



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A meeting of the **Planning Committee** of North Ayrshire Council will be held remotely on **Wednesday, 03 November 2021** at **14:00** to consider the undernoted business.

Arrangements in Terms of COVID-19

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>. In the event that live-streaming is not possible, a recording of the meeting will instead be available to view at this location.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2 Minutes

The accuracy of the Minutes of meeting of the Committee held on 29 September 2021 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 21/00855/CON - Campbelton Farm Hunterston Estate, West Kilbride

The Scottish Government's Energy Consents Unit has consulted the Council, as Planning Authority, on an application under S.36 of the Electricity Act 1989, as amended. The application is for the installation and operating of a grid services facilities including the storage and management of energy and associated infrastructure.

4 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

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If you have any queries regarding this, please contact dataprotectionofficer@north-ayrshire.gov.uk.

Planning Committee Sederunt

Tom Marshall (Chair)
Timothy Billings (Vice-Chair)
Robert Barr
Ian Clarkson
Robert Foster
Christina Larsen
Shaun Macaulay
Ellen McMaster
Ronnie McNicol
Donald Reid

Chair:

Apologies:

Attending:

**Planning Committee
29 September 2021**

Agenda Item 2

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

Present

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macaulay, Ronnie McNicol, Ellen McMaster and Donald Reid.

In Attendance

J. Miller, Chief Planning Officer, I. Davies, Senior Development Management Officer, A. Gemmell, Manager (Economic Development and Regeneration), L. Dempster, Technician, K. Gee, Technician (Planning); J. Law, Solicitor (Legal Services) and A. Little and C. Stewart, Committee Services Officers (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Planning Committee held on 1 September 2021 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3.1 21/00676/PP - Site To North Of The Cathedral Of The Isles, College Street, Millport

Alt Stays Scotland have applied for planning permission for the erection of five holiday lodges and a reception building to include the formation of access, car park, landscaping and ancillary works at the site to the north of the Cathedral Of The Isles College Street Millport Ayrshire. Thirty-four objections, three neutral representations and eleven letters of support were received and summarised in the report.

At its meeting on 1 September 2021, the Committee considered a Call In request by Councillors Ferguson, Gallacher and Glover that the application should be determined by the Planning Committee and not by an officer under the Council' Scheme of Delegation to Officers. The Committee agreed to call in the application to be determined by the Planning Committee.

The Committee questioned the relevance of Policy 8 Business Development on Arran and Cumbrae of the adopted Local Development Plan to the application, that had not been reviewed within the report. The Chief Planning Officer displayed and outlined Policy 8 and advised that pre-application discussions had taken place with the

applicant and a variety of sites were examined and considered. This site was selected as appropriate for the proposed activity and there was no conflict with Policy 8.

Councillor Foster, seconded by Councillor Barr, moved to grant the application subject to conditions.

There being no amendment 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, full details of the proposed bin store and cycle store shall be provided 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, full details of the proposed signage, including any signage displayed on the buildings, shall be provided 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.
3. That prior to the commencement of the development hereby approved, full details of the proposed boundary treatments, including alterations to the existing stone wall, shall be provided 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.
4. 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.
5. 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.
6. That prior to the commencement of the development hereby approved, full details of the proposed surface water drainage proposals, utilising Sustainable Urban Drainage (SuDS), shall be provided 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.

7. That prior to the first occupation of the lodges hereby approved, the first 6m of the vehicular access shall be surfaced in a hard, bituminous material to the satisfaction of North Ayrshire Council as Planning Authority. No surface water shall issue from the access onto the public road.
8. That prior to the first occupation of the lodges hereby approved, visibility splays of 2.5m by 90m in both directions shall be provided at the access to the site from the public road to the satisfaction of North Ayrshire Council as Planning Authority. No item of higher than 1.05m above the adjacent carriageway shall be located in these sightline triangles. These visibility splays shall be maintained in perpetuity to the satisfaction of North Ayrshire Council as Planning Authority.
9. That no development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and agreed in writing by North Ayrshire Council as Planning Authority, in consultation with The West of Scotland Archaeology Service. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority, in agreement with The West of Scotland Archaeology Service.
10. That prior to the commencement of the development hereby approved, the applicant shall provide full details demonstrating that at least 10% of the current carbon emission reduction targets set by Scottish Building Standards are met through the use of low or zero carbon generating technologies, for the written approval of North Ayrshire Council as Planning Authority. The development shall then progress in accordance with such details as may be approved.

3.2 21/00787/PP: 44 - 46 Boyd Street, Largs

HK Properties have applied for a change of use of the existing vacant shop unit to form restaurant with ancillary takeaway and erection of flue at 44-46 Boyd Street, Largs.

Councillor Marshall, seconded by Councillor McMaster, moved to grant the application subject to conditions.

There being no amendment the motion was declared carried.

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

1. That the use of the site as a restaurant with ancillary takeaway hereby approved shall not operate outside the hours of 10am to 11pm on Sundays to Thursdays and from 10am to 12midnight on Fridays and Saturdays without the written approval of North Ayrshire Council as planning authority.
2. That the rated noise level from the operation of all external plant shall not exceed the background noise level by 5dB(A) or more at the curtilage of any noise

sensitive property, as measured in accordance with the principles of BS 4142 or any future updated or replacement recognised standard for measuring the impact of noise.

3. That prior to the first use of the site as a restaurant with ancillary takeaway hereby approved, full details of the performance and maintenance requirements of the proposed extraction system shall be provided for the written approval of North Ayrshire Council as planning authority. Thereafter, the approved details shall be fully implemented prior to the first use of the site as a restaurant with ancillary takeaway and the extraction system shall be maintained in perpetuity in accordance with the approved details to the satisfaction of North Ayrshire Council as planning authority.

3.3 Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 9 Stakehill, Largs

Submitted report by the Chief Planning Officer to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring a reduction in height of a fence at 9 Stakehill, Largs.

The Chief Planning Officer advised the fence was on a boundary of the front garden fronting onto Stakehill. It was approximately 15m in length, curving around the northern and eastern side of the garden and 1.8m in height to the northern boundary. The height of the fence reduced to approximately 1.2m on the eastern boundary to the road turning head and had been erected behind an existing brick wall approx. 0.5m in height. The works were brought to the Council's attention in May 2021 by a member of the public. The owner had been advised of the need for permission and requested to remove the fence but had not responded.

The property was located within an area identified in the Local Development Plan (LDP) as part of the general urban area of Largs. The area was residential and the front boundaries characterised by open space or low boundaries. The adjacent property at Millburn Gardens, was a similar type of property and had a 1m high rendered boundary wall. Where higher boundaries were visible in the area these were either to the rear or side boundaries.

Councillor Marshall, seconded by Councillor Foster, moved to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring a reduction in height of a fence at 9 Stakehill, Largs.

There being no amendment the motion was declared carried.

Accordingly, the Committee agreed to (a) grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the reduction in the height of the fence so that it did not exceed 1m in height; and (b) that the owner be given 6 weeks from the date of any Notice taking effect in which to carry out the requirements.

4 Development Plan Scheme

Submitted report by the Executive Director (Place) on an indicative timetable and participation strategy for the preparation of the next Local Development Plan (LDP3), attached at Appendix 1 to the report.

North Ayrshire Council adopted the current Local Development Plan (LDP2) on 28 November 2019. The Plan had a vision, aligned with the North Ayrshire Community Planning Partnership, that looked forward 20 years, plans for a 10-year period to 2029 and, under current planning legislation, must be replaced within five years, by November 2024.

An annual Development Plan Scheme was required to set out the programme for preparing and reviewing the local development plan and the last Development Plan Scheme was approved by the Planning Committee in June 2020

An updated Development Plan Scheme had been prepared and the indicative programme reflected the position of the planning system in Scotland within a period of substantial transformation. The proposed timetable for producing LDP3 set out in the Development Plan Scheme has been pushed back approximately six-months to reflect that the Scottish Government's timetable for implementing the Planning Acts has been impacted by the coronavirus pandemic. It was expected the regulations and guidance relating to LDPs would be published in the latter part of 2021 and it was now anticipated that these would come into force in Spring/Summer 2022.

The Committee unanimously agreed to adopt the Development Plan Scheme.

The meeting ended at 2.55 p.m.

NORTH AYRSHIRE COUNCIL

3rd November 2021

Planning Committee

Locality	North Coast and Cumbraes
Reference	21/00855/CON
Application Registered	2nd September 2021
Decision Due	
Ward	Dalry And West Kilbride

Recommendation	Approved subject to Conditions
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Location	Campbelton Farm Hunterston Estate West Kilbride Ayrshire KA23 9QF
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Applicant	Scottish Government Fao James McKenzie
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Proposal	S.36 Electricity Act consultation for grid services complex and associated infrastructure
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1. Description

The Scottish Government's Energy Consents Unit has consulted the Council, as Planning Authority, on an application under S.36 of the Electricity Act 1989, as amended. The application is for the 'Installation and operating of a grid services facilities including the storage and management of energy and associated infrastructure.' The development is considered to have an export capacity of up to 450 megawatts and would be operational for 40 years.

S. 36 of the Electricity Act states that consent is required from the Scottish Ministers for the construction of such facilities with a capacity exceeding 50 megawatts. The Energy Consents Units, in accordance with The Electricity (Applications for Consent) Regulations 1990, has sought the views of the Council, as Planning Authority. The Council has until 31st December 2021 to respond.

The site is largely to the east and south-east of Campbelton Farm, with a spur to the north and north-west of Campbelton Hill. The site is some 44ha in area. The land is currently rough grazing although it is understood to have been developed in the 1970s with plans for the wider Hunterston area which did not come to full fruition. A Preliminary Ecological Appraisal has been submitted with the consultation.

The majority of physical works would be sited to the north-east and east of Campbelton Farm, the synchronous condenser building, coolers and transformers; and the south-east of Campbelton Farm for the battery storage and associated infrastructure. The works would be enclosed in compounds by security fences with 6m high security columns. These compounds would be approx. 5.65ha in area in total. The transformer would be approx. 11m in height. The battery containers would be around 3m high, and the synchronous condenser building would be some 13.5m in height.

The closest part of the compounds would be at least 31m from the boundary with Campbelton Farm. The electricity equipment would be at least 42m from the boundary and at least 60m from the buildings. The battery storage area is in approximately the same location as a solar farm, which was granted planning permission in January 2016 (ref: 15/00487/PP) but not implemented.

Landscaping works and a 3m acoustic fence would be erected on the boundary with Campbelton Farm. The works would sit at a lower level than the Farm. Further landscaping is proposed for the south-western and south-eastern boundaries of the battery compound, which is the part of the proposal closest to the A78, at some 570m.

Access would be taken from Beech Avenue, which is the southern access to Hunterston Castle and the access to Campbelton Farm, which is also part of the core path network. The access would be on the west side of Beech Avenue, approx. 350m from its junction with the A78. Excluding the roads within the compounds, approx. 980m of 6m wide stone access road would be formed within the site. A Sustainable Urban Drainage (SUDs) pond would be formed to the south-east of the battery compound. Areas for temporary construction compounds have been identified within the application site.

The site is largely within the Hunterston Strategic Development Area having been identified in the Local Development Plan (LDP) as Marketable Employment Land. The spur of land to the north of Campbelton Farm is identified as countryside. However, this area would not be developed, and therefore, it is not considered that the proposal requires to be assessed against the Countryside Objective of the LDP. The eastern boundary of the site is part of the Hunterston House Tree Preservation Order (TPO). The southern portion of the site is within the Campbelton Hill and Water-meadow Local Nature Conservation Site (LNCS). Other than the properties at Campbelton Farm, the closest residential properties are at Hunterston Castle some 320m to the north.

The proposal requires to be assessed against Strategic Policy 2: Placemaking; Strategic Policy 3: Hunterston Strategic Development Area; Policy 7: Business and Industry Employment Locations; Policy 16: Protection of our Designated Sites; Policy 18: Forestry, Woodland, Trees and Hedgerows; Policy 23: Flood Risk Management; Policy 29: Energy Infrastructure Development of the LDP.

Relevant Development Plan Policies

SP3 Strategic Development Area 1: Hunt
Strategic Development Area 1: Hunterston

Hunterston

We recognise the strategic national importance of Hunterston as an energy hub and deep water port. We strongly support the inclusion of Hunterston in the National Planning Framework 4. In particular we will support the following uses:

Hunterston Deep Water Port

- o Renewables generation, manufacture, maintenance, research and development, testing and training (including support for a renewables skills academy)
- o Strategic grid connections recognising its importance as a landfall to support the offshore renewable energy sector
- o Maritime construction and decommissioning (including oil and gas structures)
- o Bulk handling facilities for importing, processing and distributing all dry and bulk liquid cargoes
- o Local scale Bio-mass energy generation developments as per Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009
- o Other storage, processing and distribution uses and general light industrial activities where they would not undermine the strategic importance of, and unique assets of Hunterston as a deep water port.

Hunterston Nuclear

- o Appropriate development to support the operational life of the existing facility
- o Nuclear decommissioning and radioactive waste management from within the site
- o Other facilities for large and small scale power generation

Energy Sector & Nuclear Facilities

Hunterston provides a unique combination of energy generation, infrastructure and network accessibility.

The decommissioning of Hunterston A is ongoing and will be followed at some point after 2023 by the

decommissioning of Hunterston B. We want to support the retention of the high value jobs in the energy industry at Hunterston.

Hunterston is an area where co-ordinated action and a masterplanned approach is required.

We would expect all development to take account of the special environmental and safety constraints of Hunterston including detailed transport studies to identify options for enhancing port/rail/road accessibility, and management of impact of uses on nearby communities and the natural and built heritage assets in the area.

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 7-B&I Employment Locations

Policy 7:

Business and Industry Employment Locations

We will, in principle support and promote the development of the locations listed in schedule 5 for business and industry uses. In these locations other employment generating uses may also be supported providing they would not undermine the marketability of the area for business and industry uses. The following are some examples of other employment generating uses that we will consider:

- o General leisure and commercial leisure uses, where there is no sequentially preferable location within town and edge of town centres or commercial centres
 - o Waste recycling and power generation (including renewables)
 - o Non-industrial uses that provide services and amenities for employees in business locations, and that do not undermine the town centre strategy in the LDP (for example nurseries), or the wider function of the industrial areas
 - o A range of other businesses that have difficulties in finding appropriate locations
- For other employment generating uses, including outwith identified employment locations, we will consider the resultant employment density of the proposed development, the impact on the vitality and viability of the area's town centre network, in accordance with Policy 3 Town Centres and Retail, the effect on local transport infrastructure and potential environmental impact.

We will seek to ensure that infrastructure provision at employment locations is exemplary and will support development which includes superfast broadband provision, heat network connection (or future-readiness), and low carbon technology integration (such as car charging points).

We will monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) within the business land supply.

We will use the appropriate employment densities guide published by the U.K Government to consider potential employment generating uses.

Detailed Policy 16- Protection of our Designated Sites

Policy 16:

Protection of our Designated Sites

We will support development which would not have an unacceptable adverse effect on our valuable natural environment as defined by the following legislative and planning designations;

a) Nature Conservation Sites of International Importance

Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

b) Nature Conservation Sites of National Importance

Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

c) Nature Conservation Sites of Local Importance

Development adversely affecting Local Nature Reserves or Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.

d) Marine Protected Areas

Development likely to have an adverse effect on the protected features of South Arran MPA will not be supported. Proposals are also required to consult with the Clyde Marine Planning Partnership (CMPP).

e) Biodiversity Action Plan Habitats and Species

Development adversely affecting priority habitats or species set out in the North Ayrshire Local Biodiversity Action Plan will not be permitted unless it can be demonstrated the impacts are clearly outweighed by social or economic benefits of local importance.

f) Protected Species

Development likely to have an unacceptable adverse effect on;

i) European Protected Species (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.

ii) The Scottish Biodiversity List (SBL) of animals, plants and habitats that Scottish Ministers considered to be of principle importance for biodiversity conservation in Scotland.

Detailed Policy 18 - Forestry, Woodland, Trees and Hedgerows

Policy 18:

Forestry, Woodland, Trees and Hedgerows

Development proposals will only be supported when it would not result in the loss or deterioration of an ancient or long-established plantation or semi-natural woodland unless there are overriding public benefits from the development that outweigh the loss of the woodland habitat.

Where development includes the removal of woodland, the Scottish Government's Control of Woodland Policy and the current Ayrshire and Arran Woodland Strategy including relevant compensatory planting requirements will be taken into account.

Where the loss of trees, hedgerows or woodlands of merit is unavoidable and compensatory planting is required, replacement trees should be of a similar scale and massing to the loss or if smaller there should be additional tree planting committed to ensure a net gain is achieved. We will also expect developers to engage with Forestry Commission Scotland.

We recognise that trees and woodlands are an important yet dynamic part of our landscape. In recognition of this where a tree (or group of trees) is of significant value to public amenity or where they strongly contribute to the character of a Conservation Area, we may consider promoting a formal Tree Preservation Order (TPO). We will normally only do this when there is a clear, pressing and immediate threat to a valuable tree (or group of trees) - not as a matter of course and not in conflict with good arboricultural practice and management. In the case of works to trees covered by a tree preservation order we will support management schemes and maintenance works that adhere to good arboricultural practice.

Generally, we will support proposals for dedicated timber export facilities as well as timber export developments that are combined with other marine based activities on Arran where there are no unacceptable adverse environmental impacts and align with our Placemaking policy. Proposals should also align with Policy 28: Transport as an Economic Driver.

Supplementary Guidance: Trees and Development provides guidance on information required to be submitted as part of planning applications involving tree works as well as matters to consider when designing and constructing development to minimise impacts on trees.

Detailed Policy 23-Flood Risk Management Policy 23:

Flood Risk Management

We will support development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans. We will also support schemes to manage flood risk, for instance through natural flood management, managed coastal realignment, wetland or green infrastructure creation. Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

- o Clearly set out measures to protect against, and manage, flood risk.
- o Include sustainable urban drainage systems (SuDS) where surface water is proposed to be discharged to the water environment, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended.
- o Include provision of temporary/construction phase SuDS.
- o include appropriate long-term maintenance arrangements.
- o Be supported by an appropriate flood risk assessment where at risk of flooding from any source in medium to high risk areas and for developments in low to medium risk areas identified in the risk framework (schedule 7).
- o Take account of SEPA's flood risk and land use vulnerability guidance (2018) and any relevant updates to, or replacements of this guidance.

Detailed Policy 29 - Energy Infrastructure Development

Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;

- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.

5. Buildings which have an intended life of less than two years.

2. Consultations and Representations

The Council, as Planning Authority, is not required to carry out any consultations or notification, which would be undertaken by the Energy Consents Unit. Notwithstanding, the views of **West Kilbride Community Council** were sought and can be summarised as follows:

1. The access onto the A78 is unsafe due to the speed of traffic and sightlines. The gate piers at the access are 'B' listed and could be damaged. Beech Avenue is part of the core path and well used, which would be dangerous, if encountering heavy vehicles etc. An alternative route to the site from the north-east is suggested.
2. Concern about potential fire hazard from battery storage.
3. Note that the site has been subject to drainage works, but it is still subject to flooding during extreme conditions.

Response: The access onto the A78 already exists and no works are proposed to alter it. A SUDs Pond is proposed as part of the development. Transport Scotland, Historic Environment Scotland and SEPA could be consulted by the Energy Consents Unit.

The applicant's response to the Community Council's comments, is summarised as follows:

A range of access options were considered including from the north. This is not feasible as the existing tracks do not extend to the development site and the land is outwith the control of the applicant. The proposed access minimises the need for new tracks and limits the impact on the wider environment. The access has been designed to ensure no works will be required for trees within the TPO. No works are proposed to the listed gates and the need to protect these during construction is acknowledged. Construction Traffic will be managed through a Traffic Management Plan, which will include maintaining pedestrian and cyclist access along Beech Avenue.

The layout of the site has been designed with fire safety in mind. A Fire Safety Manual will be created as part of the development.

A Flood Risk Assessment has been submitted to the Energy Consents Unit as part of the application. This includes the SUDs proposal. Incorporating this proposal will result in residual flood risk being negligible to low.

Response: The applicant's response to the Community Council is noted. The Council, as Planning Authority, is only one of the consultees for this application. The Council can recommend that any consent granted should be subject to conditions which address the relevant planning issues. Should works to the TPO trees or listed gates become required, these could be assessed and controlled through relevant applications, if necessary.

NAC Environmental Health advises of discussions with the applicant and offers no objection subject to a condition restricting the rated noise level. Such a condition would

ensure the wider area was not neutralised for further development in terms of noise. A condition relating to dust management should also be imposed.

Response: Noted. Such conditions could be recommended in the consultation response.

3. Analysis

Strategic Policy 3, in respect of Hunterston, recognises the strategic national importance of Hunterston as an energy hub, and sets out the type of development which will be supported, which includes energy sector development. The Policy advises that "Hunterston is an area where co-ordinated action and a masterplanned approach is required. We would expect all development to take account of the special environmental and safety constraints of Hunterston including detailed transport studies to identify options for enhancing port/rail/road accessibility, and management of impact of uses on nearby communities and the natural and built heritage assets in the area".

Policy 7 of the LDP states that the Council will support the development of land including Hunterston for business and industry purposes. This includes for uses for power generation.

To date a masterplan has not been approved by the Council. The proposal could therefore be considered contrary to the advice contained within Strategic Policy 3. In the absence of a masterplan, development proposals require careful consideration in order to ensure the wider area is not sterilised for future development.

The Marketable Employment Land of Hunterston is some 240ha in area. This proposal accounts for around 16% of that land. Taken in the context of the whole Strategic Development Area, excluding the Hunterston Nuclear area, this application area accounts for approx. 12% of the area. The actual proposed developed area accounts for approx. 2% of the Strategic Development Area.

The proposal is for installation of plant, relating to the energy sector, partially on an area with previous permission for energy development. The development can be operated, and controlled by condition, at background noise level when measured at the nearest receptors. Therefore, despite the lack of co-ordinated action and a masterplanned approach, it is considered the proposal accords with the identified suitable uses for the area and would not interfere with any wider redevelopment proposals. The application is considered to accord with Policy 7 of the LDP.

Policy 29 of the LDP states that support will be given to energy infrastructure development where it will contribute to the transition to a low carbon economy and have no unacceptable adverse environmental impacts. The relevant factors in this instance are considered to be impacts on residential amenity by way of noise, landscape, public access and impact on trees and habitats. The proposal supports the provisions of a low carbon economy.

Strategic Policy 2 of the LDP sets out the qualities of a successful place including the visual, amenity and access considerations for a development.

In terms of amenity, the nearest residential property is approx. 60m to the west. The next nearest are some 320m to the north. The settlement of West Kilbride is some 2km to the

south whilst Fairlie is some 3.5km to the north-east. The applicant has been in discussions with NAC Environmental Health and has stated the development would not operate above background noise level. Environmental Health has no objection to the proposal, and it could be recommended that a condition be added to any consent controlling the noise levels. Environmental Health also has powers to control any statutory noise nuisance. A condition could also be suggested requiring agreement of a Dust Management Plan to minimise potential dust disturbance during construction.

Conditions relating to agreeing a Construction Management Plan to minimise potential disruption during the construction period, particularly on the core path could be suggested. Details of the access onto Beech Avenue could also be requested as a condition of any consent.

The development would have a utilitarian appearance, as may be expected in an area identified for industry. The applicant proposes screening for the south-western and south-eastern edges of the battery compound. This would have the effect of screening site from the A78 and some of the core path network. A condition requesting further details of any landscaping and planting, including proposed planting for the eastern boundary, could be suggested for any consent. Details of the buildings finish materials could also be sought.

Subject to such conditions it is considered the proposal accords with Strategic Policy 2 of the LDP.

Policy 16 of the LDP states that development adversely affecting LNCS will generally not be permitted unless it can be demonstrated the overall objectives of the designation and the overall integrity of the area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.

The applicant has submitted a Preliminary Ecological Appraisal of this site, which indicates that there is no evidence of protected species within the site. The application site was considered to have limited potential for habitats for protected species. However, holes with the potential to be used as badger setts were found at the edges of the site. Evidence suggested that there were likely badgers in the nearby area and particularly the woods on Campbellton Hill.

The battery storage compound, SUDs Pond and access road would be within the LNCS. This development amounts to an area of approx. 4.5ha. The overall LNCS is some 36ha. It is noted that the approved solar farm had a development area of some 11ha within the LNCS. The proposed development within the LNCS would not affect the majority of the LNCS including Campbellton Hill and the woodland. Although a small area of the LNCS would be affected, it is not considered that the overall area would be significantly compromised. The area affected is of poorer quality as a habitat than the rest of the LNCS and any developer would have to ensure protected species were appropriately addressed during construction. The Energy Consents Unit can consult NatureScot on such issues. Given the above it is considered the proposal accords with Policy 16.

Policy 18 of the LDP states that development will only be supported when it would not result in the loss or deterioration of long-established plantation or semi-natural woodland. Works to trees covered by a TPO will be supported where there are management schemes which adhere to good arboricultural practice. There are no works proposed which would affect the TPO and there would be no loss of woodland. As such it is considered that the proposal

accords with Policy 18. Should works to TPO trees become required through construction, the applicant would need to gain the necessary consents.

Policy 23 of the LPD states that schemes which include SUD systems and seek to manage flood risk will be supported.

SEPA's flood risk map states that there is no risk of river or coastal flooding. The eastern boundary and south-east corner of the site is considered to be at medium (0.5%) to high (10%) risk of surface water flooding in any year. The physical development has been sited so that it would be outwith those areas. A SUDs Pond is proposed to assist in the drainage of surface water. A condition could be requested which provides details of the SUDs infrastructure and confirms that it will be suitable for the site. Subject to such a condition it is considered the proposal accords with Policy 23.

Given the above, it is considered that the proposal accords with the relevant policies of the LDP which therefore includes Policy 29.

The absence of an approved masterplan for the wider site means that the proposal does not accord with Strategic Policy 3. Notwithstanding, given the other material considerations noted above, including compliance with other policies, the suggested conditions including controlling potential noise emissions and therefore prevent neutralisation of the wider site for development and the planning history, it is recommended that the Council, as Planning Authority, does not object to the consultation and recommends the attached conditions.

In addition we recommend that the Energy Consent unit should take account of the detail of Strategic Policy 3 and consider the proposal, in particular on the need that "all development to take account of the special environmental and safety constraints of Hunterston including detailed transport studies to identify options for enhancing port/rail/road accessibility, and management of impact of uses on nearby communities and the natural and built heritage assets in the area".

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. Prior to the commencement of the development a Construction Management and Traffic Management Plan shall be submitted to the Council, as Planning Authority, for approval. The Plan shall include details of managing traffic to ensure the safe use of the core path network by non-motorised transport. The development will thereafter proceed in accordance with any Plan as may be approved

Reason

To ensure the construction of the development is carried out in an appropriate manner with particular regard to safety of users of the core path.

Condition

2. That prior to the commencement of the development, details of the finish for the access from Beech Avenue shall be submitted to the Council, as Planning Authority,

for written approval. The development will thereafter proceed in accordance with any details as may be approved.

Reason

To ensure an appropriate finish of the access and to prevent deleterious material or water from running onto the adopted road.

Condition

3. That prior to the commencement of the development a dust management plan shall be submitted to the Council, as Planning Authority, for approval. Any plan as may be approved shall thereafter be implemented during construction.

Reason

To ensure that sufficient procedures are in place during the construction phase of the development to minimise potential nuisance to nearby properties.

Condition

4. That prior to the commencement of the development, details of the external finishes for the synchronous condenser building shall be submitted to the Council, as Planning Authority, for written approval. The development will thereafter proceed in accordance with any details as may be approved.

Reason

To ensure an appropriate external appearance for the building in the interests of visual amenity

Condition

5. The rated noise level, as defined in BS 4142:2014+A1:2019, from the operation of the proposed grid services facilities, must not exceed the background noise level at the curtilage of any noise sensitive property existing or consented at the time of application.

Reason

To ensure the development is operated at an appropriate noise level in the interests of amenity and the potential development of the wider area.

Condition

6. That prior to the commencement of the development, details of the proposed land drainage and surface water management infrastructure and a demonstration that the development adequately addresses the recommendations of the Flood Risk Assessment, shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. The development will thereafter be carried out in accordance with the details as may be approved.

Reason

To minimise the risk of flooding within the site and elsewhere.

Condition

7. That prior to the commencement of the development, details of the proposed landscaping be submitted to the Council, as Planning Authority, for approval. Any planting etc as may be approved shall be carried out in the first planting season and

seeding season following the completion of the development. Any trees, plants etc. which, within a period of five years from the completion of the landscaping 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.

Reason

To ensure appropriate landscaping of the site in the interests of visual amenity.

James Miller
Chief Planning Officer

For further information please contact Mr Iain Davies on 01294 324320.

Appendix 1 – Location Plan

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