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## NORTH AYRSHIRE COUNCIL

26<sup>th</sup> January 2022

### Planning Committee

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<b>Title:</b>	<b>Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997:</b> <b>1. Land to rear of 62 Main Street, Kilwinning</b> <b>2. Land to rear of 126 High Street, Irvine</b>
<b>Purpose:</b>	To seek authority to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the clearance of all fly-tipped materials on the above areas of land for the abatement of the adverse impacts on the amenity of the local area
<b>Recommendation:</b>	Agree that authority be given to serve Notices under Section 179 of the Town and Country Planning (Scotland) Act 1997 to improve and safeguard the amenity of each area

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### 1. Executive Summary

- 1.1 Reports of fly-tipping on land within Kilwinning town centre and Irvine town centre have been made to the Council. The land is adjacent to public car parks in each case and is highly visible. The waste cannot be removed by the Council's Fly-Tipping service since, in both cases, the land is privately owned. The impact of the waste is harmful to the amenity of the areas concerned. In both cases, the land relates to rear ground associated with vacant shop units.
- 1.2 Contact has been made during recent months with the respective owners to request the removal of all waste materials from the land and their disposal to a licensed waste or recycling facility.
- 1.3 To date, neither area of land has not been cleared of the waste. Their condition is harming the amenity of Kilwinning and Irvine town centres.

### 2. Background

- 2.1 A report regarding fly-tipping on privately owned land to the rear of 62 Main Street in Kilwinning was received by Planning Services from the Council's Fly Tipping Officer during December 2021. The extent of the fly-tipping was noted as being considerable.
- 2.2 Since the fly-tipping had occurred on a rear yard that is privately owned, the Council has been unable to remove the waste materials, in line with Council policy. A fixed

penalty notice had been served on the lessee of the adjacent (vacant) shop, the outcome of which was that some of the fly-tipped materials were then deposited onto the adjoining public car park, rather than being removed from to licensed waste or recycling facility. To date, the majority of the waste remains on the private land.

- 2.3 The waste includes numerous bags of rubbish, several overflowing wheeled bins and a variety of individual items left on the ground. The land is visually prominent from the adjacent public car park which is busy with shoppers and visitors to the town centre.
- 2.4 Overall, the condition of the land is unsatisfactory and is harmful to the amenity of Kilwinning town centre.
- 2.5 With regard to the land to the rear of 126 High Street in Irvine, the waste has been dumped within a rear yard beside a public car park. The waste is bulky and includes various large items of furniture as well as several shopping trolleys. Contact was made with the owner to request that the area is cleared. During December 2021, Streetscene also offered their assistance to the owner and provided a quote to uplift the items for disposal. However, no action has been taken and, to date, the waste remains.
- 2.6 As with the land in Kilwinning, the presence of bulky items as well as other general waste that has been dumped on the land is harmful to the amenity of Irvine town centre, particularly given its visual prominence beside a busy public car park.

### **3. Proposals**

- 3.1 It is recommended that a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 (as amended) is served on the respective land owner in each case to require:
  1. The removal of all waste materials from the land at the rear of 62 Main Street, Kilwinning to a licensed waste disposal or recycling facility.
  2. The removal of all waste materials from the land at the rear of 126 High Street, Irvine to a licensed waste disposal or recycling facility.
  3. Improved maintenance of both areas of land, to include regular checks for fly-tipping and its prompt removal should it occur again.
- 3.2 The timescale for undertaking such works should be no greater than 6 weeks from the date of the notice.

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

#### **Financial**

- 4.1 Should any requirement of the Notice not be complied with following expiry of the compliance period, the Council as planning authority may enter the land and carry out such steps to achieve compliance. The Council may then seek to recover from the person(s) who was the then owner (or lessee) any expenses reasonably incurred during the carrying out of these works.

## **Human Resources**

4.2 None.

## **Legal**

4.3 The proposed Amenity Notices would be served in accordance with statutory procedures.

## **Equality/Socio-economic**

4.4 None.

## **Environmental and Sustainability**

4.5 The proposed Amenity Notices would support the improvement of two town centre locations in Kilwinning and Irvine which have been adversely affected by fly-tipping incidents.

## **Key Priorities**

4.6 The proposed Amenity Notice would support the Council Plan priority: “Vibrant, welcoming and attractive places” and the Town Centre First principle of the Local Development Plan.

## **Community Wealth Building**

4.7 Any direct action taken under the Planning Acts can support progressive procurement.

## **5. Consultation**

5.1 Finance has been advised of the report in terms of its budgetary provision.

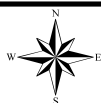
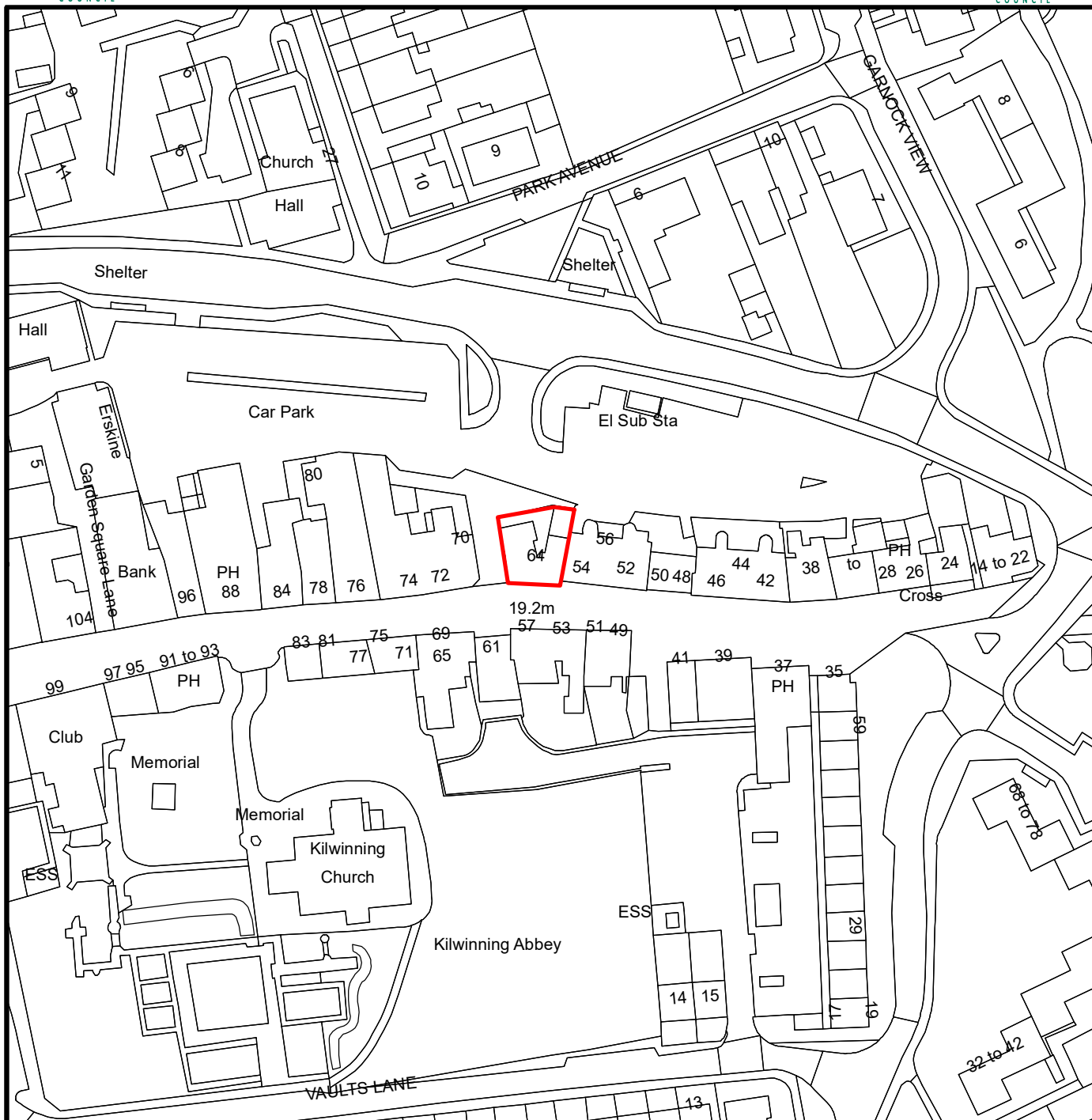
James Miller  
Chief Planning Officer

For further information please contact **Mr A. Hume, Senior Development Management Officer**, on **01294 324318**.

## **Background Papers**

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Notice under Section 179 of the Town and Country  
Planning (Scotland) Act 1997:  
Land to rear of 62 Main Street, Kilwinning

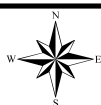
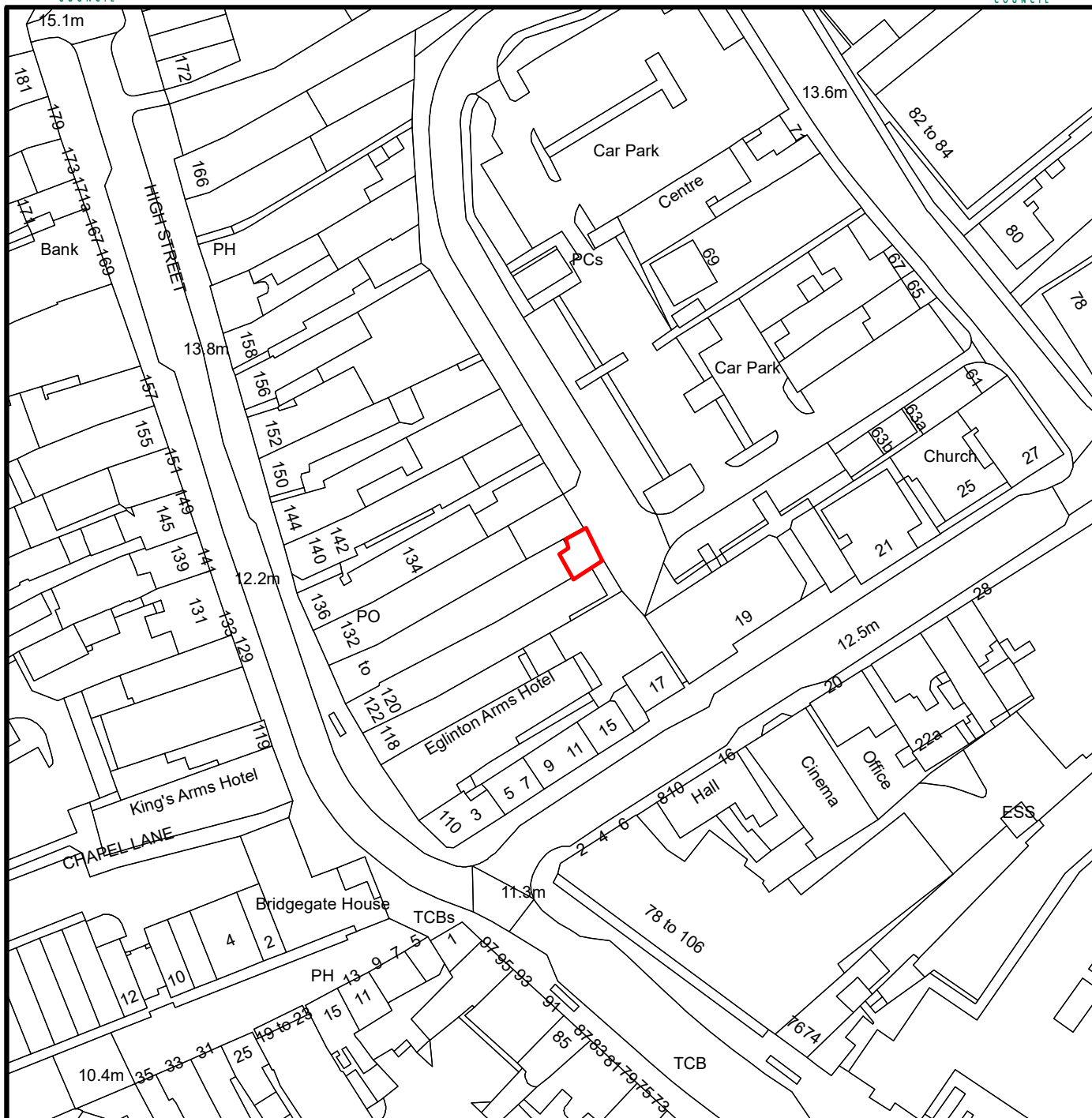


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# Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Land to rear of 126 High Street, Irvine



1:1,250

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