

Infrastructure and Environment Services Committee
18 March 1998

Irvine, 18 March 1998 - At a Meeting of the Infrastructure and Environment Services Committee of North Ayrshire Council at 2.00 p.m.

Present

Samuel Gooding, David Munn, Patrick Browne, Jack Carson, Ian Clarkson, James Clements, Margaret Highet, Elizabeth McLardy.

In Attendance

The Director of Planning, Roads and Environment, J. McCorkell, Head of Planning and Environment, N. Buchan, Head of Roads (Planning, Roads and Environment), W. Nichol, Senior Accountant (Financial Services), G. Lawson, Principal Officer Policy/Administration, and M. McKeown, Administration Officer (Chief Executive).

Chair

Mr Gooding in the Chair.

Apologies for Absence

Robert Reilly, Thomas Morris and John Sillars.

1. Minutes Confirmed

The Minutes of the Meeting of the Committee held on 4 February 1998, copies of which had previously been circulated, were confirmed.

2. Revision of Fees and Charges

Submitted report by the Director of Planning, Roads and Environment on changes to fees levied for Property Enquiry and Pest Control Services.

In terms of the Council's Financial Regulations each Directorate of the Council is required to review annually the fees and charges imposed for its services. The Planning, Roads and Environment is proposing no changes to the fees and charges levied in 1997/98 other than a decrease in the charge for Property Enquiries, to make the Service more competitive with the private sector, and an adjustment in the method of charging for Pest Control Services.

Following consideration, the Committee agreed (a) to note the reduction in property enquiry fees from £80.00 to £60.00 as agreed through the 1998/99 budget process; and (b) to introduce a charge of £41.00 in respect of Pest Control Services, inclusive of both the first and second visits.

3. Ayrshire Joint Structure Plan Consultation Draft 1998

Submitted report by the Director of Planning, Roads and Environment on the formal response to the proposed Ayrshire Joint Structure Consultation Draft 1998.

On 11 February 1998 the Ayrshire Joint Structure Plan Committee approved the proposed consultative draft Ayrshire Structure Plan document and agreed to refer the document to the three Councils for their formal approval prior to proceeding to public and statutory consultation post Easter 1998.

An extensive exercise involving all Directorates within North Ayrshire Council was subsequently undertaken to identify the issues to be addressed in the Structure Plan, and close involvement in the preparation of the plan has been achieved through joint Officer Working Groups with East and South Ayrshire Councils and the Structure Plan Technical Management Team.

Additionally, all members of the Council, and representatives from all Directorates, were invited to attend a seminar on the consultative draft document, presented by the Ayrshire Structure Plan Manager, on 23 February 1998. No strategic concerns emerged although a number of minor technical matters which were highlighted will be addressed as the plan moves through its consultation phase.

After discussion, the Committee agreed to advise the Ayrshire Joint Structure Plan Committee that (a) the development strategy for Ayrshire set out in the consultation draft is acceptable and is welcomed; (b) the Director of Planning, Roads and Environment will co-ordinate any minor technical comments and will advise the Ayrshire Structure Plan Manager by 27 March 1998; and (c) the Council agrees that the document should proceed to formal public and statutory consultation.

4. Food Safety Act 1990: The Food Safety (General Food Hygiene) Regulations 1995

Submitted report by the Director of Planning, Roads and Environment on proposals to establish an Enforcement Policy in relation to Regulation 4(3) of the Food Safety (General Food Hygiene) Regulations 1995.

Under the Regulations, proprietors of food businesses are required to identify hazards associated with their operations and to implement controls to ensure the safety of the food handled. Proprietors must highlight these hazards and controls, document them, and ensure that all food handlers in the business carry out their work accordingly. This procedure is defined in Regulation 4 (3) and is commonly referred to as Hazard Analysis Critical Control Point (HACCP).

The Scottish Office confirmed that full implementation of the requirements of Regulation 4(3) would take 5 years or longer but that no enforcement be carried out in the initial period. However the Pennington Report specifically recommended that enforcement of the Regulation should be accelerated to ensure adequate safety systems were put in place in all high risk premises to minimise the risk of a similar outbreak to that of North Lanarkshire.

The Scottish Food Co-ordinating Committee has recommended that each Local Authority deals with the problem by adopting a clear Enforcement Policy. Penalties associated with a breach of the regulations may result in a fine of up to £5000 and/or a term of imprisonment of up to two years.

The Council's Environment Section have drawn up an Enforcement Policy the terms of which were outlined in the report and this is aimed at ensuring (a) that proprietors will be well aware of the consequences of non-compliance; (b) consistency of approach among Scottish Local Authorities; and (c) the accelerated implementation of regulation 4(3) by all high risk food businesses in North Ayrshire as soon as possible and, in any case, no later than 31 March 2000.

The Committee agreed to approve the implementation of the Enforcement Policy.

5. Environment Act 1995: Additional Capital Consents to Enable Local Authorities to Purchase Air Quality Monitoring Equipment

Submitted report by the Director of Planning, Roads and Environment on the proposal to bid for specific consent to purchase air quality monitoring equipment.

In December 1997 the Council received a letter from The Scottish Office which (a) announced that additional capital consents will be set aside during 1998/99 to enable Local Authorities to purchase air quality monitoring equipment to help them undertake air quality reviews

and assessments; and (b) invites Authorities to submit bids by 30 June 1998 in respect of capital expenditure to be incurred when undertaking these reviews and assessments.

The letter suggests that priority will be given to Local Authorities who can exhibit one or more of the following characteristics:

- (a) A history of elevated levels of pollutant
- (b) Evidence from existing data that air quality objectives may not be achieved
- (c) Absence of existing air quality monitoring for pollutants of concern
- (d) Specific local circumstances adversely affecting air quality
- (e) A significant number of transport sources for the air pollutants of concern.

Members were advised that the air quality of North Ayrshire is unlikely to fail the air quality standards in general terms as the Council and its predecessor have been monitoring air quality for more than 20 years and have introduced smoke control to minimise levels of pollutants in the air. Current monitoring of nitrogen dioxide has however suggested the possibility of a localised 'hot-spot' in Irvine, although it is unlikely that the levels of nitrogen dioxide involved constitute a hazard to public health. Given that the likely source of the slightly raised levels of nitrogen dioxide in the air is road traffic, it is desirable that the levels of particles emitted by road traffic should be measured. It was therefore proposed that the Council should bid for funds to purchase equipment required to undertake this exercise. Details of the options available in relation to types of monitoring equipment and the order of priority set against them were highlighted in the report.

After discussion the Committee agreed that a bid for additional capital consents should be submitted to The Scottish Office on the basis presented in the report.

6. Service Delivery Plan

Submitted report by the Director of Planning, Roads and Environment on the Planning, Roads and Environment Directorate's Service Delivery Plan for 1998/99.

Since 1996 the Directorate has produced an annual Service Delivery Plan which sets out the targets against which the performance of the Directorate's five Divisions will be measured. The production of the Plan, and adherence to it, allows a co-ordinated approach to the delivery of the Directorate's many services and ensures that the performance of the Directorate is constantly being reviewed in line with 'Best Value'. A copy of the 1998/99 Service Delivery Plan was appended to the report and members discussed this at some length.

After discussion, the Committee agreed (a) to approve the Service Delivery Plan for 1998/99, subject to the Service Delivery Targets for 'Development Control' being further reviewed in line with Members' comments about meeting the targets set by The Scottish Office Development Department; (b) to note the ongoing work to prepare an overall Directorate strategy to guide the integrated delivery of services and Directorate development; and (c) that the Director of Planning, Roads and Environment should submit a report on performance against the 1997/98 Plan to the Committee in due course.

7. Roads Management and Maintenance Revenue Budget Programme

Submitted report by the Director of Planning, Roads and Environment on the proposed programmes of works for 1998/99.

Under Section (1) of the Roads (Scotland) Act 1984, North Ayrshire Council as Local Roads Authority is responsible for the management and maintenance of its public roads. Expenditure on this type of work is funded from the revenue budget.

The Roads Management and Maintenance Revenue Budget Programme is drawn up on an annual basis and is influenced by such factors as reports by Inspectors/Clerk of Works; information from accident and damage claims submitted by members of the public; complaints received via the Roads and Lighting Faults System (RALF); requests and suggestions from

elected members; and consultations with other Council Departments and Agencies.

It was recognised that in order to comply with 'Best Value', a number of these schemes would require to be put out to competitive tender.

The Committee approved the proposed programme.

8. A760 Largs to Kilbirnie Road: Improvements at Camphill Phases 3 & 4

Submitted report by the Director of Planning, Roads and Environment on the tender process for improvements to the A760 Largs to Kilbirnie Road at Camphill Phases 3 and 4.

Tenders were issued to 6 contractors and 6 offers were received. The lowest tender of £269,696.90 was submitted by Kelburne Construction Limited and, in order that work could begin without delay, the Leader of the Council, and the Vice-Chair of the Committee, had approved acceptance of this tender.

The Committee endorsed the action taken.

9. Environmental Projects Funded by Landfill Tax Credits

Submitted report by the Director of Planning, Roads and Environment on proposed amendments to the way in which projects are evaluated and monitored for funding by means of Landfill tax credits.

The Committee noted that £307,000 had already been committed to proposals through Trusts and £140,000 was committed to Trinity Church.

The criteria used to evaluate these projects had been approved at the Committee's meeting on 11 June 1997 and it was agreed that these would be reviewed when necessary. The current reports seeks to initiate new project selection and evaluation procedures. These would involve re-assessment of all projects on the current list, together with any new ones which have come forward since that list was prepared, against revised evaluation criteria and allow a programme of works to be brought forward for approval by a Working Party of the Committee. Thereafter the programme would be updated at appropriate intervals to accommodate changes in funding availability, programming or any new projects which may come forward.

Following consideration, the Committee agreed (a) to approve the proposed changes to the method of selecting and evaluating projects to be funded from landfill tax credits in future years (including the establishment of a Working Group consisting of the Chair, Vice-Chair and Councillors Carson, Clarkson, Highet and Morris); and (b) that a programme of projects should be brought to the Working Group for approval in due course.

10. Rural Design Guidance

Submitted report by the Director of Planning, Roads and Environment on the proposed guidance for applicants submitting rural planning applications in North Ayrshire.

The Committee agreed (a) to approve the Rural Design Guidance for use by planning officers in pre-application discussions and for assessing planning applications in all rural areas of North Ayrshire; (b) that the guidance should be included with the Consultative Draft Replacement Irvine and Kilwinning and Garnock Valley Local Plans for comments during the consultation process; and (c) that the guidance should be made freely available to the public at local offices etc.

11. Development Brief: Marine Drive, Irvine

Submitted report by the Director of Planning, Roads and Environment on the proposed development brief for business and industrial development at Marine Drive, Irvine.

The Committee approved the development brief and agreed that the site should be marketed by the Estates Section.

12. Traffic Regulation Orders

a) A737 Trunk Road, Highfield

Submitted report by the Director of Planning, Roads and Environment on the decision by the Scottish Office Development Department to re-determine a section of footway to that of shared pedestrian/cycle use.

The existing Glasgow to Irvine section of the National Cycle Network follows a minor unclassified road which runs between Glengarnock and Kilwinning and crosses the A737 trunk road at Highfield. The side road junctions are at a very sharp angle to the main road which restricts the visibility, particularly to the west from the minor road on the south side of the main road. There are no footpaths adjacent to the minor road which results in possible conflict between cyclists and vehicles.

The Scottish Office Development Department in association with the Council as their agents have been investigating possible improvements to the National Cycle Network at Highfield given the difficult crossing of the A737 trunk road. It is intended to improve both junctions, form one single crossing point on the trunk road and redetermine a section of existing trunk road footpath to cycle track to enable cyclists as well as pedestrians to use the existing footway and thereby improve cycle safety.

Noted.

b) Saltcoats: Windmill Street/Eglinton Street

Submitted report by the Director of Planning, Roads and Environment on the proposed waiting restrictions on Windmill Street and Eglinton Street, Saltcoats.

The Committee agreed to approve the implementation of the Traffic Regulation Order identified in the report.

13. Building (Scotland Act 1959/70: Determination of Application for Building Warrant

The Committee agreed to refuse the following applications, with the exception of b) which was continued, on the grounds that in each case 'the proposed development does not comply with the Building Standards (Scotland) Regulations 1990 as amended'.

- a) 31 Gigha Lane, Broomlands, Irvine RFS/5/BW/97/0884
- b) St. Andrews Church, Caldron Road, Irvine RFS/5/BW/97/0935
- c) Rossvie Nursing Home, Montgomerie Terrace, Skelmorlie RFS/5/BW/95/0534/A
- d) Unit 30 Ardeer, Stevenston Industrial Estate, Stevenston RFS/5/BW/96/0124/A
- e) 13 Moorfoot Way, Bourtrees Hill RFS/5/BW/97/0662
- f) 8 Busbiehead, Girdle Toll, Irvine RFS/5/BW/97/0698
- g) 3 Balgray Road, Barrmill RFS/5/BW/97/0966

h) 23 Ardmillan, Kilwinning RFS/5/BW/97/0500

14. Brodick: Brandon Farm: Enforcement Notice

Submitted report by the Director of Planning, Roads and Environment on the proposed enforcement notice to be served at Brandon Farm, Brodick.

On 11 March 1998 the Development Control Sub-Committee refused planning permission for a retrospective change of use from farm buildings to builder's yard at Brandon Farm, Brodick, Isle of Arran, and on 19 March 1997 the Committee itself agreed to serve an enforcement notice requiring the unauthorised use to cease, building materials to be removed from the site and use of Strathwillan Road by heavy vehicular traffic associated with the yard to cease. The notice dated 15 April 1997 was served on the owner and occupier of Brandon Farm and took effect on 16 May 1997. The period for compliance was 6 months and expired on 16 November 1997.

Neither the applicant or owner had submitted an appeal against the enforcement Notice within the specified period but the applicant did appeal against the refusal of planning permission on 11 September 1997. The Legal Services Manager had then confirmed that the Enforcement Notice would not be suspended during the period in which the planning appeal was under consideration, but that it would be unreasonable to take any further action until that appeal had been determined. On 6 January 1998 the Secretary of State dismissed the appeal.

On 13 January 1998 the applicant wrote to the Director of Planning, Roads and Environment asking for an extension of time for compliance with the enforcement notice, without giving a new deadline. He explained that his company had obtained ground at Market Road, Brodick, with a view to relocating the business from Brandon Farm, and that discussions were to take place with planning offices to discuss their requirements.

Following discussion, the Committee agreed that the period for compliance with the enforcement notice be extended to 31 July 1998.

15. Customer Comments Scheme Monitoring: 3rd Quarter 1997/98

Submitted report by the Director of Planning, Roads and Environment on the performance in handling customer comments for the quarter ending 31 December 1997.

Noted.

The meeting ended at 3.30 p.m.