that the consultation methods adopted were appropriate and inclusive and engaged with a significant amount of the local community.
- 5.4 The community engagement programme has been positive and comprehensive and was acknowledged by many participants to be a very useful and purposeful exercise. The consultation event was well received and informative, providing local residents with the opportunity to meet the project team and raise any questions or concerns whilst discussing the benefits that a scheme of this nature can bring to the community and in what capacity they can become involved going forward in the planning process.
- 5.5 To date, the consultation exercise has received a very good response from the local community, illustrating considerable local interest in the proposal, as well as clear support for the principle of the proposed store at Crompton Way, Irvine.



Appendix 1

# COPY OF THE CONSULTATION LEAFLET AND RESPONSE CARD

## Have Your Say



- Have your say about our proposed development by filling in the form overleaf
- Then detach this page, fold in half with the Freepost address showing
- Seal it with a strip of sticky tape
- Pop it into the letterbox—no postage required

(Insert Freepost  
Stamp here)

Freepost details

## Lidl Scotland

Since opening our first store in Scotland in 1994 we have steadily expanded and now operate over 90 stores across Scotland. Our expansion has only been possible thanks to the help and support of the local communities which we serve. We are very proud of our success in Scotland and the relationships that we have formed with Scottish suppliers and local communities.

As part of our commitment to provide quality and freshness to our customers and to support Scottish suppliers, every Lidl Scotland store offers a large range of products sourced within Scotland.

In fact, the products sourced from Scotland are of such fantastic quality that many are exported to over 9,500 Lidl stores across Europe - something both Lidl and Scotland can be proud of!



Lidl has also recently introduced in-store bakeries in all Scottish stores. Your new store in Irvine would benefit from a bakery and would offer freshly baked products throughout the day. The bakery would stock a wide range of goods from baguettes to doughnuts and cheese twists to Scottish morning rolls.

However, it's not just our own brand products that are a success at Lidl, we also offer our customers some of Scotland's biggest brands at trademark Lidl prices.

Customers can enjoy a wide range of 100% Scottish beef, lamb and pork, as well as an extensive range of fresh fruit and vegetables, bread and cakes, and chilled and frozen products.

Every week we offer an array of outstanding promotions on some of the nation's favourite brands. Offers also include our 'Pick of the week', where we offer a variety of fresh fruit and veg at reduced prices, all week long!



## A New Lidl Store for Irvine



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## The Proposed Development



## Community Consultation

## We Welcome Your Views

### The Subject Site



approximately 0.87 ha and is an irregular shape. The site is currently vacant.

A housing development is located directly to the south of the proposed new Lidl with Stanecastle Roundabout to the north.

The immediate surrounding area is characterised by housing, community facilities, industrial units and the A78 to the south.

There is an extensive footpath network in the immediate area which connects with the Lidl site. This will provide effective connectivity with the surrounding residential areas and wider surrounds.

### The Proposed Development

A new single storey building will be constructed to accommodate a 2,189m<sup>2</sup> (sales area) Lidl foodstore. The proposed development will benefit from free car parking bays including disabled and parent & child spaces.

- Creation of up to 40 additional new jobs, at a minimum of £8.75 an hour and with no staff operating on zero hour contracts;
- The layout provides a stand-alone bakery preparation area where customers can see the products being prepared before being stocked;
- Contemporary building design;
- The building will be constructed from high quality, modern materials which will present a clean and striking building and allow for functional use within the site;
- Internally the store will be bright and airy, mainly due to the large amount of glazing used, which utilises natural light and helps reduce electricity consumption; and
- Lidl stores are also designed to have wide and accessible aisles to allow free movement for all customers throughout the store.

Lidl wishes to bring their award-winning retail offer to Irvine.

The site of the proposed new store is located to the north-east of Irvine Town Centre and adjacent to Stanecastle Roundabout. The site extends to

We aim to lodge a planning application for this development in December 2018. A decision is expected in early 2019.

We would like to hear your views on our proposal to develop a bigger and better store in your neighbourhood. As such, we are inviting members of the community to attend our public exhibition, which will provide an opportunity for local residents to view our plans and discuss the development in more detail with members of the Lidl Team.

### Public Exhibition Day

Tuesday 11th December at the Irvine Park Bowling Club, Woodlands Avenue, Irvine, KA12 0PZ between 3pm and 7pm.

<https://rapleys.com/consultation/lidlinirvine>

Lidl has created a website so local residents can go online and be kept updated on the latest news.

[LidlIrvine@rapleys.com](mailto:LidlIrvine@rapleys.com)

Please email us with messages of support or any questions you may have, using the subject line

"Proposed Lidl Foodstore - Irvine"

Alternatively, if you would prefer to submit your comments in writing please write to us at the following address:

Lidl Irvine  
Rapeleys LLP  
19A Canning Street  
Edinburgh  
EH3 8EG

We will consider all feedback returned to us and, where possible and appropriate, use it to make changes to our plans. Please provide your feedback by completing the below questions and returning them to us by Tuesday 18th December 2018



### We Value Your Views

At Lidl we know our success depends on the people we work with and the people who choose to shop with us. We recognise that providing high quality products at industry leading prices is only part of the story; the environment in which our customers do their shopping completes the experience.

We would like to invite you to provide us with your thoughts on our proposal to develop a new foodstore in Irvine.

We are interested to hear what the local community has to say about our proposal for Irvine, please use this pre-paid postal form to reply to us direct.

Gender: ☐ Male ☐ Female ☐ Prefer not to say  
Age: ☐ 16-29 ☐ 30-39 ☐ 40-49 ☐ 50-65 ☐ Over 65  
Are you: ☐ Employed ☐ Student ☐ Retired ☐ Other

Where do you do the majority of your food shopping? Please select one option:

☐ Lidl ☐ Co-op ☐ Sainsbury's ☐ Aldi ☐ Morrisons  
☐ M&S ☐ ASDA ☐ Other - please specify: \_\_\_\_\_

Briefly state why you choose this type of shop: \_\_\_\_\_

Would you shop in a new Lidl store in Irvine?

☐ Yes ☐ No ☐ Undecided

Do you like the proposed design of the new Lidl store in Irvine?

☐ Yes ☐ No ☐ Undecided

Briefly state which design features you like: \_\_\_\_\_

What is your overall opinion of our proposed development?

☐ Support ☐ Do not support ☐ Undecided

*Thank you for taking the time to complete our survey!* For quality assurance purposes your views can only be recorded if you provide contact details (this information will be held in the strictest confidence by Lidl (c/o Rapeleys LLP) in line with GDPR)

Title: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

How would you like us to keep you updated on the progress of our proposed development?

☐ Post ☐ Email ☐ Please do not contact me



Appendix 2

# COPY OF THE PUBLIC EXHIBITION BANNERS



# A New Lidl Store for Irvine

## The Proposed Development

Lidl are planning to bring their award-winning retail offer to Irvine! Lidl wishes to open a new store beside Stanecastle Roundabout, to the north-east of the town. This will be a modern and spacious supermarket with car parking, a new bakery and a range of stock. The proposed layout is shown below.



## The Site

The site of the proposed new store is located to the north-east of Irvine Town Centre and adjacent to Stanecastle Roundabout. The site extends to approximately 0.87 ha and is an irregular shape. The site is currently vacant.

A housing development is located directly to the south of the proposed new Lidl with Stanecastle Roundabout to the north.

There is an extensive existing footpath network located around the site providing effective connectivity.

The immediate surrounding area is characterised by housing, commercial units, community facilities, industrial units and the A78 to the south-west.

# The Proposal

Lidl propose to develop a new store on the site which will feature an attractive, single storey glazed frontage facing south-wards on to Crompton Way; with the car parking extending eastwards. The new store will extend to 2,189 sq.m. This will feature a new in-store bakery close to the main entrance. The deliver bay will be located to the north of the store.

Access to the new store will be taken from Crompton Way off of Stanecastle Roundabout. The car park will provide 122 spaces with 7 disabled spaces and 8 parent & child spaces.

Bicycle parking will be provided close to the store entrance; and dedicated pedestrian access will be provided, connecting to the local footpath network.





# Transforming Irvine

## Benefits of the Proposed Development

The redevelopment of the site will provide the following benefits to the local area:

- Exclusive parking for Lidl customers with Disabled, Parent & Child spaces and secure Cycle Parking;
- A brand new store that will provide a clean and fresh shopping experience to meet the needs of customers;
- No impact on the vitality & viability and health of the town centre;
- Convenient access to Stanecastle roundabout and the wider road network in Irvine
- A contemporary building design that will complement the surrounding area;
- The proposed store will create up to 40 jobs including full and part-time roles for Irvine; and
- Lidl were the first UK supermarket to pay the real living wage per hour and continue to do so with no zero hour contracts.

## Comments and Feedback

We would like to hear your views on the proposed development. Please provide your feedback using the following email address: **lidlirvine@rapleys.com**

Alternatively, if you would prefer to submit your comments in writing, please use the following address:

**Lidl Irvine  
Rapleys LLP  
Caledonian Exchange  
19A Canning Street  
Edinburgh  
EH3 8EG**

## What Happens Next

Lidl aim to submit a planning application to North Ayrshire Council in December 2018; with determination in early 2019.

Details of the application when submitted will be available on the Council website.

**<https://www.north-ayrshire.gov.uk/planning-and-building-standards/search-view-track-planning-applications.aspx>**



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Appendix 14

# PRESS REPORTS OF PUBLIC MEETING HELD ON 2 MARCH 2020



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## Lidl plans for Irvine store met with not one dissenting voice at meeting says Action Group stalwart

Nearly 100 people turned up at the Volunteer Rooms to hear the latest from Lidl bosses Ross Jackson and Gordon Rafferty at an event organised by Lidl Action Group.

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By **Clair Fullarton**

21:09, 2 MAR 2020



 **Sylvia Mallinson made the claim after tonight's meeting at the Volunteer Rooms** (Image: Irvine Herald)

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Not one person against Lidl's Irvine store plans - that was the claim made tonight after a packed public meeting to discuss North Ayrshire Council's rejection for a supermarket at Stanecastle.

Nearly 100 people turned up at the Volunteer Rooms to hear the latest from Lidl bosses Ross Jackson and Gordon Rafferty at an event organised by Lidl Action Group.

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And Action Group member Sylvia Mallinson said she was overwhelmed by the level of interest from the public.



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► Lidl meeting rammed as supermarket take fight for Irvine store to the public

"There wasn't a seat left and people were having to stand," said Sylvia.

"And not one person said they were against Lidl bringing the store to Stanecastle."

Jackie Frew from Irvine Community Council said it was clear there was a gap between what the public in Irvine want and the council planning decision-making process.





 **Some people had to stand in the corridor** (Image: Irvine Herald)

Jackie added: "It was quite obvious from tonight that people feel passionately about this. I think we might need a bigger room for our next meeting."

An update on the next stage was given by Lidl bosses who say the plan will now go to a local review body.

They also went through other suggested locations, including the former Ayrshire Metal site, giving reasons why they were not suitable.

Sylvia said: "The public are clearly in favour of the Stanecastle site. It's meeting a gap in the market in that area."

138235572536



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Lidl Action Group now plan to hold a further public meeting in a month’s time.

“We already have hundreds of people on our mailing list and we took everyone’s details tonight, so we can keep everyone informed,”added Sylvia.

“The next meeting will be in about four weeks time. Hopefully we will have more to update the community with then.”

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# Lidl meeting rammed as supermarket take fight for Irvine store to the public

More than 80 people squeezed into the Volunteer Rooms - with more than a dozen left to listen from a corridor - as Lidl Head of Property Gordon Rafferty spoke in front of an audience that included councillors John Easdale and Marie Burns.

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By **Eric McGowan**20:03, 2 MAR 2020 | **UPDATED** 20:17, 2 MAR 2020



 **The Volunteer Rooms was packed out** (Image: Irvine Herald)

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A jam-packed Volunteer Rooms played host to a public meeting tonight as supermarket giants Lidl took their fight for an Irvine store to the public.

More than 80 people squeezed into the venue - with more than a dozen left to listen from the corridor - as Lidl Head of Property Gordon Rafferty spoke in front of an audience that included Irvine East councillors John Easdale and Marie Burns.

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► Lidl outline Ayrshire battle plan as residents have their say on store knockback

One man even listened from outside the building, cocking his ear to the window as North Ayrshire Council's decision to reject Lidl's application for a new store at Stanecastle Roundabout was discussed.

There was the best of order as Lidl - who plan to appeal the decision - laid out their proposals in great detail.

More to follow...

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## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

<b>Reference No:</b>	19/00752/PP
<b>Proposal:</b>	Erection of foodstore with sales area of up to 1,257 square metres to include the provision of access, car parking, landscaping and boundary treatment
<b>Location:</b>	Site To North West Of , 10 Crompton Way, North Newmoor, Irvine Ayrshire
<b>LDP Allocation:</b>	Residential/Housing
<b>LDP Policies:</b>	SP1 - Towns and Villages Objective / Detailed Policy 19 - Open Space Devs / Detailed Policy 3 - Town Centres & Retail / Detailed Policy 27 / Strategic Policy 2 /
<b>Consultations:</b>	Yes
<b>Neighbour Notification:</b>	Neighbour Notification carried out on 04.10.2019 Neighbour Notification expired on 25.10.2019
<b>Advert:</b>	Regulation 20 (1) Advert Published on:- 16.10.2019 Expired on:- 06.11.2019
<b>Previous Applications:</b>	19/00050/PP for Erection of foodstore with sales area of up to 1,410 square metres to include the provision of access, car parking, landscaping and boundary treatment Application Withdrawn on 30.04.2019
<b>Appeal History Of Site:</b>	None

### Relevant Development Plan Policies

SP1 - Towns and Villages Objective  
Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is

shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Detailed Policy 19 - Open Space Devs  
Policy 19:

#### Developments Involving Open Space

Developments involving the loss of open space (excluding outdoor sports facilities) will only be supported where they accord with the Council's current Open Space Strategy and in the following exceptional circumstances:

- o the open space is:
- o of limited amenity and/or recreational value (not as a result of neglect or poor maintenance) and does not form part of a recognised upgrading/ improvement scheme or strategy; or
- o a minor part of a larger area of functional open space and the development would not harm or undermine the function of the main site; or
- o a minor part of the wider provision of open space and its loss would not result in a significant deficiency of open space provision within the immediate area; or
- o the development would result in
- o a local benefit in terms of either alternative equivalent provision being made or improvement to an existing public park or other local open space; or

- o significant benefits to the wider community which outweigh the loss of open space.

## Detailed Policy 3 -Town Centres & Retail

### Policy 3:

#### Town Centres and Retail

Our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns.

In principle, we will support development in our network of centres shown in schedule 6 where it would be of a scale appropriate to that centre.

For development that has the potential to generate significant footfall, we will support proposals that have adopted a town centre first sequential approach. This includes retail and commercial leisure uses, offices, community and cultural facilities and where appropriate, public buildings such as education and health facilities.

We will require that locations are considered, and a reasoned justification given for discounting them, in the order of preference:

- o Town centres (as defined in Strategic Policy 1).
- o Edge of town centres.
- o Other commercial centres (as defined above).
- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they intend to serve. We recognise that for some uses, such as sports centres and schools, a town centre location may not always be the appropriate location for them, particularly where sports pitches are part of the proposal.

When a development is proposed within our Network of Centres, we will support proposals which positively contribute to:

- o The role and function of the centre within the network, including by addressing an identified opportunity.
- o Quality of character and identity that creates a shared sense of place for users, visitors and residents
- o Community well-being, including by supporting the integration of residential uses and by enhancing links with surrounding residential areas and tourist attractions via the road and path network with associated blue & green network.
- o Vitality, viability and vibrancy of the centre, supporting it as a place for business to locate, expand and flourish by enhancing and diversifying the mix of uses including supporting economic and social activity.
- o Our important retail streets/areas (as described in schedule 6 and in our Town Centre Audits), recognising the fragile nature of some of our retail areas.
- o Accessibility of the town centre including considering the location of regular rail and bus routes.

In principle, we will also support proposals which align with town centre strategies and we will continue to encourage other

regeneration initiatives, such as Conservation Area renewal projects, which improve the quality, accessibility and perception of town centre environments.

#### Detailed Policy 27

##### Sustainable Transport and Active Travel

We will support development that:

contributes to an integrated transport network that supports long term sustainability

- o reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- o provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- o reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.
- o takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.
- o considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.
- o enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.
- o considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gables.

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.

#### 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.

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## Description

Permission is sought for the erection of a food store with a sales area of 1,257sqm, access, car parking, landscaping and associated boundary treatment.

The total site area is some 11,790sqm forming a roughly rectangular area at the western end with a curved boundary at the eastern end, following the shape of Crompton Way, Stanecastle Roundabout and Manson Way. The site is bounded by the road network the east, north-east and south-east sides. The site was formerly part of a factory premises. To the south is a vacant site which is currently subject to a residential development application. To the west of the site is a recent residential development. To the north, across Manson Way, at some 65m is another residential

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area. There are other residential areas to the east, on the other side of Stanecastle Roundabout at approx. 200m.

The building would be sited in the western portion of the site. The site would be accessed from Crompton Way to the south. Car parking and a servicing area would be formed in the middle to the site and to the south of the building. There would be spaces for 130 vehicles, including 8 disabled spaces, 12 parent and toddler spaces and 2 electric charging bays. The eastern portion of the site would be landscaped.

The building would have a footprint of approximately 1,996sqm excluding the canopy which would wrap around the south-eastern corner of the building. There would be 1,257sqm of sales area. An external plant area of some 125sqm would be formed at the north-western corner of the building.

The building would have a mono-pitched roof sloping east to west from a height of some 6.8m to approx. 5m. The covered external area would have a roof some 4.95m in height. The elevations would be finished in grey and white cladding panels with the main access door at the southern end of the eastern elevation. The service bay would be on the northern elevation which would otherwise be blank. There would be two pedestrian doors on the rear (western) elevation.

The submitted drawings show advertisements on the eastern elevation; however, these would require to be the subject of a separate advertisement consent application.

The application site lies some 1.2km to the east of Irvine Town Centre, as identified by the adopted Local Development Plan (LDP). The majority of the site was previously in industrial use and is identified by the LDP as being part of the General Urban Area. The eastern side of the site is identified as being open space.

The LDP adopts a 'town centre first' approach which promotes town centres as the desired locations for proposals which generate significant footfall, such as large food store developments such as is proposed. This town centre first approach is based upon a network of centres with Irvine as the primary centre in North Ayrshire.

The town centre first principle is a long-standing element of planning policy and practice in Scotland through successive development plans. It is also embedded within Scottish Planning Policy (2014). SPP requires that local authorities place the health of town centres at the heart of decision making. It seeks to deliver the best local outcomes, align policies and target available resources to prioritise town centre sites, encouraging vibrancy, equality and diversity.

Over recent years, the Council has implemented the town centre first principle through major capital investment decisions. Within Irvine, these include the renovation of Bridgegate House to facilitate the relocation of office staff from Perceton House; the development of a new leisure facility (the Portal) in conjunction with the refurbishment of the historic Townhouse as an events venue and the development of the Quarry Road business and sports facilities. Other investment decisions include enhancements to the streetscape and public realm of Irvine town centre, such as Bridgegate. Work is currently ongoing within High Street and Bank Street and is due for completion during 2020. All of these efforts have supported the regeneration of Irvine town centre by diversifying the range of facilities on offer. The policies contained within The Local Development Plan align closely with national

policy, ensuring that the Council's own decision-making framework comply with National Policy.

The Local Development Plan shows support for development which helps keep town centres healthy and vibrant. The Plan's Spatial Strategy is based on the principle that the "right development should happen in the right place" by directing new development to our towns, villages and developed coastline. This is a key aim that is required to be achieved in order to ensure sustainable development. Part a) of the towns and villages objective explicitly shows support for the social and economic functions of town centres by adopting the town centre first principle and directing development and investment to town centre locations as a priority. This policy position is further supported by policy 3: Town Centres and Retail. The policy outlines how the town centre first principle will be implemented and highlights that development should be directed in a manner which is most beneficial to the residents, employees and visitors.

Some of the additional benefits of taking the town centre first approach include that town centres are accessible to a greater percentage of the population since they are at the heart of local transport networks. Town centres are better connected than out of centre locations, reducing the need for those who shop or work there to take private transport and therefore reducing the carbon footprint of the development. This in turn can help the Council realise its aspirations in dealing with the declared climate emergency.

It is considered that the other relevant policies of the LDP are Policy 19: Developments Involving Open Space and Policy 27: Sustainable Transport and Active Travel. In addition, all development applications require to be assessed under Strategic Policy 2: Placemaking.

Planning permission was originally sought to develop the site at Crompton Way in February 2019 with a foodstore with a floor area of 1,410 square metres (ref. 19/00050/PP) ("the original application") but was subsequently withdrawn by the applicants in April 2019. This action was taken after the planning authority advised the applicants that a grant of planning permission would not be supported, for the following reasons:

#### 1. Location

The proposal was considered to be contrary to Policy TC4: Edge of Centre/Out of Centre Development from the previous LDP. Policy TC4 was very similar in content to Policy 3 in the current LDP, as it sought to restrict new retail development (of a scale larger than a local shop) to town centre locations. The policy also stated that, where a town centre location cannot be found, edge of centre sites and other sites designated within the LDP as having potential for commercial development can be considered. If all these locations can be discounted, then another location may be suitable.

The application site does not fit any of the preferred categories and it was not considered that the application suitably demonstrated that no other sites were available. The Council identified the site of 'The Forum' shopping centre within Irvine town centre which has been vacant for several years, and also the vacant Ayrshire Metals site which is approximately 75m from the western boundary of the town centre. It should be noted that the applicant previously operated a unit within Riverway Retail Park, which is a large commercial centre of shops and related uses adjoining Irvine town centre. The applicant discounted The Forum as it does not

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appear to be marketed, does not have an adjacent car park and is not considered to be in a prominent location. The Applicant argued that the former Ayrshire Metals site can be discounted because they consider that the site is not prominent enough to attract passing trade; that it has poor pedestrian links; that it has poor visibility from the town centre; that there is the possibility of contamination; that the site was not allocated for retail under the Irvine Town Regeneration Plan and that the site is too large.

The Council also identified the new housing estate of Montgomerie Park as a potential site. Whilst this was not a town centre nor edge of centre location, the adopted LDP identifies an area to the southwest of Hill Roundabout as being suitable for the development of facilities to serve the Montgomerie Park community including, potentially, retail. The site is some 1km to the north of the application site and further from Irvine town centre. The Montgomerie Park site was discounted by the applicant because it was not considered to be sequentially preferable to the Stanecastle site and they considered that it has poor visibility.

## 2. Access

The Council's Active Travel and Transportation team had concerns about the proposal. The concerns related to the number of vehicle trips the development would generate and the impact on the road network. In particular, concerns were raised about the impact on the adjacent Stanecastle Roundabout as well as the suitability of the site for non-vehicular forms of transport (eg. walking and cycling). The applicant was requested to provide more information in this respect, which they have since addressed.

## 3. Overshadowing

The store would have been sited to the east of a number of recently constructed houses. Concern was raised that the proposal could overshadow these houses, to the detriment of their amenity. The applicant was requested to provide further information so that this could be fully assessed.

In summary, it was considered that the access and overshadowing issues could potentially be overcome. However, it was considered unlikely that the applicant could overcome concerns regarding the location of the site, which is the fundamental planning issue in this case.

The following supporting information has been submitted with the current application:

### Design and Access Statement

Provides a design rationale and policy assessment.

### Planning and Retail Statement

Includes a Retail Impact Assessment (RIA), a Town Centre Health Check (TCHC), details of Lidl's minimum site requirements and a Sequential Site Assessment (SSA). Also includes a more in-depth Planning policy analysis than that included in the Design and Access Statement.

### Statement of Community Involvement

The statement sets out the discussions undertaken between the developer and North Ayrshire Council's Planning Services which has led to the revised proposal as well as the additional information being submitted in support of the application. The



changes to the proposal, in comparison with the original application, include the addition of an additional footpath connection north of the site; a reduction in sales area by approximately 250sqm; the provision of further analysis on the impact of the development on the local road network; an increase in the number of parking spaces; a daylight/sunlight analysis and a strengthened sequential location assessment. The statement also sets out the consultation undertaken between the developer and the local community. Note: there was no statutory requirement for the applicant to carry out pre-application public consultation.

#### Extended Phase 1 Habitat Survey

The habitats and plant species on site typical of those found on brownfield sites and are not of any significant ecological value either at the local or Local Authority level, so are not considered an ecological constraint for development. There are a group of 10 semi-mature Norway maples covered in Ivy which are considered a moderate roost potential location for bats and therefore a follow up Bat Presence/Absence Survey is required. There was no evidence of Badgers on site. The application site has negligible value for breeding birds, however to ensure breeding birds are not an ecological constrain the site clearance should take place outwith the main bird breeding season, or a walkover survey should be conducted by an ecologist prior to site clearance.

#### Bat Presence and Absence Survey

No bat roost was found to be present within the trees on site; roosting bats are therefore not an ecological constraint at the present time.

#### Daylight and Sunlight Study

This study considered the effect of the proposed development on 16 neighbouring properties in the adjacent housing development in terms of loss of daylight and sunlight. The study used a 3D computer model to undertake this analysis. The results confirmed that the neighbouring rooms, windows and amenity spaces would be fully compliant with the various standards for daylight, sunlight and overshadowing.

#### Noise Impact Assessment

Takes into account the effect of the noise generated by the proposed fixed plant, on-site vehicle movements and customer vehicles on the nearby noise sensitive receptors. The rating level, due to the operation of the foodstore, has been predicted to be equal to or below the measured daytime and night-time background sound levels at all assessment locations. The proposed development is therefore considered likely to have a low impact on its closest receptors.

#### Site Investigation Report

Whilst the majority of the site had been planted with trees during the 1970s as part of the landscaping works for North Newmoor Industrial Estate, a small part of the site was previously used as a car park associated with a factory unit to the west of the site between the 1980s until the early 2000s. No significant constraints were uncovered on site as a result of previous development.

#### Tree Survey and Arboricultural Implication Assessment

Considers that the existing trees on site are of low quality and therefore their removal and replacement with new landscaping would enhance the landscape value of the site.

#### Transport Assessment

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The assessment concludes that the site is highly accessible by all modes of transport and that traffic volumes generated by the foodstore would not have a detrimental impact on the local road network.

The applicants have also provided letters from their agents and legal representative which seek to address some of the reasons given by Council planning officers in opposition to the proposal. These letters largely reiterate the arguments made in the Planning and Retail Statement.

## **Consultations and Representations**

The statutory neighbour notification process was undertaken, and the application was also advertised in a local newspaper, the Irvine Herald. 184 letters of support (including one from Irvine Community Council) and 2 letters of objection have been received. The overwhelming majority of the letters of support were signed standardised letters. The representation points are summarised and responded to below:

### **Support:**

1. It would be good to have a shop within walking distance; the site is very accessible by active travel.

Response: It is noted that the proposed site is within walking distance of some residential areas, however, town centre or edge of centre locations are accessible for a greater number of people than out of centre sites such as the application site.

2. The proposed development would create local jobs. The applicant pays their employees more than the national living wage.

Response: The applicant has stated that the proposed development would employ up to 40 full-time staff, however, this consideration does not outweigh the inappropriate location of the development. If the supermarket was located in or adjacent to the town centre it would generate the same level of employment. Wage levels are not a material planning consideration.

3. The site has been derelict for a long time and it would be good to see it developed.

Response: The majority of the application site was covered by woodland that was planted by Irvine Development Corporation in the 1970s as part of the landscaping works associated with the development of the North Newmoor Industrial Estate. The semi-mature trees and shrubs were then cleared by the landowner during the early part of 2015. This included the removal of a significant number of trees on Council land adjacent to the Stanecastle Roundabout, without the Council's prior consent. The landowner also indicated, during 2016, their aspirations for a "neighbourhood retail centre" on the site. As such, it is inaccurate to claim that the site is derelict, since the trees were removed in order to promote commercial development. The land to the west of the application site had been developed in the 1980s as a factory unit which, following closure, was demolished during 2013. As noted above, that site is currently being redeveloped as a housing estate. The application site is allocated as General Urban Area in the LDP and would be suitable, in principle, for residential development.

4. There are no supermarkets or shops in this area of Irvine.

Response: The Local Development Plan directs large retail developments towards town centre locations.

5. The proposed development would ease traffic congestion in the town centre.

Response: The Transport Assessment anticipates that the proposed store would generate 155 and 250 vehicle trips per hour on the peak weekday PM and Saturday periods respectively. There is no evidence to suggest the amount of these vehicles which would be diverted from the town centre, if indeed any would. There is therefore no evidence to suggest that the proposed development would ease congestion in the town centre.

6. Numerous comments have been made in relation to the desire to see a Lidl in Irvine and the benefits in terms of consumer choice and affordability of food.

Response: Irvine is currently well served by a wide range of food retailers and there is a choice of options in terms of affordability. While the Council would support additional choice in terms of discount food retail in Irvine, any new store would need to be situated in a suitable location in order to meet planning policy requirements.

7. A neighbouring resident supports the application but does not want trees along the back boundary of the property because they may shed leaves onto neighbouring gardens.

Response: The applicant is proposing trees along the boundary to act as screening. It is not considered that the shedding on leaves onto neighbouring gardens would constitute a significant amenity concern.

8. Lidl has demonstrated that the site is suitable via a sequential analysis.

Response: The applicant has submitted a Sequential Site Analysis (SSA), however the conclusions that they arrive at are disputed. See Analysis section, below.

9. There is a need for another discount retailer in Irvine.

Response: Irvine is currently well served by a wide range of food retailers and there is a choice of options in terms of affordability. While the Council would support additional choice in terms of discount food retail in Irvine, any new store would need to be situated in a suitable location in order to meet planning policy requirements.

Objections:

1. The proposed development does not accord with the town centre first strategy adopted in the North Ayrshire Local Development Plan.

Response: Agreed. See analysis.

2. The development would compete with established local stores and could lead to job losses or store closures.

Response: The applicant has submitted a Planning and Retail Assessment which considers the effect of the proposed development on established retail in the area. Given the information contained in the assessment, it is accepted that on balance the development would not significantly affect the vitality of Irvine town centre or other local shops and retail centres. The proposed development would however compete with rather than compliment the town centre and is contrary to the town centre first approach promoted by the LDP and by Scottish Planning Policy.

3. There are already many supermarkets in the surrounding area and Irvine does not need any more. Additionally, there are too many off-licences in the area leading to anti-social behaviour.

Response: It is not considered that there are too many supermarkets in Irvine, however, it is noted that there is no deficiency of major food retailers in Irvine, all of which have been able to locate in or adjacent to the town centre. Licensing matters fall outwith the scope of material planning considerations.

4. The Stanecastle Roundabout cannot cope with an increase in traffic.

Response: The applicant has submitted a Transport Statement which considers the impact of the proposed development on traffic flows at the Stanecastle Roundabout and concludes that it would continue to operate in its practical capacity following the development. This assessment has been accepted by North Ayrshire Council Active Travel and Transportation.

#### Consultations

NAC Environmental Health - No objections subject to a condition controlling noise levels.

Response: Noted

NAC Active Travel and Transportation - No objections subject to conditions.

Response: Noted.

#### Analysis

In terms of the statutory requirements placed on the Council by the Planning Acts, the determination of a planning application requires to be made in accordance with the provisions of the development plan unless material considerations indicate otherwise.

In this respect, the development plan is the adopted North Ayrshire Local Development Plan, adopted by the Council on 28th November 2019.

Policy 3 of the LDP states: "for development that has the potential to generate significant footfall, we will support proposals which have adopted a town centre first sequential approach." The proposed supermarket is considered likely to generate significant footfall and therefore requires a sequential approach to be undertaken with the following order of site preference:

#### 1. Town Centres

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2. Edge of town centres
3. Other commercial centres
4. Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes

This sequential approach is based upon the town centre first principle as promoted by Scottish Planning Policy (2014). Paragraph 73 of the Scottish Planning Policy states that out-of-centre locations should only be considered for uses which generate significant footfall where:

- All town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
- The scale of the development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to become accommodated at a sequentially preferable location;
- The proposal will help to meet quantitative or qualitative deficiencies; and
- There will be no significant adverse effect on the viability of existing town centres.

The applicant has submitted a Sequential Site Assessment (SSA) where they outline the sites they considered in sequence. In terms of their sequential analysis, the applicant states that they have a set of minimum requirements that need to be met for them to consider a site suitable. These parameters include minimum site and floor areas, availability of vehicular access and parking, visual prominence and accessibility. The applicant also states that sites need to both be available and meet their minimum standards in order for them to be considered acceptable.

It should be noted that Lidl operate stores in other areas of Scotland which do not meet some of the minimum requirements which they have set out for this application. As an example, their recently opened store in Giffnock town centre which makes use of an existing building, has a site area of less than 0.6ha and has car parking on a raised deck not visible from the street. Likewise, their Lanark store is in a town centre site of less than 0.6ha in size. A supporting document submitted by the applicant states that the minimum requirements are not general minimum requirements for Lidl stores but refer specifically to the Irvine area. No evidence has been provided to explain why Lidl has certain minimum requirements to operate a store in Irvine that are not required in other towns, such as Giffnock and Lanark. The applicant is not considered to have shown any sufficient flexibility with regards to the application of their minimum requirements in the sequential test. These minimum requirements, not immediately evident in full elsewhere, are considered to be very onerous. By their inherent lack of flexibility, these minimum requirements would tend to act against selecting any town centre sites. By way of contrast, the Council has been flexible in terms of discounting its preferred sites where they are not suitable in terms of the applicant's operational requirements, as will be demonstrated in the forthcoming section of this report.

In respect of town centres sites, the applicant's SSA considers that there are no vacant units within Irvine Town Centre which are suitable. Most of the vacant units are considered too small for their purposes. They identify The Forum centre as being vacant and having a site area of 0.17ha. This is discounted by the SSA as it does not appear to be marketed, has no adjacent car park, is below their minimum site area and is not considered to be in a prominent location to attract passing trade.

It is agreed that the majority of vacant units within the historic core of Irvine town centre are unlikely to be of a size Lidl would consider large enough. The Forum had



previously been promoted by the Council as a potential site because it is in the middle of the town centre with proximity to established public transport links and the Rivergate Shopping Centre. The Forum is visually prominent in approaches from Low Green Road and also from Marress Roundabout on the western side of the town centre. There is car parking in the undercroft of The Forum and additional surface car parking at West Road, the High Street and many other locations within the town centre. It is not considered that adequate information has been submitted to suggest that The Forum is unavailable. Nevertheless, despite all of the above considerations being in favour of The Forum as a potential retail redevelopment site, it is accepted that it fails to meet Lidl's minimum requirements in terms of site area, floor area and parking provision. Following consideration of these requirements when set against the particular circumstances, including the quality of available parking provision, the justification for discounting The Forum is accepted.

In respect of edge of town centres sites, the applicant's SSA has considered Riverway Retail Park, Lamont Drive and East Road Retail Park as designated commercial centres and edge of centre of sites. Riverway Retail Park is immediately to the south of the town centre with Lamont Drive contiguous to the south. East Road Retail Park is immediately adjacent to the east of the town centre. The SSA considers that there are no suitable units vacant within Riverway Retail Park or Lamont Drive. It also stated that there are no suitable units in East Road.

Whilst there may be no units of a size considered suitable by the applicant available within Riverway and Lamont Drive, it is not considered that the SSA has taken cognisance of the turnover of units within the site, particularly at Riverway. There are 11 units in Riverway of between approx. 705sqm and 1500sqm with occupants of those units having changed regularly over the years. It is noted that Lidl previously operated from one of these units for a number of years. It is also noted that in the period between the submission of the original (ref. 19/00050/PP) and current application that 'The Food Warehouse', also a discount food store, moved into one of the Riverway units during 2019. This demonstrates the occurrence of availability or turnover which arises, and suitability of these units for discount food retailers. Furthermore, planning permission was granted during 2019 (ref. 19/00532/PP) for the removal of the historic planning condition dating from 1997 that had limited the choice of goods which can be sold in Riverway Retail Park. The consequence of this decision is that all retail units in Riverway can now be used for the sale of all types of retail goods, without any restrictions in the event that they become vacant. While it is accepted that there are at present no sites available within the Riverway or Lamont Drive retail parks, the existence of discount food retailers such as The Food Warehouse and Farmfoods which apparently successfully operate units which fall below the minimum requirements set out for this application is evidence that the reasonability of the minimum requirements the applicant has proposed could be questioned

In terms of East Road, this site is identified in the LDP as being suitable for comparison goods but there is no restriction requiring large bulky goods only. There is one convenience food retailer within East Road, Aldi. The applicant notes that a previous application for a supermarket was refused at East Road, however, this application was refused because of its excessive scale, not its location. A smaller supermarket in this location may be acceptable. The East Road retail park is highly accessible to the eastern part of Irvine town centre and has a large Council owned public car park adjacent, the Caledonian Car Park. There is a vacant site immediately to the north of the carpark some 2,800sqm. in area. This could easily accommodate the proposed Lidl store. The vacant site and the Caledonian Car Park

19/00752/PP

have a combined site area of approximately 0.8ha, which is well above Lidl's minimum site requirements. The Caledonian Car Park is currently underused, and the applicant has not given due consideration to the suitability or availability of the East Road site.

The SSA has also not considered the possibility of new development within the town centre. Permission has been granted in the past for new retail units and extensions to the Rivergate Shopping Centre within the town centre and no assessment of the possibility of such development has been provided. Furthermore, current vacancy rates in the Rivergate Centre mean that there may be an opportunity to create a shop unit with access to adequate parking of a suitable size for Lidl's requirements in the Centre through reorganisation of the shop units, however, this possibility has not been considered in the SSA. The applicant rightly states that the SSA has to consider what is available at the current time or is likely to become available in the near future, however, although it is not suggested that at present there are any alternative available sites it is considered that the approach appears to demonstrate a lack of meaningful effort has been made into exploring alternative town centre or edge of centre options which may require a degree of flexibility or creativity.

The applicant was also asked to consider the Ayrshire Metals site as part of their SSA. The Ayrshire Metals site is allocated as General Urban Area within the LDP and lies within 75m to the west of the Irvine town centre adjacent to the Victoria Roundabout on the main route to Irvine Harbourside. No definition of 'edge of centre' is given in Policy 3 and the applicant argues that based on previous definitions the site would not qualify and should be considered as 'out of centre'. They argue that there is therefore no requirement to consider the Ayrshire Metals site as part of the sequential assessment as it would be in the same category as the application site. The applicant considers that the railway line acts as a barrier between the town centre and the site. However, there are two bridges under the railway line which provide good pedestrian access to the town centre at Irvine Railway Station and Church Street as well as a dual-carriageway road leading from the Victoria Roundabout to the Marress Roundabout. The applicant contends that the site has very poor pedestrian connectivity, however, the site is approximately 2 minutes' walk from Irvine railway station (where there are also bus stops) and 5 minutes from the entrance to the Rivergate adjacent to Asda. As such, the Ayrshire Metals site therefore has very good pedestrian connectivity to the town centre, as well as good road links to other parts of the town via Marress Road (north) and Fullarton Street (south). The Ayrshire Metals site is immediately adjacent to Irvine town centre and clearly meets both previous and common-sense definitions of edge of centre. As such, it is quite clear that the Ayrshire Metals site is an edge of centre site in relation to Irvine town centre.

Despite not considering that the Ayrshire Metals site needs to be considered under the sequential assessment, the applicant outlines reasons that they do not consider it to be an appropriate site. The reasons given are: the site is not prominent enough to attract passing trade; it has poor pedestrian links; it has poor visibility from the town centre; there is the possibility of contamination; the site was not allocated for retail under the Irvine Town Regeneration Plan and that the site is too large.

As previously noted, contrary to the applicant's analysis, the site actually has very good pedestrian connectivity (as well as good road connections to other parts of the town). The Ayrshire Metals site is in a more prominent position within the townscape than the application site, being immediately adjacent to the town centre, railway and Harbourside. The applicant has not submitted any evidence to suggest that the site

is contaminated, and even if it were, this would not affect the sequential site analysis. The fact that the site was not allocated as retail under the Irvine Town Regeneration Plan is irrelevant as that plan was indicative in nature, and not part of the development plan. In any case, the Irvine Town Regeneration Plan no longer has any official status and the site is allocated in the adopted LDP as a General Urban Area - which could include retail due to the edge of centre location. The fact that the site is too large is also not considered to be an issue in terms of planning as the partial development of the site would be preferable to no development at all and may act as a catalyst for further development of the site. The applicant states that the site is under offer from a housebuilder, however, and at time of writing the site is still being actively marketed by Savills on behalf of its current owner. In light of the above consideration it is considered that the Ayrshire Metals site is not only sequentially preferable to the application site, but also meets all of Lidl's minimum requirements, and clearly so if reasonable flexibility were applied.

Finally, in respect of 'other commercial centres', the applicant was asked to consider a site at Hill Roundabout in Montgomerie Park approximately 750m to the north of the application site. Like the Ayrshire Metals site, the applicant does not consider that this site requires to be assessed under the SSA as it would be considered out of centre. While this site is out of centre, it is in a site allocated in Strategic Policy 3 of the LDP as part of the Montgomerie Park Strategic Development Area (SDA). Within the SDA, the potential supermarket site is allocated as General Urban Area: Support for Education and Community Facilities. The policy specifically states that the Council will encourage other community activities such as shops for local residents.

While it is the position of the Council that the Montgomerie Park site could be considered an 'other commercial centre' and would therefore be sequentially preferable to the application site, it is accepted that the Montgomerie Park site is further away from the town centre than the application site and would therefore be difficult to justify promoting in terms of the town centre first principle. The allocation of the site for community facilities would suggest a scale of retail smaller than what is being proposed. As such, locating the proposed shop at a site in Montgomerie Park would raise similar planning policy issues as the current application site in terms of competing with Irvine town centre. It is therefore accepted that the Montgomerie Park site is not suitable for this specific retail proposal in terms of the SSA.

In conclusion, the applicant has failed to demonstrate that there are no sequentially preferable sites in Irvine. The Ayrshire Metals site is an edge of centre site and is therefore sequentially preferable to the application site which is out of centre. Furthermore, the Ayrshire Metals site meets all of Lidl's minimum requirements and is available and on the market. It is therefore considered that the proposal does not comply with Policy 3.

Since the proposal does not accord with Policy 3 it is not acceptable in principle. However, in the interests of conducting a thorough analysis of the proposal, this report will now consider the impact of the proposed development on the viability of Irvine town centre and whether the development would tackle any deficiencies which cannot be met in the town centre.

With regards to the economic impact of the proposal on the viability of Irvine town centre, the applicant has submitted a Retail Impact Assessment (RIA) with projected impact of the proposed development on commercial properties within Irvine. The RIA considers that the development would have the largest impact on the East Road

Commercial Centre, diverting approx. 10.94% of its convenience turnover by 2025. It considers that the impact on shops within Irvine town centre would be the equivalent of approx. 3.85% of the projected turnover in 2025 and the Riverway/Lamont Drive Retail Park would be impacted by approx. 2.52%.

A Town Centre Health Check (TCHC) has also been submitted by the applicant. This states there is a town centre vacancy rate of 11% which is slightly below the Scotland average of 11.1%. The TCHC notes the number of large parking facilities within the town centre and its easy accessibility.

The RIA demonstrates that there will be a diversion of trade from the town centre to the development. However, given the percentage amount, it is not considered that the development would, in itself, affect the vitality or viability of the town centre. The proposal could impact more significantly on commercial premises within the East Road Retail Park, which is immediately adjacent to the town centre. Again, however, it is not considered that this would necessarily cause cumulative impact on the vitality or viability of the town centre.

The Council carried out a town centre audit of Irvine in October 2018. Whilst the audit is still in its draft stage, it found a vacancy rate of 13.9%. However, this fell to 10.6% when units which would require planning permission to be used as retail premises were excluded. Despite different methodologies, it is considered that the applicant's TCHC and the Council's own audit are broadly in agreement. It is important to note the Policy led investment in our town centres by both the Council and the Scottish Government is aimed at regenerating our town centres, which have seen higher vacancy rates arising from changing trends in the retail sector. It is envisaged that, despite public sector investment in the town centre, the trends in retailing will continue in the years ahead.

The applicant states that their business model is for their store to be used by their consumers in addition to other food retailers; their customers are expected to buy basic staples in Lidl then go to another store to purchase more specialist items. For this business model to function effectively, it would benefit a store to be located close to the existing retail outlets i.e. within, or close to, a town centre. The proposed site, being remote from the town centre, is not located near any other food shops and therefore this model does not seem likely to be commonly adopted by consumers. The proposed site is isolated from other retailers and would likely be used as a single destination shop. Any cumulative positive effects as a result of linked trips to other nearby shops would be difficult to demonstrate given its isolated position in relation to Irvine town centre. While the applicant has demonstrated that the proposal would probably not significantly adversely affect the viability of the town centre, the proposed development would clearly compete with, rather than complement or enhance, the town centre. Placement of the proposed development at the application site would, in effect, be a missed opportunity. If located in, or adjacent to the town centre, the proposal would provide a positive addition to the retail offering of Irvine town centre and would provide cumulative economic and social benefits.

Regarding the issue of whether the proposed development would tackle any deficiencies that cannot be met within the town centre, the applicant has stated that they consider themselves to be a 'deep' discount retailer, distinct from what they describe as 'mainstream' convenience retailers eg. Asda, Tesco, Sainsbury's and Morrisons. They consider Aldi to be the other retailer which provides the type of service they do.

Whilst the applicant may consider themselves a distinct type of retail, in planning terms the proposed development (and all the above retailers) is within Class 1 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Class 1 makes no distinction between different shopping categories or retailer, and it is not the role of the Council to consider the precise format adopted by the business model of individual retail traders. In Irvine Town Centre there exists over 5,919sqm of convenience retail sales area (the applicants RIA) and a larger area of all types of potential retail. As stated above, there are potential retail development opportunities in or adjacent to the town centre. This does not include the large Riverway, Lamont Drive or East Road Retail parks which further add to the retail offer within, or adjacent to, the established town centre. It is not considered that there is a deficiency in the retail offer within Irvine Town Centre. If there were, it is also considered that there would be potential to address these deficiencies within the town centre.

Policy 19 of the LDP states that development of land identified on the LDP Maps as protected open space will only be supported when it accords with the Council's Open Space Strategy and in certain exceptional circumstances. The area of the site allocated as open space is at the eastern end, between an existing footpath and the Stanecastle Roundabout. The proposal seeks to retain the land as open space. It currently contains unmanaged woodland on land owned by the Council. The proposal is to fell the remaining woodland and replace it with grass, presumably to give the frontage of the shop maximum visibility from the Stanecastle Roundabout. Regardless of the change in character of the open space, it would not be developed and thus the proposal does not conflict with Policy 19.

In terms of Policy 27: Sustainable Transport and Active Travel, the Applicant's transport assessment describes the public transport linkages of the application site as being good; there are east and westbound bus stops on Manson Road approximately 100m from the site where buses serve Irvine Town centre as well as the surrounding residential areas of Girdle Toll, Bourtreehill and Broomlands. While there is no on-road cycling provision surrounding the site, the site is well served by off-road footpaths which could cater to pedestrians as well as cyclists. The proposed development would have a pedestrian link to the existing pavement on Crompton Way and from there onto the existing path which cuts through the east of the site. This footpath leads to the bus stops to the north of the site and eventually to Irvine Town Centre; the eastbound bus stop is accessed via an underpass.

The proposed development would be likely to generate a significant number of new trips and therefore have an impact on the local road network. The impact of the proposed development on the Stanecastle Roundabout and Towerlands Interchange was assessed in the applicant's Transport Assessment. It was found that both junctions would continue to operate within their practical capacity following the proposed development. The proposed access would be formed onto Crompton Way. There would be spaces for 130 vehicles in the car park, including 8 disabled spaces, 12 parent and toddler spaces and 2 electric charging bays, which is considered acceptable provision.

The modal split of the trips to the proposed store estimate that during the Saturday peak period only 16% of journeys to the supermarket would be made by sustainable transport modes. Approximately 250 cars would arrive and depart from the site during that 3-hour period. Policy 27 of the LDP states that the Council will take account of the need to adapt to climate change. Out-of-town retail development that



is heavily dependent on access by private car such, as that proposed, is not considered to be in line with the Council's aspirations to move towards greener and more sustainable transport modes in order to tackle climate change. A town centre or edge of centre location would be more likely to result in a much higher share of trips to the store being made by sustainable transport modes. In light of the above consideration, the proposal is contrary to Policy 27.

The relevant criterion of Strategic Policy 1 (Towns and Villages Objective) is (a). Criterion (a) states that proposals should support the social and economic functions of town centres by adopting a town centre first principle that directs major new development and investments to town centre locations. As we have already discussed in this report, the applicant has not demonstrated a town centre first approach, and there is a sequentially preferable site immediately adjacent to the town centre. The proposed development therefore conflicts with criterion (a).

With respect to Strategic Policy 2: Placemaking, the design of the unit follows a typical design for Lidl stores and is modern in appearance with white and grey cladding panels being the main finishing material. The design is not distinctive and does not draw upon the positive characteristics of the surrounding area in respect of scale, street, building form and material and does not create a place with a sense of identity. It has not been altered or adapted to adhere to the positive characteristics of the surrounding area. The surrounding area is residential and suburban in character, with the nearby Tennents distribution warehouse being the only remaining industrial building. The scale of the proposed foodstore, the use of cladding panels and lack of appropriate architectural detail would mean that it would be utilitarian in appearance. North Newmoor is an area transitioning from industry to a new residential area. As such, a higher standard of design would be expected for new developments than is proposed.

The applicant's Daylight and Sunlight Study took account of 16 neighbouring properties in the adjacent Persimmon housing development and concluded that there would be no detrimental impact on these properties in terms of loss of light or overshadowing. The methodology adopted and the results of this study are accepted. The applicant is proposing to plant trees along this boundary to provide visual screening of the development.

The applicant carried out a Noise Assessment which predicted that the rating level, due to the operation of the foodstore, would be equal to or below the measured daytime and night-time background sound levels at all assessment locations. The proposed development is therefore considered likely to have a low impact on its closest receptors and would not cause any noise disturbance for the adjacent residential properties.

The Phase 1 Habitat Survey did not discover any evidence of protected species within the site. The Survey did identify a stand of trees at the north-eastern end of the site which could be a potential summer roost feature for bats. A further Bat Survey was carried out and did not uncover any roosting bats within this woodland. The Tree Survey finds that these trees are in poor condition and do not have any landscape value. These trees are to be removed as part of the development and maintained as open grass. The trees do not benefit from any protection and the findings of the Tree Survey are accepted.

It is not considered that the design of the proposed foodstore distinctive or in-keeping with the residential character of the surrounding area and therefore the proposal is contrary to Strategic Policy 2: Placemaking.

It is considered that because the applicant has failed to demonstrate a town centre first approach in line with the policies of the recently adopted LDP, that if the development was permitted, it could set an undesirable precedent for further out-of-centre retail developments which would undermine the primacy of the town centre as the location of retail development within North Ayrshire's towns.

In conclusion, the adopted Local Development Plan clearly states that the preference of the Council is that large retail developments be located in town centres, which is in accordance with Scottish Planning Policy. The application site is some 1.2km outside Irvine town centre and it is not considered that the applicant has provided convincing evidence that there are no preferable sites in or close to the town centre. While no suitable town centre sites were identified, the Ayrshire Metals site (located immediately adjacent to the town centre) is sequentially preferable to the application site, is available and meets all of the applicant's requirements. If the proposed supermarket were to be located in, or adjacent to, Irvine town centre, then it would add to the sustainability and vibrancy of Irvine town centre as a retail destination. However, if located at the application site, the supermarket would compete with and would be detrimental to the Council's policies aimed at revitalising the town centre. There are no other material considerations that have been identified which would outweigh this conclusion.

The proposal is considered to be contrary to Strategic Policy 1: Spatial Strategy (Towns and Villages Objective), Strategic Policy 2: Placemaking, Policy 3: Town Centres and Retailing and Policy 27: Sustainable Transport and Active Travel. On this basis, it is recommended that the application be refused.

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## **Decision**

Refused

Case Officer - Mr John Mack

**Appendix 1 - Drawings relating to decision**

<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Location Plan	2271_310	
Block Plan / Site Plan	2271_311	
Block Plan / Site Plan	2271_313 Rev B	
Proposed Floor Plans	2271_314	
Roof Plan	2271_315	
Proposed Elevations	2271_316	
Block Plan / Site Plan	2271_318 Rev A	
Sections	2271_320	
Landscaping	R/2198/1C	



Scale of Metres - 1:1250

Proposed Planning Boundary



TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

**REFUSED**

James H Miller

CHIEF DEVELOPMENT MANAGEMENT OFFICER

REV

# Manson

Client

**LIDL UK GmbH**

Project

**PROPOSED SUPERMARKET  
CROMPTON WAY  
IRVINE**

Drawing Title

**SITE LOCATION PLAN**

Date

**APRIL 2019**

Scale

**1:1250 @ A3**

Issue Status

**PLANNING**

Drawing No.

**2271\_310**

Rev.

-

Drawn

**KH/JB**
**Architects + Planners**

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 Belford House  
 59 Belford Road  
 Edinburgh EH4 3DE

T: 0131 225 2958

E: [info@mansonarchitects.co.uk](mailto:info@mansonarchitects.co.uk)
 Dundee Office  
 11 South Tay Street  
 Dundee  
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T: 01382 226 361

W: [www.mansonarchitects.co.uk](http://www.mansonarchitects.co.uk)

All dimensions and levels to be checked on site and the Architect to be informed of any discrepancies prior to the commencement of work. Unspecified dimensions are not to be scaled off this drawing. All dimensions are in millimetres unless otherwise specified. If any dimensions or details conflict please notify the Architect immediately.



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

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/19/00752/PP

(Original Application No. N/100181812-001)

REFUSAL OF PLANNING PERMISSION

Type of Application: Local Application

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

To : Lidl Great Britain Ltd  
c/o Rapleys LLP  
8A Rutland Square  
Edinburgh  
EH1 2AS

With reference to your application received on 4 October 2019 for planning permission under the above mentioned Acts and Orders for :-

Erection of foodstore with sales area of up to 1,257 square metres to include the provision of access, car parking, landscaping and boundary treatment

at Site To North West Of  
10 Crompton Way  
North Newmoor  
Irvine  
Ayrshire

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



1. The proposed development would be contrary to Strategic Policy 1: Spatial Strategy (Towns and Villages Objective) and Policy 3: Town Centres and Retailing of the adopted North Ayrshire Local Development Plan, as the applicant has not demonstrated a town centre first approach as required. The proposed site is not suitable for a large retail development as it would compete with the town centre and there are preferable sites available in, or close to the town centre.
2. The proposed development would be contrary to Strategic Policy 2: Placemaking of the adopted North Ayrshire Local Development Plan as it would be neither distinctive in respect of scale, street, building form and material and does not create a place with a sense of identity. nor in-keeping with the predominantly residential character of the surrounding area.
3. The proposed development would be contrary to Policy 27: Sustainable Transport and Active Travel of the adopted North Ayrshire Local Development Plan as the application would be for an out-of-centre retail development, encouraging car use, which would not take into account the need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
4. The proposed development would set an undesirable precedent for the development of unjustified out-of-centre retail developments within North Ayrshire, which would undermine the town centre first policies of both North Ayrshire Council and the Scottish Government.

Dated this : 12 February 2020

.....  
for the North Ayrshire Council

(See accompanying notes)



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

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

KAREN YEOMANS : Executive Director (Economy & Communities)

**FORM 2**

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

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

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** 10 Crompton Way North Newmoor  
**Date:** 19 May 2020 13:37:40

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\*\*\* This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. \*\*\*

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Thank you for your letter regarding the above. My husband and I are both in favour of this development. During this lockdown it would have been more advantageous for me to be able to walk to the store instead of having to go into town.  
More people in my area would use the store and therefor take a lot of traffic from the town centre and help the pollution levels.  
I understand there will be jobs for the area which can only be good and the company pay well.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Planning Application : 19/00752/PP - Notice of Review  
**Date:** 19 May 2020 15:52:45

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I have just received your letter dated 15th May and confirm I wish to make representation in relation to the subject matter.

I see the benefits of the proposed LIDL Store four fold :-

- a) It's proximity will service all the surrounding housing estates (with additional housing in the pipeline)
- b) It will provide many new jobs for local people both in construction and employment once built.
- c) The site will be easily accessible from the Stanecastle roundabout and the local bus route.
- d) "Lidl" as company is popular both for price and satisfaction of quality.

Trust this is of assistance and I cannot quite understand why the local council do not see the benefits.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Lidl store, Newmoor  
**Date:** 22 May 2020 14:13:17

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Good afternoon Hayley,  
Thank you very much for your review letter dated 15th May 2020 regarding the above project.  
Please see my response to the local planning and local review committee members.  
I have also emailed the same response to all 3 of my local Councillors, so I trust it will be posted on the NA eplanning website.

Dear all,  
I am emailing you all, in no particular order, to once again register my support for the above project, along with my objection to the refusal of planning permission. I respectfully request that you put forward my views to the relevant body. I read the Council's original comprehensive report on their objections and I still cannot support their reasons for rejection. I can only see the positives of having the new store in Newmoor. There will be countless construction jobs to create the store, bringing a percentage of increase to the local economy. Then when the store opens, there will be at least 40 permanent jobs but more importantly, we'll have a modern ambient store on our doorstep with a huge amount of amenities.  
For the record, I have no known connection with any of the owners, construction or proposed staff of this project and no personal gain, financial or otherwise, other than seeing the store in all it's splendor.  
I look forward to the store going ahead.  
Kind regards,



To Hayley Clancy  
Committee Services Officer  
North Ayrshire Council.

**Notice of Review by North Ayrshire Councils Local Review Body in relation to Planning Application Reference no 19/00752/PP ;Proposed Lidl Store on a site to the north west of 10 Crompton Way, North Newmoor,Irvine.**

Thank you for your e mail of 15<sup>th</sup> May 2020 inviting me to make further representations in **support** of the above planning application.

**My grounds of support are;**

1.Officers have accepted that the proposed shop is within walking distance of many residents and yet have refused the application because it would encourage car use.This does not make sense as they prefer a town centre location which is normally congested.

2.It is factually true that there are no shops or supermarkets in this local area of Irvine and yet the Council plans to build even more houses in this area. We need a supermarket like Lidl in this area of the town for local need.

3.The Officers have refused the application as they prefer a Town Centre Location but there are no suitable Town Centre Locations available

4.Lidl demonstrated that there were no suitable sites by submitting a sequential analysis.Officers disagreed and favoured 2 sites at Ayrshire Metals and at East Road which are not suitable or available!

5.A discount retailer is needed in this location to give residents choice in an accessible location.

6.The reason for refusal indicates that the store would be out of place in the proposed location but such stores are normally in such locations which are accessible by walking, cycling and by bus as well as the car.The proposals include footpath improvements.This location is a normal location for such shops in Scotland and the store is well designed and will improve the area.

7.The proposal would employ up to 40 people.Not enough support is given by Officers for the new jobs which would be available which ,especially important at this present time.

Signed;

Address;

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** PLANNING APPLICATION: 19/00752/PP  
**Date:** 24 May 2020 13:37:47

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I am writing once more to confirm my support of the above application i.e., Lidl at North Newmoor. A larger supermarket in the surrounding area is much needed and will bring more variety than the smaller shops can offer (although they are great for incidentals but too expensive to buy a weekly shop.) Also it will help to ease congestion within the town centre, (when things get back to some sort of normality after COVID-19.) None of the other sites suggested are at all feasible and this one is ideally situated. Also having the store here will bring much needed jobs to the area.

Thank you for taking these points into consideration. I hope to hear from you soon.

Yours faithfully,

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Date:** 25 May 2020 12:59:26

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Lidl application: 19/00752/PP

My partner and i would like to see a Lidl built on or near 10 Crompton Way.

This would give us a better choice of products locally as our health does not allow us to always go to the town.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Lidl  
**Date:** 25 May 2020 13:26:16

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On behalf of Bourtreehill and Broomlands Tenants and Residents Association, I would like to register our support of Lidl being built at Irvine Newmoor, Stanecastle

Kind regards

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Planning Application: 19/00752/PP Site To North West Of 10 Crompton Way North Newmoor Irvine -- Notice Of Review  
**Date:** 25 May 2020 13:54:37

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I am very much in favour of this supermarket to be built at the above location. My wife and I spend 60% of our shopping with Lidl and at present we either drive to Stevenson or Kilmarnock. A Lidl store at Stanecastle Roundabout means we can walk to this store in 8 minutes. Residents of Stanecastle, Bourtreehill North and Girdle Toll have a 15 minute walk or less. The pathways from the said areas avoid roads by using underpasses and footbridges. The proposed location is an ideal site with good paths and bus services.

All residents in the local area including the new housing developments driving to Asda, Tesco etc will create more congestion especially at weekends when there is nose to tail traffic from Annick Roundabout to town centre shops.

The store would also provide up to 40 new jobs which would be most welcome to those seeking employment.

I support the proposed new Lidl store at Stanecastle Roundabout.

Regards



**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Planning Application: 19/00752/PP Site To North West Of 10 Crompton Way North Newmoor Irvine -- Notice Of Review  
**Date:** 25 May 2020 14:09:30

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The proposed location would enable the many local residents, of which I am one, to walk to buy food and essentials from a discount retailer.

The growth of house building in this local area and the lack of supermarket provision highlights the need of a supermarket like Lidl in this area of town.

The proposed location is accessible by walking, cycling, bus and car and provides residents with choice from a discount retailer.

The proposal would also provide up to 40 new jobs which at this present time is important.

I support the proposed new Lidl store at Stanecastle Roundabout.

Regards

To Hayley Clancy  
Committee Services Officer  
North Ayrshire Council.

**Notice of Review by North Ayrshire Councils Local Review Body in relation to Planning Application Reference no 19/00752/PP ;Proposed Lidl Store on a site to the north west of 10 Crompton Way, North Newmoor, Irvine.**

Thank you for your e mail of 15<sup>th</sup> May 2020 inviting me to make further representations **in support** of the above planning application.

**My grounds of support are;**

- 1.Officers have accepted that the proposed shop is within walking distance of many residents and yet have refused the application because it would encourage car use. This does not make sense as they prefer a town centre location which is normally congested.
- 2.It is factually true that there are no shops or supermarkets in this local area of Irvine and yet the Council plans to build even more houses in this area. We need a supermarket like Lidl in this area of the town for local need.
- 3.The Officers have refused the application as they prefer a Town Centre Location but there are no suitable Town Centre Locations available
- 4.Lidl demonstrated that there were no suitable sites by submitting a sequential analysis. Officers disagreed and favoured 2 sites at Ayrshire Metals and at East Road which are not suitable or available!
- 5.A discount retailer is needed in this location to give residents choice in an accessible location.
- 6.The reason for refusal indicates that the store would be out of place in the proposed location but such stores are normally in such locations which are accessible by walking, cycling and by bus as well as the car.The proposals include footpath improvements. This location is a normal location for such shops in Scotland and the store is well designed and will improve the area.
- 7.The proposal would employ up to 40 people.Not enough support is given by Officers for the new jobs which would be available which especially important at this present time.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Planning Application:19/00752/PP  
**Date:** 26 May 2020 10:02:30

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In reply to your letter of 15th May,  
I wish to register my continued support for the above application to build a Lidl store. As a local resident I would greatly appreciate having such a facility within easy walking distance. I also feel that it would benefit the look of the site which is at the moment nothing more than an eyesore.  
I hope the Review Body can see a way ahead to enable the development to go ahead.

Thankyou

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Lidl  
**Date:** 26 May 2020 14:52:12

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The need for another supermarket has never been more apparent than now.  
With large ques to get into the existing supermarkets & the locations where there are more than justify opening of another store near Stanecastle.  
With social distancing in place it takes longer than average to do shopping.  
Online shopping does not meet demand with major supermarkets taking days to supply.  
The opening of Lidl can only be an improvement&help existing stores & benefit the ever growing population of Irvine.  
Sent from my Samsung Galaxy smartphone.  
Jobs & services from a new store will bring employment at a time where some jobs will be lost can only be a win win situation

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Lidl Appeal  
**Date:** 26 May 2020 15:08:43

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Good afternoon, I am writing to express my support for the upcoming appeal for the Lidl supermarket. I truly feel that this supermarket would be an asset to the area and can't understand why planners would refuse the planning application when shortly afterwards approved another planning application from Persimmons for another phase of new houses surely this store is justified more so now .



**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Planning app. 19/00752/PP  
**Date:** 26 May 2020 17:56:21

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I write in support of the application made by Lidl to open a supermarket on the proposed site. This area of town has a large population who have very little choice of goods to purchase. Lidl is an excellent choice as the range of goods they stock has literally something for everyone, whatever their income. Personally as I approach pensionable age, this store would be preferable to going into large retail parks. There is an excellent road and pedestrian network already in situ.

I look forward to hearing from you regarding the review.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Lidl.  
**Date:** 26 May 2020 23:17:03

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Still in support of Lidl Irvine, it would be good for jobs in the area and also people in Irvine.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Lidl planning application  
**Date:** 27 May 2020 15:12:01

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Dear Ms Clancy,

I hope you will approve the planning application appeal from lidl for the new store at Stanecastle roundabout.

It will provide a much needed alternative supermarket choice with easy access for residents east of the centre, with a good road infrastructure available to tie into. it would also ease congestion on the town centre car parks which cannot cope with demand.

Gridlock at Aldi/Argos is now almost permanent, as is congestion via the blue bridge to the retail park encompassing Sainsbury's, Tesco and Asda, which all cater for the south of the town. Suggesting a premises inside the Mall is ridiculous as there is no way to easily get to a car park with a laden trolley.

Demand for a competitively priced supermarket on this side of the town which has no retail amenities is high and would ease the afore mentioned congestion (and emissions!). As it is easily accessible to many residential developments it is much easier to reach by foot or cycle. It is also on several local bus routes which can encourage use of public transport.

There has been, and continues to be, expanding housing developments in this area without any provision of facilities for the growing population, and the roads into town are already groaning under the strain. This would ease both.

lidl provides brands at discount prices which Aldi rarely does, and the bakery is an added incentive.

New jobs in this blackspot of unemployment is a rare opportunity.

The land used to be used for industrial units so there can be no legitimate conflict on change of use.

Most people in the area were very disappointed when the first application failed, and cannot understand the logic in doing so. I and fervently hope that this appeal is successful.

**Subject:** Planning Application:19/00752/PP Proposed new Lidl store  
**Date:** 27 May 2020 16:47:29

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Dear Ms Clancy,

Thank you for your letter and I would like to add to my previous supporting letter re: building of a new Lidl store at the proposed Newmore site.

With the current Covid 19 pandemic having changed our way of lives in so many ways, that we would not have imagined any of this situation just 15 weeks ago.

I think we should have a rethink on North Ayrshires planning policy of town centre first. For the last 12 weeks my family and I have struggled to have our shopping needs met. With deliveries only available to those shielding and the very infirm as a keyworker working on the Railway I've found it very difficult to access the shops. To have the towns 3 largest supermarkets all situated on the far side of town away from Clark drive where we live just makes it much more difficult.

Planning should now start to consider food supply as an essential commodity and the security of having more varied food suppliers (that all have their own independent logistics chain) can only be a good thing.

With public transport limiting the amount of people travelling on buses (social distancing) We SHOULD now look to allowing these smaller discount stores like the proposed Lidl to be situated in the heart of the community, and not all packed onto a retail park that will in effect force more people to congregate all at the same few places in town. Just imagine the case if we are indeed heading into a recession/depression due to the fallout of this pandemic. What if Tesco's has a drivers strike or goes into administration? Would our local population be supported by the remainder of its grocery stores?

We should value the proposal that a national chain wishes to open a store in our community especially as we are already so economically deprived in the west of Scotland. If we don't they will simply take their business elsewhere, much to our communities detriment.

It's time that we saw sense and took a bold new approach to planning and started doing right by the people that live in this town. If I can just make this point also, you can be assured that I and many in our community have not and probably will never use the Portal leisure centre and the same goes for the newly opened 'The Circuit' sports facility. Both, that at the end of the day are just leisure venues supported by discretionary leisure spending.

A new discount grocery store that the majority of residents in Irvine would actually use on a regular basis should be supported and should be a priority. Along with the jobs and income it would generate in this town.

I hope that this time around common sense will prevail and I look forward to us all welcoming Lidl back to Irvine again.



28 May 2020

Mr. Andrew Fraser  
Head of Democratic and Administration Services  
Committee Services  
North Ayrshire Council  
Cunninghame House  
Irvine  
KA12 8EE

Dear Sir

**Planning Application No. N/19/00752/PP, Site to North West of 10 Crompton Way  
North Newmoor Irvine – Notice of Review**

Thank you for your letter of 15 May advising that the above application is to be reviewed by the Council's Local Review Body.

If I understand correctly, the refusal was based on four points which in the Planning Department's interpretation, do not comply with three Policies and one undesirable precedent. I have listed these four points below together with counter views on their validity.

1. Strategic Policy 1: Spatial Strategy & Policy 3: Town Centres First (NAC Local Development Plan)

I would suggest that the proposed site is imminently suitable for a large retail development. Assuming Irvine Cross to be the town centre of Irvine, then this location is as close to the town centre as Sainsburys when comparing distance on foot and actually nearer if looking at road distances to both locations. Using "directions" on Google maps shows that the proposed Lidl site and Sainsburys are both 1.1 mile by foot from the town centre and 1.3 mile and 1.9 mile respectively by car/bus to each. Both these mileages are using shortest routes from Irvine Cross.

I cannot factually comment on the approach by Lidl regarding their approach and requirements regarding suitable preferable town centre sites and the Council's idea and offers of suitable alternative sites within the town centre. I understand that Lidl have given the Council their reasons for rejecting sites which were deemed by NAC to be "Town Centre First"

2. Strategic Policy 2: Appearance

As a commercial development there may well be architectural aspects which do not replicate the predominantly residential nature of the area but it would then be fair to say neither does the existing warehousing unit in Crompton Way and dilapidated factory units further along the same road.

It is my understanding that Lidl have proposed that the area would be landscaped at their expense together with improving connectivity for pedestrians from the surrounding residential area.

The local residents appear to be in support of the proposed development and I personally have not heard of any objections on the ground of degrading the character of the area, in fact, the opposite would be true.

### 3. Strategic Policy 3: Travel policy/car use/climate change

Currently again assuming Irvine Cross to be the “town centre”, Iceland at that location, and Aldi are possibly the only two “supermarkets” offering a range of products. In today’s shopping style I would suggest that most supermarket shopping is conducted using the car as the preferred method of transport with the majority of pedestrian shoppers using public transport or private taxis to convey their purchases.

As you are aware, Iceland has no provision for on-site car parking unlike Aldi which does have its own on-site car park adjacent to the store itself. East Road being the only entry and exit into Aldi and other commercial premises opposite, can be completely log jammed with traffic at certain times due to vehicles entering and leaving the area. This congestion certainly impacts climate change but not in a positive way.

Similarly, Asda at the foot of the Rivergate centre has only one vehicular entry point and this also adds to road blockages at peak times as vehicles enter/exit New Street.

Being a resident in the Girdle Toll area, I, along with other residents in the area rely on public transport or private cars to visit the existing supermarkets in Irvine whereas our use of such transport would be reduced if the Lidl store became a reality in the area. Admittedly some increase in traffic from other areas of Irvine might result but this could be offset by a reduction in pollution within the “town centre”.

### 4. Undesirable Precedent

I believe that the town centre first policy has already been breached by previous similar developments such as Sainsburys and Farmfoods at Lamont Place. This planned development would provide a long awaited and enhanced shopping opportunity to a large and ever-growing population in the greater North East of the town currently denied such a facility.

As stated in my initial comments of 28 October 2019, the proposed site at Crompton Way has a large, and growing, local catchment area, excellent public transport links, good pedestrian and enhanced vehicular access and egress via two routes, Crompton Way and Arkwright Way and would provide secure and permanent employment for 40 full time jobs plus support jobs in transportation, warehousing maintenance etc., and improve the existing area and hopefully the impression and viability of Irvine as a whole.

I therefore urge the Council to reverse the decision of 12 February and grant the original application.

Yours faithfully

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** planning application: 19/00752/PP Notice Review  
**Date:** 28 May 2020 11:15:56

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Proposed Lidl Supermarket site to North West of 10 Crompton Way North Newmoor Irvine

Dear Hayley Clancy,

As supporters to the above application we would like to make a further representation in relation to the review as follows:

Due to the Corona Virus there are now regular queues of people outside supermarkets.

If we had a supermarket in this area it would distribute customers this way from the town centre stores, possibly ease the queues, and decrease individual car journeys to Irvine town centre.

We wish we already had this facility at Stanecastle.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Reference no 19/00752/PP  
**Date:** 28 May 2020 13:13:49  
**Attachments:** [image.png](#)

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To Hayley Clancy  
Committee Services Officer  
North Ayrshire Council.

Notice of Review by North Ayrshire Councils Local Review Body in relation to Planning Application Reference no 19/00752/PP ;Proposed Lidl Store on a site to the north west of 10 Crompton Way, North Newmoor,Irvine.

Thank you for your letter of 15th May 2020 inviting me to make further representations in support of the above planning application.

Everything about this proposal is positive from serving the local area, traffic reduction away from the town centre, encouraging walking, and Among others approximately 40 reasonably paid jobs.

My grounds of support are;

1. Officers have accepted that the proposed shop is within walking distance of many residents and yet have refused the application because it would encourage car use.  
This does not make sense by arguing they prefer a town centre location which is already congested particularly in the east road, Aldi/Argos traffic lights and especially the Bank St/East Rd junction which is used by much of the traffic from the Stanecastle roundabout.
2. It is true that there are no shops or supermarkets in this area of Irvine and yet there are plans to build even more houses in this area. We feel this reinforces the argument for a store like Lidl in this area of the town serving essential local need.
3. The Officers have refused thIs application as they prefer a Town Centre Location but anyone who lives in Irvine know full well there are no suitable Town Centre locations for a store like Lidl.
4. Lidl Have demonstrated that there were no suitable sites by submitting a sequential analysis. We believe the Officers disagreed and favoured 2 sites at Ayrshire Metals and at East Road. East. At best Ayrshire Metals is an area that should be reserved for housing if a clean site, At worst it would just encourage more vehicle traffic something we feel you should be trying to discourage and it is also on the doorstep of Dublin & Belfast Quay.
5. A discount retailer is needed in this location to give residents choice in an accessible location. It will encourage more footfall by making greater use of the excellent footpaths in the area.
6. The reason for refusal indicates that the store would be out of place in the proposed location but such stores are normally in such locations which are accessible by walking, cycling and by

bus as well as the car. Although there are already good footpaths the proposals include footpath improvements. This location is a normal location for such shops in Scotland and the store is well designed and will improve the area.

7. The proposal will employ up to 40 people and not enough support for this is given by the Officers for the proposed new jobs which would be available and are particularly important to this area at this present time.



**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Lidl  
**Date:** 29 May 2020 14:48:52

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Good day Committee Clerk,

Please accept this email in support of Lidl being granted permission to open in Irvine.

We are a family of 6 and it would be easier for us to shop more locally than trekking into the town centre. This will reduce carbon emissions for those residents that reside at the top of the town, improving the environment and increase activities outside by being within walking distance especially during the current pandemic.

**Subject:** Lidl  
**Date:** 29 May 2020 14:57:54

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To whom it may concern

I would like advise you of my support of Lidl coming to the Stanecastle area of Irvine.

**Subject:** Supporting Lidl application  
**Date:** 29 May 2020 15:22:46

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My family are all in support of Lidl's application to build at Stanecastle

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Lidl  
**Date:** 29 May 2020 16:05:50

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I would like to register my support for Lidl to be allowed to build a store next to the Stanecastle roundabout . This area of the town is very poorly served with shops and facilities in general. It would be nice to have a supermarket I could walk to if I chose , rather than drive 3 miles to where all the other supermarkets are, or into a congested town centre to visit Aldi.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Lidl  
**Date:** 29 May 2020 23:29:32

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Hi, I would like to register my support for the new lidl store to be built in Irvine. This store will bring much need jobs to the town and help support the local community



**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** Planning Application Review : 19/00752/PP (Lidl)  
**Date:** 31 May 2020 12:25:12

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I refer to the above review and your letter dated the 15 May 2020.

Before I make comment for review, I would like to declare on my own behalf that I am in no way or form an activist of any kind nor am I a constant complainer or supporter of any particular Political Party or Supermarket chain, but I feel obliged to comment on this one.

The immediate area to the North, South and East of the proposed site is probably one of the largest catchment areas if not the largest in Irvine and getting larger as time goes on. without any attempt to support the numbers.

With regards to your planning peoples suggestion of a site at East Rd. I would suggest is out of touch with reality . The traffic lights on East Rd and Bank St. are regularly out of sequence with those at the Aldi junction and at busy times (quite regular) allows only 2 or 3 cars at a time onto East Rd., this in turn makes the exit from the Boots carpark an absolute nightmare at those times, therefor we just make the situation worse.

The second suggestion of a site in the area of Ayrshire Metals. I don't know what use that would be being next door to Riverway and Rivergate shopping centres, but then that's planners for you, these kind of details don't seem to matter to them.

Further, the comment that the site at Stanecastle would only encourage car use beggars belief. The average shopper in this area heads for Riverway retail park with Tesco and Asda being their main targets and a few to Sainsburys and Aldi (East Rd).

A conservative estimate of the average distance travelled by car, I would put at around 7 Miles per round trip. It doesn't take too many cars to make this trip for the miles to get into 1000 per week and beyond.

Finally, there is also the employment opportunities to consider and according to Lidl would be around 40, although not significant they would certainly be welcome at this point in time, not forgetting the construction work too.

Thank you for the opportunity to comment.

**From:**  
**To:** [Hayley Clancy \( Committee Services Officer / Committee & Member Serv \)](#)  
**Subject:** RE: Planning Application: 19/00752/PP  
**Date:** 29 May 2020 17:01:12

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Afternoon,

Further to your letter of the 15<sup>th</sup> May, 2020 my clients would like to reconfirm their key points raised in our letter of the 24<sup>th</sup> October, 2019, their key points being;

- The proposed development does not align with the Town Centre First Principle that directs major new development and investment to town centre locations as a priority including *supporting town centre living*. Such a proposal stops investment in Bourtreehill and Girdle Toll town centres.
- The area is oversubscribed with discount retailers. There are over 15 independent retailers in the surrounding area of the proposed development. These independent retailers have been servicing the local community providing vital supplies while using local suppliers. This being highlighted during the current COVID19 pandemic, they have continued to supply the local community throughout.
- The Stanecastle Roundabout is a busy roundabout at present and a further increase in traffic may put strain on the road network, especially at peak times, increasing the risk to other road users and increasing journey times.
- The proposed development undermines the vitality or viability of town centres, a proposal that generates a significant footfall should accord with the Town Centre First Principle
- The area does not require a further budget priced off licence encouraging anti-social behaviour.
- The introduction of a further discount retailer will only result in more local shop closures. Impacting on local suppliers, employment and lead to more business units lying empty in town centres.

Further, our clients understand that Lidl had a prime location in Irvine but chose to close this site and it is our clients' view that they should not now be given free choice of a location that suits them at the expense of local retailers and suppliers in the town centres.

Please also find attached hereto further written submission by my clients' for the Local Review Body's consideration.

This email does not and shall not constitute, form part of, vary, or seek to vary any contract or unilateral obligation.

## LIDL OBJECTION – APPEAL POINTS TO RAISE..

At the Lidl Action Group Meeting at the volunteer rooms, there was 80 and max 100 in attendance. Lidl make it out to be biggest turnout showing public demand/want this location, however the last census shows there are 33,000 people in Irvine so in comparison that ratio and attendance at this meeting did not represent the views of over 90% of people and was a small minority based on demographics. Note also 80 in attendance were cramped into a small room, creating the illusion to local media that there was huge turnout. One of our small stores takes in over 1000 transactions a day so 80 people doesn't not justify a demand to have a Lidl store. 100 in attendance shows 0.3% view to population of Irvine based on the last official census

This proposed area is a deprived area with large drinking problems, so having a "Discounter" selling cheapest alcohol day in day will fuel these problems and also lead onto more anti-social problems, underage drinking and loitering. The facts/history prove this as Bourtreehill Village Centre attracted hundreds of kids at the weekends main reason being cheap alcohol was on offer. Former community wardens can confirm this. This led to area discouraging people from shopping, led to anti-social problems, littering, and pestering customers for alcohol.

This issue has been resolved and since our stores in Bourtreehill do not sell cheap alcohol and stick to rps from suppliers, there have been NO kids at weekends, less litter, and lots of pensioners, families and kids shopping and walking late at nights.

The roundabout is already very busy and so many members of the public complain about this, I can even provide photos of the traffic. So adding another busy junction will result in more accidents and longer queues at 4 main turnings at the roundabout that are already busy.

Lidl will be directly competing against the town centre so will drive customers and footfall away from an already struggling town centre. Tesco, Sainsburys and retail parks already provide easy access and enough parking for the demand as well as local busses running from Bourtreehill and Girdle Toll.

Lidl is only 1 mile away from Aldi so nearest discounter is not that far away for the public to access.

The town already has Tesco, Asda, Sainsburys, Home Bargains, Xcess Stock, Iceland, Farmfoods, B&M, Poundland & Food Warehouse that more than cover the needs of Irvine and none of these stores are overstretched. Tesco and Sainsburys car park already show this, they are never near full capacity even at peak times. These retailers have already cut back major staff and direct competition will result in more job losses than jobs gained that is also a fact.

There are over 15 independent retailers around this proposed area already catering to local communities providing vital services. Not only will jobs be lost, services will be lost too as a direct result of Lidl Opening.

We provide the only traditional butchers in Irvine (at one point there was around 12), this breaks even so any further impact will result in closure, loss of this service, jobs losses and Irvine losing out on a quality traditional butchers. We have 2 sites in Bourtreehill village centre and both stores are not thriving so a drop in sales or footfall will result in at least 1 site closing resulting in further job losses and also the loss of the Post Office

Bourtreehill village centre only a few minutes' drive away from proposed site is an example of the fact there is no demand for extra business. Apart from our 2 units, the chemist and Chinese, the rest of units have been vacant for at least 12 years now. If there was a demand these units would be full. Co Op, Ladbroke's, hairdressers, hardware store, bakers, butchers, fruit & veg shop, chip shop have

all left showing there is no demand of the extra business in this area. Lidl will take away business from local independent stores that have built up a good local reputation for over 35 years.

There is a Spar, 4x Premier convenience store, our Award Winning Bourtreehill Supermarket, Cost Cutter, Co Op all biggest uk community retail stores more than able to cope with any extra housing or development as they are struggling and rely on local convenience. These local stores are not over stretched and can easily cope with any additional demand

The proposed area has so many convenience stores, that deal with local suppliers, local producers and local wholesalers. These companies employ over 500 employs+ locally and rely on the business of local independent stores. Local suppliers and independent retailers contribute directly to the local Ayrshire area. Lidl who distribution centre is far outside Ayrshire are not interesting in local communities or the local economy or local suppliers as most products are imported

We run regular free kids workshops, community fun days, fitness classes, support local bourtreehill charities Age concern Bourtreehill and Children's 1<sup>st</sup> bourtreehill, competitions, massive giveaways around £20,000 in prizes including 50" tv, x box 1 etc, make your own slime workshops, Easter workshops, Santa's grotto, Halloween parties, Halloween competitions and 1000s free giveaways to local kids. This has helped combat anti-social behaviour and give kids something to do locally. We have also invested 70k in a soft play area for the community and local kids, re opened a chip shop THIS WILL STOP IF THERE IS FURTHER IMPACT ON OUR STORES AS IT WILL BECOME UNFEASIBLE.

Also, note Lidl had prime location in Irvine, before a lot of major discounters came into the town and gave this up and left Irvine so they should not have the choice of location that's suits them, why should they have prime location at the expense of independent stores locally and other supermarkets. There is not a demand for another discounter so the business will come from other established businesses locally so not really gaining any further business to the area. Since Lidl left Irvine 5 major discounters have came into Irvine so how can there be a demand for another discounter??

My Lawyer has raised some very valid points and facts so support our objection and are worth looking back into our original objection.

Council has every right to reject this appeal as the impact far out weighs the extra benefits to the local community. Lidl has not mentioned or acknowledged the impact this will have on Bourtreehill Village Centre and Girdle Toll stores. We can provided statistics within a week from Edinburgh on the impact on local shops if figures are needed as an example.

Thanks for taking the time to read this, but it shows a bigger picture that Lidl are choosing to ignore showing they don't really have the interests of Irvine at heart, finally note they had prime location in the town centre event before all the other discounters opened up so should not have choice to pick and choose the location that suits their needs at the expense of others that have been in local community and area for around 30 years. Lidl Action Group had also put up banners around proposed site without permission implying Irvine wants Lidl. Speaking to 3 residents next to the site they quoted saying they do not want a Lidl and also all the people that were at this Lidl Action group do not even stay at the new development so do not represent them or their views. There will be more job losses than gains and further loss of services locally, ignoring these facts to allow Lidl the location if its choice

# NOTES

LIDL IS A BUSINESS LOOKING TO OPEN IN IRVINE, REGARDLESS OF LOCATION. THREATENING TO WALK AWAY FROM IRVINE ON THE REFUSAL OF THE ORIGINAL SITE, THEY WILL FIND ANOTHER SITE REGARDLESS OF WHAT THE COUNCIL SAY.

COUNCIL IS IN A STRONG POSITION WITH NOTHING TO LOSE, LIDL HAS EVERYTHING TO LOSE BY NOT OPENING IN IRVINE AS THEY ARE EXPANDING AND OPEINING IN ALL BIG TOWNS. They are trying to call bluff by threatening to walk away.

Lidl shouldn't be allowed priority in a key location, thye will always have an alternative choice and a backup plan.

Lidl will open up regardless and everyone wants prime location, the negative impact on the town centre and local businesses far out weighs the benefits. Less money will go into the local economy as Lidl do use local suppliers and they're distribution centres are not even Ayrshire based.

During the COVID pandemic, their was no shortage of supplies and services locally. Our 5 stores within a mile radius of proposed site have plenty of stock of Bread, Milk, Flour, Fruit & Vegetables and we never sold out of any essentials showing the demand was catered for by local independent stores.



24<sup>th</sup> October, 2019

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

**\*\*RECORDED DELIVERY\*\***

Dear Sirs,

Application: 19/00752/PP (Erection of foodstore)

We refer to the above application and have been instructed to submit this letter on behalf of our clients Bourtreehill Limited, commenting on the above application prior to a final decision being made on the application by Lidl Great Britain Limited. Our client, Bourtreehill Limited, employs over 80 staff at 7 different sites around the proposed development site (including Girdle Toll Premier, Premier Village Convenience Store and Bourtreehill Supermarket) supplying local produce including; J & A Quinn Butchers, Brownings and Lainshaw Farm Eggs. Our clients view their businesses as being vital to the local economy with the money being spent back into the local economy.

Their Bourtreehill Supermarket is a multi-award-winning store, winning 12 major awards including 2 UK awards within its 1st year of opening. Our client proudly bases its stores in the centre of communities. They advise that they have reinvested £1 million in their stores and have been local retailers in the area for over 35 years. They also provide free kids workshops, dance classes, event days, competitions, fitness classes and support local events. Helping to combat anti-social behaviour and contributing greatly to the wellbeing of the community.

In respect of the proposed application we would raise the undernoted points on behalf of our clients.

1. compliance with the Local Development Plan (LDP)
  - a. The proposed development does not align with the Town Centre First Principle that directs major new development and investment to town centre locations as a priority including *supporting town centre living*. Such a proposal stops investment in Bourtreehill and Girdle Toll town centres.
  - b. Further, such a proposal that generates a significant footfall should accord with the Town Centre First Principle and must not undermine the vitality or viability

of town centres. This proposal would undermine the vitality of the Bourtreehill and Girdle Toll town centres and lead to job losses and possible store closures.

- c. Rather than generating new employment opportunities it would instead lead to job losses in local stores and possible store closures.

## 2. Sustainability

- a. The area has been catered for by local independent stores for over 35 years.
- b. There is not the business for another supermarket. Lidl's projections aim to have £100,000.00 plus in sales a week, this can only impact on local independent stores resulting in the loss of jobs and will have a negative impact on vitality of the Bourtreehill and Girdle Toll town centres.

## 3. Planning and Economic benefits

- a. Local independent retailers employ 300+ people within the area and the proposed development will reduce employment among local suppliers and producers
- b. Locally based suppliers and producers provide jobs in the area and rely on the businesses of local independent retailers. The result of a 'discounter' supermarket with outside UK products undercutting these suppliers and producers will impact the whole local supply chain from local independent stores to the local suppliers and producers and their employees.
- c. The Stanecastle Roundabout is a busy roundabout and cannot cope with a further increase in traffic, especially at peak times

## 4. Availability of Service

- a. The area does not need require another discounter. There are already; Lidl, Asda, Tesco, Sainsburys, Farmfoods, Home Bargains, Iceland, New Food Warehouse, Xcess Stock, M&S food hall, Poundstretcher in the area. All providing supermarket services. Supermarkets are struggling and already cutting back staff.
- b. Our clients have been providing local independent convenience stores vital to communities within this area for over 35 years.

## 5. Need

- a. Over the last 15 years there have been units lying empty in Bourtreehill town centre. The Co-op, Watt Brothers, Bonmarche clothing, local butchers, homeware/hardware store, two bakeries and multiple takeaways have closed, showing that there is no demand or need for the proposed development.

- b. In respect of off licences, the area is oversubscribed with off licences and does not require a further budget priced off licence encouraging anti-social behaviour.

Our client has been and continues to cater for the local community's needs providing local doorstep convenience stores vital to communities within this area and to invest in the community. They are already struggling due to constant changes both political and economic. Any further impact may result in local independent stores closures and job losses. There is no need and no economic benefit to the proposed development, and in our clients' view, would only result in a negative impact on the vitality of the Bourtreehill and Girdle Toll town centres.

We hope this letter provides you with enough information to make an informed decision based on the impacts contained within this letter.

This letter does not and shall not constitute, form part of, vary, or seek to vary any contract or unilateral obligation.

Yours faithfully,



Our ref: 18-02874

19 June 2020

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MANCHESTER

Dear Hayley,

**Re: Response to Interested Party Representations in relation to Notice of Review for Planning Application N/19/00752/PP at Land at Stanecastle Roundabout, Crompton Way, Irvine.**

Thank you for sending through the details of the responses received from interested parties following notification of the review process. In total, we note that 29 responses were received, of which 28 responses were supportive with only a single objection. This reaffirms the substantial public support for the proposed development. We also note that one of the emails of support was received by Bourtreehill and Broomlands Tenants and Residents Association.

In summary, the main reasons for support from the interested parties are:

- Welcoming of discount convenience retail provision in the locality of the expanding residential areas around Stanecastle as well as Girdle Toll and Bourtreehill;
- Setting out that there is not sufficient convenience facilities locally – as evidenced by the current pandemic - which the proposed store will meet;
- That social distancing rules have further emphasised the need for convenience provision locally with significant congestion at existing retail parks;
- Welcoming of significant additional local employment opportunities, particularly in light of the significant economic impact of the pandemic;
- That the proposed development is sustainably located with good bus and walking links, contrary to the Council's reason for refusal.
- Consequently, the proposal will lead to a reduced need to travel by car if local provision is available, compared to the longer trips being made by residents to existing retail parks.
- The proposal will positively regenerate a prominent brownfield site which is currently an eyesore; and
- It is evident that the other sites considered by Lidl during the planning application are evidently not suitable or available for the proposed development.

These elements of support, echo points identified in detail within Section 5 of our appeal statement, adding further weight to the reasons given.

In relation to the objection from Bourtreehill Ltd (who own and operate a number of local convenience stores in the locality), the points made repeat those expressed during the consideration of the planning application. Principally, these relate to perceived concerns regarding the impact of the proposal on the operation of their small convenience shops.

RAPLEYS LLP IS REGISTERED AS A  
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REGULATED BY RICS

As previously stated (and accepted) by the Council in the Report of Handling, the application proposal will not lead to a significant adverse impact on any defined centre within the catchment area of the proposal.

As the applicant made clear in responding to the representations made during the consideration of the planning application, the development proposal serves a different market. Namely that of small convenience outlets which typically serve a very localised customer base and have extended trading hours (particularly on Sunday) to cater for unplanned or top-up shopping needs. Thus, there is a very limited overlap between the proposed discount foodstore and the local convenience shops operated by the objector. As such, any retail impacts associated with the proposal will not be significant. For these reasons, the representations by Bourtreehill Ltd do not add any further information to that which the Council has already taken into account.

As emphasised in the Notice of Review form and associated Appeal Statement, the applicant strongly wishes to be 'heard' – i.e. at a further meeting of the Local Review Body (LRB) where verbal representations can be directly made by the applicant to members of the LRB. We have set out in our Appeal Statement compelling reasons for why we consider this to be the case, to ensure a transparent and fully informed review process can be undertaken.

We would be grateful if you could keep us informed of progress in taking the review of the application to the appropriate meeting of the LRB.

Yours sincerely,

*Daniel Wheelwright*

**Daniel Wheelwright**

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