

North Ayrshire Council (Pre-Determination Hearings)
8 August 2016

IRVI NE, 8 August 2016 - At a Special Meeting of North Ayrshire Council
(Pre-Determination Hearings) at 11.00 a.m.

Present

Joan Sturgeon, Robert Barr, Matthew Brown, John Bruce, Anthea Dickson, John Easdale, John Ferguson, Alex Gallagher, Elizabeth McLardy, Catherine McMillan, Ronnie McNicol, David O'Neill, Donald Reid and Robert Steel.

In Attendance

E. Murray, Chief Executive, A. Fraser, Head of Democratic Services and A. Craig, Team Manager (Litigation); C. McAuley, Head of Service (Economic Growth) and J. Miller, Senior Manager Planning (Economy and Communities); and M. Anderson, Committee Services Team Leader.

Chair

Provost Sturgeon in the Chair.

Apologies for Absence

John Bell, Marie Burns, Joe Cullinane, Willie Gibson, Jean Highgate, Alan Hill, John Hunter and Grace McLean.

1. Declarations of Interest

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

2. Pre-Determination Hearings

The Head of Democratic Services summarised the purpose of the Pre-Determination Hearing process and the procedure which would be followed.

3. North Coast and Cumbraes

16/00397/PPPM: Lawhill Farm

James Reilly, DA Hall, addressed the Council in support of the application for planning permission in principle for a residential development at Lawhill Farm, West Kilbride. Mr Reilly was accompanied by the applicant, Mr Robert McMillan, and Mr William Ritchie, the applicant's advisor.

Mr Reilly provided background information on the history of the site, using presentation slides to illustrate the current location of the affordable housing allocation in terms of Policy RES4 and the applicant's proposal to re-locate that provision within a larger site which would have indicative provision for some 320 units, including approximately 70 affordable housing units. Mr Reilly argued that,

whilst there was a clear demand for affordable housing provision in the area, the current allocation at this location was only financially viable as part of a wider development proposal. Mr Reilly then addressed concerns expressed with regard to the potential impact of the development on the visual amenity of the area, asserting that any development would not extend beyond the 110 metre contour line, as recommended. Finally, Mr Reilly made reference to proposed access arrangements for the site, including the provision of a new roundabout, which would allay local road safety concerns.

Mrs Catherine Halliday, a local resident, then addressed the Council on behalf of an objector, Denise Kelly. Mrs Halliday expressed concern about the loss of privacy which would arise as a result of the proposed development, as well as likely disturbance during and post-construction, road safety issues associated with access to the site, and the risk of flooding to existing residential properties in the area. Mrs Halliday asserted that the development represented an infringement of the greenbelt and would have a detrimental impact on wildlife. She questioned the capacity of the area's wider road network to accommodate the proposed development and expressed the view that it would put a strain on local services, such as schools. Mrs Halliday acknowledged the need for more social housing in the area, but did not consider that the location of the proposed development would be suitable for much-needed sheltered accommodation. Mrs Halliday concluded by making reference to a letter submitted by Patricia Gibson MP in support of objections.

Members then asked questions and received responses (shown in italics) from the parties in attendance, in relation to the following:-

- the rationale for an affordable housing element of 70 units
70 affordable housing units was the indicative figure provided by the Reporter and the applicant estimates an overall provision of 320 units would be required to ensure the viability of development
- clarification of the various figures referred to by the applicant and objector
the various figures mentioned referred to the overall housing provision identified in the Local Development Plan, the number of units associated with other sites in Seamill and West Kilbride, the indicative number of affordable housing units on the application site, and the required contribution of 25% affordable housing provision in terms of the Council's supplementary guidance
- whether local labour would be used in the construction of the development
the applicant's representative confirmed this was likely to be the case
- whether the figure of 70 affordable housing units was definite or merely indicative
the figure is indicative, with the exact number to be determined by the developer

4. Isle of Arran

16/00467/PPM: Site to West of Clachaig Farm

Mr Euan Mitchell, Managing Director of Isle of Arran Distillers Limited and Mr Mark Johnston, Peter Brett Associates, addressed the Council in support of the application for planning permission for a new distillery, visitor centre and bonded warehousing, associated landscaping, infrastructure, access and car parking.

Mr Mitchell provided background on the applicant's existing distillery at Lochranza and the company's plans for extending production to the development of a single malt at Lagg. Mr Mitchell referred to the lead-in times associated with whisky production and difficulties which had been experienced in terms of identifying adequate warehousing capacity on the island, both of which had influenced the planned phasing and composition of the proposed development.

Mr Mark Johnston made reference to measures to address the design, transportation and waste disposal issues which had been raised during Pre-Application Consultation and went on to respond to the concerns about effluent and visual impact referred to by objectors. Mr Johnston referred to efforts to minimise the visual impact of the proposed development, the design of which had been the subject of an architectural design competition. He also provided further information on current arrangements for disposing of liquid and solid effluent at Lochranza, indicating that the anticipated volume for the new site would be only about one third of that of the existing distillery. Mr Johnston then addressed the positive economic impact of the proposal in terms of employment and tourism and concluded by referring to the applicant's willingness to commit to a restoration bond to return the site to its original condition in the event that, having constructed the proposed warehousing, it failed to construct the distillery and visitor centre.

Dr John Campbell and Mrs Sally Campbell then addressed the Council in terms of their objections to the application. Dr Campbell expressed concern at the environmental impact of the development and questioned the adequacy of the proposed arrangements for the disposal of solid and liquid waste associated with whisky production. Dr Campbell asserted that greater efforts could be made to process waste, rather than allow it to be spread, untreated, on fields. He also made reference to the detrimental impact of road haulage movements to the amenity and image of the island.

Mrs Campbell expressed concern about the potential adverse impact of the development on the amenity, tourism and quality of life of the island, referencing the likely effect on local beaches, the nearby dark skies area and local archaeology. Mrs Campbell referred to the likelihood of increased run-off of effluent into the sea as a result of climate change and to the time taken for such effluent to disperse. Mrs Campbell also made reference to the inadequacy of the local road network and the impact of additional traffic movements associated with the development.

Members then asked questions and received responses (shown in italics) from the parties in attendance, in relation to the following:-

- whether the waste referred to was toxic in nature and, if so, why the current disposal method had been in operation for some 20 years
the waste in question consists of very concentrated organic substances which are not toxic to humans, but may contain a small amount of copper. Current waste disposal methods have been licensed and regulated by SEPA for the last 20 years
- the likely effect of tides and current on liquid waste disposed of via a pipeline to the sea
clarification was provided that no waste from the application site would be disposed of via a pipeline.
- the applicant's view of the adequacy of the roads network serving the site
this was examined as part of the application process and is considered to be sufficient at the moment
- effluent treatment practices at other island distilleries
the preferred disposal method is sea outfall, although the Scottish Whisky Association is examining alternatives as technology progresses. The scale of the proposed development at Lagg creates feasibility issues in terms of exploring alternative disposal methods
- the case for constructing the warehousing facilities prior to the distillery itself
the lead-in time for distilling equipment is 18-20 months, meaning that construction of the distillery could not commence immediately, while there is a pressing need for warehousing. A restoration bond would safeguard the site in the event of the distillery construction failing to proceed
- the arrangements in place for ensuring that any septic tank spillage, etc. would not have a detrimental impact on local water courses
there is a spillage management plan for the distillery itself and a management plan will be in place for the storage of effluent from the distilling process. In terms of the visitor centre, there will be an on-site sewerage treatment system, rather than a septic tank.
- whether there is a material safety data sheet in place in respect of the production of liquid effluent
there is a material safety data sheet in place for the existing distillery and this complies with all SEPA requirements
- the number of jobs likely to arising from the warehousing activity in the 2 year phase
1-2 jobs

The Meeting ended at 12.20 p.m.