

Planning Committee
27 November 2024

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, Stewart Ferguson, Cameron Inglis, Davina McTiernan, Chloé Robertson, and Ronnie Stalker.

Present (Remote Participation)

Scott Davidson, Amanda Kerr and Ian Murdoch.

In Attendance (Physical Participation)

A. Finlayson, Chief Planning Officer and A. Gemmell, Strategic Planning Manager (Communities and Housing); R. Lynch, Senior Manager and C. Leslie, Solicitor (Legal Services); S. Wilson, Committee Services Officer; and C. Cheung, Digital, Media and Marketing Analyst (Communications) (Democratic Services) (Corporate Services).

Apologies

Jim Montgomerie.

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 Meeting held on 28 August 2024 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Development Plan Scheme

Submitted a report by the Executive Director (Communities and Housing) to provide an update on the preparation of the Council's next Local Development Plan (LDP3) and seeking approval of a revised Development Plan Scheme attached at Appendix 1 to the report.

The Committee agreed to adopt the Development Plan Scheme attached at Appendix 1 to the report.

4. 24/00444/PPM: Hunterston Construction Yard, Fairlie

Submitted a report by the Chief Planning Officer seeking planning permission for construction of new quay wall, infilling of dry dock basin to upgrade existing marine construction yard, together with ancillary works, to include, site security fencing, lighting, removal of existing bund and sections of stone revetment, and surface water drainage work.

The Committee noted no deputation requests were received for this application.

Officers responded to Members' questions on various aspects of the report and the Committee agreed to approve the application subject to the following conditions:

1. Prior to any works commencing on site a Phase II Intertidal Survey will be completed and provided to North Ayrshire Council, as Planning Authority, and NatureScot. The Construction Environment Management Plan (CEMP) will be updated to reflect the findings of this survey including details of the approach to ongoing assessment of the 35 identified PMFs during and post works. Following completion of the works a Project Completion report will be provided detailing the PMF condition recorded during and post work completion. This report will also detail any remedial work required to be carried out on the basis of the monitoring results, to be agreed with the Council, as Planning Authority, in consultation with NatureScot. Thereafter all works are to be carried out in accordance with any CEMP as may be approved, to the satisfaction of the Council, as Planning Authority.
2. Prior to commencement of the development an independent ecological clerk of works (ECoW) shall be appointed. The contact details, credentials and terms of reference shall be submitted to the Council, as Planning Authority, for approval. For the avoidance of doubt, the ECoW will audit the CEMP, and the construction practices contained therein. The ECoW will have the authority to halt any works not in accordance with the CEMP and report such incidences to the Council, as Planning Authority.
3. Prior to commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to the Council, as Planning Authority, for approval in consultation with Transport Scotland. Such a plan should include measures to facilitate the continuous operation of the Ayrshire Coastal Path. Thereafter all works are to be carried out in accordance with any CTMP as may be approved, to the satisfaction of the Council, as Planning Authority.
4. That no infill material shall be brought to the site by road.
5. Prior to the commencement of the development, a Construction Noise Management Plan (CNMP) shall be submitted to the Council, as North Ayrshire Council, for approval in consultation with NAC Environmental Health. Any CNMP shall include details of proposed monitoring for any possible work outwith the hours 7am to 7pm and details of procedures to be undertaken should NAC Environmental Health receive a valid complaint relating to noise disturbance. Thereafter all works shall be carried out in accordance with any CNMP as may be approved, to the satisfaction of the Council, as Planning Authority.

6. Prior to the commencement of the development, a Dust Management Plan (DMP) shall be submitted to the Council, as North Ayrshire Council, for approval in consultation with NAC Environmental Health. Thereafter all works shall be carried out in accordance with any DMP as may be approved, to the satisfaction of the Council, as Planning Authority.
7. The works shall be carried out in accordance with the recommendations set out in Section 5.2 of the Phase 1 Geo-Environmental Risk Assessment, prepared by Envirocentre dated March 2024. Any unsuspected contamination become evident during the works shall be brought to the attention of NAC Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council, as Planning Authority, shall be implemented and any necessary remediation works carried out prior to any further works taking place on the site, all to the satisfaction of North Ayrshire Council, as Planning Authority.

5. 24/00547/PPM: Tennox Farm, Kilbirnie

Submitted a report by the Executive Director (Communities and Housing) seeking planning permission for tourist accommodation development to include: - change of use of agricultural land, erection of buildings for holiday lets, ancillary outbuildings, hunting lodge and alterations/extension to existing stable building for manager's accommodation (in retrospect); - the erection of a storage/agricultural/activity building with link corridor to existing shed, erection of holiday cabins and all associated parking, footpaths, landscaping, parking and upgraded drainage infrastructure (proposed).

The Committee noted no deputation requests were received for this application.

Officers responded to Members' questions on various aspects of the report and following discussions, a motion proposed by Cllr Foster, seconded by Cllr McTiernan was agreed to approve planning permission, subject to a review in six months, inclusive of the following conditions:

1. That the development hereby approved shall be implemented in accordance with the submitted plans, drawings and recommendations contained in the application (inclusive of all associated supporting documentation) unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, prior to the commencement of the development hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority documents which confirm that:
 - (a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development (inclusive of existing developments on the site) by past coal and ironstone mining activity;
 - (b) any remediation works and/or mitigation measures to address land instability arising from coal and ironstone mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed; and
 - (c) an assessment of the likelihood of any ground gases.

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

3. That, prior to the commencement of the development hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a finalised scheme of landscaping and planting. The finalised scheme shall be based on the landscape plan hereby approved (drawing ref. COG493/DRA/006/b) and as per the Biodiversity Enhancement Plan produced in support of the application by EP Ecology Ltd dated 7th February 2024. The scheme shall include details of swift boxes, bat hibernacula, tree and plant species, planting densities, soil treatment, aftercare and a future management plan. All tree and plant species shall be selected to enhance biodiversity and support nature/wildlife, with future management measures designed to minimise the use of chemical pesticides and manufactured fertilisers. The scheme as may be approved shall be implemented prior the development becoming operational and retained/managed permanently thereafter to the satisfaction of North Ayrshire Council as Planning Authority. Any trees or areas of planting which fail shall be replaced until successfully established.
4. That, for the avoidance of doubt, surface water arising from the development of the site, including during construction operations, shall be treated and managed using a SuDS system. Prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the development of the site (during construction and operational phases) 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.
5. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of 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.
6. That, prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the ground at the site is, or has been made, safe and stable for the approved development shall be submitted for the written approval of North Ayrshire Council as Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

6. 23/00559/PP: Ardeer Peninsula, Stevenston

Submitted a report by the Executive Director (Communities and Housing) seeking planning permission for the erection of 2 wind turbines of up to 150m to tip, and associated infrastructure.

The Committee noted no deputation requests were received for this application.

Officers responded to Members' questions on various aspects of the report and following discussions the Committee unanimously agreed to refuse planning permission for this application for the following reasons:

1. The proposed development is contrary to Strategic Policy 2 and Policies 15 and 29 of the North Ayrshire Local Development Plan and associated Spatial Framework and Landscape Wind Capacity Study and Policies 11 and 14 of National Planning Framework 4 in terms of unacceptable significant visual impacts on the settlement of Stevenston given the size of the proposed turbines. The proposal is also contrary to Strategic Policy 2 of the LDP and policy 14 of National Planning Framework 4, in terms of preserving the quality of 'distinctive' places.
2. The proposed development is considered to raise unacceptable safety risks to nearby residential areas in Stevenston and the operation of the adjacent Chemring energetics industrial use on the basis of unnecessary proximity.

7. Urgent Items

There were no urgent items.

The meeting ended at 3:25 p.m.

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