



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council Meeting

21 September 2022

VOLUME OF MINUTES

From 16 June 2022 – 24 August 2022

Date	Committee	Pages
16 June 2022	Integration Joint Board	1-8
20 June 2022	Licensing Committee	9-10
29 June 2022	Planning Committee	11-20
30 June 2022	Audit and Scrutiny Committee	21-27
15 August 2022	Police & Fire & Rescue Committee	28-31
17 August 2022	Licensing Committee	32-34
23 August 2022	Cabinet	35-39
24 August 2022	Planning Committee	40-46



North Ayrshire Health and Social Care Partnership
Minute of Integration Joint Board meeting held on
Thursday 16 June 2022 at 10.00 a.m.
involving participation by remote electronic means

Present

Voting Members

Councillor Margaret Johnson, North Ayrshire Council (Vice Chair)
Councillor Timothy Billings, North Ayrshire Council
Councillor Anthea Dickson, North Ayrshire Council
Marc Mazzucco, NHS Ayrshire and Arran

Professional Advisers

Caroline Cameron, Director of Health and Social Care Partnership
Paul Doak, Head of Service (HSCP Finance and Transformation)/Section 95 Officer
Iain Jamieson, Clinical Director
Scott Hunter, Chief Social Work Officer
Alistair Reid, Lead Allied Health Professional Adviser
Darren Fullarton, Associate Nurse Director/IJB Lead Nurse

Stakeholder Representatives

Vicki Yuill, Third Sector Representative
Glenda Hanna, Independent Sector Representative

In Attendance

Aileen Craig, IJB Monitoring Officer
Alison Sutherland, Head of Service (Children, Families and Criminal Justice)
Thelma Bowers, Head of Service (Mental Health)
Michelle Sutherland, Partnership Facilitator, HSCP
Eleanor Currie, Principal Manager – Finance
Peter McArthur, Senior Manager (Addictions)
Kerry Logan, Senior Manager (Health and Community Care)
Kathryn Watt, Deloitte
Lyndsey Wilson Hague, Phoenix Futures Scotland
Rowanna McDonald, Phoenix Futures Scotland
Elizabeth Crawford, Phoenix Futures Scotland
Karen Andrews, Team Manager
Angela Little, Committee Services Officer
Craig Stewart, Committee Services Officer

Apologies

Bob Martin, NHS Ayrshire and Arran (Chair)

Adrian Carragher, NHS Ayrshire and Arran

Jean Ford, NHS Ayrshire and Arran

Louise McPhater, North Ayrshire Council

Louise McDaid, Staff Representative (North Ayrshire Council)/Chair, North Coast Locality Forum

Pamela Jardine, Carers Representative

1. Apologies and Chair's Remarks

Apologies for absence were noted.

2. Declarations of Interest

There were no declarations of interest in terms of Standing Order 7.2 and Section 5.14 of the Code of Conduct for Members of Devolved Public Bodies.

3. Action Note

The Board noted that the action plan was not included in the formal papers, it was noted that all actions are within agreed timescales and the reports on the three outstanding actions had been provided and would be discussed later on the agenda.

4. Appointments

Submitted report by Caroline Cameron, Director (NAHSCP) on the appointment of members to various vacant positions on the IJB, Performance and Audit Committee and Strategic Planning Groups.

The report detailed the appointments as follows:-

- Councillors Margaret Johnson, Anthea Dickson, Timothy Billings and Louise McPhater as voting members of the IJB;
- Councillor Margaret Johnson, as the North Ayrshire Council Cabinet Portfolio holder for Health and Social Care, as Vice-Chair of the IJB;
- Councillor Timothy Billings will continue in his role as Chair of the Performance and Audit Committee;
- three vacancies remain on the Performance and Audit Committee and IJB Members have been canvassed for nominations;
- Councillor Margaret Johnson, as Vice-Chair of the IJB, is appointed as Chair of the Strategic Planning Group;
- Pamela Jardine as the substantive Carer's Representative on the IJB;
- that the Depute Service User representative will continue in the role until a substantive replacement has been appointed;
- Terri Collins as Staff Representative for the NHS; and
- Dr. Iain Jamieson as Clinical Director for North Ayrshire HSCP.

Noted.

5. Child Poverty Report 2021/22 and Action Plan 2022/23

Submitted report by the Executive Director (Education and Communities) on the draft North Ayrshire Local Child Poverty Action Plan for 2022/23 and Report for 2021/22. The report and action plan were attached at Appendix 1 and summarised the ongoing and planned activity intended to reduce child poverty in North Ayrshire.

Members asked questions and were provided with further information in relation to:-

- The establishment of a Financial Inclusion project board to consider how to bring together the number of Council and HSCP teams providing financial inclusion services to make the services more effective and accessible to people in North Ayrshire;
- Work that is underway to fill the Forum Chair vacancies and to ensure there is appropriate membership and representation on each Forum;
- The 3-year strategy to tackle child poverty and the establishment of a new board in North Ayrshire to tackle child poverty, chaired by the Leader of the Council and supported by NHSAA, the North Ayrshire HSCP, the Third Sector Interface and Community Planning partners; and
- work has been undertaken nationally and locally on teenage pregnancy including a full review of the school nursing pathway - all of which strengthen local approaches to supporting young parents

The Board agreed (a) to approve the North Ayrshire Child Poverty Report 2021-22 and Action Plan 2022-23; (b) that the report be submitted to the Scottish Government and published on the North Ayrshire Community Planning Partnership website; (c) to approve the proposal to develop a strategy to tackle child poverty, covering the period 2023-26; (d) to approve the introduction of a “Tackling Child Poverty” Board to agree, monitor and deliver our local strategy in relation to the wide-ranging proposals within the Scottish Government’s Tackling Child Poverty Delivery Plan, to be chaired by the Council Leader; and (e) to grant permission to propose North Ayrshire as a “Pathfinder” local authority in tackling child poverty, as described in the Scottish Government delivery plan (Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026).

6. Presentation: Phoenix Futures Development

The Board received a presentation by Lyndsey Wilson Hague and James Armstrong on the work of Phoenix Futures Scotland to support those affected by drug and alcohol across the country in prison, community and residential settings.

The presentation provided an update on progress with the acquisition of the Seabank Care Home building in Saltcoats which is being refurbished and opened as a National Family Rehabilitation Service. The presentation provided an update on the following areas:-

- Residential rehabilitation model – a Scotland focus;
- Need for the service, both nationally and locally;
- National Specialist Family Service Model;
- Childcare element of service provision;
- Refurbishment progress; and
- Good neighbour commitment and local support.

Members asked questions and were provided with further information in relation to:-

- An Engagement Plan that would ensure consultations and connections with the third sector, partners, Elected Members and the local community and Phoenix Futures approach to being accessible to any individuals or groups looking to find out more about the service;
- The enhanced model of care and offering for residents of North Ayrshire and an assurance in terms of arrangements to ensure recovery is supported when individuals return home;
- The recruitment of 30 staff with a wide range of knowledge and experience and work to recruit to the two remaining vacancies;
- Examination of referral and follow up processes to ensure sustainable recovery for those returning home out with the local area;
- Detailed meetings that have taken place with Primary Care Team to consider the impact on GP practices in the local area and a number of options that are being explored, noting local GPs do not have readily available capacity to support;
- In-house clinical provision to triage any needs and requirements;
- Further information that will be provided in relation to the provision enhanced package for island communities, noting that there will be one referral pathway and equitable access for all residents in North Ayrshire ; and
- An invitation that was extended to the IJB to visit the facility.

The IJB welcomed the update from Phoenix Futures and the offer for further engagement as the service develops. The update was noted.

7. Wider Scope Report: Audit Dimensions and Best Value

Submitted report by External Auditors Deloitte on the 'Audit Dimensions and Best Value' for the year ended 31 March 2022. The scope of the audit work was risk based and proportionate, and covered the four audit dimensions of Financial Management, Financial Sustainability, Governance and Transparency and Value for Money. Responsibilities in relation to Best Value had been incorporated into the audit work. The purpose of the report and responsibility statement was also included, together with an Action Plan with recommendations for improvement.

Members asked questions and were provided with further information in relation to:-

- An initial induction session for Members that will take place following the summer recess and include a session on the Code of Conduct for Members;
- An ongoing programme of training and development for Members that has been developed; and
- Joint working across the three partnerships and NHS that will progress implementing delegated hospital budgets and set aside requirements.

Noted.

8. Director's Report

Submitted report by Caroline Cameron, Director (NAHSCP) on developments within the North Ayrshire Health and Social Care Partnership.

The report provided an update on the following areas:-

- National developments that included the Children with Visual Impairment Event, the launch of the formal consultation on the Data Strategy for Health and Social Care and the Ministerial Statement on Accountability for Delivering the National Mission to Reduce Drug Deaths and Improve Lives;
- the MARAC Launch across Ayrshire and Arran;
- North Ayrshire Developments that included mPower/Digital Navigator Support, the new community support launch of 'Our Community Space' in three Garnock Valley towns, Co-creating Libraries, the Care at Home Inspection outcome, the Joint Inspection of Children's Services and the phased re-opening of Older People's Day Services;
- Updates on Covid, Guidance, Managing Health and Social Care Staff with symptoms of a Respiratory Infection, or a positive Covid-19 test, Asymptomatic COVID-19 testing; Care Home settings and Vaccinations.

Members asked questions and were provided with further information in relation to:-

- National Infection Prevention and Control Guidance that is followed by Care Homes;
- Further information on whether Care Home visitor testing is mandatory that will be forwarded to Members;
- The recent Care Inspectorate Inspection of Care at Home and clarity that the scope of this did not include an inspection of Self Directed Support (SDS) and was focussed on direct care delivery through the in-house care at home service;
- The commitment by the HSCP to support SDS through the establishment of an SDS Board so ensure legislation is applied and embedded appropriately across all services; and
- The inclusion of pertinent updates in relation to the Covid pandemic within the Director's report.

The Board expressed its thanks and congratulations to staff within the Care at Home service for their tremendous achievement, following a Care Inspectorate inspection in May 2022 which assessed the service as Grade 5 (very good).

Noted.

9. Financial Monitoring: 2021-22 Year End Performance

Submitted report by Paul Doak, Head of Service (HSCP Finance and Transformation) on the IJB's year-end financial performance and the implications for the IJB's overall financial position, including an update on the financial impact of the Covid-19 response. Appendix A to the report provided the financial overview of the partnership position, with the position in relation to earmarked funds carried forward for use in 2022/23 detailed in Appendix B. The final BRAG status around the deliverability of each saving was provided at Appendix C. Appendix D highlighted the movement in the overall budget position for the Partnership following the initial approved budget and the local finance mobilisation plan submission was detailed at Appendix E to the report.

Members asked questions and were provided with further information in relation to:-

- Underspend in Mental Health, largely as a result of challenges around recruitment and the approaches the service are taking to grow the workforce;
- The establishment of a Workforce Planning Group to consider the best skills mix approach and the challenges in recruiting to some of the most difficult professional roles;
- The development of a National Workforce Strategy in relation to these challenges for Mental Health Services;
- Additional workforce planning resources consider recruitment from a national perspective and collaborative recruitment processes across Scotland; and
- Work with NSD on the delivery of Foxgrove, the completion of a Needs Assessment and commencement of recruitment.

The Board agreed to (a) note the overall integrated financial performance for the financial year 2021-22 and the overall year-end underspend of £21.148m, adjusted to £2.916m after earmarking; (b) note the updated costs of the Covid response and the funding received; (c) note that out-with the IJB overall position, the £1.486m debt repayment has been made to North Ayrshire Council as planned; (d) approve the budget changes outlined at section 2.11 of the report; and (e) approve the proposed earmarking of £18.232m of reserves as detailed in the report, leaving a balance of £2.916m in free general fund reserves.

10. Risk Management Strategy

Submitted report by Paul Doak, Head of Service (HSCP Finance and Transformation) on an updated Partnership Risk Management Strategy, detailed at Appendix 1 to the report.

The Board agreed to approve the Risk Management Strategy detailed at Appendix 1 to the report.

11. Community Alarm/Telecare Service transition from Analogue to Digital (IP)

Submitted report by Kerry Logan, Senior Manager on the Community Alarm/Telecare Services transition from Analogue to Digital Service Internet Protocol (IP) and on how HSCP would support service users.

Members asked questions and were provided with further information in relation to:-

- Recruitment that is underway for a new Project Planning Team; and
- Digital infrastructure in rural areas that would be examined by the Project Planning Team transition to ensure accessibility for service users on an individual basis.

Noted.

12. Distress Brief Intervention Update

Submitted report by Thelma Bowers, Head of Service on the progress of implementation of the Distress Brief Intervention (DBI) Service. Appendix 1 to the report provided an infographic update on the progress of the national programme.

Members asked questions and were provided with further information in relation to:-

- The Implementation Plan that would build capacity in primary care to support primary care colleagues to undertake DBI Level 1 training;
- Data on fluctuations in referral rates including over holiday periods would be examined by the Steering Group as well as the demographics of the information captured.

The Board agreed to endorse the implementation of the plan to support DBI across Ayrshire.

Aileen Craig, IJB Monitoring Officer left the meeting at this point.

13. Support for Unpaid Carers in North Ayrshire

Submitted report by Scott Hunter, Chief Social Work Officer providing an update on developments to improve support to unpaid carers in North Ayrshire, including a programme plan and timeline for proposed changes. The current North Ayrshire Carer's Eligibility Criteria was attached at Appendix 1 to the report.

The Board agreed to (a) approve (i) the approach described in the report to provide improved support for unpaid carers in North Ayrshire; and (ii) the amended Carer's eligibility criteria threshold to support individuals with low and moderate need levels, instead of just substantial and critical levels of need; and (b) note the content of the report.

14. Whistleblowing Report – Quarter 4, January to 31 March 2022

Submit report by Karen Callaghan, Corporate Governance Co-ordinator in relation to whistleblowing concerns raised in Quarter 4 (January-31 March 2022).

Noted.

15. Urgent Item

The Chair agreed to consider the following matter as a matter of urgency, to allow the Board to be provided with an update without delay.

15.1 Unscheduled Care Performance

Submitted report by Caroline Cameron, Director (NAHSCP) outlining the responsibilities of the IJB in commissioning and oversight of performance in relation to Unscheduled Hospital Care in relation to the Acute Set Aside resource. The report highlighted areas of concern in relation to performance and to recommend the IJB seek regular updates on the programme of work to improve patient experience and outcomes.

Members asked questions and were providing with further information in relation to:-

- The Flow Navigation Centre that works towards the prevention of attendance at A&E and admission to hospital;
- The range of work that is underway around discharge without delay to reduce the impact on the individuals being delayed within a hospital environment for longer than required;
- Discussions at the next meeting of the IJB PAC on ongoing reporting of performance information in relation to unscheduled care on a wider Ayrshire and Arran context and whether this should be embedded within future performance reports.

The Board agreed to (a) note the ongoing programme of work in relation to Unscheduled Care and specifically the improvements required in length of stay for patients and performance in relation to the 4 hour ED compliance standard; (b) receive a performance update at the next meeting in August and thereafter consider any further interventions required; and (c) note that any additional resource required to facilitate performance improvement activity should be through a spend to save methodology by closing all 138 additional acute hospital beds during 2022-23.

The meeting ended at 12.38 p.m.

Licensing Committee
20 June 2022

IRVINE, 20 June 2022 - At a Meeting of the Special Licensing Committee of North Ayrshire Council at 12.40 p.m. within the Council Chambers, Irvine.

Present

Eleanor Collier, Nairn McDonald, Stewart Ferguson, Christina Larsen, Jean McClung and Donald L. Reid.

In Attendance

R. Lynch, Senior Manager (Legal Services), C. Pollock, Licensing Admin Officer (Licensing) and H. Clancy, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Collier in the Chair.

Apologies

John Bell and Angela Stephen

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Exclusion of the Public

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for Agenda Item 3 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) on the grounds that they involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

The 'Exempt Information' concerned is information of the type described in one or more of Paragraphs 3, 6, 14 and 15 of Part 1 of Schedule 7A to the Act:

3. "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."
6. "Information relating to the financial or business affairs of any particular person (other than the authority)."
14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."
15. "The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance."

3. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters

Submitted report by the Head of Democratic Services on hearings to be determined and applications for the grant or renewal of licences, consents and permits, on hearings and on other matters, under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

Appendix A: Hearings

3.1 Taxi Driver's Licence: TDL/02293 (New): John Welsh

At a previous meeting on 1 June 2022, the Committee agreed to continue consideration of this application.

The applicant, having been duly cited to attend, was not present or represented.

The Senior Manager (Legal Services) set out the background to the Hearing as previously intimated in writing to the applicant and advised the Committee of a letter from Police Scotland setting out their representation in respect of the application.

The Senior Manager (Legal Services) advised the Committee the Applicant had a "Protected Conviction" to which the provisions of the Rehabilitation of Offenders Act 1974 applied. The Committee then carried out the procedure required under the Rehabilitation of Offenders Act 1974, Section 7(3) and determined that justice could not be done except by having regard to the Applicant's "Protected Conviction".

Decision

The Committee agreed to refuse the application in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that the applicant is not a fit and proper person to be the holder of a licence. There being no amendment the motion was declared carried.

The meeting ended at 12.45 p.m.

**Planning Committee
29 June 2022**

Irvine, 29 June 2022 - At a Special Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Robert Foster, Timothy Billings, Scott Davidson, Stewart Ferguson, Cameron Inglis, Jim Montgomerie, Ian Murdoch and Chloé Robertson.

In Attendance

A. Craig, Head of Democratic Services and R. Lynch, Senior Manager (Legal Services; J. Miller, Chief Planning Officer (Planning) P. Brennan, Environmental Health Officer, Protective Services (Place) and A. Little and D. McCaw, Committee Services Officers (Chief Executive's Service).

Also In Attendance

J. Bailey, RPS Group, D. Kelly and A. Mathers, (XLCC); R. Holmes, Dr. J Pearson and L. Grainey (representing Fairlie and Cumbrae Community Councils); and Councillor Alan Hill.

Apologies

Amanda Kerr and Davina McTiernan.

Chair

Councillor Foster in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. 22/00133/PPPM Former Coal Terminal Hunterston West Kilbride

XLCC have applied for planning permission in principle for the erection of a high voltage cable manufacturing facility, including detailed planning permission for the construction of a 185m high extrusion tower with associated factories, research and testing laboratories, offices with associated stores, transport, access, parking and landscaping with on-site generation and electrical infrastructure and cable delivery system, at the former coal termination, Hunterston, West Kilbride. Five objections and two representations in support of the application were received. Following the applicant holding public meetings, in May, Fairlie Community Council (FCC) provided 21 more objections from members of the public, all of which were summarised in the report.

The Chair advised that he had accepted a request from Fairlie Community Council to address the Committee in terms of their objections to the application. Fairlie Community Council were represented by Rita Holmes (Chairwoman) and Dr. Jackie Pearson, accompanied by Linda Grainey. Cumbrae Community Council had requested that Ms Holmes also represent them at the Committee. XLCC, as the applicant, had been invited to respond to the objections raised. Alan Mathers and David Kelly (XLCC) and Jim Bailey (RPS Group) were in attendance.

Ms Holmes addressed the Committee in support of the Community Council's objections and circulated three documents in support of the oral submission: illustrations of the scale of the tower, a number of questions by local residents and a statement by Ms Grainey who had researched both WHO and ECHR issues. Ms Holmes expressed the view that the development and its 24/7 operation posed a potential and serious threat to local residents' health and wellbeing. She raised concerns that the applicants had failed to prove their assertion that ships using the jetty for loading cables would be noise-free. Community consultation undertaken had not been meaningful or effective, the objections raised by Fairlie Community Council had not been adequately represented in the report to the Planning Committee and the application was being rushed through.

Ms Holmes considered the images provided by the applicant to be misleading and that they did not accurately reflect the true visual impact of the structures. Illustrations, circulated by Fairlie Community Council at the meeting, depicted Fairlie Community Council's assessment of the scale of the proposed tower in relation to a person standing in front of it and one showing the extrusion tower at Karlskrona in Sweden alongside the proposed tower. She continued that the location of the main jetty was only 900m from Fairlie and the development and operation of the facility would destroy the amenity of the village and surrounding area.

Ms Holmes stated that XLCC was a new company with no experience or track record and she questioned the piecemeal nature of the applications for the whole development. She cast doubt on the claim that 900 jobs would be created and the demographics of a suitably skilled workforce in the area. On behalf of both Fairlie and Cumbrae Community Councils, Ms Holmes requested the application be deferred or rejected until a noise monitoring assessment had been undertaken.

Mr Kelly, of XLCC, then addressed the Committee on behalf of the applicants in response to the objections raised. He provided background information on the site selection that included the connectivity of the site, availability of staff, availability of land and the deep draft of the port required for the development.

Mr Bailey, RPS Group, acknowledged there would be some temporary noise during construction; however, once the factory was operational the level of noise would be minor. He stated that Environmental Health had agreed with these findings and had also agreed with the findings that the manufacturing process would not result in any significant emissions.

Mr Bailey noted that, in terms of the visual impact, the Landscape and Visual Impact Assessment (LVIA) accepted the tower would be prominent in some views. Whilst difficult to mitigate, visually breaking up the scale and mass of the tower by the use of various colours and textures would be agreed with the Council prior to the start of the development. There would be a low risk of flooding and SEPA has no objection to the project. Construction and HGV traffic would be required to use roads to the south of the project site to avoid going through Fairlie as detailed in the Traffic Management Plan and use of rail and sea transport to the facility would be encouraged.

Mr Alan Mathers, XLCC, provided technical information on the cable manufacturing process that required the tower to be 185m high. The hybrid cable laying vessel, powered by methanol with an upgrade path to hydrogen, would be the most advanced in the world. It would run on electric power when coming in and out of port to minimise noise. The ship would come into Hunterston for a 7 day period, 8 times a year. The two carousels for the cable will be located under the deck of the ship to minimise noise and it is aimed to load the cable in 3 days. He advised that the facility would create 900 full time jobs and approximately 2,500 – 3,000 jobs throughout the wider supply chain across Scotland. Around 200 apprenticeship and 150 graduate placements will be available every year and materials have been provided to North Ayrshire colleges to help train the future workforce.

Members then asked questions of the objectors and applicant's representatives and received further information on the following:-

- The application for planning permission in principle for the whole proposal, that also included detailed permission for the construction of the extrusion tower;
- The design process that is underway and construction that would commence at the end of 2022;
- The provision of digital models showing the facility, rather than 3d models;
- Photo montages that illustrated the options for different finishes for the tower and would be prescribed by conditions;
- The process for waste, including waste from lead that is returned to the lead supplier;
- On-site power generation via rooftop solar panel on the west and east elevations;
- 900 jobs that will be created, on a shift basis to allow for 24/7 operation of the facility;
- A Noise Impact Assessment that had been submitted to the Council and demonstrated the facility could operate within the appropriate legislative noise levels and that noise levels would be subject to planning condition;
- The commissioning of a ship that would enable the use of electric motors, when docking at the jetty, thereby reducing noise;
- The transmission of the cables along an on-shore carousel of Teflon rollers to the ship, to protect the cables and also minimise noise;
- That the tower would be constructed from concrete and the foundations on bedrock;
- The tower would not be illuminated but given the height and position of the tower, there is a requirement for omni-direction red aviation warning lightings in accordance with the Civil Aviation Authority Air Navigation Order 2016;

- A Construction Management Plan that would stipulate the route of construction and facility related traffic; and
- A range of community engagement that XLCC undertaken, including online sessions during the Covid restrictions, public meetings held in the local area and written responses provided to supplementary questions submitted.

The Chief Planning Officer then outlined the terms of the planning report.

He advised of a letter from Katy Clark, MSP in which she stated “ XLCC is also willing to make a commitment to a carbon offset scheme to reduce the carbon footprint that the factory will generate, this is likely to be by tree planting rather than other programmes.”

He referred to a representation from Councillor Hill and Collier that requested a delay in consideration of the controversial and complex application until after the summer recess.

He further advised that an objection in respect of the visual impact of the proposal had been withdrawn following the provision of further landscape visual impact appraisals provided by the applicant.

Members had the opportunity to ask further questions and received clarification on the following:-

- ongoing noise monitoring that would be considered in further applications;
- the submission by the applicant of noise management data to Environmental Health for the first 12 months of operation of the facility, to demonstrate the plant was operating within the required measures;
- independent noise monitoring that could be undertaken by Environmental Health if required;
- loading/unloading of the ship on 8 separate weeks a year and normal activities at the port at all other times;
- a condition of planning permission in respect of the finish of the tower;
- a Visual Impact Assessment that had been undertaken;
- pre- application notice that had been lodged in August 2021 and consultation that followed thereafter;
- the option for the applicant to take the application to the Scottish Government for determination if the Council, as Planning Authority, failed to determine it within the statutory 4 month period;
- on-site power generation by rooftop solar panels only;
- the impact on tourism that had been assessed and considered to be negligible; and
- details of a financial bond to be secured with the landowner for the removal of the tower in the event of redundancy.

At the invitation of the Chair, Councillor Hill addressed the Committee on his, and Councillor Collier’s concerns relating to the application, in terms of the lack of detail within the application in relation to the operations within the tower, noise and emissions on the site and the manufacturing process. He considered that these details were already known to the applicant and should have been included in a full

application to Committee. A continuation of the application would allow further time for this information to be provided. In the event the Committee were minded to support the application, he recommended that the detailed planning permission for the construction of the high extrusion tower be granted, but that the In Principle application be refused, with the applicant making a detailed application for the rest of the site, buildings, factories and all processes within.

The Chief Planning Officer advised that the Committee was being asked to approve the principle of industrial development on the site. This had already been established through the Local Development Plan and Development Framework and the planning officer's recommendation was that the application accorded with both plans. All of the details would be subject to separate application and would ordinarily be delegated to officers for determination. However, given the interest and concerns raised, further applications could come before the Committee for consideration.

Councillor Inglis, seconded by Councillor Foster, moved that the application be granted, subject to the conditions outlined in the report and an additional condition, recognising the special justification for the tower and to retain control over the site and re-assess the need for the tower in the event of a different operation.

Councillor Murdoch, seconded by Councillor Davidson, moved that the application be deferred for a site visit and to allow for a range of further information to be provided, including total emissions research, comprehensive noise monitoring undertaken and the rest of the application has been lodged in detail.

On a division, there voted for the amendment 3 and for the motion 5, and the motion was declared carried.

Accordingly, the Committee agreed (a) to grant the application, subject to the following conditions:-

1. That the permission is for a high voltage cable manufacturing facility with associated factories, research and testing laboratories, offices with associated stores, transport, access, parking and landscaping with on-site generation and electrical infrastructure and cable delivery system only and planning permission would be required for any other use within Class 5 of the Town and Country Planning (General Permitted Development) (Scotland) Order, as amended.
2. That the approval of North Ayrshire Council, as Planning Authority, with regard to the siting, design and external appearance of all building and external plant or machinery, including landscaping, means of access, internal roads, external lighting, sustainable travel plan and low and zero carbon technology, shall be obtained before the development permitted in principle is commenced.
3. That further application(s) for approval under the terms of Condition 1 shall be accompanied by an assessment of on-site heat recovery and re-use, or a heat network infrastructure plan, or demonstrable evidence that such schemes have been explored but are not feasible for technical or economic reasons.
4. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a Construction Management Plan and Code of Practice,

including details for monitoring and action against non-compliance. For the avoidance of doubt this shall include an assessment of use of the rail and port connections as a first principle and the prohibition of the use of the A78 through Fairlie, the B780/B781, the C26 and all local non-classified roads by construction vehicles and details of management of impact on the core path and cycle route network.

5. That further application(s) for approval under the terms of Condition 1 shall be accompanied by details of an appointed Ecological Clerk of Works (ECoW). The details shall include contact details, the scope and responsibilities of the ECoW as well as confirmation of their power to halt or otherwise stop works which are not in accordance with the mitigation measures identified in the EIA or others, as may be approved.
6. Prior to development commencing the applicant shall implement the measures detailed under Mitigation Measures Adopted as Part of the Project in Chapter 9 Hydrogeology, Geology and Ground Conditions of the submitted EIA report dated February 2022. All documentation be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council, as Planning Authority
7. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a Dust Management Plan. This shall include the measures detailed under Mitigation Measures Adopted as Part of the Project in Chapter 13 Air Quality of the submitted EIA report dated February 2022. All documentation be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority
8. That further application(s) for approval under the terms of Condition 1 shall be accompanied by an assessment of the details in terms of the rated noise level, as defined in 'BS4142:2014+A1:2019, from the operation of the facility. The assessment must demonstrate that the noise from the operation of the facility will not exceed the background noise level at the curtilage of any existing or consented noise sensitive property at the time of application and include details of a monitoring scheme for the first 12 months of operation of the facility.
9. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a scheme to treat surface water arising from the or otherwise affecting the site, prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C7453, published November 2015) and the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, and certified by a suitably qualified person, shall be submitted to North Ayrshire Council, as Planning Authority, for written approval.

Any scheme approved shall include details of proposed ground levels, finished floor levels, and pre & post development overland flows that shall demonstrate that people and property would not be put at flood risk during the designed storm event (1 in 200 return period plus an allowance for climate change and urban creep) when the capacity of the proposed infrastructure is exceeded. In accordance with the recommendations of the submitted FRA, finished floor levels shall be set a minimum of 6m AOD, threshold levels shall be raised a minimum

of 150mm above external ground levels and all key external infrastructure shall be elevated by at least 150mm or protected by bunds

10. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a habitat survey dated not more than 1 year prior to the date of the submission of the application.
11. Prior to commencement of the development of the tower, details of a financial bond to be secured with the landowner for the removal of the tower in the event of redundancy shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Any such bond shall be retained through the life of the development with confirmation to be provided to North Ayrshire Council, as Planning Authority, on a yearly basis following completion of the tower
12. Should the tower become redundant, it shall be removed within 6 months of redundancy. For the avoidance of doubt, redundancy means the factory not becoming operational within 3 years of construction of the tower or the factory ceasing to operate for a period of more than 1 year after first becoming operational.
13. The prior to commencement of the development of the tower, details of the external finish shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development will thereafter be undertaken in accordance with any details as may be approved and the tower maintained with those details unless otherwise agreed in writing with the Planning Authority.
14. The prior to the commencement of the development of the tower, a Dust Management Plan for the control of dust from the construction of the tower shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Thereafter the development shall be undertaken in accordance with any Plan as may be approved.
15. That prior to the commencement of the development of the tower, a Construction Management Plan and Code of Practice, including details for monitoring and action against non-compliance shall be submitted to North Ayrshire Council, as Planning Authority, for approval. Thereafter the construction shall be carried out only as approved by the Plan and Code of Practice. For the avoidance of doubt this shall include an assessment of use of the rail and port connections as a first principle and the prohibition of the use of the A78 through Fairlie, the B780/B781, the C26 and all local non-classified roads by construction vehicles and details of management of impact on the core path and cycle rout network.
16. That prior to the commencement of the development of the tower, details of an appointed Ecological Clerk of Works (ECoW) shall be submitted to North Ayrshire Council, as Planning Authority, for approval. The details shall include contact details, the scope and responsibilities of the ECoW as well as confirmation of their power to halt or otherwise stop works which are not in accordance with the mitigation measures identified in the EIA or others, as may be approved. The development will thereafter be undertaken only with the oversight of the appointed ECoW.

17. The rated noise level, as defined in `BS4142:2014+A1:2019, from the operation of the tower must not exceed the background noise level at the curtilage of any existing or consented noise sensitive property at the time of application.
18. The prior to the commencement of the development of the tower, that a scheme to treat surface water arising from the or otherwise affecting the site of the tower, prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C7453, published November 2015) and the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, and certified by a suitably qualified person, shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Thereafter, the certified scheme shall be implemented prior to the completion of the development of the tower and maintained thereafter to the satisfaction of North Ayrshire Council, as Planning Authority.

Any scheme approved shall include details of proposed ground levels, finished floor levels, and pre & post development overland flows that shall demonstrate that people and property would not be put at flood risk during the designed storm event (1 in 200 return period plus an allowance for climate change and urban creep) when the capacity of the proposed infrastructure is exceeded. In accordance with the recommendations of the submitted FRA, finished floor levels shall be set a minimum of 6m AOD, threshold levels shall be raised a minimum of 150mm above external ground levels and all key external infrastructure shall be elevated by at least 150mm or protected by bunds

19. Prior to the commencement of the tower, confirmation that the basement proposals are sufficiently flood resilient/resistant, including an accompanying certified flood management plan suitably addresses residual flood risk at the site from all sources of flooding, certified by a suitable qualified person, shall be submitted in writing for the written approval of North Ayrshire Council, as Planning Authority
20. In the event that the works to commence the tower are not undertaken within 1 year of the date of this permission, an updated habitat survey dated not more than 1 year prior to the date of commencement shall be submitted to North Ayrshire Council, as Planning Authority, for written approval prior to the commencement.
21. Prior to the commencement of the development, details of omni-directional red aviation warning lights to be fitted to the tower shall be submitted to North Ayrshire Council, as Planning Authority, for approval in consultation with Prestwick Airport, Air Traffic Control and the Ministry of Defence. The lighting will thereafter be fitted and retained thereafter in accordance with any details as may be approved;

and (b) that future applications relating to the site are presented to Committee for determination.

3. 22/00417/PP Site To North Of Albann Ltd, Third Avenue, Heatherhouse Industrial Estate, Irvine

Mr Daniel McKay applied for under Section 42 application to remove condition 1 of Planning Permission 14/00473/PP to remove control over the beneficiary of Planning Permission 22/00417/PP at the site to the north of Albann Ltd, Third Avenue, Heatherhouse Industrial Estate, Irvine.

The Committee unanimously agreed to grant the application, subject to the following condition:-

1. That the mobile snack bar, and all materials, waste etc. associated with the business shall be removed from the site at the end of each day.

4. 22/00325/PP Units 1-5 Shewalton Sand Quarry Shewalton Road, Riverside Business Park, Irvine

Enva Scotland Ltd, applied under Section 42 to modify condition 5 of planning permission 10/00228/PP to allow the acceptance of general waste and glass (for waste transfer only), to increase the total quantity of waste permitted on site at any one time from 600 tonnes to 2000 tonnes and to increase operational hours to include Sundays from 08:00 - 16:00 hours, at Units 1-5, Shewalton Sand Quarry, Shewalton Road, Riverside Business Park, Irvine. Two objections were received and summarised in the report.

The Committee unanimously agreed to grant the application, subject to the following conditions:-

1. That the planning permission hereby granted shall permit the following categories of waste at the site for temporary storage, sorting and onward transfer for reprocessing off-site:
 - mixed residual civic amenity site waste;
 - wood, biomass wood and discarded packaging wood;
 - waste electrical and electronic equipment (WEEE)
 - paper;
 - demolition/building materials
 - bailed cardboard;
 - high and low density plastics;
 - used animal bedding;
 - green waste;
 - glass;
 - soil and stones;
 - construction and demolition materials;
 - general waste;
 - dry mixed recycling.

2. That, prior to the implementation of the amended condition governing the scope of waste types as hereby approved, a transport statement shall be submitted for the consideration of North Ayrshire Council as Planning Authority to establish if a junction analysis is required. The transport statement shall include a forecast of the increased number of HGV movements arising from the proposed increase of waste and additional opening hours at the waste transfer station together with recommendations to ensure the safe and efficient movement of traffic to/from the site. Thereafter, the site shall be operated only in accordance with the outcome of the assessment of the transport statement by North Ayrshire Council as Planning Authority, including the implementation of any mitigation measures as may be identified during a timescale to be agreed.

5. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: former Seafield School, Eglinton Road, Ardrossan

To seek approval to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proposed maintenance of the land for the abatement of the adverse impact on the local area.

The site was last used as a residential school but has been largely vacant since 2015. The main building, Seafield House, was the subject of a fire in 2017. This fire was largely contained in the eastern wing of the building, however, the roof of that section of the building had collapsed. The condition of the site has been causing concern to local residents with complaints being received since 2016. The site has previously been subject of an Amenity Notice.

Both Seafield House and Seafield Stables have been subject to vandalism and unauthorised entry. The windows in both properties have been smashed. A fence has been broken and the site has been dumped on including skips and containers. The condition of the land is considered to have an adverse impact on amenity. Since September 2020, the condition of the site has deteriorated. The owner has been requested to address these issues but has not done so to the satisfaction of the Planning Department.

It is considered that the owner has been given adequate opportunity to alleviate the harm caused by the condition of the land. The required works have not been undertaken and the condition of the land continues to cause harm to local amenity.

The Committee unanimously agreed to grant authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact on the land on the local area, requiring (i) the removal of all litter and refuse, including skips and containers, from the site; (ii) the blocking all open ground floor windows and door openings in Seafield House with breeze block or similar; (iii) boarding all open windows and door openings on the first floor in Seafield House except for those openings on the first floor of the eastern wing of Seafield House, all openings to be boarded with exterior grade plywood or similar; (iv) boarding of all open windows and door openings in Seafield Stables with exterior grade plywood or similar; and (v) re-instatement of the timber fence to the front (south-west) of Seafield House and across the access to the western part of the playground from the Eglinton Road entrance immediately in front of Seafield House.

The meeting ended at 4.50 p.m.

Audit and Scrutiny Committee
30 June 2022

At a Special Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m. involving participation by remote electronic means,

Present

John Bell, Eleanor Collier, Cameron Inglis, Tom Marshall, Matthew McLean, Ian Murdoch and John Sweeney.

Also Present

Joe Cullinane, Scott Davidson, Todd Ferguson, Robert Foster, Tony Gurney, Alan Hill, Christina Larsen and Nairn McDonald.

In Attendance

A. Sutton, Executive Director (Communities and Education); C. McAuley, Head of Service (Economic Development and Regeneration) and L. Kirk, Senior Manager (Regeneration) (Place); M. Boyd, Head of Service (Finance), A. Craig, Head of Service (Democratic), C. Stewart and H. Clancy, Committee Services Officers (Chief Executive's Service).

Chair

Councillor Bell in the Chair.

Apologies

Davina McTiernan and Donald Reid.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Call-In: Revenue Budget 2021/22: Financial Performance to 31 March 2022

Submitted report by the Chief Executive on a call-in request received in respect of a decision taken by Cabinet on 7 June 2022 on the financial performance of the Council at 31 March 2022. The report to Cabinet, with various appendices, attached at Appendix 1 to the report, contained detailed explanations of the significant variances in service expenditure compared to the approved budgets, together with information on funding to be carried forward to support expenditure during 2022/23, a full list of the proposed carry forward of earmarked funds and information in respect of the Housing Revenue Account (HRA). An updated briefing note had been provided by the Head of Service (Finance) and was attached at Appendix 2 to the report.

The Cabinet agreed (a) to note (i) the information and financial performance outlined in the report and its associated appendices, (ii) the transfer of the net in-year underspend of £3.073m to supplement the Investment Fund, (iii) the financial performance of the Health and Social Care Partnership at paragraph 2.7 of the report and (iv) the IJB cumulative deficit position of £2.320m at 31 March 2022; and

(b) to approve the additional earmarking of £11.833m identified at section 2.5 of the report to meet future year commitments.
Subsequently, a call-in request was received from Councillors Foster, McDonald and Cullinane in the following terms:-

Reason for Call-In

“To provide more support to residents struggling with the cost-of-living crisis.”

Desired Outcome

- Remove Contribution to the Loans Fund
- Remove Provision for additional non-contractual inflationary pressures (with it to be met by existing unearmarked reserves)

Reallocate to:

- £500,000 pre-payment meter fund to support low-income families on pre-payment meters
- £750,000 to reinstate £4 per eligible child per day voucher scheme during the school holidays for the remainder of 2022/23.
- Additional £1,000,000 the Community Based Energy Support (check name) for energy-efficiency grants
- £300,000 to provide a £50 winter top-up to the school clothing grant in 2022/23
- Additional £200,000 for Cost of the School Day activity win 2022/23 to address the rising cost of living
- £641,000 to widen access to the Better Off financial inclusion service.”

Prior to consideration of this matter, the Head of Democratic Services summarised the procedure for considering the call-in requests in terms of Standing Orders and referred to the Cabinet decision.

Thereafter, the Members who had requested the call-in were invited to speak. Councillor McDonald advised that he would speak to this call - in request along with the two others on the agenda, with Councillors Cullinane and Foster being available to answer any questions, if required. He then addressed the Committee in support of the call-in request.

The Chair then invited Councillor Larsen, as the Cabinet Member for Finance, to address the meeting. She explained the reasoning for the Cabinet decision and referred to an updated briefing note from the Head of Service (Finance) provided at Appendix 2 to the report.

The Head of Service (Finance) was also heard in relation to the report presented to Cabinet and on issues raised by the call-in, reference being made to the briefing note at Appendix 2.

Members asked questions of Councillors McDonald, Larsen and the Head of Service (Finance) and were provided with further information in relation to:

- Anticipated inflationary increases, since the Council had set its budget for the current financial year;
- Inflation and the cost of living; and

- The position on Reserves, in view of the anticipated inflationary increase, and potential pressure on budgets.

Councillor Marshall, seconded by Councillor Inglis, moved that the Committee agree not to support the call-in request and that the previous decision of Cabinet should stand.

As an amendment, Councillor Sweeney, seconded by Councillor Bell, moved to accept the terms of the call-in request.

Thereafter, on a division and a roll call vote, there voted for the amendment, Councillors Bell and Sweeney (2) and for the motion, Councillors Collier, Inglis, Marshall, McLean and Murdoch (5), and the motion was declared carried.

Accordingly, the Committee agreed not to support the call-in request.

3. Call In: Regeneration Delivery Plan Funding Proposals 2022/23

Submitted report by the Chief Executive on a call-in request received in respect of a decision taken by Cabinet on 7 June 2022 on the Regeneration Delivery Plan Funding Proposals for 2022/23. The report to Cabinet, attached as an Appendix to the report, sought approval for the 2022/23 Regeneration Delivery Plan funding proposals. An updated briefing note had been provided by the Executive Director (Place) and was attached at Appendix 2 to the report.

The Cabinet agreed (a) to approve the Regeneration Delivery Plan funding proposals for 2022/23 provided at Appendix 1 to the report; (b) that delegated authority be granted to the Executive Director (Place) to agree changes to the funding allocations in consultation with the Portfolio Lead, as required; and (c) to note the update on the previously agreed Levelling Up Fund (LUF) bid for the 'Gateway to the West Coast and Clyde Islands strategic regeneration package' and that this LUF bid would now be solely based on the development of Lochshore.

Subsequently, a Call In request was received from Councillors Foster, McDonald and Cullinane in the following terms:-

Reason for Call In

"To tackle privately owned vacant and derelict sites in North Ayrshire with a fund to bring the sites into council or community ownership."

Desired Outcome

"Remove the following from the Placed based projects:

Saltcoats Place Framework £70,000
 Largs Place Framework £70,000
 Kilwinning Place Framework £70,000
 Future Years Project Development £40,000

Reduce the following in the VDLF:

Development work to £160,000

Replace with:

£410,000 (£250,000 Placed Based and £160,000 VDLF) to create a new High Street Buyout Fund to deliver a Community Wealth Building approach to town centre regeneration, aimed at bringing privately owned derelict sites into Council or community ownership to be repurposed for the benefit of the community. This fund would act as a delivery arm of the Place Frameworks and build on the projects supported through the Repurposing Property Grant with further funding in future years.”

Thereafter, the Members who had requested the call-in were invited to speak. Councillor McDonald advised that he would speak to this call-in request, with Councillors Cullinane and Foster being available to answer any questions, if required. He then addressed the Committee in support of the call-in request.

The Chair then invited Councillor Gurney, as the Cabinet Member for Economy & Climate Change, to address the meeting. He explained the reasoning for the Cabinet decision and addressed matters raised by the call-in.

The Senior Manager (Regeneration) referred to an updated briefing note from the Executive Director (Place), provided at Appendix 2 to the report.

Members asked questions of Councillors McDonald, Gurney and the Senior Manager (Regeneration) and were provided with further information in relation to:

- The reasons for seeking the change since the budget was agreed in March;
- Mechanisms for achieving owners to sell properties;
- The number of Compulsory Purchase Orders (CPOs) that had been carried out in North Ayrshire during the last 10-year period;
- The strict parameters and requirements that required to be met regarding CPOs to allow them to be progressed in appropriate and specific circumstances
- Delivery proposals; and
- The qualifying criteria for Vacant and Derelict Land Funding.

Councillor Marshall, seconded by Councillor Collier, moved that the Committee agree not to support the call-in request and that the previous decision of Cabinet should stand.

As an amendment, Councillor Sweeney, seconded by Councillor Bell, moved to accept the terms of the call-in request.

Thereafter, on a division and a roll call vote, there voted for the amendment, Councillors Bell and Sweeney (2) and for the motion, Councillors Collier, Inglis, Marshall, McLean and Murdoch (5), and the motion was declared carried.

Accordingly, the Committee agreed not to support the call-in request.

4. Call-In: North Ayrshire Covid Recovery Fund

Submitted report by the Chief Executive on a call-in request received in respect of a decision taken by Cabinet on 7 June 2022 on the North Ayrshire Covid Recovery

Fund. The report to Cabinet, attached at Appendix 1 to the report, sought agreement for the proposed North Ayrshire Economic COVID Recovery Fund Investment Plan. An updated briefing note had been provided by the Executive Director (Place) and was attached at Appendix 2 to the report.

The Cabinet agreed to (a) note the Scottish Government's recently announced Economic Covid Recovery Fund, which would see an allocation of £2.154m for North Ayrshire; and (b) approve the proposed North Ayrshire Economic COVID Recovery Fund Investment Plan

Subsequently, a call-in request was received from Councillors Foster, McDonald and Cullinane in the following terms:-

Reason for Call In

"Given their dominance of the local bus market, the "Public Transport Travel Scheme" is effectively a public subsidy for Stagecoach at a time when they are cutting local services."

Desired Outcome

"That we send a very strong public message to Stagecoach that the Council will not accept their cuts to local bus services and therefore the £20,000 for the "Public Transport Travel Scheme" be reallocated to support the North Ayrshire Fairer Food Network."

Thereafter, the Members who had requested the call-in were invited to speak. Councillor McDonald advised that he would speak to this call-in request, with Councillors Cullinane and Foster being available to answer any questions, if required. He then addressed the Committee in support of the call-in request.

The Chair then invited Councillor Gurney, as the Cabinet Member for Economy & Climate Change, to address the meeting. He explained the reasoning for the Cabinet decision and addressed matters raised by the call-in.

The Head of Service (Economic Development and Regeneration) referred to an updated briefing note from the Executive Director (Place), provided at Appendix 2 to the report.

Members asked questions of Councillors McDonald, Gurney and the Head of Service (Economic Development and Regeneration) and were provided with further information in relation to:

- The operation of the proposed scheme including identification of recipients and providers;
- Other types of support available from third sector organisations including assistance with travel; and
- Availability of supplies for foodbanks.

Councillor McLean, seconded by Councillor Collier, moved that the Committee agree not to support the call-in request and that the previous decision of Cabinet should stand.

As an amendment, Councillor Sweeney, seconded by Councillor Bell, moved to accept the terms of the call-in request.

Thereafter, on a division and a roll call vote, there voted for the amendment, Councillors Bell and Sweeney (2) and for the motion, Councillors Collier, Marshall, McLean and Murdoch (4), and the motion was declared carried. Due to a technical issue, Councillor Inglis left the meeting prior to the roll call vote taking place.

Accordingly, the Committee agreed not to support the call-in request.

The meeting ended at 11.25 a.m.

Police and Fire and Rescue Committee
15 August 2022

IRVINE - At a Meeting of the Police and Fire and Rescue Committee of North Ayrshire Council at 2.00 p.m.

Present

Donald Reid, Nairn McDonald, John Glover, Jean McClung, Davina McTiernan, Donald L. Reid and John Sweeney.

Also Present

Cameron Inglis.

In Attendance

R. Lynch, Senior Manager Legal Services, Robin McElhone, Graduate Legal Services, D. McCaw and C. Stewart, Committee Services Officers (Chief Executive's Service).

Also In Attendance

Chief Superintendent F. Hussain and Chief Inspector G. Grant (Police Scotland); Area Commander I. McMeekin, Group Commander S. Campbell and Station Commander N. Shearer (Scottish Fire and Rescue Service).

Chair

Councillor Donald Reid in the Chair.

Apologies

Scott Davidson, Scott Gallacher and Angela Stephen.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Scottish Fire and Rescue Service Performance and Service Update

Submitted report by the Scottish Fire and Rescue Service (SFRS) which provided information on progress against the North Ayrshire Local Fire and Rescue Plan for the period 1 April 2022 – 30 June 2022. Appendix A to the report provided an analysis of the performance across six indicators, using the rolling three-year average as a basis of measuring performance.

The statistical information identified a 10.9% decrease in activity levels across the local authority when compared to the corresponding period in 2021. A further review of the three-year average indicated a 3% decrease in overall operational activity during a similar timeframe. Data on Home Fire Safety Visits, Fire Safety Audits and the retained duty system was also provided within the report and additional context was provided by Area Commander McMeekin to the meeting.

Updates were also provided in relation to the consultation process for the draft SFRS Strategic Plan 2022-25, a Youth Volunteer Scheme at Kilwinning Community Fire Station, participation in Carbon Literacy Training via the North Ayrshire Community Planning Partnership, development of a new approach to help reduce the number of fires occurring within non-domestic premises and participation in a series of 'Courageous Conversations on Race' events.

Members asked questions and were provided with further information in relation to:-

- public reporting methods in terms of anti-social vandalism fires;
- the benefits of multi-agency engagement and diversionary work to assist as vandalism deterrents;
- any access issues encountered by the Fire Service when responding to emergency calls;
- bespoke home safety fire visits tailored to individual needs and used to highlight areas of concern through appropriate referral pathways;
- the differences between full time and retained duty systems operated across North Ayrshire;
- potential changes in operational demand resulting from the impact of climate change in terms of flooding, grass fires etc. and any emerging risk from the cost of living crisis;
- prevention work in schools through community safety teams;
- the development of local priorities and the ongoing consultation in relation to the Strategic Plan;
- partnership working during the height of the Covid-19 pandemic; and
- the linked fire alarm legislation and the importance of early detection.

Noted.

3. Police Scotland Performance Update

Submitted report by Police Scotland on performance in relation to the North Ayrshire Local Policing Plan for the period 1 April 2022 - 30 June 2022 together with an overview of performance for year end 2021/22. A summary of current local policing plan priorities was also detailed.

The report provided information on North Ayrshire's performance, including a 1.3% decrease in the total number of crimes. The report further outlined progress in the areas of serious crime, safer communities, acquisitive crime, community wellbeing, road safety and public confidence with additional context being provided by Chief Superintendent Hussain to the meeting.

Members asked questions and were provided with further information in relation to:-

- the increase in racial hate crime figures, with 13 directed to members of the public and one to Police Scotland;
- response times in connection with the high number of calls received to the emergency 999 and the 101 contact numbers;

- the feedback from constituents around contacting the Police and resulting response times;
- advice to members of the public to continue with any call to the 101 number until answered by operators, to allow accurate data to be gathered on response times in future;
- the important role played by the Campus Officers and work with education colleagues to raise awareness in terms of anti-social behaviour;
- any impact on the workforce across North Ayrshire as a result of pension changes and service retirements;
- the speeding offence figures and the impact of restrictions during the Covid-19 pandemic;
- the increase in drug driving figures and methods available for detection;
- methods of contact in relation to reporting of scammers and rogue traders;
- monitoring and addressing community concerns and follow up methods for the Police Confidence Survey; and
- whether visits to the Police Scotland and Scottish Fire and Rescue Service HQs would be beneficial to new Members as part of the induction process.

Chief Superintendent Hussain undertook to circulate information in relation to the 'Shut out Scammers' campaign which provided details of organisations and resources available to provide advice and help to the public.

Noted.

4. Scottish Fire and Rescue Service Strategic Plan 2022-2025 Consultation

Submitted report by the Head of Democratic Services on the consultation request and response submitted on the Scottish Fire and Rescue Service Strategic Plan 2022-2025. The response, while welcoming the direction of travel required to provide a modern, comprehensive, proactive and responsive Fire and Rescue Service, made further comments which were detailed at Appendix 1 to the report.

Members commented on the timing of the consultation, noting that the Council had been in summer recess, and asked that partner organisation timescales be taken into consideration in terms of future consultation.

The Committee agreed to (a) note the terms of the consultation request; and (b) approve submission of the draft response detailed at Appendix 1 to the report.

5. Review of Joint Strategic Police Plan 2020-2023

Submitted report by the Head of Democratic Services on the consultation request and proposed response on the Review of the Joint Strategic Police Plan 2020-2023 and on progress in delivering the five strategic outcomes. The findings on the initial desktop review to assess progress on the future delivery of policing, and on any gaps in provision of service, were detailed in Appendix 1 to the report.

Members commented on the timing of the consultation, noting that the Council had been in summer recess, and asked that partner organisation timescales be taken into consideration in terms of future consultation.

The Committee agreed to (a) note the terms of the consultation request; and (b) instruct and authorise the Head of Democratic Services to submit a response, in consultation with the Chair, on behalf of the Committee.

The meeting ended at 3.55 p.m.

Licensing Committee
17 August 2022

At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

Present (Physical Participation)

Eleanor Collier, Nairn McDonald, Stewart Ferguson, Donald L. Reid and Ronnie Stalker.

Present (Remote Participation)

John Bell and Christina Larsen

In Attendance (Physical Participation)

W. O'Brien, Solicitor (Licensing), A. Toal, Administration Assistant (Licensing), D. Robertson, Enforcement Officer (Legal Services) and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

In Attendance (Remote Participation)

R. Lynch, Senior Manager (Democratic Services).

Chair

Councillor Collier in the Chair.

Apologies

Jean McClung and Angela Stephen

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the Meeting held on (i) 1 June and (ii) 20 June 2022 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Civic Government (Scotland) Act 1982: Taxi Fare Review

Submitted report by the Head of Democratic Services on the Taxi Fare Review. The current taxi Scales were set out at Appendix A, the minute of the Stage (a) meeting held on 13 June 2022 was set out at Appendix B, Economic Indicators set out at Appendix C, a spreadsheet estimating the effect of increases was set out at Appendix D and the proposed Taxi Fare Scales set out at Appendix E to the report.

The Committee noted that Appendix E to the report was a draft which had been prepared solely to assist discussion and no decision would be made until after the public consultation.

The Committee agreed to (a) approve the proposed draft scales set out as Appendix E to the report for consultation only; (b) instruct the Chief Executive to give notice of the draft scales; and (c) continue consideration of the Review until a further meeting of the Committee at least one month after that public notice has been given.

4. Exclusion of the Public

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for Agenda Items 5 and 6 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) on the grounds that they involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

The 'Exempt Information' concerned is information of the type described in one or more of Paragraphs 3, 6, 14 and 15 of Part 1 of Schedule 7A to the Act:

- 3. "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."
- 6. "Information relating to the financial or business affairs of any particular person (other than the authority)."
- 14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."
- 15. "The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance."

5. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters

Submitted report by the Head of Democratic Services on hearings to be determined and applications for the grant or renewal of licences, consents and permits, on hearings and on other matters, under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

Appendix A: Hearings

5.1 Private Hire Car Licence: PHCL/375 (New): Andrew Read

The Committee noted that the application had been withdrawn.

5.2 Street Traders Operator's Licence: STL/O/530 (Temporary): Jane Gibb

The applicant, having been duly cited to attend, joined the meeting at this point.

Decision

Councillor Collier, seconded by Councillor Stalker, moved that the Committee delegate authority to the Solicitor (Licensing) to grant the Licence, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 when satisfied that the requirement made by Section 39(4) that the vehicle had a Certificate issued by a Food Authority in Scotland for the purposes of Section 5 of the Food Safety Act 1990 had been met. There being no amendment the motion was declared carried.

Appendix B: Applications for Licences/Renewal of Licences

5.3 TDL/02026 (New): Scott Walker

The Committee agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5.4 TDL/02243 (Renewal): Neil Morrison

The Committee agreed to grant the application, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5.5 TDL/02325 (New): Kenneth Watt

The Committee agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

6. Preliminary Consideration of Complaint Against Licence-holders

The Solicitor (Licensing) gave a verbal update on a complaint made against a two Licence-holders.

The Committee agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 to the Civic Government (Scotland) Act 1982.

The meeting ended at 11.10 a.m.

Cabinet
23 August 2022

IRVINE, 23 August 2022 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Marie Burns, Scott Davidson, Tony Gurney, Alan Hill, Margaret Johnson and Shaun Macaulay.

Also Present

Ian Murdoch (Agenda Item 4).

In Attendance

C. Hatton, Chief Executive; R. McCutcheon, Executive Director, D. Hammond, Head of Service (Sustainability, Transport & Corporate Property), C. McAuley, Head of Service (Economic Development and Regeneration), L. Kirk, Senior Manager (Regeneration), E. McMullen, Senior Manager (Economic Policy) and L. Neill, Senior Manager (Employability) (Place); A. Sutton, Executive Director and R. Arthur, Head of Service (Connected Communities) (Communities & Education); C. Cameron, Director and A. Sutherland, Head of Service (Children, Families and Justice Services) (Health and Social Care Partnership); K. Yeomans, Director (Growth and Investment); M. Boyd, Head of Service (Finance); and A. Craig, Head of Service, J. Hutcheson, Senior Communications Officer, C. Stewart and D. Mccaw, Committee Services Officers (Democratic Services).

Apologies

Christina Larsen.

Chair

Marie Burns in the Chair.

1. Minutes

The Minutes of the Meeting of the Cabinet held on 7 June 2022 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

2. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

3. Third Church Representation on Cabinet (Education)

Submitted a report by the Head of Service (Democratic Services) seeking the appointment of Reverend Mark Goodman to replace Ian Haining as the Third Church representative on Cabinet when it meets to consider Education business.

The Cabinet agreed to (a) note the resignation of Ian Haining from Cabinet; and (b) appoint Reverend Mark Goodman as the Third Church representative on Cabinet when it meets to consider Education business.

4. Valaris DS-4 Investigation Report

Submitted a report by the Head of Service (Democratic Services) on an investigation by the Republic of the Marshall Islands Maritime Administrator in relation to the above incident. The investigation report into the incident was set out at Appendix 1 to the report.

At the invitation of the Chair, Councillor Murdoch, as one of the Members in whose ward the incident occurred, addressed Cabinet and received a response.

The Cabinet agreed to note (i) that the investigation by the Republic of the Marshall Islands Maritime Administrator had been concluded and (ii) that the recommendations had been issued to the parties concerned.

5. Proposals for Community Investment Fund (CIF) Expenditure

Submitted a report by the Executive Director (Communities and Education) on applications by Locality Partnerships to allocate CIF funding to proposed projects. The proposals from Input were set out in Appendix 1 to the report, with proposals from Irvine Tennis Club, Kilwinning Community Sports Club (Kilwinning Tennis) and Ardrossan Community Association being set out at Appendices 2, 3 and 4, respectively, to the report.

Members commented and asked questions and were provided with further information in relation to the community benefits arising from the CIF applications set out in the Appendices to the report, which had been worked up by the relevant Locality Partnerships.

The Cabinet (a) reviewed the applications from the Irvine Locality Partnership, the Kilwinning Locality Partnership, and the Three Towns Locality Partnership in line with CIF criteria; and (b) agreed to approve the CIF applications in relation to (i) Input in the amount of £60,000, (ii) Irvine Tennis Club in the amount of £100,000, (iii) Kilwinning Community Sports Club for Kilwinning Tennis development in the amount of £55,000 and (iv) Ardrossan Community Association in the amount of £48,586.

6. Community Support Funding for North Ayrshire Residents

Submitted a report by the Head of Service (Finance) on proposals for a range of community supports for North Ayrshire residents during the current cost-of-living crisis.

Members asked questions and were provided with further information in relation to the range of measures put in place by the Council to assist in helping the community deal with the cost-of-living crisis, including the seasonal child bridging payments.

The Cabinet agreed to approve the investment proposals contained in the report.

7. 'Energy Smart': Energy Based Community Support Model

Submitted a report by the Executive Director (Place) on a proposed £1.726m 'Energy Smart': Energy Based Community Support Model designed to support North Ayrshire households during the ongoing cost-of-living crisis.

Members asked questions and were provided with further information in relation to the 2 phases of the Community Support Model, namely Phase 1 – Energy Advice and Phase 2 – Energy Efficiency Measures.

The Cabinet agreed to approve the implementation of the proposed £1.726m 'Energy Smart': Energy-Based Community Support Model funding towards low income and vulnerable fuel poor households on the basis outlined in the report.

8. UK Shared Prosperity Fund

Submitted a report by the Executive Director (Place) on the Council's application to the UK Shared Prosperity Fund (SPF) and seeking approval of the proposed Investment Plan for submission to UK Government. The North Ayrshire SPF Business Plan was attached at Appendix 1 to the report.

Members asked questions and were provided with further information in relation to the funding streams and strategic approach contained in the North Ayrshire SPF Business Plan.

The Cabinet agreed (a) to note the approach taken to develop the North Ayrshire SPF Investment Plan; (b) to approve the content of the North Ayrshire SPF Business Plan (Appendix 1); (c) that the endorsement of the North Ayrshire SPF Business Plan be sought from the Ayrshire Economic Joint Committee; and (d) thereafter to submit the North Ayrshire Investment Plan to UK Government by 1 September 2022.

9. Ayrshire Skills Investment Fund: Ayrshire Growth Deal Regional Revenue Project

Submitted a report by the Executive Director (Place) on an overview of the Ayrshire Skills Investment Fund (AGD Project).

Members asked questions and were provided with further information in relation to helping support people into work.

The Cabinet agreed to note (i) the contents of this report and (ii) the approval of the ASIF Outline Business Case by the Ayrshire Economic Joint Committee in June 2022.

10. Net Zero Energy and Transport Committee – Inquiry into a modern and sustainable ferry service for Scotland

Submitted a report by the Executive Director (Place) on the proposed North Ayrshire Council submission to the Net Zero Energy and Transport Committee's Inquiry into a modern and sustainable ferry service for Scotland. The proposed submission to the call for views was set out at Appendix 1 to the report.

That Cabinet agreed to approve the submission of the proposed response to the call for views as set out at Appendix 1 to the report.

11. Digital Processing Manufacturing Centre, i3 Irvine: Phase 1, Full Business Case

Submitted a report by the Director (Growth & Investment) seeking endorsement of the Full Business Case (FBC) for Phase 1 of the Digital Processing Manufacturing Centre. The Full Business Case was attached at Appendix 1 to the report.

The Cabinet agreed (a) to endorse the Full Business Case (FBC) for Phase 1 of the Digital Processing Manufacturing Centre (DPMC) project at i3, subject to receiving endorsement from UK Government; and (b) to approve the submission of the FBC to the Ayrshire Joint Committee.

12. Ardrossan Strategic Regeneration Programme and advanced works infrastructure update

Submitted a report by the Director (Growth & Investment) on the Ardrossan Strategic Regeneration Programme and the package of infrastructure works to enable construction of the Ardrossan Community Campus, marine, commercial and residential development.

Members asked questions and were provided with further information in relation to:

- market conditions currently being experienced with tender processes in the construction sector, which were across the board; and
- the importance of ensuring good communication in keeping everyone informed on the future progress of the Ardrossan Community Campus.

The Cabinet agreed to note (i) the update to the Ardrossan Strategic Regeneration programme and (ii) that a detailed update would be brought to a future meeting of Cabinet in November 2022.

13. North Ayrshire – “The Promise” 2 years on

Submitted a report by the Director (Health & Social Care Partnership) on the ongoing work within North Ayrshire to deliver “The Promise” to our Children and Young People.

Members asked questions and were provided with further information in relation to:

- the Promise Conference in November 2022;
- funding arrangements of “The Promise” and early intervention/prevention;
- the reduction in the numbers of children and young people in the care system, in North Ayrshire, over the past 5 years; and
- bringing children and young people back to their local community in North Ayrshire from external placements, where appropriate.

The Cabinet agreed to note (i) the progress in North Ayrshire to lay the foundations to deliver on the ambitions of The Promise and note the further areas of work planned during Phase 1 to 2024 and (ii) that a further progress report and action plan would be remitted to Cabinet following The Promise Conference to be held in November 2022.

The meeting ended at 3.50 p.m.

Planning Committee 24 August 2022

Irvine, 24 August 2022 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

Present (Physical Participation)

Robert Foster, Timothy Billings, Scott Davidson, Stewart Ferguson, Amanda Kerr, Davina McTiernan and Chloé Robertson.

Present (Remote Participation)

Jim Montgomerie.

In Attendance

J. Miller, Chief Planning Officer (Planning); R. Lynch, Senior Manager and J. Niven, Solicitor (Legal Services) and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

Apologies

Cameron Inglis and Ian Murdoch.

Chair

Councillor Foster in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the meetings of the Ordinary Meeting of the Planning Committee held on 8 and the Special Meeting on 29 June 2022 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 22/00094/PPM: 1 - 5 Crompton Way, North Newmoor, Irvine

Manse Irvine LLP, have applied for planning permission for the erection of 60 dwellinghouses including the formation of access roads, open space, landscaping and ancillary works at 1-5 Crompton Way, North Newmoor, Irvine. One letter of objection was received and summarised in the report.

Councillor Davidson, seconded by Councillor Robertson, moved that the application be granted, subject to conditions, including a condition requiring all houses with vehicular parking to the rear to be provided with a direct means of access from their allocated parking space to their rear door.

As an amendment, Councillor Billings, seconded by Councillor McTiernan moved that the application be refused in terms of Strategic Policy 2 in that the design did not provide reasonable private outside space for a number of the proposed houses.

On a division and a roll call vote, there voted for the amendment Councillors Billings Ferguson and McTiernan (3) and for the motion, Councillors Foster, Davidson, Kerr, Montgomerie and Robertson (5), and the motion was declared carried.

Accordingly, the Committee agreed to grant the application, subject to the following conditions:-

1. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed finishing materials for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.
2. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed boundary treatments for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, all houses with vehicular parking to the rear shall be provided with a direct means of access from their allocated parking space to their rear door. Thereafter, the development shall progress in accordance with such details as may be approved.
3. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.
4. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
5. That prior to the commencement of the development, hereby approved, full details of the site's surface water drainage system, including the discharge rate, basin capacity, other temporary storage capacity, water quality treatment measures and post development flood flow paths shall be submitted for the agreement of North Ayrshire Council as Planning Authority. Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

6. That, 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 surface water drainage system to manage and treat runoff at 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.
7. That prior to the commencement of the development hereby approved, the developer shall provide full details of the low and zero carbon generating technologies to be used in the development for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, at least 10% of the current carbon emission reduction targets set by Scottish Building Standards shall be met through the use of low or zero carbon generating technologies. Thereafter, the development shall progress in accordance with such details as may be approved.
8. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed acoustic barrier to be erected between the development and the Amer Sports warehouse for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the barrier shall be erected in accordance with such details as may be approved prior to the first occupation of the development and maintained in perpetuity unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.
9. The internal noise level from road traffic during daytime hours (0700-2300 hours) in any habitable room within any residential property to which this consent relates must not exceed LAeq 16-hour 35dB. In addition, the internal noise level from road traffic during night hours (2300-0700 hours) in any habitable room within any residential property to which this consent relates must not exceed LAeq 8-hour 30dB. If these levels cannot be achieved with an open window strategy, then alternative means of ventilation will require to be provided.
10. The rated noise level, as defined in BS4142, from any existing or consented commercial undertakings at the time of consent (excluding noise from fixed plant or equipment during night hours), must not exceed the background noise level by 5dB(A) or more at the curtilage of any of the proposed dwelling houses. For the avoidance of doubt, there will be no onus on any existing or consented legitimate commercial undertaking to modify, amend or curtail their existing procedures or working arrangements and responsibility for ensuring any occupier of any of the consented dwellings is not subjected to a statutory noise or dust nuisance in terms of Section 79 of the Environmental Protection Act 1990 rests with the developer as the "agent of change".
11. During night hours (2300-0700 hours) the noise from fixed plant and equipment associated with existing or consented commercial undertakings must not exceed the levels specified in NR 25 as detailed in BS8233 in any habitable room within any residential property to which this consent relates. Compliance with this condition must be met with windows open in a typical manner for ventilation. For

the avoidance of doubt, there will be no onus on any existing or consented legitimate commercial undertaking to modify, amend or curtail their existing procedures or working arrangements and responsibility for ensuring any occupier of any of the consented dwellings is not subjected to a statutory noise or dust nuisance in terms of Section 79 of the Environmental Protection Act 1990 rests with the developer as the "agent of change".

12. That prior to the commencement of the development, the applicants shall finalise the ground investigation report submitted in support of the application by JPB Reference Number VG190-18/SAG/MAK Draft Issue and dated December 2021 and submit a Remediation Strategy. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted.
13. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of North Ayrshire Council Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
14. The applicant must demonstrate that the increased road traffic, generated as a result of this development, shall not have a detrimental effect on the local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure.

4. 22/00135/PPPM: Site To North East, South East, And East Of Nethermill 59 Knoxville Road, Kilbirnie

Chatham House Equities Limited, have applied for planning permission in principle for a residential development of 62 houses to include the upgrading of Knoxville Road, the provision of open space, SuDS infrastructure and realignment of cycle path (NCN 7) at the site to the north east, south east, and east of Nethermill, 59 Knoxville Road, Kilbirnie. Seven letters of objection and one letter of support were received and summarised in the report.

Councillor Robertson, seconded by Councillor McTiernan, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

The Committee agreed to grant the application, subject to the following conditions:-

1. That prior to the commencement of the development hereby approved, full details of the development shall be provided via either a Matters Specified in Condition Application or a full Planning Application for the approval of North

Ayrshire Council as Planning Authority. Such an application shall include details of:

- (i) Layout, house number, house types, siting and design,
 - (ii) Landscaping and boundary treatments,
 - (iii) Access, road layout and parking,
 - (iv) Drainage and flood prevention, and
 - (v) Low and zero carbon generating technologies
2. That any application(s) submitted under Condition 1 shall include details of the condition of the existing water wheel and, if feasible, plans provided for its retention/salvage and incorporation into the proposed housing development as a piece of public art or heritage feature.
 3. That the road layout for any future Matters Specified in Condition Application or full Planning Application shall accord with the requirements of 'Designing Streets'. A Transport Statement shall be submitted in support of any future application. Full details of the upgrading works to Knoxville Road and the realignment of the NCN7 core path shall be provided and approved in writing by North Ayrshire Council as Planning Authority prior to the commencement of the development.
 4. That any application(s) submitted under Condition 1 shall include a detailed flood risk assessment shall be submitted for the written approval of North Ayrshire Council as Planning Authority, which details a suitable culvert design and route, without 90-degree bends supported by catchment flow information and blockage scenarios for the 0.5% AEP flood event which demonstrates that the final drain route and design will not pose a flood risk to proposed and existing development. For the avoidance of doubt no buildings can be located on top of the culvert route.
 5. That any application(s) submitted under Condition 1 shall include, full details of any modification of the existing Mill Lade within the site is submitted for the agreement of North Ayrshire Council as Planning Authority. Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
 6. That any application(s) submitted under Condition1 shall include confirmation in writing and certified by a suitably qualified person that a surface water drainage system to manage and treat runoff affecting 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.
 7. That any application(s) submitted under Condition 1 shall include full details of the ground levels and finished floor levels of the proposed dwellinghouses shall be submitted for the agreement of North Ayrshire Council as Planning Authority. The details shall demonstrate that the proposed dwellings are not at risk of

surface water flooding when the capacity of the proposed surface water infrastructure is exceeded during the 1 in 200 year designed storm event (plus allowances for climate change and urban creep). Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

8. That any application(s) submitted under Condition 1 shall include a desk study of the application site (including a review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. 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 the satisfaction of North Ayrshire Council as Planning Authority.
9. If there is a requirement to re-use site won material and/or to import material, then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any material being used. In addition to this and in accordance with BS38882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time or phasing agreed by the Planning Authority, the developer shall submit a verification report containing details of the source material and appropriate test results to demonstrate its suitability for use.
10. Any cut and fill proposals or alterations to the existing ground levels should be clearly marked on any plans and accompanied by appropriate cross sections, Material Management Plan and be implemented in accordance with any SEPA waste/soil reuse guidelines, to the satisfaction of North Ayrshire Council as Planning Authority.
11. That any application(s) submitted under Condition 1 shall include details demonstrating that the increase in road traffic generated as a result of the development shall not have a detrimental impact on the local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure, to the satisfaction of North Ayrshire Council as Planning Authority.
12. That any application(s) submitted under Condition 1 shall include details of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant.
13. That any application(s) submitted under Condition 1 shall include details of;
 - (i) a scheme of intrusive site investigations carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - (ii) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, that have

been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

5. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site To North Of 4 Greenhead Holding, Stevenston

To seek approval to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act requiring cessation of the use of the land for the siting of a caravan at a site to the North of 4 Greenhead Holding, Stevenston, which would include removal of a caravan from the land.

The report noted that the site was a small agricultural unit, previously known as Hillside Nursery. There was already a caravan on the site which was investigated in 2018 and found to be immune from Planning control by virtue of having been sited for more than 10 years. The caravan was being used for comfort for those working on site and was not lived in.

A second caravan was noted to have been placed on site in 2021. The owner of the site had not responded to any requests for information regarding the second caravan. The second caravan was not considered to be required ancillary development for an existing rural business. There was no support under the adopted Local Development Plan (LDP) for the siting of a caravan in this location for residential purposes. The second caravan was considered contrary to the policies of the LDP and there were no material considerations to the contrary.

The Committee unanimously agreed to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, requiring the cessation of the use of the land for the siting of a caravan and the removal of the caravan, as identified in the attached plan, and any associated structures, within 6 weeks of the date of the Notice taking effect.

The meeting ended at 2.45 p.m.