



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## Planning Committee

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 26 October 2022** at **14:00** to consider the undernoted business.

### Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members 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>.

#### 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 the meeting held on 28 September 2022 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 **22/00595/PPM: DSM Nutritional Products UK Ltd, Drakemyre, Dalry**

Erection of a chemical production and distribution facility for the manufacture of an animal feed additive.

#### 4 **22/00593/PP: 32 Eglinton Street, Beith**

Change of use of vacant bank premises to a hot food takeaway to include the erection of a ventilation flue to the rear.

**5 22/00137/MSCM: West Byrehill Industrial Estate Byrehill Place, West Byrehill, Kilwinning**

Approval of matters specified in conditions of planning permission in principle ref. 20/00323/PPM for residential development comprising the erection of 426 dwellinghouses and associated infrastructure.

**6 Development Plan Scheme - LDP3**

Submit report by the Executive Director (Place) providing an update on the preparation of the Council's next Local Development Plan (LDP3) and seeking approval of an updated Development Plan Scheme (copy enclosed).

**7 Urgent Items**

Any other items that the Chair considers to be urgent.

**Webcasting**

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers, using the press or public seating area or (by invitation) participating remotely in this meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the meeting. This will constitute your revocation of consent.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact [dataprotectionofficer@north-ayrshire.gov.uk](mailto:dataprotectionofficer@north-ayrshire.gov.uk).

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## Planning Committee Sederunt

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Robert Foster (Chair)  
Timothy Billings (Vice-Chair)  
Scott Davidson  
Stewart Ferguson  
Cameron Inglis  
Amanda Kerr  
Davina McTiernan  
Jim Montgomerie  
Ian Murdoch  
Chloe Robertson

Chair:

Apologies:

Attending:

**Irvine, 28 September 2022** - 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, Timothy Billings, Scott Davidson, Stewart Ferguson, Cameron Inglis, Davina McTiernan and Chloé Robertson.

**Present (Remote Participation)**

Jim Montgomerie.

**In Attendance**

J. Miller, Chief Planning Officer (Planning); R. Lynch, Senior Manager (Legal Services) and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Apologies**

Amanda Kerr and Ian Murdoch.

**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 Minute of the meeting of the Planning Committee held on 24 August 2022 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 22/00420/PPM: Site To North Of St Andrews Court, Saltcoats**

Persimmon Homes And Land Partners (Scotland) Limited, have applied for planning permission for a residential development comprising of 99 units and associated infrastructure on the site. Seven letters of objection were received and summarised in the report.

The Committee discussed the provision of pedestrian crossings in the local area and were advised that whilst there was no requirement for a further pedestrian crossing at the main road, further consultation would be undertaken with Roads.

Councillor Billings, seconded by Councillor McTiernan, moved that the application be granted, subject to conditions, and that further consultation be undertaken with Roads in respect of pedestrian crossing requirements. There being no amendment, the motion was declared carried.

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

1. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed finishing materials 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 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.
3. 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.
4. That prior to the commencement of the development, hereby approved, the developer shall provide a proposed topographical plan displaying full details of Finished Floor Levels, any ground works, cut and fill and site levelling 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 by North Ayrshire Council as Planning Authority.
5. Site clearance or similar works shall not take place during the nesting bird period (March to August, inclusive). If works cannot be undertaken outside this period, then a breeding bird survey shall be undertaken to determine which nests are active, and no section of the site within 10m of an active nest shall be cleared until the bird nesting season is over. All to the satisfaction of North Ayrshire Council as Planning Authority.
6. If any trees are scheduled to be felled as part of the development, a Preliminary Roost Assessment shall be undertaken on the trees scheduled to be felled, and the results shall be submitted to North Ayrshire Council as Planning Authority. Thereafter, if any remediation works are required, they shall be undertaken as agreed, in writing by North Ayrshire Council as Planning Authority.

7. That prior to any development commencing the applicant shall submit a Remediation Strategy for the written approval of North Ayrshire Council as Planning Authority as recommended in the Ground Investigation Report by JPB June 2020, UG537-14/MAK. Thereafter, the development shall progress in accordance with the approved Remediation Strategy.
8. That the applicant shall submit a Construction Environmental Management Plan (CEMP) for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of any works, as recommended within the submitted Air Quality Impact Assessment report by ITP Energised, May 2022, Project No 5272. Thereafter, the development shall progress in accordance with the approved CEMP.
9. The rated noise level, as defined in BS4142:2014 +A1:2019, from the operation of the proposed pumping station must not exceed the existing background noise level at the curtilage of any noise sensitive property, to the satisfaction of North Ayrshire Council as Planning Authority.
10. That prior to the commencement of the development hereby approved, the full details of the proposed improvements or alterations to the existing ditches and the detail of the proposed ditch both within and outwith the application site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, this shall include details of culverts (road crossings) and a '1 in 200' year critical storm resilience check on the proposed drainage system, including identification and design of any necessary flood flow-paths, together with maintenance of these flow-paths. Thereafter, the approved details should be implemented prior to the completion of the development and maintained in perpetuity.
11. That no development shall take place within the development site as outlined in red on the approved plan 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, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. 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 the Planning Authority in agreement with the West of Scotland Archaeology Service.
12. That prior to the commencement of the development hereby approved, the developer shall provide full details of the vehicular link to Barga Gardens for the written approval of North Ayrshire Council as Planning Authority. This shall include an updated Transportation Assessment which shall include a traffic impact analysis of the development including the Barga Gardens Road link. Thereafter, the development shall progress in accordance with such details as may be approved.

#### **4 Provisional Tree Preservation Order: Grouping of Trees adjacent to Wildcat Road and Summerlea Road, West Kilbride**

Submitted report by the Chief Planning officer seeking authority to serve a Provisional Tree Preservation Order (TPO) to protect a group of trees at Wildcat Road and Summerlea Road, West Kilbride. An independent survey of the trees had been undertaken and was attached at Appendix 1 to the report.

Concerns had been raised by members of the public that trees located in West Kilbride were under threat from a proposed development. The independent survey of the trees, undertaken in August 2022, considered that the grouping of trees met the criteria contained within Section 160 of the Town and Country Planning (Scotland) Act 1997, insofar as it was expedient in the interests of amenity to make that provision.

Councillor Davidson, seconded by Councillor Robertson, moved to grant authority to serve a TPO to protect the group of trees at Wildcat Road and Summerlea Road, West Kilbride. There being no amendment, the motion was declared carried.

The Committee unanimously agreed to grant authority to serve notice of a Tree Preservation Order (TPO) under Section 160 of the Town and Country Planning (Scotland) Act 1997 and undertake consultation with all relevant stakeholders.

#### **5 Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: former dental surgery, Fergushill Road, Kilwinning**

Submitted report by the Chief Planning officer seeking authority to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to both secure the building and to maintain the curtilage of the former dental surgery building on Fergushill Road, Kilwinning.

The former vacant dental surgery building had been subject to break-ins and had deteriorated in appearance in recent years. Complaints received by Planning Services raised concerns about the condition of the building and site. Officers had inspected the site and contacted the owner to raise these concerns, however no response had been received.

Councillor Davidson, seconded by Councillor McTiernan, moved to grant authority to serve a notice in the interests of the amenity of the area. There being no amendment, the motion was declared carried.

The Committee unanimously agreed to grant authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997, in the interests of the amenity of the area

The meeting ended at 2.35 p.m.

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**NORTH AYRSHIRE COUNCIL**

26th October 2022

**Planning Committee**

Locality	Garnock Valley
Reference	22/00595/PPM
Application Registered	16th August 2022
Decision Due	16th December 2022
Ward	Garnock Valley

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**Recommendation**      Approved subject to Conditions

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**Location**                      DSM Nutritional Products UK Ltd Drakemyre Dalry  
Ayrshire KA24 5JJ

**Applicant**                      DSM Nutritional Products (UK) Ltd Fao Mr Mark Dunn

**Proposal**                        Erection of chemical production and distribution facility  
for the manufacture of an animal feed additive

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**1. Description**

Planning permission is sought for the development of a production and distribution facility on vacant brownfield land within the site boundary of DSM Nutritional Products at Drakemyre, Dalry. The site, known as Area 18, is around 2.8 hectares in area, and is bounded by a heat and power plant to the north, production buildings to the west, the wastewater treatment plant to the south and undeveloped open ground to the east, beyond which are other areas of plant. The level site has been used in the past for storage purposes, as a contractor's compound and for fire training purposes. It is currently disused. A further 1.3 hectares of land would be used for ancillary development, including a temporary lagoon (to be removed upon completion of the development), landscaping and pipe racks to existing installations.

The proposed development involves the erection of an industrial facility to manufacture and distribute a product called Bovaer, which is a cattle feed additive that has been formulated by DSM over the past decade. Bovaer reduces methane production in cattle and would be sold on the world market. The product would result in lower carbon emissions from beef and dairy farming when added to the diet of cattle and sheep. The product has been developed in the Netherlands by DSM and is already manufactured in Germany. The company has

chosen its Dalry factory as a further site for the manufacture of the product. Once complete, the development would create around 30 additional jobs at the DSM site. At its peak, the 3-year construction phase would support 350 management and construction jobs.

The manufacturing process involves chemical synthesis during which an organic raw material is mixed with a solvent and converted with acids to form the intermediate product in a rapid exothermic reaction. In a second chemical synthesis, the intermediate product reacts with an alkaline solution to yield the active substance of the final product. During both stages, which would be continuous, residual acids and liquids are recycled for reuse in the process. Both stages are carried out as closed operations. In the final stage, the active substance is absorbed on silica powder to form the end product. The end product is then added to bags which are then placed on wooden pallets for transfer to shipping containers. The end product is dispatched in shipping containers by road hauliers. Approximately 3 trucks per day would dispatch the finished product. The entire operation would be continuous. Off-gases would be passed through a gas scrubber and sent to thermal treatment. Liquid effluents which cannot be recycled would also be sent for thermal treatment in combination with natural gas. Organic and acid residues would be destroyed by the thermal treatment. The heat which is produced would be recovered. Once the process is complete, the residual off-gas would pass through a flue. Liquid effluents which do not require thermal treatment would be sent to the existing wastewater treatment plant prior to discharge to the public sewer.

The development consists of the following main elements:

#### Production Building

This would be the largest building proposed in the development, consisting of a 5-storey building, almost 32m in height at its highest point with a single storey wing projecting to the west. The building would be L-shaped on plan, measuring 48.5m x 36.8m on the five-storey wing and 37.7m x 23.1m on the other.

The production building would contain the chemical synthesis and formulation processes and the finished product distribution centre. Externally, the building would be clad in composite metal panels finished primarily in white. Feature bands would be added to be finished in dark grey, as would the glazing frames, doors and louvres. Feature glazing would be provided on the western elevation. Solar PV panels would be installed on the roof.

#### Control Room Building

This building would be square on plan with a footprint of 25m x 25m and a height of 10.4m. External finishes would be white and grey. The building would house a lab, offices, workshop, switch and plant rooms, control room and welfare facilities. Solar PV panels would be installed on the roof.

#### Off-gas and Liquid Effluent Treatment Plant

The footprint of the plant would extend to 25m x 15m. It would be sited to the east of the production building. The plant would have a height of 15m and would consist of tanks, pipework, pumps and other items. The proposed off-gas stack would rise above the plant and would be 36.5m in height. The stack would be cylindrical in form with a narrow diameter. The off-gas stack would be around 4.5m taller than the nearby production building.

#### Tank Farms

Two tank farms are proposed, west and south. Each tank farm would serve a different purpose: one for liquid raw materials and intermediates storage; the other for acids. West would have footprint of 49m x 17.5m, with 14 tanks and a maximum height of approximately 10m. South would have a footprint of 20m x 8m and maximum height of approximately 10m. The external colour would be grey.

#### Reactor Building

This building would be 18m x 18.5m on plan with heights varying from 4.5m to 10m. External finishes would be grey metal cladding. The building would accommodate the plant room and six chambers used for chemical synthesis.

#### Transformer Building

The building to house the high voltage transformer, switch rooms and emergency diesel generator would be 3.8m in height with a footprint of 19.4m x 5.3m. External colours would also be grey cladding.

#### Shut Off Tank

This concrete tank would be located to the south of the reactor building, measuring 8m x 10m. The tank would project just 1.2m above the ground level with 2.5m depth. The base would be lined to prevent leaching into the soil.

#### Ancillary development

This would include:

- Unloading and loading stations
- An overhead pipe bridge between the production building and the existing services to the north of the site
- Pipe bridges to connect the production building to the off-gas plant and the reactor building
- A bin store beside the control room building.

#### Ground surface treatments

The spaces between the buildings would be hard surfaced with concrete. The internal access roads would be hard surfaced with asphalt, as would the footpaths around the buildings. Pedestrian crossings would also be formed, and block paving laid to the area around the control room building. Soft landscaping within Area 18 would be provided adjacent to the control room building and to the east of the west tank farm. Three car parking spaces would be provided within Area 18 (the existing car parking areas serving DSM would be used for employees and visitors).

#### Woodland planting

Substantial areas of structure tree planting would take place on land to the northeast and southeast of Area 18. The area to the northeast of the main development area would incorporate a feature mound which would raise the ground prior to trees being planted. Further woodland planting would take place to the southwest of an existing woodland area and infill tree planting would take place on the existing tree corridor alongside the Rye Water to the east and southeast. The trees would be planted to create woodland areas for screening purposes in the same way as a previous planting scheme (dating from the late 1990s) which was created to around the south of DSM's wastewater treatment facility. The tree species within the proposed woodland areas have also been chosen to create new habitats for wildlife, insects and birds.

The application is classed as a major development in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Public pre-application consultation (PAC) was required, and a proposal of application notice was received on 3rd February 2022, giving details of publicity for a public event (details below).

Due to the potential for significant environmental effects, proposals of this type are included within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. As such, the preparation of an EIA Report is a mandatory requirement. Prior to the submission of the planning application, a Scoping Opinion was requested by the applicant (ref. 22/00057/EIA) and issued by the Council on 23rd February 2022.

The planning application is accompanied by an EIA Report which has been prepared following the scoping exercise. In support of the application the following documents have been submitted:

### **Pre-application consultation (PAC) Report**

A Proposal of Application Notice was submitted to the Council on 3rd February 2022. Publicity for the pre-application consultation period included direct notification to immediate neighbours, the ward councillors, the constituency MP, constituency and list MSPs and the local community council. An advert was published in the Ardrossan and Saltcoats Herald on 9th March 2022.

A Virtual 'drop in' event was held between Monday 21st March 2022 and Sunday 10th April 2022. During the three week 'live' period there were 71 visits to the virtual consultation with the busiest day being the 21st March 2022. Five feedback forms were completed and submitted. A series of questions were asked by attendees and written answers provided. Questions included topics such traffic routes and transportation times, odour, noise, impacts on footpaths around the site and whether or not a community benefit scheme is envisaged. The PAC report states that feedback received about the consultation event was generally positive.

### **Design and Access Statement**

The document appraises the site in terms of the proposed use of the site, amount of development, layout, scale, landscape/topography, appearance and access. It explains that the proposed layout would be as compact as possible, in order to minimise the amount of land used, in a location that has a well-established industrial context beside existing recycling facilities that would reduce traffic generation to and from the facility. The building design aims to enclose and screen the functional requirements of the process using external materials chosen to limit visual impact whilst having an obvious industrial character, not dissimilar to many of the large buildings nearby, such as the paper mill and GSK.

### **EIA Report**

The EIA process involves identifying significant effects of proposed development on the environment and considers ways to resolve or mitigate them. There are thirteen chapters in the submitted EIA Report. It is structured in two parts: the first is descriptive (chapters 1 - 6), the second is analytical (chapters 7 - 13).

The following topics considered in depth within the second part of the EIA:

- Air Quality;

- Ground Condition;
- Landscape and Visual Impact;
- Noise and Vibration; and
- Water Environment.

(Note: Ecology and transport were scoped out of the EIA on the basis that there would be no significant effects, although both topics are discussed in chapter 12)

The EIA Report also includes a number of appendices which cover a range of topics such as flooding and drainage.

The EIA has helped to shape the siting and design of the proposed development. A key component of EIA is to identify and recommend mitigation measures to address the predicted impacts. These include pollution control measures at the plant (e.g. the control of emissions) as well as external measures around the site (e.g. Landscaping and woodland planting). In addition to addressing design impacts, a range of mitigation measures are proposed for the three-year construction phase. These include, but are not limited to, a Construction Environmental Management Plan, measures to control noise emissions/dust, and pre-construction habitat surveys. For the operational phase a range of pollution control measures have been identified. It should be noted that the regulation of pollution control for DSM is primarily the responsibility of SEPA, rather than North Ayrshire Council. This would remain the case in respect of the proposed development.

#### Renewable and Low Carbon Technology Feasibility Study

The report assesses the potential for compliance with LDP policies 29 and 31 and proposes the systems and methods by which this will be achieved.

The application site is located within a large industrial complex at Drakemyre on the northern edge of Dalry. The factory was originally established during the 1950s by Roche Products Ltd as a purpose-built location for the manufacture of pharmaceutical products and vitamins. The site underwent significant expansion during the late 1960s and the early 1980s, which included the development of a coal-fired power station and a rail connection to the Glasgow - Ayr railway. During the 1990s, a gas fired combined heat and power plant was developed and operational by 1994. The coal fired power station building remains on site, but coal has not been used at the site for many years. Also in the 1990s, a large wastewater treatment facility was developed to provide improved effluent management before discharging wastewater to the Garnock Valley sewer. The site consists of around 50 buildings and tanks of varying scale, many of which are relatively tall, with some being the equivalent of a ten-storey block of flats. The highest structure on the site is the 1980s powerhouse building, which is around 35 metres high (excluding the flue stack). The flue stack, the tallest structure on the DSM site, rises approximately 72 metres above ground level and is a dominant feature in the surrounding landscape.

The DSM site occupies a large parcel of land on the floor of the Garnock Valley, consisting of flat, level ground at the northern edge of Dalry. It is situated to the north of Dalry Public Park and south of the heavily wooded Pitcon Estate. The main built-up areas of the town are to the south and west of the Public Park. To the east of the site are open fields, beyond which is the River Garnock and Glasgow - Ayr railway line. To the east of the railway, the ground rises steeply. To the west is the B780 (Drakemyre) which links Dalry to Kilbirnie, beyond which the ground rises steeply into uplands. The rising ground to the west and east

provides a degree of containment for the factory, although it is widely visible over long distances due to the heights of the buildings, stacks and plant.

DSM is a major employer within North Ayrshire and provides around 300 jobs directly. The site is also served by a number of sub-contractors which provide additional employment. The main products which the site currently manufactures are Vitamin C, Calcium-D-Pantothenate (vitamin B5) and Panthenol (proVitamin B5).

Prior to the submission of the application, the applicant entered into a Processing Agreement with the Council.

In terms of the adopted Local Development Plan, the site is allocated for business and industry. The following policies are applicable to the consideration of the proposal:

Strategic Policy 1 - The Towns and Villages Objective  
Strategic Policy 2 - Placemaking  
Policy 7 - Business and Industry Employment Locations  
Policy 15 - Landscape and Seascape  
Policy 16 - Protection of our Designated Sites  
Policy 18 - Forestry, Woodland, Trees and Hedgerows  
Policy 23 - Flood Risk Management  
Policy 29 - Energy Infrastructure Development  
Policy 31 - Future Proofing for Heat Networks

### **Relevant Development Plan Policies**

SP1 - Towns and Villages Objective  
Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.

- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

## 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 Location

##### 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 15-Landscape & Seascape

### Policy 15:

#### Landscape and Seascape

We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

##### a) National Scenic Areas

Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:

- i) the objectives of the designation and the overall integrity of the area will not be compromised; or
- ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

##### b) Special Landscape Areas

We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.

##### c) Wild Land

We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

##### d) Local Landscape Features

Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:

- i) patterns of woodlands, fields, hedgerows and trees;
- ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
- iii) settlement setting, including approaches to settlements;
- iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;
- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further

information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

Detailed Policy 16- Protection of our 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

##### 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  
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.

## Detailed Policy 31 - Future Proofing for Policy 31:

### Future Proofing for Heat Networks

We will support proposals for the creation or enhancement of district heat networks in as many locations as possible in North Ayrshire (even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future).

We will seek to identify and safeguard existing and future heat network generation and distribution infrastructure, including piperuns and pipework within, and to the curtilage of, new developments.

Proposals for development that constitute a significant heat source or substantial development\* which would not result in the creation or enhancement of district heat networks should include:

- i) provision for on-site heat recovery and re-use infrastructure; or
- ii) a heat network generation and distribution infrastructure plan (a district heating plan), taking into account the potential to connect to future heat demand sites; or
- iii) demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical (proximity, geography, safety etc) or economic reasons.

\* 'Substantial' developments consist of urban extensions, large regeneration areas or large development sites subject to master planning or large mixed use developments and major sites (50 residential units and above). There is, however, an element of judgment that will need to be applied here and it might be that some other locations offer significant potential for heat networks due to their local context, support from the local authority, and 'buy in' from developers.

## **2. Consultations and Representations**

Neighbour notification was carried out and the application was advertised in a local newspaper and the Edinburgh Gazette in accordance with statutory procedures. No representations have been received.

### **Consultations**

**Health & Safety Executive** - no objection.

*Response: Noted.*

**SEPA** - No objections. This proposal constitutes a 'Least Vulnerable Use' within a built-up area, on brownfield land. The proposal included a significant amount of land raising within the site boundary. The site lies near to the River Garnock beside the functional floodplain based on the SEPA Flood Maps. This indicates that there is a medium risk of flooding from the River Garnock to the edges of the site. A Flood Risk Assessment (FRA) has been submitted. It includes flood levels extracted from the North Ayrshire Council flood study for the Upper Garnock Flood Protection Scheme. Additional information was requested and submitted. Accordingly, SEPA has no objection on the grounds of flood risk following the consideration of additional information supplied on 30th September 2022.

The DSM Dalry site is currently subject to regulation under PPC Regulations as amended. It operates under licence PPC/W/0020037. From the limited information provided to date, SEPA consider the proposal to be potentially consentable. Accordingly, the SEPA Waste and Industry Unit have no objection to the proposal. However, an application for variation to the existing license will be required prior to operation of the proposed new activities. SEPA strongly recommends that the applicant continues to liaise with the SEPA Waste and Industry Unit to discuss the process design and the scope of any variation application.

As defined in the PPC Regulations, the proposed chemical process represents a Chapter 4, Section 4.1 process for the production of organic chemicals. Depending on its thermal capacity, the proposed emergency generator may also represent a Chapter 1 Section 1.1 Part B (d) activity involving the burning of any fuel in a medium combustion plant with a rated thermal input equal to or greater than 1 MW and less than or equal to 20MW. Full process details have not been provided with the planning submission: in any PPC application submitted, the applicant must demonstrate through detailed demonstration that the process deploys Best Available Techniques (BAT) in all respects.

The site is also an Upper Tier COMAH Establishment, and the new process will require to be incorporated into the Establishment Safety Report in due course. This should be discussed with the Joint Competent Authority for COMAH at the appropriate point. Amendment to the site Hazardous Substances Consent is also required to accommodate changes in the inventory of hazardous substances.

A construction operation plan and method statement, or equivalent, will be required. This will need to ensure the construction works are carried out with due regard to the relevant Guidance for Pollution Prevention (GPPs) and the CIRIA publication C715. The applicant will also need to ensure compliance with General Binding Rule 10 of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) which requires, amongst other things, that all reasonable steps are taken to ensure that the discharge of water run-off from a construction site does not result in pollution of the water environment.

Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.

The planning authority should be satisfied any subsequent impact on the surrounding road network, and in particular, the cumulative impact of this development during construction and the operational stage does not have the potential to lead to any future air quality issues.

*Response: Noted. This outcome follows an objection on flood risk grounds, due to a lack of information about the flood protection scheme recently developed by North Ayrshire Council, which has now been resolved to SEPA's satisfaction by letter dated 11th October 2022. As noted above, the operation of the plant would primarily be regulated by SEPA under a PPC licence. However, conditions could be attached regarding the matters raised by SEPA which fall within the remit of planning. There would be a need for an amended hazardous substances consent, which the applicant is fully aware of, which would require the submission of a further application prior to the proposed development becoming operational.*

**NAC Environmental Health** - no objections to the development subject to a range of recommendations and conditions, where appropriate, in relation to: noise levels from the operation of the proposed development; the provision of further information in relation to the Remediation Method Statement; the suitability of using site-won materials for groundworks; the need to consider any unsuspected contamination found during excavation works; dust controls and the need for ground water contours to determine flow direction.

*Response: Conditions could be attached where appropriate. A number of other matters have been raised directly with the applicants by Environmental Health for their consideration under other legislation.*

**NAC Active Travel and Transport** - no transport related objections to this proposal. An existing access will be used for vehicles. An existing access will be re-opened for construction vehicles. Operational access will be via the main gate off the B780. On Site parking will be provided for employees and visitors. A Transport Statement has been provided.

*Response: Noted. The site is located beside a bus route and is within walking/cycling distance of Dalry Railway Station for staff. Raw materials and finished products would be transported to/from the site by road, as at present. There is no opportunity, at present, to re-use the railway connection into the site due to the nature of the product to be manufactured and its distribution requirements. The railway connection would however be retained.*

**NAC Flooding Officer** - no objections. Advice has been provided on a number of matters.

*Response: The applicant has taken account of the advice provided and a condition could be attached with respect to the temporary and permanent SuDS arrangements.*

**Scottish Water** - no objection to the proposal. There is currently adequate capacity within the public water and public sewers to serve the development. Surface water should be treated using SuDS and will not be accepted to the sewer network via a combined sewer. There may be limited exceptional circumstances where Scottish Water would allow a surface water connection to a combined sewer (for brownfield sites only), however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. Records indicate that the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact the SW Asset Impact Team directly.

*Response: Noted. A condition could be attached with regards the proposed SuDS drainage arrangements. An informative could be attached with respect to potential impacts on Scottish Water assets.*

**The Coal Authority** - No objections. Records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (July 2022, prepared by SLR Consulting Ltd) to accompany the planning application. SLR considers that coal mining and mine gas is not considered to pose a risk to the proposed development and that the investigation works undertaken to date in relation to coal mining provide sufficient evidence that site is minerally stable.

It should be noted that where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and

public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority considers that the content and conclusions of the Mineral Risk Assessment Report are sufficient for the purposes of the planning system and demonstrate that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, additional more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building warrant application.

*Response: Noted. A SuDS condition could be attached, which would address both the construction phase and the operational phase of the proposed development. Further technical information relating to ground conditions would be required at the building warrant stage.*

**NatureScot** - have no comments on the proposal as it does not meet the criteria for consultation.

*Response: Noted.*

**Dalry Community Council, Ayrshire Rivers Trust, The Scottish Wildlife Trust.** (Note: the Ayrshire Rivers Trust and Scottish Wildlife Trust are not statutory consultees) - *No comments have been received.*

### **3. Analysis**

In accordance with statute, planning applications require to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

As noted above, there are a number of relevant development plan policies which require to be considered, the first of which is Strategic Policy 1 - The Towns and Villages Objective. This strategic policy states that, in principle, the Council will support development proposals within towns and villages which generate new employment opportunities, with priority given to the re-use of brownfield land. As noted above, the proposed development has the potential to generate around 30 additional jobs, once the plant is operational. 350 jobs would be supported during the three-year construction phase. The site to be developed is also brownfield land, having previously been used for purposes ancillary to the existing industrial uses at DSM. The proposal is therefore considered to accord with Strategic Policy 1.

The assessment of the proposal against Strategic Policy 2 - Placemaking will take place after consideration of the detailed topic-based policies.

Policy 7 - Business and Industry Employment Locations indicates that proposals for industry is considered to be suitable land uses within the areas of North Ayrshire that have been

identified in Schedule 5 of the LDP. The site is within the established industrial site at DSM which is listed in the LDP as a business and industry employment location. Subject to assessment against the other policies below, the proposal would therefore be acceptable in terms of its location within an established industrial site.

In terms of Policy 15 - Landscape and Seascape, the application is supported by a comprehensive landscape and visual impact assessment, which considers the scale of the development and its effects on the surrounding area. The landscape character type (LCT) of the countryside near the site is defined in the Ayrshire Landscape Character Assessment (1998) as part of the Broad Valley Lowland.

The assessment notes the presence of existing industrial buildings and flue stacks nearby, such as the CHP plant, power station, production buildings and tank farms to the north and west. The development would take place within this long-established industrial context and would not be out of keeping within this setting. Although the immediate surroundings (to the east of the factory buildings) consist of flat, open ground, it is proposed to form a landscaped mound to the northeast using excavated soil. The mound would then be planted with trees. Additional woodland planting areas are proposed around the edges of the site on much of the open land, the effect of which would be to create enclosure which would screen and filter views of the lower levels of the existing and proposed development from the surrounding area. Over time, the planting scheme would reinforce existing woodland and strengthen the landscaped buffer between the site and the wider countryside beyond the edge of Dalry.

The proposal does not involve development within, nor close to, a national scenic area, special landscape area, wild land area, local landscape feature, historic designed landscape nor a conservation area. The nearest conservation area is within Dalry town centre, which is around 1km to the southwest. There would be no adverse visual impacts on the views to or from the conservation area arising from the proposed development, nor would the setting of the conservation area be affected.

In summary, the response to the landscape and visual impacts of the proposed development is considered to be acceptable in terms of Policy 15.

With respect to Policy 16, which relates to the protection of designated wildlife and nature conservation sites, the application includes survey information and an appraisal of wildlife and habitats around the site. The appraisal identified the potential for a number of protected species within the survey area. None were within the area to be developed, but several habitats were located in the surrounding area. Subject to the implementation of the measures identified in the EIA Report, it is considered that the proposed development would be acceptable in terms of Policy 16.

Policy 18 relates to Forestry, Woodland, Trees and Hedgerows. The proposals do not involve the clearance of any woodland. As noted elsewhere in the report, substantial areas of new woodland planting are proposed around the site and within the DSM boundary. This would add significantly to the existing woodland in the vicinity and would have a positive environmental and amenity impact. The woodland areas would be managed by DSM. The proposal would therefore be acceptable in terms of Policy 18.

Policy 23 relates to Flood Risk Management. As noted above, the proposal is supported by a Flood Risk and Drainage Assessment and would feature a SuDS detention basin for the management and treatment of surface water. Foul water would be treated at the existing

wastewater treatment plant then drained to the public sewer. SEPA has no objection to the application, and neither does Scottish Water. The proposal is therefore acceptable in respect of Policy 23.

Policy 29 addresses the topic of Energy Infrastructure Development and highlights the Council's support for proposals which would contribute positively to our transition to a low carbon economy. As noted above, the applicant has submitted a report entitled 'Renewable and Low Carbon Technology Feasibility Study'. The report states that compliance with Policy 29 has been demonstrated using Air Source Heat Pumps (ASHP) and Photovoltaics (PV) to prove that 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. This is only measured against the Section 6 areas - the remaining area for the Production Building will be served by waste heat recovery which complies with Planning Policy 31 for the site as detailed in the feasibility study. In the above ways, the development would contribute to the requirements of Policy 29.

Turning to Policy 31 - Future Proofing for Heat Networks, the submitted report states that compliance is demonstrated through the proposed installation of a new off-gas unit, which would provide waste heat to serve the main Production Building areas. The waste heat would generate 110kW of peak load to satisfy 89% of the annual demand required for the Production Building. The remaining demand would be met by the existing on-site wide district heating system (which is generated by the gas fired combined heat and power plant). The proposed development would therefore accord with Policy 31.

Finally, turning to Strategic Policy 2 - Placemaking, the proposal has been assessed in terms of the relevant criteria as follows:

#### Distinctive

In terms of distinctiveness, the proposed development would be viewed within the context of an established industrial site which contains a large number of buildings and structures of varying heights, sizes and designs. It is considered that the main building proposed, the production building, would be the most distinctive and dominant element of the development. The production building would feature a more contemporary design in comparison with the older buildings on the site. The design is considered acceptable. A condition could be attached to require the submission of a final selection of external finishing materials and colours to ensure compatibility with the existing buildings on the site.

#### Safe and Pleasant

This quality requires consideration to be given to amenity impacts such as noise, smells, vibrations, traffic generation, parking and ground instability. As discussed above, the above matters have been studied in detail within the EIA Report. Based on the information provided, it is not considered that the proposed development would result in adverse effects, since mitigation measures have been proposed to address them. These measures would be implemented as part of the development. A condition could be attached to ensure the development is implemented in accordance with the recommendations of the EIA Report and supporting information. Conditions have been recommended by consultees in respect of a number of other matters, such as noise limits. As noted above, significant woodland planting is to take place which would enhance the setting of the site and screen much of the lower levels of the development, especially in respect of the proposed tanks and pipework. This would be of benefit to the local landscape character. Views from the

public footpath which follows the edge of the DSM site would benefit from the woodland planting scheme.

#### Resource Efficient

It is considered that the development would be resource efficient through the use of sustainable heat and power systems, recovery of energy from waste products/materials and the recycling of residual acids and liquids during the production process.

#### Easy to Move Around and Beyond

Based on the submitted information and consultation response from NAC Active Travel & Transportation, the additional traffic generated by the proposed development is not considered significant. The existing access arrangements would remain as at present, with traffic arriving and departing via the existing factory gate on the B780. Traffic can either travel to the A737 trunk road at Manrahead Roundabout via Kilbirnie/Glengarnock or through Dalry to join the A737 at the Hillend Roundabout south of the town. There are existing footways on the B780 providing access to bus stops, residential areas, Dalry town centre and the railway station (all within walking distance of the site). Finally, there is adequate car parking provision within the DSM site.

#### Adaptable

The development has not been designed to be adaptable, as it has been specially designed as a bespoke production facility with specialist plant and machinery. However, the development would re-use previously developed land within a long-established industrial site in productive manner.

In conclusion, the application is considered to accord with the LDP. The applicant estimates that the development would generate around 350 construction/management jobs over a three-year period and around 30 permanent jobs once the development is operational. Landscape, visual and other significant environmental effects have been identified and would be addressed as part of the development. Accordingly, the application should be approved subject to the conditions as set out below.

#### 4. Full Recommendation

Approved subject to Conditions

### Reasons for Decision

#### Condition

1. That the development hereby approved shall be implemented in accordance with the submitted plans, drawings and recommendations contained in the application (inclusive of the EIA Report and associated supporting documentation) unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.

#### Reason

To secure the implementation of the development in accordance with the supporting information.

#### Condition

2. That prior to the commencement of the development hereby approved, the applicant shall submit a Construction Environmental Management Plan for the written approval of North Ayrshire Council as Planning Authority, the scope and content of which shall be

informed by the EIA Report. Thereafter, the development shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To implement a recommendation contained in the EIA Report in the interests of environmental protection during the construction phase.

**Condition**

3. That prior to the commencement of the development hereby approved, the applicant shall agree the Remediation Method Statement contained within Appendix 8-4 of the Environmental Impact Assessment Report with North Ayrshire Council as Planning Authority. If there is a requirement to re-use site won material and/or to import material, then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being used. In addition to this, and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time and or phasing to be agreed with the Planning Authority, the applicant shall submit a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use. In addition, on completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted for the written approval of North Ayrshire Council as Planning Authority.

**Reason**

In the interests of environmental protection.

**Condition**

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.

**Reason**

In the interests of securing sustainable drainage for the development to safeguard the water environment.

**Condition**

5. That the presence of any significant unsuspected contamination which becomes evident during the development of the site shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.

**Reason**

In the interests of environmental protection.

**Condition**

6. That, notwithstanding the plans hereby approved, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes to be used (inclusive of colour scheme). Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

**Reason**

To mitigate landscape and visual impacts and in the interests of amenity.

**Condition**

7. That, prior to the commencement of any landscaping works, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a finalised scheme of landscaping and woodland planting. The finalised scheme shall be based on the Indicative Landscape Masterplan hereby approved and shall include details of species, planting densities, soil treatment and aftercare. Thereafter, the scheme as may be approved shall be implemented prior the development becoming operational and retained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To mitigate landscape and visual impacts and in the interests of amenity, biodiversity and habitat creation.

**Condition**

8. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Renewable and Low Carbon Technology Feasibility Study' prepared by BakerHicks dated 18th July 2022, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

**Reason**

To ensure that the development accords with policies 29 and 31 of the adopted Local Development Plan in the interests of reducing carbon emissions.

**Condition**

9. The rated noise level, as defined in BS4142:2014 + AL:2019, from the operation of the proposed facility must not exceed the background noise level by 5dB or more at the curtilage of any noise sensitive property.

**Reason**

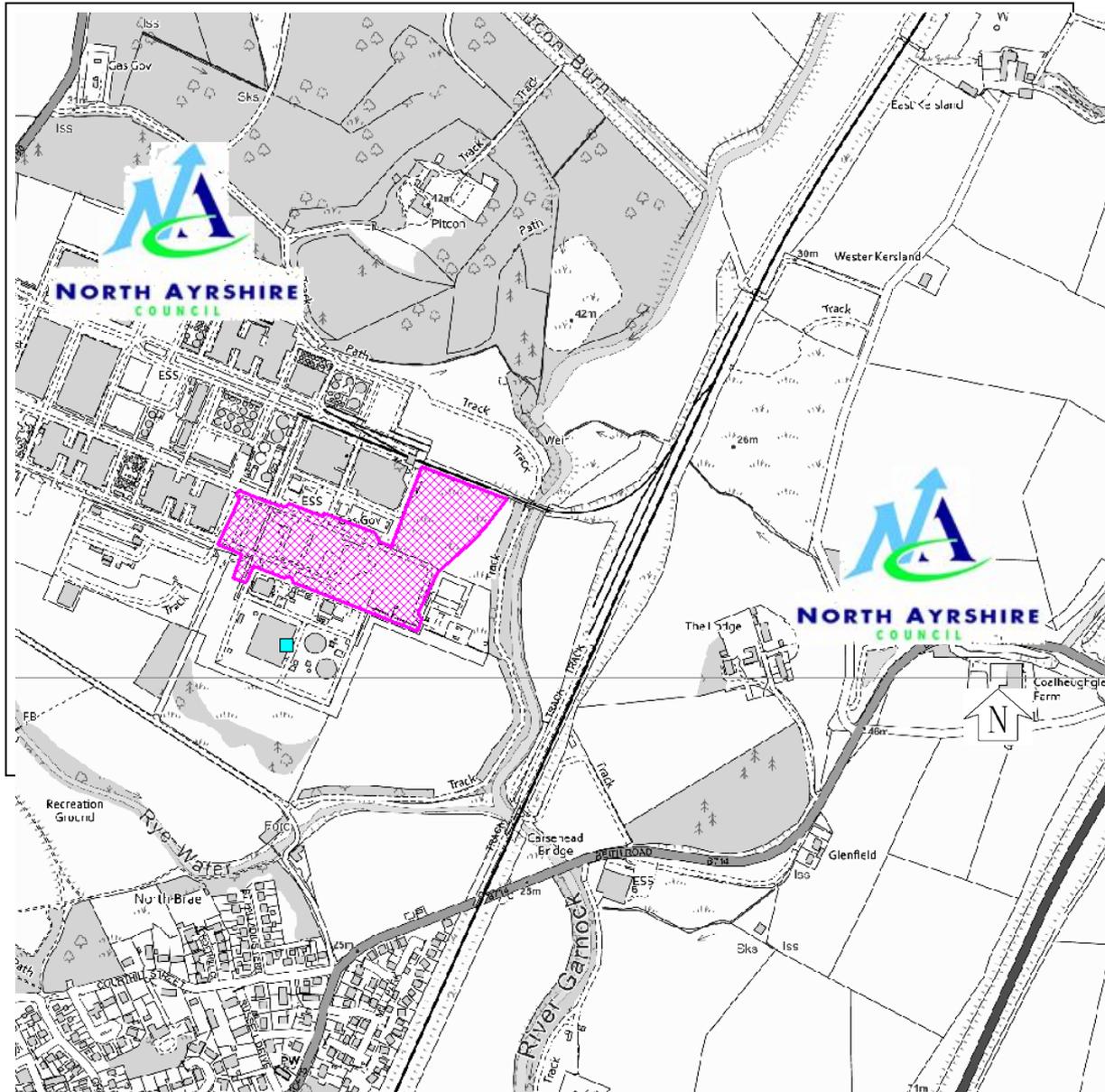
To safeguard the amenity of noise sensitive properties within the vicinity of the site.

James Miller  
Chief Planning Officer

For further information please contact Mr A Hume Planning Officer on 01294 324318.

## Appendix 1 – Location Plan

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**NORTH AYRSHIRE COUNCIL**

26th October 2022

**Planning Committee**

Locality	Garnock Valley
Reference	22/00593/PP
Application Registered	8th September 2022
Decision Due	8th November 2022
Ward	Garnock Valley

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**Recommendation**      Approved subject to Conditions

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**Location**                32 Eglinton Street, Beith

**Applicant**              Mr Mohammad Jawad

**Proposal**                Change of use of vacant bank premises to hot food  
takeaway to include the erection of ventilation flue to  
rear

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**1. Description**

Planning permission is sought for the change of use of vacant bank premises within an attractive stone-built office building to form a hot food takeaway at ground floor level. The application affects part of a category B listed building, formerly occupied by the Beith branch of the Bank of Scotland. It is located on the ground floor of a 3.5 storey building at Eglinton Street within Beith Town Centre. The building is also within the Beith Conservation Area. The application site relates only to the ground floor level. It is proposed to sub-divide the ground floor with a customer waiting area at the front and servery/kitchen and stores (with separate rooms for food and refuse) to the rear. It is proposed that the kitchen would have a ventilation flue which would pass through the rear wall. The flue would then turn vertically, terminating 1m above the eaves. The flue itself would consist of a stainless-steel cylindrical tube topped with a cowl. It is also proposed to install a flue on the rear elevation. The bank has now been vacant since 2018. Throughout this period, the premises have been on the market for sale or lease. The proposed hours of operation have not been indicated on the application.

Three previous applications for a hot food takeaway at the premises have been submitted in recent years, two of which were refused (in 2019 and 2020). The first application was refused under delegated powers and was the subject of an appeal to the Local Review

Body. The appeal was dismissed in September 2019 (ref. 19/00159/PP). A further application, including a takeaway and a basement flat, was submitted in 2020 and refused under delegated powers in April 2020, but was not subject to local review (ref. 20/00237/PP). A repeat application was made in 2021 but was withdrawn prior to determination (ref. 21/00303/PP). Also in 2021, planning permission was granted for the conversion of the former bank premises to form two flats (ref. 21/00697/PP). Whilst this permission remains extant, it has not been implemented. Whilst the residential permission from 2021 remains extant, there has been no interest expressed in taking on the opportunity.

The application site is within Beith Town Centre and also Beith Conservation Area as identified within the Adopted Local Development Plan (LDP). On the upper floors of the building, with access from the same common front entrance door, is an accountant's office that is in separate ownership. It is understood that the basement of the former bank would remain as a storage area. The proposal requires to be assessed against Policy 3 (Town Centres), Policy 9 (Conservation Areas), Policy 10 (Listed Buildings) and Strategic Policy 2 (Placemaking). An application for listed building consent has also been submitted (ref. 22/00675/LBC).

## **Relevant Development Plan Policies**

### **SP1 - Towns and Villages Objective**

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.

- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

### 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 3 - Town Centres and Retail

Our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns.

In principle, we will support development in our network of centres shown in schedule 6 where it would be of a scale appropriate to that centre.

For development that has the potential to generate significant footfall, we will support proposals that have adopted a town centre first sequential approach. This includes retail and commercial leisure uses, offices, community and cultural facilities and where appropriate, public buildings such as education and health facilities.

We will require that locations are considered, and a reasoned justification given for discounting them, in the order of preference:

- o Town centres (as defined in Strategic Policy 1).
- o Edge of town centres.
- o Other commercial centres (as defined above).
- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they intend to serve. We recognise that for some uses, such as sports centres and schools, a town centre location may not always be the appropriate location for them, particularly where sports pitches are part of the proposal.

When a development is proposed within our Network of Centres, we will support proposals which positively contribute to:

- o The role and function of the centre within the network, including by addressing an identified opportunity.
- o Quality of character and identity that creates a shared sense of place for users, visitors and residents
- o Community well-being, including by supporting the integration of residential uses and by enhancing links with surrounding residential areas and tourist attractions via the road and path network with associated blue & green network.
- o Vitality, viability and vibrancy of the centre, supporting it as a place for business to locate, expand and flourish by enhancing and diversifying the mix of uses including supporting economic and social activity.
- o Our important retail streets/areas (as described in schedule 6 and in our Town Centre Audits), recognising the fragile nature of some of our retail areas.
- o Accessibility of the town centre including considering the location of regular rail and bus routes.

In principle, we will also support proposals which align with town centre strategies and we will continue to encourage other regeneration initiatives, such as Conservation Area renewal projects, which improve the quality, accessibility and perception of town centre environments.

#### Detailed Policy 9 - Preserving and Enhancing our Conservation Areas

Development within or adjacent to a Conservation Area, that preserves or enhances its character and appearance, and is consistent with any relevant Conservation Area Appraisal or Management Plan, will be supported providing it can be demonstrated that it retains appropriate scale, proportion, siting, massing, design, and use of materials whilst not inhibiting high quality innovative design.

There is a presumption against the demolition of unlisted buildings that contribute positively towards the character and appearance of a Conservation Area. Proposals will only be supported in the following exceptional circumstances:

- i) The proposal is accompanied by a suitable redevelopment of the site which contributes positively toward the character and appearance of the Conservation Area. Such proposals should also include interim landscaping or sensitive screening of the site. We will also expect proposals to be accompanied by an implementation timetable and where the redevelopment period is considered to be excessive the demolition will generally be resisted.

AND

- ii) A competent assessment of the building's contribution to the Conservation Area has concluded that there is little or no value in the building's retention; and
  - o The repair or reuse of the building is not economically viable; or
  - o The demolition of the building is essential to delivering significant benefits to the wider community economically, socially or environmentally.

Works to trees within Conservation Areas will be supported where they are:

- o Part of an agreed scheme of tree management; or
- o Required on the grounds of safety or nuisance; or

- o Directed towards trees which are not of a material value to the conservation area (i.e. the trees are small, self-seeded saplings; or not otherwise visible to the public/neighbours - they are remotely located; or fast growing tree species such as conifers, leylandii etc.); or
- o In association with a wider development proposal which would enhance the amenity of the conservation area overall - including one where suitable replacement trees can be accommodated.

Further information on our Built Heritage Designations can be found in schedule 9.

#### Detailed Policy 10 - Listed Buildings

We will support proposals for the re-use and restoration of a Listed Building where the special architectural or historical interest of the building is preserved and enhanced. This can include the restoration of original features which have previously been lost due to development or demolition. The layout, design, materials, scale, siting and use of any development affecting a Listed Building or its setting should be appropriate to the character and appearance of the listed building.

Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

There is a presumption against the demolition of Listed Buildings and will only be supported in the following exceptional circumstances:

- i) The building is not of special interest; or
- ii) The building is incapable of repair and reuse through the submission and verification of a thorough structural condition report produced by a qualified structural engineer; or
- iii) The repair of the building is not economically viable, and it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period; or
- iv) The demolition of the building is essential to delivering significant benefits to the wider community economically, socially or environmentally

## 2. Consultations and Representations

The application was subject to the statutory neighbour notification procedures and also included an advertisement in a local newspaper. 3 representations have been received. The contents of these are summarised below:

### Objections

1. There are presently five or six hot food takeaways in Beith town centre, four of which are within 100 metres of each other in a continuous row from 32 to 42 Eglinton Street. It is questioned whether not there is a need for another takeaway.

*Response: This is not an accurate reflection of Eglinton Street, the overall condition of which continues to be harmed by many vacant shop units and buildings. There is one existing takeaway adjacent to the vacant bank premises, another nearby. Both open during evening*

hours. There are several other takeaways further down the street (one of which is a baker's shop that opens only during daytime; the other is a long established traditional fish and chip shop catering for evening trade). These outlets provide a variety and cater for different markets at different times. There are other takeaways elsewhere in the town centre. Finally, there is no 'needs test' in relation to applications for hot food takeaways in town centres: applications require to be assessed on their individual merits. See Analysis.

2. The proposed takeaway would increase traffic with danger to drivers and pedestrians alike. Double parking occurs when deliveries are taking place and there are also bus stops nearby, all adding to congestion.

*Response: There is no evidence to support that there would be any significant increase in traffic nor congestion resulting from this proposal. Town centre trade has declined in recent years and there is parking available nearby for customers and delivery drivers to use free of charge. See also Active Travel and Transportation response below.*

3. If there is a fracas in the common entrance lobby arising from the proposed takeaway, the window of the door leading to the upper flat could get broken. No details of signage are indicated in the application. A neon sign would surely be inappropriate on a listed building.

*Response: Noted. Anti-social behaviour or vandalism is not a material planning consideration and would be a matter for the police. Signage would be subject to further application(s) for advertisement consent and potentially listed building consent.*

4. It is noted that a flue is proposed for the rear wall of the building. Permission from the owner above the application site has not been sought. What guarantee would there be that the flue would not result in cooking fumes affecting the upper floor?

*Response: Permission to attach the flue brackets onto the wall, if required, would be a private legal matter between the parties concerned. The proposed flue design includes a detailed design specification indicating the system for removing cooking odours from the air to be expelled. This matter could be addressed further by a condition.*

## **Comment**

1. If this is another Chinese takeaway, then this application should not be supported. If it is an Indian or kebab shop, then that should be fine. The town already has 3 Chinese takeaways.

*Response: Noted. The type of food which a hot food takeaway offers is not controlled by the planning system, nor is competition between businesses.*

## **Consultations**

**Environmental Health** – No objections. The application gives specifications for various pre-filters designed to control odours; however, it is not clear from the plans where or if these filters will actually be installed. No information is provided in relation to noise control. Conditions are therefore recommended to address these issues.

*Response: Noted. The matters raised could be covered with the imposition of appropriate planning conditions.*

**NAC Active Travel and Transport** - No objections. Parking is available on street at this location, which is currently unrestricted. North Ayrshire Council reserves the right to alter parking control measures in the future.

*Response: Noted.*

**Beith Community Council** was consulted but did not provide a response.

### 3. Analysis

The application site consists of a category B listed building located within Beith town centre and within Beith Conservation Area. Unless material considerations indicate otherwise, the application requires to be determined in accordance with the provisions of the Local Development Plan, which would include Policy 3 on town centres, Policy 9 on conservation areas, Policy 10 on listed buildings and Strategic Policy 2 on placemaking.

Policy 3 of the adopted LDP states that "our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns." The policy considers a range of issues including role and function of the centre; quality and character; community well-being; vitality, viability and vibrancy as well as several other matters that are less relevant to this proposal.

Prior to the Covid-19 pandemic, footfall was observed to be low in Eglinton Street during daytime, which may be a consequence of the changing nature of Beith town centre as a local shopping and service centre. Since the refusal of the second application in 2020, there has been further decline in Eglinton Street, due to the effects of Covid-19, with more long-term vacant premises, low footfall and a growing problem of unmaintained and dilapidated buildings and shopfronts, all having been observed. These issues were observed again in the Spring of 2021 when the third application was submitted. This application was withdrawn. The lack of footfall, low levels of economic activity and visible decline of the physical fabric within the street continues to be evident during the Autumn of 2022.

32 Eglinton Street has now been vacant for over four years. It is noted that a robust marketing exercise has been undertaken by the applicant since November 2020 using a professional agent. This exercise has not resulted in any alternative proposal from a third party. The owner obtained planning permission for residential use during 2021. Again, no interest has come forward. It is therefore considered that, had there been any serious demand for the property, it is probable that this would have emerged after four years.

The 2019 planning application (ref. 19/00159/PP) was refused under the previous Local Development Plan and was considered at the LRB around six months before the outbreak of the Covid-19 pandemic. Permission was sought to operate until midnight. The 2019 application was refused on the following grounds:

*The proposal would be contrary to the provisions of the North Ayrshire Council Local Development Plan Policy TC 1 and General Policy criterion (b) Amenity, by reason of the*

*resulting concentration of hot food uses in close proximity to one another resulting in adverse impacts on amenity, including additional noise, disturbance, potential odour nuisance and adverse impacts on the character of Beith town centre.*

The 2020 planning application (ref. 20/00237/PP), which was also refused, differs in a number of respects from the original proposal in that it was submitted after the adoption of the current LDP. Again, permission was sought to operate until midnight. In addition, the 2020 application included proposals for a basement flat. It was refused on the following grounds:

*"The proposal would be contrary to the provisions of the adopted North Ayrshire Council Local Development Plan Policy 3 (Town Centres) and Strategic Policy 2 (Placemaking), by reason of the resulting concentration of hot food uses in close proximity to one another to the detriment of the vitality, viability and vibrancy of Beith town centre. The proposed basement flat would not enjoy an acceptable level of residential amenity given its single aspect orientation and siting below a hot food takeaway."*

In contrast to the earlier applications, both of which were submitted before the impact of the Covid-19 pandemic on town centres, and both of which sought permission to operate until midnight, it is not considered that the current proposal would result in an unacceptable concentration of hot food uses within Eglinton Street given both the level of decline that has been observed and that different hours of operation could be applied, thus providing an opportunity for adding to the vitality and viability of Beith town centre during the daytime and evening period. In contrast, the 2019 and 2020 applications would have had hours of operation later into the night, resulting in greater potential for noise and disturbance to nearby residents. Finally, the current application does not propose a basement flat, thus addressing this potential amenity issue.

Accordingly, in the absence of any alternative viable proposal for the premises, it is reasoned that the proposed change of use of the former bank for hot food takeaway use would accord with Policy 3.

With regards to Policy 9 (Conservation Areas), the only proposed external alterations relate to the erection of a metal flue on the rear elevation. This installation would not be visible from Eglinton Street. The rear of the property is set some distance back from Bellsdale Park and views towards it are mitigated, in part, by an established wooded area. These alterations and the proposed use for the building would not of themselves cause any significant harm to the character of the Conservation Area. Nevertheless, detailed consideration in terms of the proposed alterations to the building is also required in respect of Policy 10, below.

Policy 10 (Listed Buildings) seeks to support the re-use and restoration of a listed building where some of its character has been lost in the past. Whilst there are some matters of detail to consider, a wider and more significant issue is that long term vacancy of older buildings causes serious harm to their historic fabric, especially when unheated and unmaintained. After four years of vacancy, a new use for the former bank premises is now vital. The front of the building has retained almost all of its external architectural character, having been carefully managed by its former owners over many decades. The proposed alterations on the rear elevation have not attracted any adverse comments from Historic Environment Scotland. The rear elevation is not especially visible from the surrounding area. As such, it is considered that the visual impact of a large metal flue on the rear

elevation could be mitigated by paintwork, the details of which could be addressed by condition within the Listed Building Consent. On balance, it is considered that the proposal could be supported in relation to Policy 9.

In respect of the Placemaking Policy, the most relevant quality is that of 'Safe and Pleasant'. The application premises were operated as a bank over a long period of many decades, as has been noted above. However, the premises have been vacant for well over 4 years now, and therefore do not provide an active frontage onto Eglinton Street.

Whilst there are other hot food takeaways and food outlets in close proximity, including one directly adjacent, several of these open only during evening hours. Whilst no specific hours have been specified in the application, a condition could be attached to control the maximum operating hours. In the interests of promoting increased footfall during daytime, the focus of the hours of operation could be on the lunchtime to evening period in order to achieve a better balance of town centre trade. A condition limiting the hours of operation from 12 noon - 9 pm could be attached to any grant of planning permission.

Concerns about an unbalanced mix of uses in Eglinton Street were noted during the consideration of previous applications, but the decline has steadily continued and has arguably been accelerated by several Covid-19 lockdowns during the past two and a half years. Given that active marketing of the premises has been ongoing since November 2020, it is now reasonably clear that there is little or no economic demand for other forms of commercial use at the premises nor for a residential use as an alternative. The applicant is proposing to operate a business which would be preferable to the ongoing situation of decline. In previous years, there were concerns raised about the impacts of another takeaway on town centre flats. Notably, this is no longer reflected in the representations which have been submitted. Conversely, there is now a more significant issue with the growing number of vacant premises (including entire vacant buildings).

In light of current circumstances, which appears to be part of an established longer-term trend, it is now considered the proposal could be supported in terms of the 'Safe and Pleasant' quality of Placemaking. Environmental matters, such as noise and odours from cooking, would be addressed by conditions.

In relation to the other qualities, the premises are centrally located within Beith and have good access to public transport, parks and open spaces. As such, the proposed takeaway would be appropriately located both for business purposes. Finally, the proposal also demonstrates that the building is adaptable to change. In summary, the proposal accords with the Placemaking Policy.

Notwithstanding the history of previous refusals, the material considerations identified above in relation to the decline of Eglinton Street and the long term vacancy presented by the former Bank of Scotland has led to the conclusion that the proposed hot food takeaway, in light of the circumstances, would now accord with the relevant provisions of the LDP, including Policy 3 on town centres and the strategic policy on placemaking. As such, the application should therefore be granted, subject to conditions.

#### **4. Full Recommendation**

Approved subject to Conditions

## **Reasons for Decision**

### **Condition**

1. That prior to the commencement of the development hereby approved, full details and drawings of the extraction system (including details of odour control and noise/vibration reduction measures) shall be submitted and approved in writing by North Ayrshire Council as Planning Authority. Details of the extraction system will be accompanied by written certification from a member of the Building & Engineering Services Association, or any other suitably qualified person, confirming that the extraction system, as designed:

- can be affixed to the external wall without the need for approval by a third party, or alternatively, evidence of such approval;
- is suitable for use in a catering environment;
- will provide a suitable rate of extraction above all cooking appliances;
- will sufficiently reduce or eliminate odours and efficiently extract products of combustion, considering the nature of the business, will discharge to the external air in a suitable area to prevent odours affecting the residents of surrounding dwellings;
- has incorporated any necessary noise/vibration reduction measures to ensure operation of the system will not result in intrusive levels of noise affecting the residents of adjoining and surrounding dwellings.

Thereafter, the extraction system shall be fully installed as detailed in the drawings and tested prior to the commencement of the operation, shall always be in operation when cooking appliances are in use and shall be maintained to the satisfaction of North Ayrshire Council as Planning Authority.

### **Reason**

In the interest of the amenity of the area.

### **Condition**

2. The rated noise level, as defined in BS4142, from the operation of plant/equipment (extraction system and associated flues) shall not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property in the vicinity of the site.

### **Reason**

In the interest of the amenity of the area.

### **Condition**

3. That the maximum operating hours of the hot food takeaway hereby approved shall be between 1200 and 2100 hours on any day. The premises shall not operate outwith these hours without the prior written approval of North Ayrshire Council as Planning Authority.

### **Reason**

In the interest of the amenity of the area.

James Miller  
Chief Planning Officer

For further information please contact Mr A Hume Planning Officer on 01294 324318.

## Appendix 1 – Location Plan

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**NORTH AYRSHIRE COUNCIL**

26th October 2022

**Planning Committee**

Locality	Kilwinning
Reference	22/00137/MSCM
Application Registered	25th February 2022
Decision Due	25th April 2022
Ward	Kilwinning

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	West Byrehill Industrial Estate Byrehill Place West Byrehill Kilwinning Ayrshire
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<b>Applicant</b>	Persimmon Homes & Ashtenne Industrial Fund LLP
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<b>Proposal</b>	Approval of matters specified in conditions of planning permission in principle ref. 20/00323/PPM for residential development comprising the erection of 426 dwellinghouses and associated infrastructure
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**1. Description****Background**

Planning permission in principle for residential development and associated uses at West Byrehill, off Pennyburn Road in Kilwinning, was granted subject to conditions on 11th November 2015 (ref. 13/00038/PPPM) and subsequently renewed by the Council's Planning Committee on 24th June 2020 (ref. 20/00323/PPM) with variations to conditions 1 (j) and 2. The 2013 application for planning permission in principle (ref. 13/00038/PPPM) was submitted to the Council during the preparation of LDP1. To avoid being premature, the application was not reported to the Planning Committee until 28th May 2014, following the adoption of LDP1 earlier that month. The report to the Planning Committee states:

*"Indicative proposals, used to inform the supporting Pre-Application Consultation process (PAC) and a 'Development Framework Document' (DFD), offer some details of the potential layout and form of the development. The DFD indicates that the site would be divided into housing phase packages and an area identified as a neighbourhood centre. It is indicated that between 475-505 residential units could be accommodated and that the neighbourhood*

*centre would comprise 743m<sup>2</sup> of retail space (1 no. 371.5m<sup>2</sup> detached food retail unit and 4 no. 92.875m<sup>2</sup> terraced retail units)."*

The Planning Committee was minded to grant the application subject to a Section 75 obligation. In 2015, this requirement was superseded by a much broader legal agreement in relation to the upgrading of strategic junctions at various locations in the Irvine Bay area. This legal agreement was between the Council and Transport Scotland and did not bind the applicants for the development at West Byrehill. The purpose of the agreement was to provide a mechanism whereby the Council committed to funding any upgrades of strategic junctions, including the Pennyburn Roundabout, to unlock strategic development sites such as West Byrehill. This agreement remains extant.

The eventual decision on planning application (ref. 13/00038/PPPM) was taken on 11th November 2015, following the Planning Committee's agreement that the planning permission could be granted without the need for the originally envisaged Section 75 obligation. The conditions attached to the permission address a range of other matters, including the timing of any strategic road upgrades in the vicinity of the site.

In summary, the Planning Committee was advised that, notwithstanding the indicative capacity of 400 houses as stated in the Local Development Plan, the Development Framework Document, on which the decision was based, envisaged a housing development with between 475 and 505 houses.

The combination of the current proposal of 426 houses plus the 72 currently being built would give a total of 498 at West Byrehill. As such, the proposed development is within the limits envisaged when the original application for permission in principle was granted by the Council, which was subject to pre-application public consultation and scrutiny beforehand. There are currently no proposals to develop a neighbourhood centre at West Byrehill.

## **Description**

It is proposed to build 426 houses on the site in six phases, making use of the existing road layout which was formed when West Byrehill was first developed in the 1970s. The site area extends to 25.5 hectares.

This application relates to the conditions attached to the planning permission in principle (ref. 20/00323/PPM). For ease of reference, the scope of the conditions is set out below:

1. Submission of detailed layout plans, drawings and supporting information, including flood risk assessment;
2. Time limits for submission of matters specified in conditions;
3. Requirement to take account of 'Designing Streets' and 'Designing Places' policy documents;
4. Details of open space and future maintenance arrangements;
5. Details of low or zero carbon generating technologies;
6. Review and implementation of Ecology Assessment Survey
7. Desktop study of contamination on the site;
8. Phasing of development, taking account of transport requirements (unless otherwise agreed)
9. No direct access is permitted onto the A78 trunk road;
10. Details of a barrier alongside the site boundary with the A738 and A78 trunk roads.

The submitted plans, drawings and supporting information collectively represent the applicant's submission to the matters specified in the above conditions. The following supporting information reports have been submitted:

- Design and Access Statement
- Flood Risk Assessment (updated September 2022)
- Drainage Strategy (updated September 2022)
- Ecology Assessment
- Noise Impact Assessment
- Open Space Strategy
- Landscape Management Habitat Plan
- Energy Statement (updated August 2022)
- Site Investigation Report (submitted September 2022)

The approval of this application, subject to any further conditions as may be required, would enable the proposed development to proceed in terms of the submitted phasing plan. The phasing plan indicates that the first two phases would be developed to the north of Byrehill Drive, starting at the northwest, then at the northeast. The remaining four phases would be developed progressively starting from the southeast and moving towards the west. The applicant anticipates that 40 houses would be completed per year. Based on this estimate, it would take over 10 years to complete the entire development. It is intended that all of the houses within the development would be developed for owner occupation.

As noted above, the development would be based around the established framework of roads and paths already in place at West Byrehill, which was originally developed for industrial purposes by Irvine Development Corporation in the 1970s. Over a thirty-year period, West Byrehill Industrial Estate accommodated a number of businesses including Campbell Distillers, Fullarton Computer Industries, Industrial Cleaning Services and Work 4 Wear. During the first decade of the twenty first century, all of the above factories closed. Four large factory buildings were demolished, and the sites cleared.

Only two of the original factory buildings remain. Whilst an ambulance station was built in 2000, followed by Montgomerie House in 2005, much of the site has remained vacant and derelict. In 2012, enquiries commenced in relation to redevelopment of West Byrehill for housing and related mixed uses. This process involved a revised allocation for the land in the Local Development Plan of 2014. As noted above, a planning application for permission in principle was submitted in 2013 (ref. 13/00038/PPPM) and was subsequently granted in November 2015.

The proposed development layout has therefore been largely dictated by both visible infrastructure (i.e. roads, paths and street lighting), as well as infrastructure below the ground (e.g. services such as water supply pipes, sewers, gas pipes, telecoms, and electricity cables). In addition, the established woodland planting along the outer edges of the site would be retained as part of the proposed development, with further trees and landscaping provided within the site. A key part of the green infrastructure would be the de-culverting of the Penny Burn, which flows across the northwestern edge of the site. The Penny Burn was culverted during the 1970s when the industrial estate was first developed. Another significant element of green infrastructure would be the provision of a large open space near to the centre of the site on land that was never previously developed with factory buildings.

Whilst six phases of development are proposed, the applicant intends to develop the site as a series of five separate neighbourhoods. The largest of the neighbourhoods, to be known as Linear Parks, would be split into two phases. During the processing of the application, a number of modifications were made to the street design in response to discussions with officers from Active Travel & Transportation. Some commentary on each proposed neighbourhood follows below:

#### Village Green

This neighbourhood would have 44 houses. All houses would have two storeys with front/rear gardens and in-curtilage parking. There would be a mix of detached, semi-detached and terraced homes. Village Green would be accessed from the existing western section of Byrehill Drive. It would have a cul-de-sac plan, with one main street and a secondary street leading off. It would border established woodland planting on the northwest and northeast boundaries. Along the east, it would border a strip of open grassland to the rear of a single storey factory building (currently occupied by a battery recycling company). There would be a SuDS basin to the south of the housing. Village Green would be located across the road from the main area of public open space for West Byrehill, where a play area would be provided for children as well as grass and landscaping. The existing path connection to the bus stop on Stevenston Road would be upgraded to provide a direct link from Village Green, including the provision of a 3m wide footbridge over the de-culverted Penny Burn. A link to the existing path connection leading east would also be provided.

#### Westfields

There would be 84 houses in this neighbourhood. As with Village Green, all houses would have two storeys in a mix of detached, semi-detached and terraced homes. Westfields would be accessed from the existing western end of Byrehill Drive. The street layout would be in the form of a loop with several short cul-de-sacs leading off at the south. It would border the de-culverted Penny Burn to the west, with unimproved grassland and established woodland further west (beyond which is the A738 Stevenston Road). There are further established woodland areas to the south, beyond which is the A78 Kilwinning Bypass. Westfields would be broken up with areas of open space, and footpaths would lead through the housing towards the main public open space to the east. There would be a SuDS detention basin to the south of the housing, with a pumping station to be sited beside the basin.

#### Linear Parks

This neighbourhood would extend across much of the southern edge of West Byrehill. It would have 124 houses, with a similar mix as the other neighbourhoods. It would be sited close to the ambulance station to the east of Byrehill Place with a swathe of open space - the linear park - running southeastwards and creating separation from the neighbourhood of The Fairway. There would be one vehicular access point into Linear Parks from Byrehill Place, leading into a looping street to the west with a lengthy cul-de-sac to the east that terminates in a looping street. Linear Parks would extend northwards to reach the main area of public open space at its western end. There would be two SuDS detention basins, one at the southwest corner and the other at the southeast corner. There would be a number of footpath connections from the housing onto the Linear Parks walkway, from where there would be direct links into the large open space serving the whole of West Byrehill, to the neighbouring Fairway housing and to Byrehill Place. To the south of Linear Parks, the existing woodland belt which separates West Byrehill from the A78 dual carriageway would

be retained. Acoustic fencing would be provided on the rear boundaries of the housing closest to the A78.

#### The Fairway

This 115 home neighbourhood would be situated between Linear Parks and Byrehill Drive. The proposed housing would have a similar mix to the other neighbourhoods, all with two storeys. There would be three vehicular access points into The Fairway, all from Byrehill Drive. The first would be close to the existing roundabout where Byrehill Place and Byrehill Drive intersect. The second and third vehicle access points would be within the eastern part of the neighbourhood, beyond Montgomerie House. The street layout would be fully interlinked, without cul-de-sacs. Pathways would be provided north-south through the neighbourhood, using the streets, to provide through connections to/from Linear Parks and the adjoining housing at Forest Wynd. A SuDS detention basin would be provided at the low point in the southeast corner, where the site adjoins the Kilwinning - Largs railway. The existing railway maintenance access (for Dubbs Junction) would be retained.

#### Forest Wynd

The final neighbourhood, with 78 houses, would be located at the northeastern corner of West Byrehill. There would be two vehicular access points, both from Byrehill Drive. The streets would be fully interlinked. As with the other neighbourhoods, the housing mix would include detached, semi-detached and terraced houses. Through footpath connections would be provided to north and south and would pick up on existing pedestrian links with Pennyburn Road and on the northern edge of West Byrehill. A landscape buffer would be provided on the western boundary of the neighbourhood where it would adjoin the Council's transport depot.

#### Byrehill Drive and Byrehill Place

Both existing roads would be modified to include traffic calming (narrowing) measures combined with pedestrian crossing opportunities.

#### Housing design

There would be 15 house 'types' used throughout the development. Each neighbourhood would have a mix of house types selected from the range of 15. The proposed external finishes for all of the housing, and common to all neighbourhoods within the development, would be as follows:

Roof tiles: grey

External walls: red or buff brick with cream/white render

Windows and rainwater goods: white uPVC

Boundary treatments: open plan to front; 1.8m close boarded timber fencing to enclose rear gardens; 2m acoustic fencing on selected plots to safeguard against effects of traffic noise from A78 dual carriageway and the ambulance depot; 1.8m mesh fencing on southern development boundary to safeguard against the risk of people/pets walking onto A78.

#### Landscaping and Open Space

In terms of topography, the land at West Byrehill falls mainly from west to east and from north to south. The level difference ranges from approx. 24m AOD in the northwest to 12m AOD in the southeast. The ground on the site is generally level because of previous platforming works for factory developments.

As noted above, the site would be provided with a large area of open space on previously undeveloped land. The open space would include areas of mown grass, pathways, a play area, tree and shrub planting. Other areas of open space in the development would include landscaped corridors with footpaths (some also suitable for cycling use), woodland, wildflower meadow planting, ornamental planting, informal children's play facilities and the naturalisation of the Penny Burn following the removal of the culvert within which it is currently contained. The existing woodland areas around the perimeter of the site would be retained providing containment and screening. Maintenance of the landscaping would initially be undertaken by the developer then passed over for long term management by a factor. The costs of grounds maintenance would be arranged by the factor and paid for by residents of the development.

#### Site investigation and remediation

Given the history of the site, a site investigation carried out on behalf of the applicant by a specialist firm has indicated where there are areas of contaminated land which would require to be remediated prior to development taking place. Site investigation has also established the ground conditions for the purposes of foundation design. The site is not within a High-Risk area of former mineworkings, as identified by The Coal Authority.

As a large and largely unmanaged brownfield site, West Byrehill has been adversely affected by significant fly-tipping of commercial waste, especially at its eastern end where the road terminates. There are smaller pockets of fly-tipping evident in the northwest of the site.

In addition to the large areas of vacant and derelict land, existing uses at West Byrehill include one factory unit, an ambulance station, a three-storey office building (Montgomerie House), and a transport depot operated by the Council (which includes one of the original factory buildings and open yard areas). Being developed at present is a housing estate of 72 houses for rent by Cunninghame Housing Association, which is due for completion in 2023. A separate major planning permission was granted in 2020 for this development (ref. 20/00106/PPM and modified by 20/01053/PP).

#### On-site infrastructure

As noted above, much of the existing below ground utilities, sewers and water supply pipes would be retained and adapted for use in the proposed development. In addition to the development of new roads and paths, the submitted plans indicate the positions and designs of the above ground gas governor stations, electricity sub-stations and a pumping station. All of these items would be of standard size and fully enclosed. Landscaping would be provided around these installations in the interest of visual amenity.

#### Off-site infrastructure

Condition 8 of the PPPM identified that, after 180 housing units are developed at West Byrehill, (inclusive of the first phase of housing being built by Cunninghame Housing Association), a number of options must be considered with respect to potential upgrades to junctions at Pennyburn Road/Stevenston Road and at the Pennyburn Roundabout. Discussions in relation to this condition are ongoing. However, the determination of this application can take place in advance of the discussions being concluded.

The application site is identified by the LDP as part of the General Urban Area of Kilwinning. It is also identified in the LDP as being a housing development site with an indicative capacity of 400 dwellings. The application requires to be considered in terms of Strategic

Policy 2 (Placemaking) of the adopted LDP. Consideration also requires to be given to Policy 14 on Green & Blue Infrastructure, Policy 22 on the Water Environment, Policy 23 on Flood Risk Management, Policy 27 on Sustainable Transport/Active Travel, Policy 29 on Low and Zero Carbon Energy systems for new buildings and Policy 31 for Heat Networks.

## **Relevant Development Plan Policies**

### **SP1 - Towns and Villages Objective** Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

### **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 14-Green & Blue Infrastructure

##### Policy 14:

#### Green and Blue Infrastructure

All proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure (including open space), ensuring no unacceptable adverse environmental impacts occur.

Green and blue infrastructure should be multi-functional, accessible and integral to its local circumstances. For example, Sustainable Urban Drainage Systems (SuDS) have the potential to play a key role in the delivery of meaningful blue and green infrastructure, providing amenity and improving biodiversity as well as providing a sustainable flood risk solution. We will require details of the proposed arrangements for the long-term management and maintenance of green infrastructure, and associated water features, to form a key part of any proposal.

Our Open Space Strategy (2016-2026) highlights the need for an audit which identifies valued and functional green and blue infrastructure or open space capable of being brought into use to meet local needs. We will support the temporary use of unused or underused land as green infrastructure including where it consists of advanced structure planting to create landscape frameworks for future development. Support will be given to proposals which seek to enhance biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. We will also support proposals that are in accordance with the vision and outcomes of the Central Scotland Green Network as well as those of the Garnock Connections Project.

#### Detailed Policy 22 - Water Envir Quality

##### Policy 22:

#### Water Environment Quality

Proposals for additional cemetery provision to meet identified needs within our locality areas of Irvine, Kilwinning, Arran, North Coast, Three Towns and Garnock Valley will be supported where unacceptable environmental and amenity impacts are avoided. Groundwater assessments may be required to support proposals with mitigation measures identified and agreed where necessary.

We will support development that helps achieve the objectives of the Water Framework Directive and the River Basin Management Plan for Scotland. Generally, development which would lead to the deterioration of the water environment will be resisted unless it would deliver significant social, environmental or economic benefits.

Development will be required to ensure no unacceptable adverse impact on the water environment by:

- a) Protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity);

b) Protecting and enhancing existing flood plains; protecting opportunities for public access to and recreation and enjoyment on and around lochs, rivers, burns, wetlands and the coastal marine area; and

c) Having regard to any designated Bathing Waters. Where engineering works are required in or near water bodies, there will be a presumption in favour of soft engineering techniques and against the culverting of watercourses, unless there is no suitable alternative. Proposals for culverting of watercourses for land gain may only be justified if the applicant can demonstrate that:

- o No other practical option exists that would allow the watercourse to remain open; and
- o The proposed development is of over-riding public interest.

We support connection to public sewerage systems in the first instance but recognise that wastewater solutions must be affordable and delivered at the most appropriate scale and that in many cases septic tank systems can be the most sensible solution for a household or small community (this also might be bespoke for our island communities). We will consider the cumulative impact of such solutions and support a preference for community solutions.

Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.

Indicative Width of watercourse (top of bank)	Indicative Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
15-15m	12-20m
15m+	20m+

#### 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 27 Sustainable Transport and Active Travel

We will support development that:

contributes to an integrated transport network that supports long term sustainability

- o reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- o provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- o reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.
- o takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.
- o considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.
- o enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.
- o considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gales.

Proposals are expected to include an indication of how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.

We will take account of:

- o the implications of development proposals on traffic, patterns of travel and road safety.
- o Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.
- o the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.

- o the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.
  - o committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
  - o specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
  - o The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
  - o The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
  - o The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.
- Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

#### National Development:

The National Walking and Cycling Network (NWCN) was designated as a national development within the National Planning Framework (NPF3). This is an ambitious project which aims to grow Scotland's network of paths from 6,000 to 8,000 km by 2035. Key routes in North Ayrshire which will contribute to this network are detailed below. These are being developed in partnership with Sustrans and Scottish Natural Heritage as lead organisations for the delivery of the NWCN.

These include the development of an off-road alignment for:

- o National Cycle Network (NCN) Route 73 (North) between Brodick and Corrie on the Isle of Arran
- o NCN Route 753 between Skelmorlie and Ardrossan
- o While not explicitly referenced in NPF3, support will be given to development of an off-road alignment for NCN Route 7 between Kilwinning and Kilbirnie.

#### Detailed Policy 29 - Energy Infrastructure

##### 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.

#### Detailed Policy 31 - Future Proofing for Policy 31:

##### Future Proofing for Heat Networks

We will support proposals for the creation or enhancement of district heat networks in as many locations as possible in North Ayrshire (even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future).

We will seek to identify and safeguard existing and future heat network generation and distribution infrastructure, including piperuns and pipework within, and to the curtilage of, new developments.

Proposals for development that constitute a significant heat source or substantial development\* which would not result in the creation or enhancement of district heat networks should include:

- i) provision for on-site heat recovery and re-use infrastructure; or
- ii) a heat network generation and distribution infrastructure plan (a district heating plan), taking into account the potential to connect to future heat demand sites; or
- iii) demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical (proximity, geography, safety etc) or economic reasons.

\* 'Substantial' developments consist of urban extensions, large regeneration areas or large development sites subject to master planning or large mixed use developments and major sites (50 residential units and above). There is, however, an element of judgment that will need to be applied here and it might be that some other locations offer significant potential for heat networks due to their local context, support from the local authority, and 'buy in' from developers.

## **2. Consultations and Representations**

Neighbour notification was carried out in accordance with statutory procedures and the application was advertised in a local newspaper. One representation was received. The matters raised are summarised below:

1. The plans for much need housing on this site are fully welcomed, as there has not been many new houses built in the town in recent years. With the ongoing trend of working from home many local families are now seeking larger 4 bed homes to accommodate permanent office spaces within the home. In the current plan there is an overprovision of 2-3 bed smaller homes yet not many larger 4 bed homes. In the wider north Ayrshire area, the

majority of homes available for sale are 2-3 bed therefore this new development must be reviewed in terms of house type ratio, with a larger number of 4 bed homes.

*Response: Noted. There are a number of 4-bedroom houses proposed (18 in total). The mix of housing is based on market research carried out by the applicant and reflects the likely market demand in the area. However, in the event of greater demand for more four-bedroom homes during the anticipated 10-year development period, it would be open for the applicant to submit further applications to revise the housing mix.*

2. The proposed bridge to the north of the site crossing the Pennyburn looks narrow and should be 3 metres wide to accommodate cyclists and wheelchair users' access to public transport links and the wider path network. There is no detail of lighting throughout the open space areas. Adequate lighting should be provided to provide safe waking routes after dark.

*Response: Noted. In relation to the proposed footbridge over the Penny Burn, the applicant has advised that "this is something that we propose to accommodate and a 3m wide route will extend to the eastern edge of the site." The layout plan has since been revised in this respect. In relation to the lighting provision on footpaths, the applicant advised that "where appropriate we are happy to incorporate lighting along footways adjacent to open space areas. This can be agreed with NAC Roads."*

3. The recently completed Persimmon estate in Irvine was of a very poor finish with loose red chip driveways being used resulting in the streets being a mess, a danger to people with mobility issues and damage to vehicles as the chips end up all over the carriageways and paths. A tar or solid block driveway should be used. The quality of the finish on this estate was also very poor with stained bricks, poor looking fencing and a general run-down feeling in comparison to other new build estates. Greater detail should be placed on providing an attractive housing development with a good quality materials.

*Response: The applicant advised that Persimmon Homes "no longer use red chip driveways - the driveways in this development will be tarmac. The external building materials proposed are similar to Clyde Shores in Saltcoats. Persimmon as a whole has begun to focus more on quality than quantity and this, I trust is apparent in more recent developments."*

4. The proposals here include some very long and straight sections of road and I ask that traffic calming measures are included to prevent vehicles speeding. The mini roundabout at Pennyburn Road/Stevenston road should be upgraded to traffic lights to deal with the increase in traffic and provide a safe pedestrian signalised crossing point. The existing Pennyburn Road to West Byrehill and access roads should be resurfaced as they are in a very poor condition due to heavy goods vehicles using them for many years.

*Response: Since the representation was submitted (March 2022), considerable discussion and work has taken place on the detailed road layout design, with the final revision (September 2022) resulting in horizontal alignments designed to restrict speeds above 20mph within the neighbourhoods. The existing roads (Byrehill Place and Byrehill Drive) would be traffic calmed which would incorporate pedestrian crossing areas at narrowed sections. Condition 8 of the PPP sets a cap on development of 180 units before off-site mitigation may be required and sets options for altering this cap. Consideration of condition 8 is ongoing to establish the way forward. Until that work is complete up to 108 units can be*

*constructed onsite after the 72 homes approved under consents 20/00106/PPM and 20/01053/PP have been deducted. Comprehensive resurfacing of the existing adopted roads within the site would take place as and when required: localised resurfacing would take place during the formation of traffic calming works and would be governed by the RCC for the scheme.*

## Consultations

**NAC Environmental Health** - the 3 conditions in planning consent 20/00/323/PPM that are relevant Environmental Health considerations are as follows:

1. Condition 1c relating to the siting and design...of all buildings.  
Concern has been raised in relation to the potential noise impact of siren testing at the ambulance station, as well as the impacts of rail noise and road noise. Noise targets may not be achievable within some of the houses under an 'open window strategy,' with consultants advising that some noise targets may only be achieved under a 'closed window strategy,' which is not considered acceptable to Environmental Health officers on the grounds of noise impacts. Comments have also been raised in relation to noise impacts from any existing commercial undertakings at the time of the consent being granted.
2. Condition 1g relating to design and location of boundary treatments  
Relevant drawings are included and should be installed as per the location and height (2 metres) as detailed in Consultant's report -Appendix C.
3. Condition 7 relating to desk study to assess likelihood of contamination...and remediation proposals shall be submitted  
An intrusive site investigation report has been submitted, which exceeds the requirements of the condition and identifies remediation measures to be undertaken.

*Response: Noted. With regard to noise impacts and based on a number of site visits at different time periods, it is considered that the proposed noise mitigation measures as set out in the consultant's report would be adequate to safeguard the amenity of future occupiers. It should be noted that there are no significant noise generating uses currently at West Byrehill. As noted above, there is one factory unit, one office building, a council transport depot and an ambulance station. The factory unit is located directly opposite new housing being built by Cunninghame Housing Association. No noise generating activities have been observed. Siren testing at the ambulance station takes place during daytime hours over a short duration and is not considered to be disruptive to sleep patterns. The ambulance station is located opposite the large area of open space proposed in the development, with the nearest housing shielded by the station building itself. Acoustic fencing would be provided to safeguard the nearest housing from noise impacts at the A78 dual carriageway. The railway line, to the southeast of the site is some distance away from the nearest housing, is separated by existing tree cover, proposed landscaping and a SuDS detention basin. A general condition would be attached to implement the recommendations contained in the supporting documents (including methods to address contaminated land and noise impacts).*

**NAC Flooding Officer** - The updated flood risk assessment finds that the proposed development would be beneficial in terms of flood management and downstream flood risk. This relies partly on the design of the proposed footbridge, the design of the proposed open channel and the design of the offline flood storage area being in accordance with the design

recommended in the FRA. In the interest of flood risk management, details of these features should be confirmed. The design of the channel is unlikely to be fully known until CAR approval by SEPA. The drainage layout and the site plan does not show any works to form the flood storage area, nor does it show any designed flood flowpath between the open culvert and the storage area or how this storage area would drain after it is flooded. These details should be confirmed.

*Response: Noted. Subject to a confirmatory condition, the submitted information would enable the approval of the proposed drainage arrangements, taking flood risk into account.*

**NAC Active Travel & Transportation** - advise as follows:

The applicant has amended the layout more in keeping with the Scottish Government's Designing Streets policy. Several minor comments have been made which should be addressed:

- o The minimum road width at chicanes on the main roads should be 3.7m, preferably 4.1m;
- o The applicant has provided a maximum road width of 4.8m on the majority of the tertiary streets. Albeit this could be acceptable the applicant may wish to consider introducing areas where the street width is 5.5m;
- o Applicant to confirm that four-bedroom dwellings have a minimum of three parking spaces and double width driveways;
- o A controlled signal crossing could be potentially required on the A738. The developer should discuss this with Transport Scotland.

Condition 8 of the PPPM has not been addressed within the submission. This would mean that 108 further houses could be built and occupied until the threshold of 180 is reached. Anything beyond that figure will mean that one of the requirements of condition 8 needs to be met unless an alternative is agreed on by the Council in consultation with Transport Scotland.

*Response: Noted. The outstanding technical issues relating to the street, road and path design have been raised with the applicants. 4.1m chicanes for the main routes have been incorporated into a revised site plan (October 2022). The applicant advises that increasing road widths to 5.5m on tertiary routes could have a counter-effect on the 20mph speed limit design. As such, the plans will remain unaltered in this respect. The applicant has also confirmed that the 4 bedroom 'Thornwood' house shows a 7.5m driveway to accommodate 3 vehicle spaces in line with the SCOTS national parking standards. Discussion is to take place with Transport Scotland in relation to a potential pedestrian crossing, which would be progressed through RCC if deemed necessary by the trunk road authority. Finally, discussions in respect of condition 8 are ongoing. A condition could be attached to reiterate the requirements of this condition, reflecting that 108 further houses could be built/occupied at West Byrehill until the threshold of 180 is reached. This would take account of the 72 houses currently being built for social rent by Cunninghame Housing Association.*

**NAC Education** - no objections and advise that there is presently sufficient capacity in the associated schools to accommodate the first phase of the proposed development in terms of the submitted phasing plan. Education is not seeking a contribution for the development but may require to re-zone catchments in Kilwinning primary schools in order to accommodate children during later phases.

*Response: Noted. At the time the PPPM was granted, the catchments for St Luke's and St Winning's Primary Schools were modified to reflect the roll projections at that time. There are six primary schools in Kilwinning (four of which are non-denominational). The timing of future phases in the development would be dependent on the outcome of discussions in relation to condition 8 of the PPPM, which relates to traffic impacts.*

**SEPA** - Having checked SEPA's previous responses to 20/00106/PPM (PCS/170088, 18/3/2020) and 13/00038/PPPM (PCS/124680, 14/2/2013), it is noted the SEPA did not object or request that any conditions were attached to planning permission. It is understood that surface water flooding may affect parts of this site. Reference should therefore be made to Table 1, Consultation framework for development management of the SEPA Triage Framework and Standing Advice and comments provided in previous responses.

*Response: Noted.*

**Scottish Water** - no objection. The site has been included in SW's strategic water and wastewater network studies and we are engaging directly with the developer regarding the outputs, which will identify if any network enhancements are required to support the development. SW advise the following: There is currently sufficient capacity in BRADAN Water Treatment Works to service the development. There is currently sufficient capacity for a foul only connection in the STEVENSTON POINT PFI Waste Water Treatment works to service the development. The development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team to apply for a diversion.

*Response: Noted. The applicant is aware of the above and is working with Scottish Water on the matters raised.*

**Transport Scotland** - no objections.

*Response: Noted.*

**Kilwinning Community Council** - no comments.

### **3. Analysis**

Planning permission in principle was granted during 2015 and again in 2020 for residential development at West Byrehill following the re-allocation of the land through the Local Development Plan (LDP) of May 2014 for residential purposes.

This application seeks the approval of details relating to the conditions attached to the permission in principle. Since the principle of residential development has already been established, the application requires to be assessed in relation to Strategic Policy 2 (Placemaking) of the adopted LDP. Consideration also requires to be given to Policy 14 on Green & Blue Infrastructure, Policy 22 on the Water Environment, Policy 23 on Flood Risk Management, Policy 27 on Sustainable Transport/Active Travel, Policy 29 on Low and Zero Carbon Energy systems for new buildings and Policy 31 for Heat Networks.

In terms of Strategic Policy 2, the Placemaking Policy sets out the six qualities of a successful place which proposals are required to meet, which are as follows:

- distinctive,
- safe and pleasant,
- resource efficient,
- welcoming,
- adaptable,
- easy to move around and beyond.

The submitted Design and Access Statement explains the rationale for the layout and house designs. The proposed development would provide a range of houses which have been selected by the developers from their current range of house types. Whilst similar housing has been developed in recent years elsewhere in North Ayrshire (Irvine and Saltcoats), the developer has not previously built houses in Kilwinning. It is considered that the chosen designs would be appropriate for this particular site, taking into account its setting and adding variety to the housing stock in the town. It is considered that the proposed external finishes (in terms of colour and texture) would be compatible with the site and local area, including grey roof tiles and light render/brick wall finishes. The external finishes would complement the housing currently being developed at West Byrehill by Cunninghame Housing Association.

The orientation of the front elevations of the houses towards the existing roadways and the large area open space would help to make the development welcoming. Once inside the development, the emphasis is on the creation of traffic-calmed residential streets which all have houses facing onto them, again contributing to a welcoming streetscape. A range of landscaped open spaces and footpaths leading into the site from the adjacent streets of Pennyburn Road and Stevenston Road would also contribute to a sense of welcome.

It is considered that the proposed development would create a safe and pleasant addition to Kilwinning by creating a new neighbourhood with generous landscaping and open spaces which would respect the existing housing nearby (including the new housing by CHA and existing housing at nearby Pennyburn), avoids any overlooking, overshadowing or other adverse amenity impacts. Importantly, the development would be designed to integrate with the surrounding area through new path connections.

The development would be resource efficient in terms of siting, design and heat/power systems, with access arrangements designed to enhance pedestrian links between the site and the surrounding area. The development would result in a new 3m wide pedestrian/cycle link through the site to complement the existing paths in the area. This would enhance connectivity for future residents between the site and the surrounding areas. The site would also be linked, via existing footpaths, to bus stops on Stevenston and Pennyburn Roads. These linkages demonstrate that the development would be easy to move around and beyond, with an emphasis on walking and cycling.

In terms of adaptability, the proposed development has been designed to meet the needs of a range of households, providing a range of modern two-, three- and four-bedroom homes. Therefore, it is considered that the proposed development would contribute positively to the placemaking in Kilwinning through appropriate siting, design, layout, open spaces, landscaping, connectivity and its relationship with the surrounding area. The proposal therefore accords with Strategic Policy 2.

Turning to other relevant policy considerations as set out above:

#### Policy 14 - Green & Blue Infrastructure

West Byrehill was developed in the 1970s when very different standards for engineering in relation to the natural environment were in place. This included the culverting of the Penny Burn and the trapping and disposal of surface water from hardstandings and roads direct to the public sewer.

In terms of the proposed green and blue infrastructure proposed for the development, the following key points should be noted:

- Penny Burn to be de-culverted and appropriate planting/landscaping provided to support biodiversity and facilitate the restoration of the watercourse;
- Remediation of identified contaminated land using methods recommended in the site investigation report;
- SuDS detention basins to be provided for the treatment and attenuation of surface water (rainfall run-off);
- Large areas of open space to be provided and enhanced through the planting of trees, shrubs and plants chosen for their amenity benefits and to enhance biodiversity;
- Maintenance of all areas of open space and landscaping to be carried out through a factoring arrangement on a permanent basis;

The proposal therefore accords with Policy 14.

#### Policy 22 - Water Environment Quality

The policy objective is to ensure no unacceptable adverse impact on the water environment as a result of development activity. In respect of this application, the most relevant criterion is (a) - protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity). As noted above, a key element of the development involves the de-culverting of the Penny Burn in the northwestern part of the site. The removal of the 1970s culvert scheme and the restoration of an open channel provides a valuable opportunity for enhancing the natural environment. The channel design is intended to provide sufficient capacity against future flood risk. The distance away from the nearest housing to the development is considered sufficient. Details of planting for the banks of the Penny Burn have been provided as part of the landscaping scheme for West Byrehill. In addition to the de-culverting works, the development involves the creation of a number of SuDS detention basins, all of which would further act to improve the water environment and support biodiversity. In summary, the proposals are satisfactory in respect of Policy 22.

#### Policy 23 - Flood Risk Management

As noted above the proposed development was subject to consultation with the Council's Flooding Officer who assessed the Flood Risk Assessment and offered advice on measures to enhance the performance of the drainage systems serving the proposed development. The measures to be adopted have been illustrated within additional plans. The proposal accords with Policy 23.

#### Policy 27 - Sustainable Transport and Active Travel

The site already benefits from an established network of footpaths which were developed when West Byrehill was first established as an industrial estate. The footpath links would be retained and enhanced, providing convenient external links to both Stevenston Road and Pennyburn Road. Additional footpath links, also suitable for cycling on, would be provided

within the site to ensure good linkages between the neighbourhoods and to connect up the areas of open space.

In addition, the site is located within easy walking distance of three primary schools, local shops and food outlets, a playpark, and existing areas of open space. There are bus stops on both Stevenston Road and Pennyburn Road. Kilwinning railway station can be reached on foot or by bus and is approx. 15 minutes walk from the site. Kilwinning town centre is approximately 20-25 minutes walk from the site, as is the nearest secondary school. Sufficient levels of car parking have been proposed for the housing, and visitor parking would be spread evenly throughout the development. Finally, the site is well located in relation to the strategic road network, with the A78, A737 and A738 trunk roads all being located nearby (via Pennyburn Road). Condition 8 of the planning permission in principle provides for off-site road junction upgrading work, setting out a number of options for possible approval. None of the options come into effect until the number of houses at West Byrehill reaches 180. Discussions are ongoing in respect of the most appropriate solution. In summary, the proposals accord with Policy 27.

**Policy 29 - Energy Infrastructure - Low and Zero Carbon Energy systems for new buildings**  
The applicant has submitted an energy strategy, which was updated in August 2022 following concerns expressed in relation to the long-term suitability of a number of issues identified. A fabric first approach has been adopted, ensuring that high standards of insulation are provided in conjunction with appropriate building materials including high performance low U-value windows and doors, a highly efficient heating system and roof mounted solar PV panels. Later phases of the development would be enhanced further in line with forthcoming amendments to the building standards and may include heat pumps. The applicant states:

"Persimmon's new homes are currently built to fully comply with the current Scottish Building Standards and in compliance with policy 29 at least 10% of the carbon emissions reduction will be through low and zero-carbon generating technologies. As a minimum our average headline CO<sub>2</sub> 'dwelling emission rate' as measured by SAP surpasses the current minimum performance levels expected of Bronze active. A fabric first approach ensures that they are warm, comfortable and affordable homes to run."

Collectively, the measures proposed would exceed the requirements of Policy 29.

#### **Policy 31 - Future Proofing for Heat Networks**

The submitted Energy Strategy considers the potential of the site for communal systems to produce heat for the housing. In this respect, the applicant states:

"At this point Persimmon are exploring two options for a site only heat network either based on centralised air source heat pumps or ground source heat pumps which distribute heat to individual homes based on demand. Both systems would be managed by an energy supply company. If either of these options prove viable planning permission will be sought for a heat network to serve later phases."

A condition could be attached to require an update of the strategy following the completion of the first phase. The proposal accords with Policy 31.

There are no other material considerations. In summary, the application is considered to accord with the LDP. The proposed development would secure the delivery of a housing site

that was identified and allocated through the development plan process. Accordingly, the application should be approved subject to conditions.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the submitted plans, drawings and supporting documents, all to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing. Prior to commencement, the layout and the site plan shall be updated to show the works to form the flood storage area including any designed flood flowpath between the open culvert and the storage area, the details of which shall be agreed in writing before drainage works commence.

##### **Reason**

In the interests of ensuring the development is implemented in accordance with the submitted details and to ensure final details of flood control measures are submitted and approved.

##### **Condition**

2. That the development shall be implemented in accordance with the phasing plan hereby approved unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

##### **Reason**

In the interest of the amenity of the area.

##### **Condition**

3. That the landscaping and open space provision shall be provided on a phase-by-phase basis. The implementation of the main area of open space to serve the development shall be agreed in writing by North Ayrshire Council as Planning Authority.

##### **Reason**

In the interest of the amenity of the area.

##### **Condition**

4. 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 planting 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**

In the interest of the amenity of the area.

### **Condition**

5. The development hereby approved shall commence in phases, and in accordance with the following transport requirements, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority and in consultation with Transport Scotland. For the avoidance of doubt, not more than 108 houses constructed within the red line boundary shall be occupied until either:

(i) An updated transport assessment has been submitted to and approved by the planning authority, in consultation with Transport Scotland, confirming that additional development can be accommodated within the capacity of the trunk road network; OR

(ii) An updated transport assessment has been submitted to and approved by the planning authority, in consultation with Transport Scotland, confirming that additional development can be accommodated within the capacity of the trunk road network in the event of the implementation of appropriate measures identified within the approved transport assessment; OR

(iii) The modifications to the A78(T)/A738(T) Pennyburn Roundabout, generally as indicated in SIAS drawing number 75064-1 titled 'Pennyburn Roundabout Signalisation - Revision 1', and the modifications to the A738(T)/Pennyburn Road mini-roundabout and the A738(T) Whitehirst Road signalised to form a roundabout junction generally as indicated in SIAS drawing number 75064-5 titled Whitehirst Park Road have been implemented; OR

(iv) North Ayrshire Council as Planning Authority Planning Authority or any other party has concluded an appropriate legal agreement or agreements for the funding and implementation of the works to mitigate the development.

### **Reason**

To restrict the scale of the development prior to the implementation of mitigation in the interests of protecting the safety and free flow of traffic on the trunk road network near the site, after deduction of the 72 houses constructed by Cunninghame Housing Association.

### **Condition**

6. That, following the completion of the first phase of housing, the Energy Strategy for the remainder of the development shall be updated for the written approval of North Ayrshire Council as Planning Authority. The update shall reflect progress made towards the options identified in the August 2022 version of the Strategy, namely, centralised air source heat pumps or ground source heat pumps to distribute heat to individual homes based on demand. Thereafter the updated Energy Strategy as may be approved shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

### **Reason**

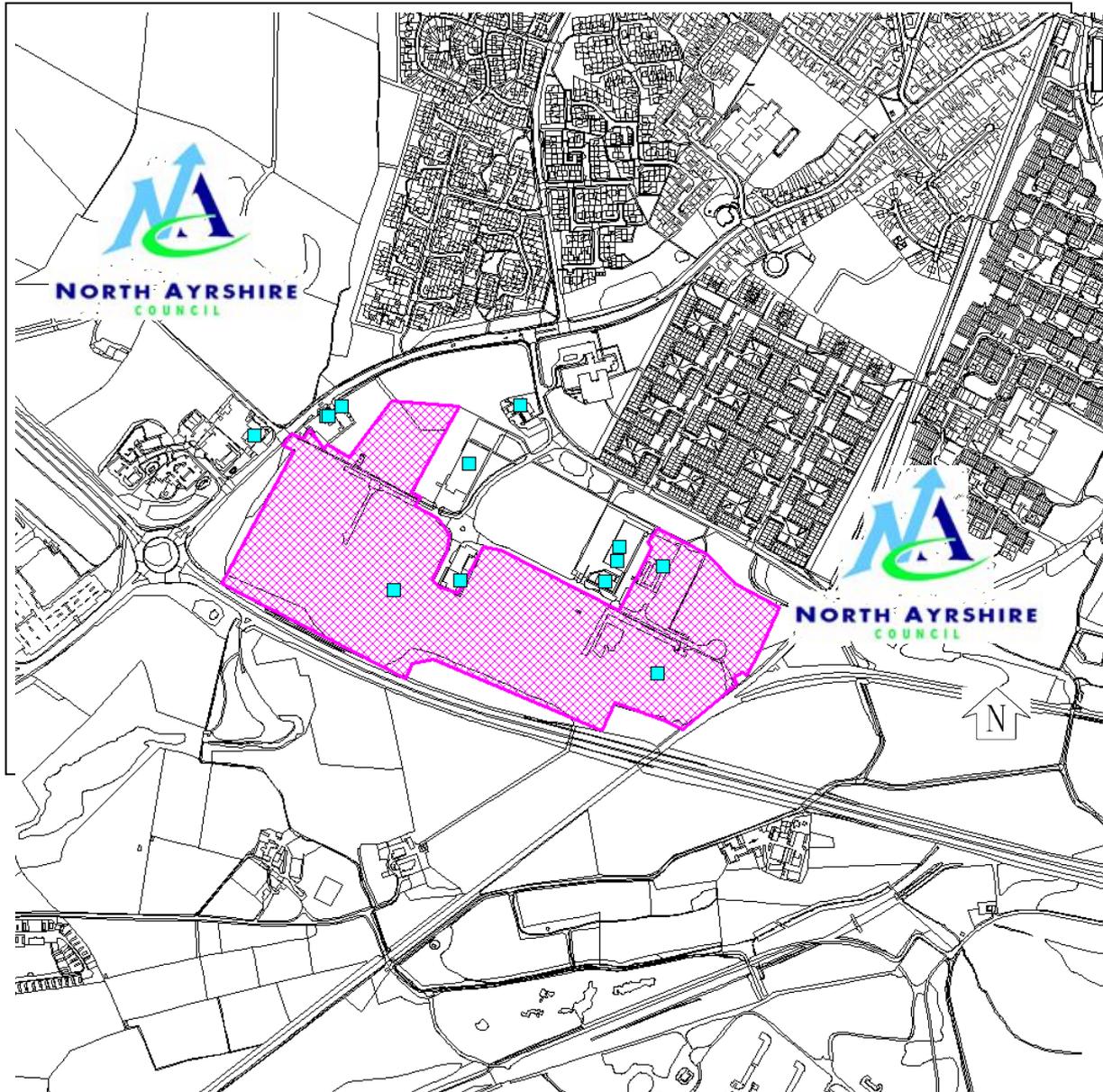
To ensure that new heating technologies are fully considered and utilised in order to reduce carbon emissions over the lifespan of the development.

James Miller  
Chief Planning Officer

For further information please contact Mr A Hume Planning Officer on 01294 324318.

## Appendix 1 – Location Plan

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**NORTH AYRSHIRE COUNCIL**

**26 October 2022**

**Planning Committee**

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**Title:** **Development Plan Scheme - LDP3**

**Purpose:** To update Members on planning for the preparation of the Council's next Local Development Plan (LDP3) and seek approval of an updated Development Plan Scheme.

**Recommendation:** It is recommended that the Planning Committee adopts the Development Plan Scheme.

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**1. Executive Summary**

1.1 An updated Development Plan Scheme has been prepared which sets out the programme for preparing and reviewing North Ayrshire's local development plan (LDP). The Development Plan Scheme also includes a Draft Participation Strategy which sets out when, how and with whom consultation on the plan will take place. It is intended to commence early engagement on LDP3 next year (2023), with the aim of adoption in Summer 2026.

**2. Background**

2.1 North Ayrshire Council adopted the current Local Development Plan (LDP2) on 28 November 2019. The Plan has a vision – aligned with the North Ayrshire Community Planning Partnership – that looks forward 20 years and plans for a 10-year period to 2029. The policies and proposals, including sites allocated for development, within LDP2 are the basis for determining planning applications, with decisions made in accordance with the Plan unless material considerations indicate otherwise.

2.2 As planning authority we are required to prepare a Development Plan Scheme at least annually. A Development Plan Scheme sets out an authority's programme for preparing and reviewing their local development plan, what is likely to be involved at each stage and when, how and with whom consultation on the plan will take place (a Participation Statement). Our last Development Plan Scheme was approved by the Planning Committee in September 2021.

2.3 An updated Development Plan Scheme (Appendix 1) has been prepared that looks forward to the preparation of our next Local Development Plan, LDP3. The Planning (Scotland) Act 2019 makes significant changes to the development planning system and the way local development plans are to be prepared, with the aim of making them more effective, with greater community involvement and more focus on delivery.

- 2.4 Since the publication of our last Development Plan Scheme, the Scottish Government has carried out consultation on the secondary legislative requirements and draft guidance on implementing the future local development plan system. These regulations for the transition to the new system will come into force after National Planning Framework 4 (NPF4) has been approved by the Scottish Parliament and adopted by Scottish Ministers, which is expected to be towards the end of 2022.
- 2.5 Following the adoption of LDP2 in November 2019, our intention to prepare our next Local Development Plan (LDP3) under the provisions of the 2019 Act, rather than commencing under the 'old' system, was set out in the 2020 and 2021 Development Plan Schemes, approved by Planning Committee in June 2020 and September 2021. The coronavirus pandemic has had an inevitable impact on the programme for implementing the 2019 Act, including the adoption of NPF4 and enactment of the provisions relating to local development plans. These secondary legislative requirements are now expected to come into force early in 2023.
- 2.6 When the provisions of the 2019 Act are brought into force, the Scottish Government expects that the first round of 'new style' plans to be brought forward in a timely fashion and envisage that every planning authority in Scotland will have a 'new style' local development plan in place within 5 years. A revised timetable for producing LDP3 is set out in the latest Development Plan Scheme which reflects the expected publication dates for NPF4 and the Local Development Planning Regulations. The timetable anticipates adoption of LDP3 in summer 2026.
- 2.7 The Development Plan Scheme also includes a Draft Participation Statement setting out when, how and with whom consultation on the plan will take place. The statement reiterates our approach, followed throughout the preparation of LDP2, to encourage everyone with an interest in North Ayrshire to get involved in the update of the Local Development Plan. The new Act places a specific focus on promoting and facilitating participation by children and young people and we will develop in more detail how this can be achieved.
- 2.8 The Participation Strategy is presented as a draft at this time due to the fact the final regulations and draft guidance are yet to be published, while statutory guidance on effective community engagement is also currently being prepared by Scottish Government. We anticipate the Participation Statement will evolve during the course of preparing LDP3 but will prepare a more detailed engagement strategy once the guidance has been published and after seeking the views of stakeholders and the public on how they can be most effectively consulted, to enable us to tailor our approach to improve its effectiveness.

### **Next Steps**

- 2.9 If approved for adoption by Members, the Development Plan Scheme will be sent to Scottish Ministers, published online and placed in all libraries in accordance with the planning legislation.

### **3. Proposals**

- 3.1 It is recommended that the Planning Committee adopts the Development Plan Scheme attached to this report.

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

### **Financial**

4.1 None.

### **Human Resources**

4.2 It is envisaged that the programme for preparing and reviewing North Ayrshire's local development plan (LDP) will be undertaken from within existing staff resources and within existing budgetary provision.

### **Legal**

4.3 The preparation of a Development Plan Scheme at least every year is a requirement of planning legislation. The Planning (Scotland) Act 2019 introduces a new legislative framework for preparing a local development plan. The Act will be implemented through the preparation of new regulations and guidance, which are still to be published.

### **Equality/Socio-economic**

4.4 Once commenced, the preparation of a new Local Development Plan for North Ayrshire will be required to be subject of a full equalities impact assessment and assessment on the impact of the plan on children.

### **Environmental and Sustainability**

4.5 Once commenced, the preparation of a new Local Development Plan for North Ayrshire will be required to be subject of a Strategic Environmental Assessment.

### **Key Priorities**

4.6 LDP3 will align with wider national priorities, programmes and strategies, including on infrastructure and economic investment. These align with many the Council's key priorities, including a sustainable environment; affordable, modern and well-designed homes; and effective infrastructure.

### **Community Wealth Building**

4.7 There is significant scope within the plan making process to explore how the Local Development Plan can support Community Wealth Building, for example around its approach to land owned by 'anchor' organisations within the local economy.

## **5. Consultation**

5.1 The Draft Participation Statement outlines how, when and with who we will undertake consultation throughout the process of preparing the next Local Development Plan.

5.2 There is no current requirement to consult on the content of development plan schemes, however, once new planning legislation does come into force we will be required to seek the views of the public on the content of the participation statement. We intend to seek these views on consultation early during the engagement period.

RUSSELL McCUTCHEON  
Executive Director (Place)

For further information please contact **Alistair Gemmell, Strategic Planning Manager**, on **01294 324021**.

## **Background Papers**

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# Development Plan Scheme September 2022

## Introduction

This is North Ayrshire Council's Development Plan Scheme.

As a local planning authority, we are required by planning law to prepare a Development Plan Scheme at least annually. Our previous Development Plan Scheme was published in September 2021.

A Development Plan Scheme sets out the timetable for preparing and reviewing the Local Development Plan and what is likely to be involved at each stage. It also includes a Participation Statement outlining when, how and with whom consultation on the plan will take place.

## Our Current Development Plan (LDP2)

The development plan for North Ayrshire comprises a single plan – the adopted Local Development Plan. This is North Ayrshire's second Local Development Plan and was adopted on **28 November 2019**.

Planning is a 'plan-led' system, meaning decisions are made in accordance with the Development Plan, unless material considerations indicate otherwise. The policies and proposals – sites allocated for development – within LDP2 are therefore the basis for decision-making on planning applications.

Our **Action Programme**, published in February 2020, supports LDP2 by outlining how and when we intend to deliver the policies and proposals of LDP2. The Action Programme is an important part of the framework for how we monitor and measure LDP2 and is central to the preparation of our next local development plan. We will update the Action Programme before the end of 2022.

You can view the Local Development Plan, including interactive mapping, Action Programme and other supporting documents online: [www.north-ayrshire.gov.uk/ldp](http://www.north-ayrshire.gov.uk/ldp)

## Our Next Development Plan (LDP3)

The context for preparing our next Local Development Plan – LDP3 – has changed.

Following an independent review, the Scottish Government has embarked on a programme of change to simplify and strengthen the planning system. Wide engagement and collaboration following the review led to a number of legislative changes to the planning system, as contained within the Planning (Scotland) Act 2019 which was passed by the Scottish Parliament in June 2019.

The Act introduces significant changes to the development planning system and the way local development plans are prepared with the aim of making them more effective, with greater community involvement and more focus on delivery.

Since the publication of our last Development Plan Scheme, the Scottish Government has carried out consultation on [secondary legislative requirements and the draft guidance](#) on implementing the future local development plan system. These regulations for the transition to the new local development planning system will come into force after National Planning Framework 4 (NPF4) has been approved by the Scottish Parliament and adopted by Scottish Ministers, expected to be towards the end of 2022.

Our 2020 Development Plan Scheme approved by Planning Committee in June 2020 set out the intention to prepare the next Local Development (LDP3) under the provisions of the 2019 Act, once enacted, rather than commencing under the 'old' system. At that time, it was expected that these would come into force at the end of 2021.

[Transitional Guidance](#) published by the Scottish Government in November 2020 states that when the changes to local development planning are brought into force the first round of 'new style' plans should be brought forward in a timely fashion. It is expected that planning authorities will have a new local development plan in place within 5 years of the development plan regulations being enacted.

### Proposed Timetable

With new local development planning regulations now expected to come into force at the beginning of 2023 we intend to commence preparation of LDP3. This will allow for a new plan to be prepared that reflects national planning policy, the Council's priorities and align with relevant Council plans, strategies and policies. The proposed timetable also seeks to limit the gap between the adoption of LDP2 and LDP3, ensuring our development plan remains up-to-date.

Our proposed timetable for producing LDP3 is set out below:

Stage	Key Milestone	Target Date
Evidence Report	Early Engagement	Q4 2022 to Q4 2023
	Approval of Evidence Report at Full Council & Submission to Scottish Government	Q1 2024
Gatecheck		Q2 2024
Proposed Plan	Call for Ideas	Q2 2024
	Approval of Proposed Plan at Full Council	Q4 2024
	Consultation on Proposed Plan	Q1 2025
Examination	Submission to Scottish Government & Examination	Q3 2025 to Q1 2026
Adoption		Q2 2026

Draft regulations state the timetabling must state the month of expected publication of the Evidence Report, Proposed Plan and submission of the proposed LDP to the Scottish Ministers. These dates are set out below alongside a description of the main stages in the preparation of LDP3:

## Evidence Report

Under the new system for local development planning, the first stage of preparing an LDP is an Evidence Report. This is a new stage, replacing the 'Main Issues Report'. The Evidence Report aims to clearly inform *what* to plan for before the Proposed Plan looks at *where* development should take place. The Evidence Report therefore will not consider specific sites but instead provide a summary of the baseline data and information needed to inform a deliverable, place-based and people-focused LDP.

We will undertake early and proactive engagement with all stakeholders throughout 2023 to ensure collaborative and transparent evidence gathering and so the Evidence Report is informed by the views of those who live, work and have an interest in North Ayrshire and may be affected by the plan or involved in its implementation. Further detail will be set out in our Participation Strategy.

There are legislative requirements to seek the views of key agencies (e.g. SEPA, NatureScot), children and young people, disabled people, Gypsies and Travellers, Community Councils and 'the public at large' in the preparation of the Evidence Report to enable it to include proportionate information about the lived experience of those who live and work here and what the needs and aspirations are for places in North Ayrshire over the next 10-20 years.

To support engagement and inform the Evidence Report, we intend to prepare 'Place Profiles' for each locality in North Ayrshire setting out key baseline information, summarise early engagement to that point and reflect on the outcomes of other recent and current community engagement initiatives such as Charrettes, Local Place Frameworks and Island Plans.

The Evidence Report must be approved by the full Council before it is submitted to the Scottish Ministers. We will aim to publish the Evidence Report following Council approval by **March 2024**.

## Gate Check

Once the Evidence Report has been considered and approved by full Council, it will be submitted to the Scottish Ministers. This is also a new stage in the process for preparing a local development plan and is principally the responsibility of the person appointed by Scottish Ministers, expected to be a Reporter from the Directorate for Planning and Environmental Appeals (DPEA). The appointed person will provide an independent assessment as to whether the report contains sufficient information.

The Reporter will either decide there is sufficient information, and we may then move to prepare and publish a Proposed Plan or, where they are not satisfied that there is sufficient information, prepare an 'assessment report' setting out the reasons for not being satisfied and recommendations for improving the Evidence Report.

## Proposed Plan

Draft guidance for local development planning states planning authorities should aim to move quickly from successfully completing the gate check to preparation of the Proposed Plan. To support this process, we will carry out a '**Call for Ideas**'. This will be open to

everyone to propose ideas for any aspect of the new local development plan, not limited specifically to suggestions for development sites or types of development e.g. housing.

The Proposed Plan will be our settled view on the policies and proposals that will make up LDP3, including where new development should take place and where it should not. It will require the approval of the full Council. Once Council has had the opportunity to consider and approves the Proposed Plan, it will be published to allow any representations from stakeholders, including the general public, which seek to make changes to the plan, for a period of at least 12 weeks.

Following the close of the period for representations on the Proposed Plan, we may make modifications to the plan to take account of representations, consultation responses or correct minor drafting and technical matters. A Modification Report will set out any modifications made and explain the reasons for making them and for not making changes where matters have been raised in significant numbers.

We will then republish the Proposed Plan and submit it to Scottish Ministers, who will examine any unresolved representations via an Examination.

We will aim to publish the Proposed Plan for consultation in **January 2025** and submit to Scottish Ministers in **July 2025**.

### Examination

The examination is the opportunity for independent consideration of any issues raised during the formal consultation on the Proposed Plan that have not been resolved through modifications. Scottish Ministers will appoint a person, known as a Reporter, to examine the Proposed Plan, starting with whether the consultation and involvement of the public in the preparation of the plan meets or exceeds the requirements of the Participation Statement.

The scope of the examination is limited only to issues raised in unresolved representations. These issues will be set out in the summary of issues prepared by the planning authority and it is the Reporter who will determine the form the Examination will take. Only where the Reporter feels they do not have all the information they need to make a proper assessment of an issue will they request further information from any person.

The Reporter will provide conclusions and recommendations for each of the unresolved issues identified at the start of the Examination process.

### Adoption

Following receipt of the examination report from the Reporter – and subject to the recommendations of the Reporter on the unresolved representations – we will progress to adopt LDP3, further modified as required. Based on the timescales for LDP2, we would expect the examination to take around 9 months in total, with a 3-month post-examination period leading up to the adoption of the new Local Development Plan.

We therefore anticipate adopting LDP3 in Summer **2026**.

Current planning legislation states that an LDP should be replaced with 5 years, so in the case of LDP2 by November 2024. However, with that period extending to 10 years under the 2019 Act, changes to Scottish Planning Policy and the adoption of NPF4 this year which will

form part of the development plan, it is not considered the unavoidable situation of having an LDP that is older than 5 years old will be a significant issue for North Ayrshire.

## Draft Participation Statement

Local Development Plans (LDPs) set out how our local places will change into the future, including where development should and should not happen. It is a legal requirement for planning authorities to prepare LDPs. They form part of the statutory 'development plan' and will, alongside the National Planning Framework, be the main basis for all decisions on planning applications.

Our Participation Statement is presented as a draft at this time in advance of the final local development plan regulations and guidance being published, plus statutory guidance on effective community engagement being prepared by the Scottish Government. We will also seek the views of stakeholders and the public on how they can be most effectively consulted as part of our early engagement activities, to enable us to tailor our approach to improve its effectiveness. We anticipate the Participation Statement will evolve during the course of preparing LDP3 and will prepare a more detailed engagement strategy once the guidance has been published.

In preparing LDP2 we encouraged everyone with an interest in North Ayrshire to get involved in the update of the Local Development Plan. Consultation and engagement are important to us; the LDP can affect where people live, work, shop, play and travel in North Ayrshire plus local people and organisations have useful knowledge which can help us understand potential issues in North Ayrshire and build a better plan.

We will continue and develop this approach into LDP3.

**WHO?** We will engage with the following groups in the preparation of LDP3:

- ▶ North Ayrshire residents
- ▶ Elected Members
- ▶ Children and young people
- ▶ Community Bodies, including Community Councils
- ▶ Locality Planning Partnerships
- ▶ Other Community and Interest Groups, including the Third Sector
- ▶ Landowners and Developers
- ▶ Business and Industry
- ▶ Public Bodies
- ▶ Infrastructure providers
- ▶ North Ayrshire Council Departments

The new Planning act states we must promote and facilitate participation by children and young people (aged 25 or under) in the preparation of the local development plan, including by working with schools, youth councils and youth parliament representatives within our area.

**WHEN?** We will engage and consult with these groups throughout the preparation of LDP. The key stages are highlighted in our proposed timetable and include:

### Early Engagement – throughout 2023

To ensure the Evidence Report is informed by the views of those who live, work and have an interest in North Ayrshire and may be affected by the plan or involved in its implementation,

we will undertake early and proactive engagement with all stakeholders throughout 2023 to ensure collaborative and transparent evidence gathering. Further detail will be set out in our Participation Strategy. Our aim is to gather proportionate information about the lived experience of those who live and work in North Ayrshire and what the needs and aspirations are for places in North Ayrshire over the next 10-20 years.

To support this early engagement we intend to prepare and consult on 'Place Profiles' for each locality in North Ayrshire setting out key baseline information, summarise early engagement to that point and reflect on the outcomes of other recent and current community engagement initiatives such as Charrettes, Local Place Frameworks and Island Plans.

#### Call for Ideas – Spring 2024

To support the preparation of a Proposed Plan, we will carry out a '**Call for Ideas**'. This will be an invitation open to everyone to propose ideas for any aspect of the new local development plan.

#### Proposed Plan Consultation – January to April 2025

Once Council has had the opportunity to consider and approves the Proposed Plan, it will be published to allow any representations from stakeholders, including the general public, which seek to make changes to the plan, for a period of at least 12 weeks.

**HOW?** We want to make it as easy as possible for everyone with an interest to engage in the preparation of LDP3. For LDP2, we encouraged public involvement in several different ways:

- Publicising opportunities to get involved in the process, using a wide range of media, including: adverts and press releases in local newspapers; statutory notices; the Council's website; posters; via our mailing list.
- Providing copies of consultation documents on our website, at libraries and Council offices.
- By working closely with colleagues in Community Planning including the Locality Planning Partnerships and other Council services and volunteer groups to encourage people to get involved in planning.
- Public events, at convenient times and locations.
- Keeping everyone up-to-date of progress, including the use of social media.
- Regular meetings with key agencies and by making ourselves available – where possible – to attend the meetings of community groups and interest groups.
- Engaging with children and young people, include through schools.

Ahead of the new provisions for development planning being enacted next year, we will develop a detailed Participation Strategy, setting out in detail how we will engage all stakeholders in the preparation of LDP3. This will take account of guidance on effective community engagement guidance to be issued by Scottish Ministers under Section 16C of

the Planning Act and reflect the potential of a number of innovative new approaches that have used during the coronavirus pandemic, when traditional forms of face-to-face engagement has not been possible.

### **Local Place Plans**

The Planning (Scotland) Act 2019 introduces a new right for communities to produce Local Place Plans (LPPs). The aim of LPPs is to enhance engagement in development planning by empowering communities to play a proactive role in defining the future of their places by setting out their proposals for the use and development of land. In preparing a Local Development Plan, planning authorities must take into account registered Local Place Plans.

Secondary legislation to govern the implementation of LPPs came into force in January 2022 and [Planning circular 1/2022](#) provides further guidance on their preparation.

We want to support and work with community bodies who wish to develop Local Place Plans to maximise their potential to inform LDP3. This is alongside existing initiatives such as Local Place Frameworks being prepared in Largs, Kilwinning and Saltcoats and Islands Plans for Arran and Cumbrae.

We anticipate publishing the invitation to prepare Local Place Plans in January 2023 alongside further detail on the assistance available to support their development and that Local Place plans should be completed by summer 2024 in order that they can be taken into account when preparing the Proposed Plan.

**If you are a community council or community body interested in preparing a Local Place Plan please get in touch with the Strategic Planning Team:**

Email: [ldp@north-ayrshire.gov.uk](mailto:ldp@north-ayrshire.gov.uk)

Telephone: 01294 324021