

Infrastructure and Environment Services Committee
5 November 1997

Irvine, 5 November 1997 - At a Meeting of the Infrastructure and Environment Services Committee of North Ayrshire Council at 2.00 p.m.

Present

Samuel Gooding, David Munn, James Clements, John Donn, Margaret Highet, Elizabeth McLardy, Thomas Morris, Robert Reilly and John Sillars

In Attendance

R Loney, Director of Planning, Roads and Environment; J McCorkell, Head of Planning and Environment; N Buchan, Head of Roads; Andrew Fraser, Principal Legal Officer; A Herbert, Head of Accountancy; T Baulk, Accountant (Financial Services); S Bale, Administration Officer (Chief Executive); and M McKeown, Administration Officer (Chief Executive)

Chair

Mr Gooding in the Chair

Apologies for Absence

Patrick Browne, Jack Carson, Ian Clarkson and George Steven.

1. Minutes Confirmed

The Minutes of the Meeting of the Committee held on 24 September 1997, copies of which had been previously circulated, were confirmed.

2. Landfill Tax and Environmental Project Funding 1996/97

Submitted report by the Director of Planning, Roads and Environment on the arrangements for the redirection of landfill tax credits to registered environmental improvement projects and the financial contributions which have been secured from W H Malcolm and Enterprise Ayrshire (subject to confirmation by their Board).

On 13 August 1997, the Committee agreed to approve a number of projects to be submitted to Entrust to determine their eligibility for landfill tax credit expenditure.

In the landfill tax year October 1996 to October 1997, the following environmental improvement credits have been generated in North Ayrshire:

North Ayrshire Council	£138,000
W H Malcolm	£150,000

Based on the availability of these sums for investment in environmental improvements, Enterprise Ayrshire has still to confirm agreement to fund an appropriate amount towards the 10% contribution required to release these sums from HM Customs and Excise. A total of £307,000, which would otherwise have been retained as tax payments, has therefore been made available for 8 environmental projects which have been identified.

After discussion, the Committee agreed that Officers should investigate the possibility of seeking Lottery/ERDF funding in future years to match the redirected landfill tax credits.

3. Developing an Integrated Transport Policy

Submitted report by the Director of Planning, Roads and Environment on the proposed response to the discussion document "Developing an Integrated Transport Policy", which sought views on how the Government could achieve its election manifesto promise of developing an integrated transport policy.

The consultation document summarises the Government's stated objectives for future transport policy and invites ideas and views on a number of broad transport policy issues. The proposed response by North Ayrshire Council to the general and specific issues raised in the document was outlined.

The Committee agreed to approve the proposed response.

4. Flood Prevention and Land Drainage (Scotland) Act 1997

Submitted report by the Director of Planning, Roads and Environment on measures being taken to meet the requirements of the Flood Prevention and Land Drainage (Scotland) Act 1997.

The Act, amends the Flood Prevention (Scotland) Act 1961 and places new duties on all local authorities in Scotland to assess water courses in their area to ascertain if they are in a condition which is likely to cause flooding of non-agricultural land within or outwith their area. Where such a situation is identified, local authorities are empowered to take action under Section 2(1) (a) of the 1961 Act. In addition, where it appears to an authority that a water course in its area is in a condition which is likely to cause flooding of non-agricultural land in another authority's area, the Act places a duty on that authority to notify the other authority accordingly. Exemptions to these requirements were outlined.

The Act stipulates that by 26 November 1997, local authorities should prepare and publish reports specifying the measures which they consider they require to take to prevent or mitigate the flooding of non-agricultural land in their area. Details of the work being undertaken by the Directorate to meet this deadline were outlined and it was noted that as work had progressed it became evident that assistance would be required to meet this deadline given existing work priorities. In addition, it was clear that technical expertise would be needed with the study of water courses and flooding. To this end, the services of Babbie Group of Consultant Civil Engineers had been retained to carry out further investigations as required. Affected local members would be consulted on the report prior to its submission to The Scottish Office. It was also acknowledged that further action would be taken in due course to comply with statutory requirements in relation to publishing reports on measures taken by the authority.

After discussion, the Committee approved the measures taken to date to ensure compliance with the statutory requirements of the Act.

Arising out of discussion the Committee agreed that officers should liaise with Kilwinning Angling Club with regard to that Club's concerns about erosion of riverbanks.

5. Inward Investment: Rental Guarantees for Advance Factory Construction in Irvine

Submitted report by the Director of Planning, Roads and Environment on proposed rental guarantees for advance factory construction in Irvine.

On 11 June 1997 the Committee agreed to advise Enterprise Ayrshire that the Council was willing in principle to provide rental guarantees for 3 years to support the construction of an advanced factory unit at Riverside Business Park, Irvine.

Members were advised that Enterprise Ayrshire have now provided further details of the rental guarantee required for the unit at Riverside Business Park and had also requested consideration of a rental guarantee for a new unit at the North Newmoor as follows:

a) Riverside Business Park

Enterprise Ayrshire had issued a tender for the construction of a 35,500 sq. ft advance factory at Riverside Business Park. Tender submissions were sought on the basis of the minimum amount of public sector support required to enable the project to proceed. The developer would be investing in excess of £1million in this project as a commercial venture. Enterprise Ayrshire would support this development through an assistance package of up to £240,000 in grant and rental guarantee. North Ayrshire Council's contribution would be a rental guarantee to meet a maximum of £163,000 towards any rental voids during the first 18 months following completion of the factory.

b) North Newmoor

A second tender had been issued by Enterprise Ayrshire for the construction of 50,000 sq. ft. advance factory unit at North Newmoor. This unit was being constructed to serve the needs of the electronics sub contractor market for which Enterprise Ayrshire had evidence of positive demand. The developer would invest approximately £2 million in this project as a commercial venture. The level of rental guarantee requested by the developer exceeds Enterprise Ayrshire's delegated authority and would require Scottish Office approval which could take up to 9 months. The offer of a rental guarantee by the Council would allow the project to start as soon as possible. In this case, the Council are being requested to provide a rental guarantee to a maximum of £170,000 over a 2 year period. Enterprise Ayrshire will support the development through an assistance package of up to £270,000 by grant and rental guarantee.

After discussion, the Committee agreed to advise Enterprise Ayrshire that North Ayrshire Council is willing to provide rental guarantees for the advanced factory development at Riverside Business Park; and North Newmoor, both Irvine, on the terms and conditions outlined in the report.

6. Quality Assurance Award

Submitted report by the Director of Planning, Roads and Environment on the award of BS EN ISO 9001 to the Directorate's Strategic Services Section.

In September 1997 the management systems operated within Section were audited by the British Standards Institute under its Registered Firms Scheme. The operational activities covered by the quality audit included demographic and economic research and analysis, and the design and implementation of information management systems. Following this audit the Section was awarded the prestigious BS EN ISO 9001 award for these services, which is a first amongst local authorities in

the UK.

The Committee noted the award and agreed that suitable publicity should be arranged.

7. Development Brief: Gateside Street, West Kilbride

Submitted report by the Director of Planning, Roads and Environment on a proposed development brief for private housing at Gateside Street, West Kilbride.

The North Coast and Cumbraes Local Plan, adopted in December 1996, had allocated land at Gateside Street, West Kilbride, for private housing development, subject to its conforming to a development brief prepared by the Council. Members were advised that the brief produced sets down requirements for the development of the site in terms of density, access and services, built form, layout, materials, parking requirements, boundary, open space, landscaping and play provision.

After discussion, the Committee agreed to approve the development brief for the site at Gateside Street, West Kilbride as outlined.

8. North Ayrshire Council's Air Quality Monitoring Annual Air Quality Results

Submitted report by the Chief Executive on reports prepared in relation to the air quality monitoring results for January to December 1996.

The Committee was advised that the Council currently monitors sulphur dioxide (SO₂), nitrogen dioxide (NO₂) and dust at various sites throughout the district. This monitoring provides a valuable source of air pollution data and also baseline data to enable the Council to undertake its duties in respect of the local air quality management provisions of the Environment Act 1995. Details of three monitoring reports prepared by the Planning, Roads and Environment Directorate in relation to the air quality monitoring results for January to December 1996 were summarised.

After discussion, the Committee in relation to SO₂ agreed (a) that the existing monitoring system should continue, (b) that three additional sites should be identified to monitor trends of SO₂ in the South Irvine area; (c) that six additional sites for monitoring NO₂ levels should be provided in Irvine to determine NO₂ levels in the area more accurately; and (d) that copies of the appropriate reports should be sent to SEPA and Clydeport Ltd, and made available for public scrutiny.

9. Winter Maintenance 1997/98

Submitted report by the Director of Planning, Roads and Environment on the measures in place to deal with winter conditions on North Ayrshire's roads and on Trunk roads.

The Council has a statutory duty to take reasonable steps to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public thoroughfares, including carriageways, footpaths, footways, pedestrian precincts, piers and slipways and the like. In

addition, as part of the South West Local Authority Consortium, the Council has similar responsibilities with respect to the Trunk Roads within its boundaries.

Details of the steps being taken to prepare for winter maintenance in 1996/97 were outlined. The aims of the authority in respect of its roads maintenance service will be to: (a) provide a service which will permit safe movement of vehicle and pedestrian traffic giving due regard to prevailing weather conditions; (b) establish a pattern of working which will keep delays, diversions or road closures to a minimum during adverse weather conditions; and (c) conduct operations within the requirements of the Health and Safety at Work Act 1974 and any other relevant enactments.

Discussion are taking place with the Director of Financial Services on the possibility of setting up a contingency fund to cover additional costs which might be incurred in particularly severe winters.

Noted.

10. Bridge Assessment and Strengthening Programme

Submitted report by the Director of Planning, Roads and Environment on the progress of the bridge assessment and strengthening programmes.

The strength assessment programme aims to assess all bridges within the Council's boundaries against the new 40 tonnes which will be allowed on UK roads from 1 January 1999. A total of 274 bridges requires to be considered under this programme, along with numerous culverts and retaining walls which have yet to be incorporated into the programme. As of April 1997, 133 bridges had yet to be assessed, 33 of which were privately owned, and it was noted that the Council was obliged to meet the costs of assessing privately owned bridges.

After discussion, the Committee agreed (a) to note progress to date; and (b) to fund bridge assessment and strengthening through future bids to the Capital Programme, with anticipated costs of £180,000 for bridge assessment and £150,000 for resulting strengthening works.

11. Accident Investigation and Prevention (AIP)

Submitted report by the Director of Planning, Roads and Environment on the proposed development of an Accident Investigation and Prevention Programme for North Ayrshire.

In 1996 a total of 1092 road accidents occurred in North Ayrshire. Based on the valuation of traffic accidents and casualties to reflect pain, grief and suffering, economic costs and resource costs these accidents represent a total cost of £18 million in North Ayrshire.

Under the provisions of The Road Traffic Act 1988, Roads Authorities have a duty to carry out studies into accidents and to take steps both to reduce and prevent such occurrences. It was proposed that the Roads Section, within the resources available, should develop an Accident Investigation Programme (AIP) which would identify the locations of accidents within the area, and identify those areas where appropriate treatments and remedies should be taken to reduce the risk of accidents occurring in the future. These locations would be determined by analysis of all the accident data gathered over a period and would therefore be prioritised in an objective manner. To obtain value for money for the funding provided by the Council only locations demonstrated to have net benefits would be treated within the programme.

After discussion, the Committee agreed (a) to endorse the systematic and objective approach to accident prevention outlined in the paper; (b) that funding of AIP works should be met through future bids to the Capital Programme; and (c) that statistics on road accidents in North Ayrshire be circulated to all members.

12. Clydeport: Application for Licence to Handle Explosives at Hunterston

Submitted report by the Director of Planning, Roads and Environment on an application by Clydeport for a licence to handle explosives at Hunterston Jetty.

The Council had been consulted by the Health and Safety Executive on an application by Clydeport for a licence to handle explosives at the berths and railway sidings at Hunterston Jetty. The licence would be granted under Part IX of the Dangerous Substances in Harbour Area Regulations 1987, which permits explosives to be brought into and carried and landed within the harbour area.

The application involves up to 200 tonnes of explosives, although it is anticipated that actual amounts being loaded or unloaded would generally be much smaller. There will be a maximum of 50 movements per year and explosives will not be stored at the site.

It was noted that in granting a licence to handle explosives, the Health and Safety Executive

will impose restrictions on development around the jetty site, varying depending on distance from the jetty. Three safeguarding distances were laid down for this application and these were detailed to the Committee. Largs Yacht Haven has written in with objections to the granting of the licence to which Clydeport has responded sympathetically.

After a full discussion, the Committee agreed to write to The Health and Safety Executive confirming that whilst the Committee did not object in principle to the granting of an application to Clydeport, members did have serious concerns about the handling of explosives in the proximity of Hunterston Power Station.

13. Tourism Issues: Progress Report

Submitted report by the Director of Planning, Roads and Environment on developments initiated by the Ayrshire and Arran Tourist Board and the Largs Tourism Steering Group.

Local authority members serving on the Ayrshire and Arran Tourist Board had voiced concerns about its operation. As a result a series of meetings between the three Councils had been held during August and September, involving Council Leaders and Chief Executives as well as Board Members, to discuss ideas which might be proposed for strengthening the operation of the Board.

At a meeting on 29 September 1997 between senior Council representatives, and the Chairman and Chief Executive of the Tourist Board, the Council representatives confirmed their wish to see the Tourist Board providing a marketing and visitor servicing role for tourists to Ayrshire and Arran, and suggested certain actions which could strengthen the operation of the Board. These measures were adopted by the Tourist Board at a meeting held on 2 October 1997.

Noted.

14. Right of Way at Glengarnock Primary School

Submitted report by the Legal Services manager on the proposed diversion of a right of way within the grounds of Glengarnock Primary School.

A right of way exists through the school grounds of Glengarnock Primary School, the continued use of which, adversely affects the security of the school. An alternative right of way has been created around the edge of the school playingfields and is separated from the school grounds by a fence. In order to bring this new right of way into use it is necessary to make a Diversion Order in terms of Section 35 of the Countryside (Scotland) Act 1967.

The Committee agreed to make a Public Path Diversion Order in terms of Section 35 of the Countryside (Scotland) Act 1967 to open up the new right of way to public use.

15. Proposed Confirmation of Largs No. 4 Tree Preservation Order

Submitted report by the Legal Services Manager on the proposed confirmation of Tree Preservation Order.

On 11 June 1997, the Committee agreed to serve a provisional Tree Preservation Order under Section 59 of the Town and Country Planning (Scotland) Act 1972 (now Section 163 of the Town and Country Planning (Scotland) Act 1997) in respect of land at Nos. 1-4 Boathouse Drive, Largs, and the Largs No. 4. Order was made provisional on 17 June 1997.

Owners, occupiers and lessees affected by the Order were invited to submit objections and representations in respect of the Order and the Council can within 6 months of the Order coming into effect provisionally, confirm it in the form already served, or confirm it subject to modifications as a result of the representations and objections received.

No objections have been received from the owners of the land at Nos 1 - 3 Boathouse Drive,

Largs but an objection has however been received from Mr N G Sutherland of 4 Boathouse Drive, Largs.

Having considered the terms of the objection, the Committee agreed to confirm the Order in its provisional form.

16. Proposed Confirmation of Skelmorlie No. 13 Tree Preservation Order

Submitted report by the Legal Services manager on the proposed confirmation of Skelmorlie No13 Preservation Order.

On 19 March 1997, the Committee agreed to serve a provisional Tree Preservation Order under Section 59 of the Town and Country Planning (Scotland) Act 1972 (now Section 163 of the Town and Country Planning (Scotland) Act 1997) in respect of five mature Scots

Pine Trees on land at No. 11 Seton Terrace, Skelmorlie, and the Order was made provisional on 23 May 1997.

No objection had been received from the owner of the land on which 4 of the 5 affected trees stand. An objection to the Order had however been received from A Craig on behalf of Mrs C Craig, 9 Seton Terrace, Skelmorlie.

Members were advised that during the service procedures it came to light that the position of the tree T2, as shown on the plan appended to the Order, was not accurate. The tree in fact lay immediately to the east of the easternmost boundary line of the property at No. 11 Seton Terrace. On discovering this inaccuracy, all relevant papers were served on the occupier of the ground in question viz. No. 26c Skelmorlie, Castle Road, Skelmorlie. The occupier of this property had been afforded the full objection period within which to respond to this notification. No objections had been received.

Having considered the terms of the objections, the Committee agreed to confirm the Order in its provisional form subject to the plan being amended to show the true location of the tree, T2.

17. Alleged Right of Way: Auchenames House, Portencross

Submitted joint report by the Chief Executive and the Director of Planning, Roads and Environment on the proposed action in relation to the closure of an alleged right of way at Auchenames House, Portencross.

In June 1996 the Portencross Association, local residents, the local member and Brian Wilson MP, contacted the Council regarding the blocking of an alleged right of way at Auchenames, Portencross by the erection of coils of barbed tape. The path in question leads steeply up a rocky rib from a point on the private track north of Portencross known as the "Throughlets" to the fort on Auld Hill. While the barbed tape is extremely visible, there are no controls over its erection at this location.

The Council has a duty in terms of Section 46 of the Countryside (Scotland) Act 1967 to assert, protect and keep open and free from obstruction, rights of way. Prior to that duty coming into force, it has firstly to establish whether a route is a right of way. In the event that the route is a public right of way then the Council can take action under the Countryside (Scotland) Act 1967 or the Roads (Scotland) Act 1984 to keep the route open.

In this case the owners of the house, disputed whether there was a public right of way. In these circumstances, no action could be taken until the Council raised an action of declarator in the courts to establish the position. Officials from the Planning, Roads and Environment Directorate and Legal Services have investigated the route, spoken to the owners, and carried out further investigations to establish whether the route was in fact a public right of way but these investigations have been inconclusive in proving this to be the case.

After a full discussion, the Committee agreed in the circumstances (a) that the Council take no further action in connection with the closure of the alleged right of way at Portencross and (b) that the Council write to the Minister supporting reform of the Law on Public Access, as outlined in the report.

18. Hearing of Objections to Traffic Regulation Orders

Submitted report by the Director of Planning, Roads and Environment on the procedure for the hearing of objections to Traffic Management Proposals.

Roads authorities are empowered under the Road Traffic Regulation Act 1984 to make Traffic Regulation Orders to regulate the speed, movement and parking of vehicles. The procedures for making Orders which are laid down in the Local Roads Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1987, must be strictly observed by the Order-making authority and generally involve consultation on, and publishing of, the proposals, together with the consideration of any subsequent objections to the proposals.

Before an order is made, consultations must be carried out with the Police. The authority must follow the statutory consultation requirement set out in the aforementioned Regulations and additionally local residents and, possibly, local commerce/industry, may be consulted. Notices which set out the proposals and invite objections must be placed in the local press and would normally be displayed as street notices.

Under the Regulations any objections to the proposed Order must be considered by Elected Members of the Order-making authority. For certain types of Orders, this consideration must be carried out by means of a public hearing whilst, for other types of Orders, this consideration may be carried out by means of a public hearing if the authority so wishes.

Since the formation of the Council in April 1996 there have not been any maintained objections to Traffic Regulation Order proposals and, accordingly, it had not been necessary to establish formal procedures to consider any such objections. However it was recommended that procedures for dealing with any objections that might arise in future should be put in place and proposals for these were outlined.

The Committee agreed (a) to the setting up of a Sub-Committee for the purpose of considering any objections to Traffic Regulation Orders; (b) that membership of this Sub-Committee should comprise the Chair, Vice Chair and 4 other members of the Committee selected on rotation (local members will not be part of a Sub Committee considering proposals affecting their own wards but will be invited to speak to the proposals to lend their support); (c) that such consideration of objections be carried out at a public hearing and (d) that the procedural requirements for such a hearing of objections outlined in the report be adopted .

19. Town and Country Planning (General Permitted Development) (Scotland) Order 1992: Consultation Paper on Proposals to Extend the Permitted Development Rights to the New Water and Sewerage Authorities and their Authorised Private Finance Initiative (PFI) Contractors, relating to certain above ground Sewerage Works

Submitted report by the Director of Planning, Roads and Environment on the proposed changes to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and presenting an appropriate response to the Secretary of State.

Until April 1996 Regional and Island Councils were able to use Permitted Development Rights granted by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 to carry out sewerage works both below and above ground. This meant that Planning Permission was not required for works of this nature. However, in December 1996 Permitted Development Rights (under Class 43A) were granted to the new Water and Sewerage Authorities, and to the authorised PFI contractors relating to underground sewerage works.

The Scottish Office are seeking views on a proposal to put certain above ground sewerage infrastructure on par with underground works by extended permitted development under Class 43A to

the new Water and Sewerage Authorities and their contractors. In addition, the requirement in Class 43A to give Planning Authorities prior notice of proposed underground sewerage works would also apply to above ground works.

The Committee agreed to advise the Secretary of State that the Council (a) would be concerned at the proposed loss of control by the local authority of certain above ground sewerage infrastructure which are potentially contentious and could have a significant local impact; and (b) would support the introduction of a statutory requirement to give the Planning Authority prior notice of such works should control be relaxed.

**20. Outstanding Applications for Planning Permission for Determination
Isle of Arran: Lamlash: Park Avenue Caravan Park: 01/96/0434**

John Crawford Holdings Limited, 77 Torrisdale Street, Glasgow, have applied for planning permission for the formation of a nine hole pitch and putt course and extension of the existing caravan park by 17 holiday static caravans at Park Avenue caravan park (land to the north of), Lamlash, Isle of Arran..

Objections to the application have been received from G.M. Norris, Na Drisean; A G H Wright, North Cottage; Douglas Graham, Nettlehirst; Allan Martin, Fairways; and A.C. MacCallum Brooklyn; all Lamlash.

Having considered the terms of the objections, and after a full discussion, the Committee agreed to refuse the application on the grounds that the proposed development is contrary to policy TOU6 in the adopted Isle of Arran Local Plan in that it constitutes a large scale caravan development on a site which is not physically and environmentally acceptable and for which it has not been demonstrated that an exception to the policy should be made.

21. Building (Scotland) Act 1959/70: Determination of Application for Building Warrant

Submit reports on the following applications:-

- (a) Western Gailes Golf Club, Irvine RFS/5/BW/94/0720/1
- (b) 26 Bute Terrace, Millport RFS/5/BW/95/1054
- (c) 25 Walkerston Avenue, Largs RFS/5/BW/96/0836
- (d) 35 Ritchie Street, West Kilbride RFS/5/BW/97/0001
- (e) 131 High Street, Irvine RFS/5/BW/97/0462

The Committee agreed to refuse the applications on the grounds that they do not comply with the Building Standard (Scotland) Regulations 1990 as amended.

22. Revenue Budgetary Control Report for Period 1 April to 10 October 1997

Submitted report by Director of Financial Services on the financial position of the Directorate against its previously agreed budget as at 10 October 1997.

The Committee agreed to continue to monitor the present underspend situation within Infrastructure and Environment Services.

23. Urgent Items

(a) Strathclyde Structure Plan

The Secretary of State for Scotland has approved the Strathclyde Structure Plan and a report

will be submitted to the Committee in due course.

Noted.

The Meeting ended at 3.55 p.m.